

IN RE: PETITION FOR VARIANCE
NWC Greenbank Road
and Chesapeake Road
15th Election District
5th Councilmanic District
(13222 Greenbank Road)

Nicholas Dinacola
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-017-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Nicholas Dinacola. The Petitioner is requesting a variance for property he owns at 13222 Greenbank Road located in the Oliver Beach area of Baltimore County. The subject property is zoned D.R.5.5. The variance request is from Section 1B01.2.C.1.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard building setback of 20 ft. in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit No. 1.

Appearing at the hearing on behalf of the variance request were Nicholas and Bertha Dinacola, property owners, Joseph Larson, professional engineer who prepared the site plan of the property, and John Gontrum, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioner's request were various residents from the surrounding community, all of whom signed in on the Protestant's Sign-In Sheet.

Testimony and evidence indicated that the property which is the subject of this variance request consists of 0.292 acres, more or less, zoned D.R.5.5. The subject property is currently improved with an existing one-story single family dwelling located nearest the intersection of

ORIGINAL RECEIVED FOR FILING

Date 10/17/99

By R. Jameson

Greenbank Road and Chesapeake Road. The Petitioner is desirous of subdividing the subject property and building a single family residential dwelling on the rear of the lot. The Petitioner submitted into evidence Petitioner's Exhibit No. 1, a site plan showing the subdivision of the property into two separate lots. Lot No. 1 would consist of 0.14 acres and contains the existing one-story dwelling. Lot No. 2 consisting of 0.15 acres is unimproved at this time. The Petitioner wishes to construct a dwelling on that lot, however, due to setback requirements, would only be permitted to construct a very narrow dwelling. He, therefore, requested a variance to allow a rear yard setback of 20 ft. in lieu of the required 30 ft.

Appearing in opposition to the Petitioner's request were various residents of the surrounding community. The cumulative testimony of those residents indicated that they are strongly opposed to the construction of the dwelling on the rear of this lot. These residents are concerned over property owners subdividing their lots in an attempt to squeeze an additional house on their property. They are very protective of the Oliver Beach Community and believe that the community is unique in that most of the houses located within this community are situated on large sized lots. They believe the construction of a dwelling on this small lot will be out of character and conformity with the surrounding community. Furthermore, they feel that this case could set a precedent for other property owners to attempt to subdivide their properties thereby squeezing additional houses in between existing houses. These residents believe that subdivisions of this nature will ruin the charm and character of the overall Oliver Beach Community.

After considering the testimony and evidence offered by the Petitioner, as well as the Protestants in attendance, I find that the Petitioner's request for variance should be denied. Granting a variance in this instance would not be in strict harmony with the spirit and intent of these regulations and doing so, in the opinion of this Deputy Zoning Commissioner, would cause

ORDER RECEIVED FOR FILING

Date

10/17/99

By

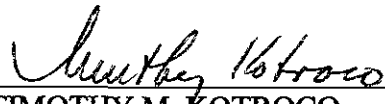
R. J. Jamison

injury to the public health, safety and general welfare of the surrounding Oliver Beach Community.

Therefore, the variance shall be denied.

THEREFORE, IT IS ORDERED this 7th day of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B01.2.C.1a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard building setback of 20 ft. in lieu of the required 30 ft., be and is hereby DENIED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 10/17/99
By R. O. Anderson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October ⁷~~8~~, 1999

John Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 00-017-A
Property: 13222 Greenbank Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

Mr. Nicholas Dinacola
13222 Greenbank Road
Baltimore, Maryland 21220-1109

Mr. Joseph L. Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue
Towson, Maryland 21204

Mr. Ray Reiner, President
Oliver Beach Improvement Assn., Inc.
Post Office Box 57
Chase, Maryland 21027



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13222 Greenbank Road

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.1.a to allow a rear yard building setback of 20' in lieu of the required 30'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Reasons for the Variance Petition and appropriate evidentiary matter to be presented at the Hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print N/A
Signature N/A
Address N/A Telephone No. N/A
City N/A State N/A Zip Code N/A

Attorney For Petitioner:

Name - Type or Print N/A
Signature N/A
Company N/A
Address N/A Telephone No. N/A
City N/A State N/A Zip Code N/A

Legal Owner(s):

Name - Type or Print Nicholas Dinicola
Signature [Signature]
Name - Type or Print N/A
Signature N/A

Address 13227 Greenbank Road Telephone No. 410-335-8857
City Baltimore State MD Zip Code 21220-1109

Representative to be Contacted:

Name Joseph L. Larson Telephone No. 410-337-7119
Spellman, Larson & Associates, Inc.
Address 105 W. Chesapeake Avenue Telephone No. 410-823-3535
City Towson State Md Zip Code 21204

OFFICE USE ONLY

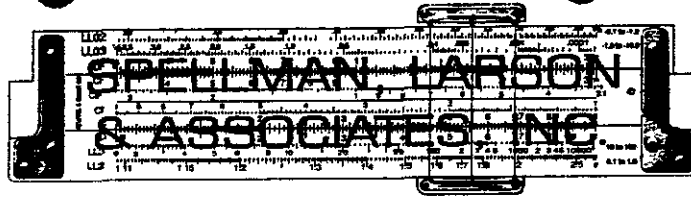
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By BR/DD Date 7/14/99

Case No. 00-17-A

REV 9/15/98



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

DESCRIPTION FOR ZONING
NO. 13222 GREENBANK ROAD,
FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the northwest side of Greenbank Road, 30 feet wide, at the distance of 106.00 feet measured northeasterly along the northwest side of Greenbank Road from the northeast side of Chesapeake Road, 30 feet wide, and running thence and binding on the northwest side of Greenbank Road north 30 degrees 52 minutes east 95.87 feet thence leaving the northwest side of Greenbank Road and running north 66 degrees 56 minutes west 77.39 feet and south 23 degrees 04 minutes west 95.00 feet and south 66 degrees 56 minutes east 64.38 feet to the place of beginning.

Containing 0.15 acres of land, more or less.

Being Lot No. 2 as shown on a proposed subdivision of No. 7422 Chesapeake Road.

4/5/99



00-017-A

#17

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070450

DATE 7/14/99

ACCOUNT 8001-6150

AMOUNT \$ 50.00

RECEIVED FROM:

Dinicola Diavelli

FOR:

Cable 010 Zoning Variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 17

PAID RECEIPT

PROCESS

ACTION

TIME

7/14/1999

7/14/1999

11:09:03

CRS 4803

CASHIER PREP PER JRM/MSR

DEPT 5

520 ZONING VARIATION

RECEIPT #

090268

OPEN

CR NO. 070450

Receipt Tot

50.00

50.00 OK

.00 OK

Baltimore County, Maryland

00-017-A

CASHIER'S VALIDATION

A-510.00

CERTIFICATE OF POSTING

RE. Case No. 00-017-A

Petitioner/Developer DINICOLA, ETAL
J. LARSON

Date of Hearing/Closing: 9/7/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #13222 GREENBANK
ROAD N. of
CHESAPEAKE AVE

The sign(s) were posted on 8/23/99
(Month, Day/Year)

Sincerely,

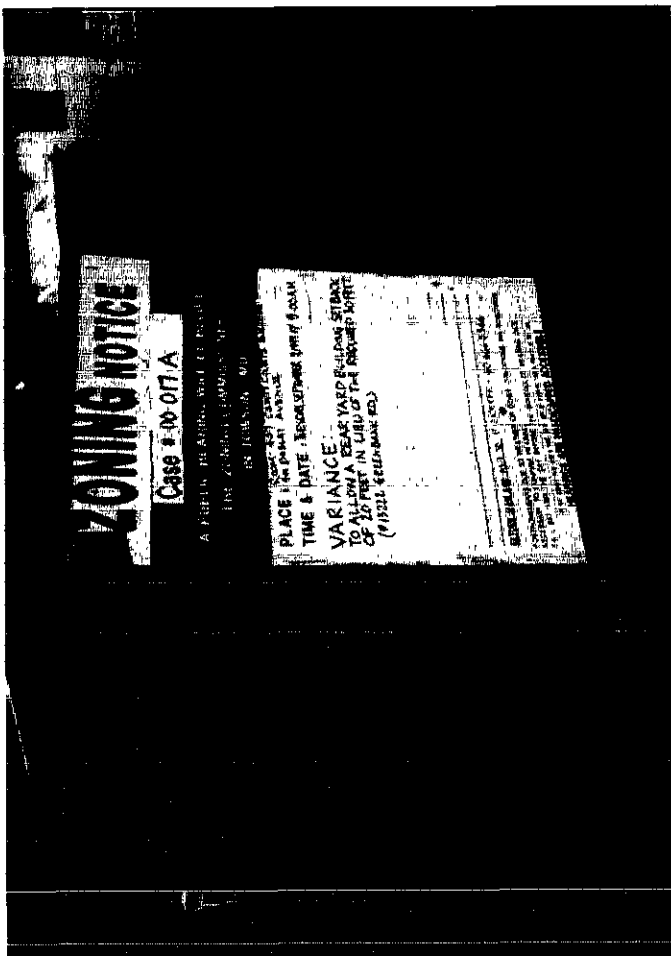
Patrick M. O'Keefe ^{9/1/99}
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



Post-it® Fax Note	7671	Date	# of pages ▶
To	2. SCHMIDT	From	O'KEEFE
Co./Dept.	ZONING	Co.	
Phone #		Phone #	512-4621
Fax #	887-3468	Fax #	324-4100

Post-it® Fax Note	7671	Date	# of pages ▶
To		From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/19, 1999.

THE JEFFERSONIAN,
S. Williams

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #00-017-A

13222 Greenbank Road
NWC Greenbank Road and

Chesapeake Road

15th Election District

5th Councilmanic District

Legal Owner(s):

Nicholas Diacola

Variance: to allow a rear yard building setback of 20 feet in lieu of the required 30 feet.

Hearing: Tuesday, September 7, 1999 at 8:00 a.m. in Room 407, County Courts Bldg., 401 Basile Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3891.

8/18/ Aug. 19

CS32817

RE: PETITION FOR VARIANCE
13222 Greenbank Road,
NWC Greenbank Rd and Chesapeake Rd
15th Election District, 5th Councilmanic

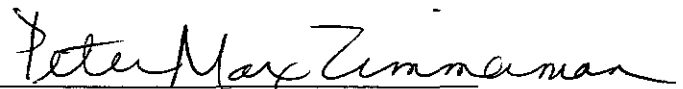
Legal Owner: Nicholas Dinicola
Petitioner(s)

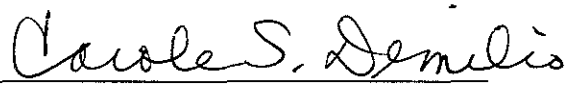
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-17-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 6, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-330-A
604 Patuxent Avenue
N/S Patuxent Avenue, 175' W of Walnut Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Mark Thomas Strucko

Variance to permit a vehicle (commercial) with a gross weight exceeding 10,000 pounds to be parked on a residential lot in lieu of the maximum permitted 10,000 pounds gross weight.

HEARING: Monday, August 2, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Mark T. Strucko
Greater Chesaco Community Association
People's Counsel

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 18, 1999.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 11, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-017-A
13222 Greenbank Road
NWC Greenbank Road and Chesapeake Road
15th Election District – 5th Councilmanic District
Legal Owner: Nicholas Dinacola

Variance to allow a rear yard building setback of 20 feet in lieu of the required 30 feet.

HEARING: Tuesday, September 7, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "SJ" written below it.

Arnold Jablon
Director

c: Nicholas Dinacola, 13227 Greenbank Road, Baltimore 21220-1109
Spellman, Larson & Associates, Inc., 105 W. Chesapeake Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 23, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 19, 1999 Issue – Jeffersonian

Please forward billing to:

Nicholas Dinacola 410-335-8857
13227 Greenbank Road
Baltimore, MD 21220-1109

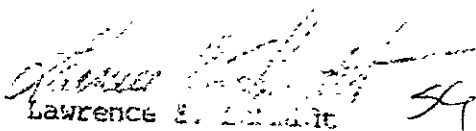
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-017-A
13222 Greenbank Road
NWC Greenbank Road and Chesapeake Road
15th Election District – 5th Councilmanic District
Legal Owner: Nicholas Dinacola

Variance to allow a rear yard building setback of 20 feet in lieu of the required 30 feet.

HEARING: Tuesday, September 7, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-17-A
Petitioner: NICHOLAS DINACOLA
Address or Location: 13222 GREENBANK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICHOLAS DINACOLA
Address: 13227 GREENBANK RD
BALTIMORE, MD 21220-1109
Telephone Number: 410-335-8857

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 3, 1999

Mr. Joseph L. Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Larson:

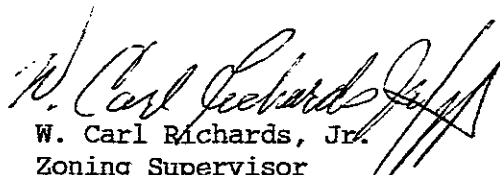
RE: Case No.: 00-17-A, Petitioner: Nicholas Dinacola,
Location: 13222 Greenbank Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 14, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
INTEROFFICE CORRESPONDENCE

TO: R. Bruce Seeley
Development Coordination

DATE: August 19, 1999

FROM: Glenn Shaffer
Environmental Impact Review

SUBJECT: 13222 East Greenbank Road
Zoning Item #017

Environmental Impact Review (EIR) reviewed the subject zoning request for a reduced rear yard setback and cannot support this request. If granted, this zoning variance would be tacit approval to proceed with a minor subdivision that could not comply with the Chesapeake Bay Critical Area (CBCA) Regulations. If subdivided, the allowable impervious surface limit would be greatly exceeded for both the 25% limit per each lot and the 15% overall limit in violation of Section 26-453 (e) of the CBCA Regulations. The small amount of impervious surface area allowed for the total parcel (1,911 square feet) precludes any subdivision, especially given that existing impervious to remain totals 1,561 square feet. Additionally, the site accompanying the zoning petition does not show all existing impervious surfaces or any existing vegetation. Any development at this site must comply with Section 26-453 (c)(4), which requires a minimum 15% tree cover onsite as well as all other applicable CBCA Regulations pertaining to Limited Development Areas in the CBCA.

Please direct any questions regarding these comments to me at (410) 887-3980.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *WAS*
DATE: August 27, 1999
SUBJECT: Zoning Item #017
13222 East Greenbank Road

Zoning Advisory Committee Meeting of August 9, 1999

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X See Attached Memo.



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 26, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 9, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

015, 016, 017, 019, 022, 023, 024, 025, 026, 027,
028, 029, 030, 031, 032, 033, 034, 035, 036, 038,
039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 16, 1999

FROM: *fw* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item Nos. 016, 017, 018, 019, 020,
021, 022, 023, 024, 026, 028, 030,
031, 032, 033, 034, 035, 042, 043,
044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC08169.NOC

Jim
9/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: August 13, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 17 and 40

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.10.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 017 BR/DD

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 7.24.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 017 LTM

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

lc Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 22, 1999

2C

Mr. Mark T. Strucko
604 Patuxent Avenue
Baltimore, MD 21237

Dear Mr. Strucko:

RE: Case Number 98-330-A, 604 Patuxent Avenue

The above matter, previously scheduled for August 2, 1999, has been postponed due to the fact that the property was not posted. Your hearing has been **rescheduled for Wednesday, September 15, 1999 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.**

Please be advised that the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. **The property must be posted by August 31, 1999.**

Very truly yours,

Arnold Jablon
Director

AJ:scj

C: Greater Chesaco Community Association
People's Counsel

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

The following Views/Comments regarding
Variance Case # 00-017A, 13222 Greenbank Rd,
are those of concerned neighbors who
would like to attend this hearing, However
for the reasons they have stated, cannot
I, Wayne W. Leimbach Sr., Swear this
information to be correct. Again & for
Please Print: Date, NAME, ADDRESS, Reason
unable to attend, Views/Comments, Signature

MARK J. JENKINS

13243 EAST GREENBANK ROAD

AGAINST

BALTO. MD. 21220

REGARDING BUILDING ANOTHER HOUSE AT THIS LOCATION

I AM AGAINST — I DON'T WANT TO SEE
MORE HOUSES PUT IN SO CLOSE — WE DON'T NEED
TO CRAM MORE HOUSES IN THIS COMMUNITY.

Mark J. Jenkins

September 3, 1999

MIKE Maddox 7409 Gunpowder Rd

don't want it not engh room

Peter J. Thompson 7432 GREENBANK RD
Balt. 21220 Same opinion same as
Mr Mark J JENKINS ABOVE.

Done with 1-

ALBERT A. KELBS

7428 GREENBANK RD.

BALTO, MD. 21220

NO COMMENT, NOT FOR OR AGAINST

DALE F. HEIL

7330 TRED AVON RD

BALTO. MD. 21220

CAN NOT ATTEND

AGAINST

TO MANY HOUSES IN CRITICAL BAY AREA.

Against
Winifred Collins

13235 E GREENBANK RD

BALTO MD 21220

Jeff L. Hunt

9/5/89

13239 E GREENBANK RD 21220

I was unable to put another
house on my property per Balto Co
So I do can not due to

County restrictions that I Am

against any one else putting

Another house on their property

Don't know

Jerry Jukata
13248 E. Greenbank Rd.

No Comment.

H. F. Schlar
Same As Above

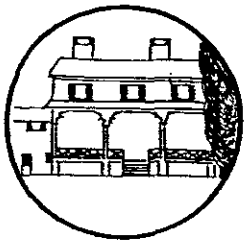
Jim & Betty Schirmer

13233 E. GREENBANK Rd. 21220

Not opposed AS LONG AS ALL SUBDIVISION REQUIREMENTS ARE MET AS
WELL AS ZONING REQUIREMENTS.

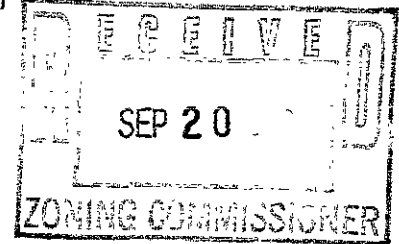
- 1 Person would not sign because laws should take care of it
- 2 People were afraid to get involved
- 1 Person signed Plaintiff's paper

Don't know



OLIVER BEACH IMPROVEMENT ASSN. INC.

Post Office Box 57
Chase, Maryland 21027



September 16, 1999

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Room 405 County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Kotroco,

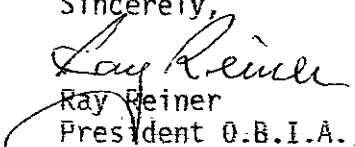
I am writing on behalf of the Oliver Beach Improvement Association, Inc. in regards to case # 00-017-A. The community association met on September 13, 1999 and after much discussion, decided to oppose the subdivision and variance set back for 7422 Chesapeake Road and the proposed new address of 13222 East Greenbank Road.

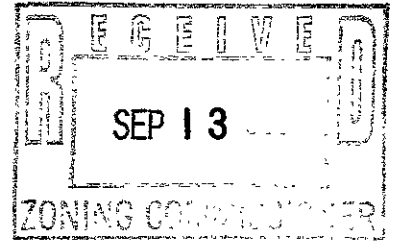
Residents of our community moved into this area because of the large building lots and to avoid the clutter of houses on small building lots. They are quite concerned about this becoming a possibility in our community and of this particular action setting a bad precedent. More important is the fact that the property, in question, is with in the 1000 foot flood plain which makes it a part of the critical bay area. Due to this classification, we should be looking for less density, not more.

It has also been brought to our attention that the variance sign was not properly posted after the first day when it was vandalized. It is our understanding, the sign should have been posted in front of the fence on Mr. DiNacola's property and not more than ten feet from the county right of way. Instead it was posted on Mr. DiNacola's garage, which is not as visible from the road.

Since our association did not have ample time to address this issue properly we are requesting a new hearing. This request is based on the above mentioned.

Sincerely,


Ray Reiner
President O.B.I.A., Inc.
P.O. Box 57
Chase, Maryland 21027



September 9, 1999

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Room 405 County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Kotroco,

I am writing in regards to case # 00-017-A. I believe that our community deserves a new hearing on the basis of the statement that I made at the hearing on 9-7-99.

The fact that our community association meets but once a month, and that the posting of the sign was done after the August meeting took place, and our next meeting not being till September 13, 1999, made it impossible for our association to discuss, or to have any input into the hearing. It is also my belief, the variance sign was not posted legally after it was removed by vandals. It is my understanding, the sign should have been posted in front of the fence on Mr. DiNacola's property, not more than ten feet from the county right of way, and not on a garage as was done.

Many of our residents did not see the sign, and were not aware of the proposed variance due to the above mentioned. They should have an opportunity to discuss it at an association meeting.

Thank you for your consideration. I hope to hear from you soon on this matter.

Sincerely,

Raymond M. Reiner
7410 Greenbank Road
Baltimore, Maryland 21220

My name is Raymond Reiner, and I live at 7410 Greenbank Road, Baltimore, Maryland 21220, in Oliver Beach.

I am testifying as a concerned private citizen in regard to variance case number 00-017-A. I would like to first state that I do not fault Mr. DiNacola for his efforts to be a business man. My main concern is the application for a variance to allow a rear yard setback of 20 feet in lieu of the required 30 feet. Our community was plotted and developed over 60 years ago by business men with enough forethought to provide the residents with nice sizable building lots, generally 50 x 200 ft., some being 100 x 200 ft. We are fortunate that we don't live in an area with postage stamp size properties, which Mr. DiNacola is attempting to do. This is the first attempt to build on a lot this small in Oliver Beach which is designated as part of the critical bay area. I am afraid that if he is given this variance, that it will set a bad precedent for our community.

I am concerned that Mr. DiNacola was allowed to subdivide his property at 7422 Chesapeake Road in Oliver Beach with no notice to, or input from our community association. I am also concerned that this hearing for a variance seems rushed, in that it does not allow our community association time to discuss and to have any input into it. Our association meets once a month, and our next meeting is on September 13, 1999. Our last meeting was August 2, 1999 which was before the notice of variance was posted.

It is because of these concerns, that I am here to testify as being opposed to allowing this variance at 13222 East Greenbank Road. I would also point out that the lot in question is on East Greenbank Road and not Greenbank Road as stated in the case number information.

Thank You.

PATRICK M. O'KEEFE**INVOICE**523 PENNY LANE
HUNT VALLEY MD 21030Phone Number
(410) 866-5386

SOLD TO:

Joe Larson

INVOICE NUMBER 872

INVOICE DATE 8/23/99

TERMS TEN DAYS

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	POSTING OF ZONING SIGN Case # 00-71-A DINICOLA @ CHESAPEAKE AVE. @ #13222 GREENBANK RD NOTE. PATRICK EXPERIENCED HUGE ARGUMENT WITH YOUR CLIENT ON-SITE. YOUR CLIENT REFUSED TO PAY FOR SIGN AFTER PAT INSTALLED AND TOLD YOUR CLIENT PAT WAS INSTRUCTED BY JOE LARSON THAT CLIENT PAY FOR SIGN PAT, BECAME ANGRY. TOLD YOUR CLIENT I'LL SOLVE THIS PAT YANKED SIGN FROM GROUND AND DROVE AWAY WITH SIGN. ... 30 MINUTES LATER PAT CAME BACK AND REINSTALLED SIGN. YOUR CLIENT PRESENT NEITHER ONE SPOKE TO EACH OTHER. UNDER THESE CIRCUMSTANCES, SIGN WAS POSTED. WE CAN NOT TURN CERTIFICATION TO ZONING COMMISSIONER UNTIL THIS INVOICE IS PAID BY YOUR CLIENT PRIOR TO HEAR IF CERTIFICATION NOT TURNED IN YOUR CLIENT NEEDS TO TOTAL	50.00	50.00
			50.00

Questions concerning this invoice?
Call: (410) 866-5386MAKE ALL CHECKS PAYABLE TO:
PATRICK M. O'KEEFE\$ 50.00
PAY THIS
AMOUNT

THANK YOU FOR YOUR BUSINESS

Post-it® Fax Note	7671	Date	# of pages ▶
To		From	
Co./Dept.	ZONING COM.	Co.	O'KEEFE
Phone #		Phone #	
Fax #	887-3468	Fax #	666-0929

CLIENT DID NOT
PAY FOR SERVICE

I MADE IT CLEAR
THAT WHEN I
RECEIVE PAYMENT,
THEN I WILL
TURN IN CERT.

Sept. 3, 1999

To Whom It May Concern:

I'm opposed to the lot known as 7422 Chesapeake Road being sub-divided.

I'm definitely opposed to the variance of twenty (20) feet instead of the lawful thirty (30) feet.

I'm opposed to the building being erected. Actually two homes on one lot.

Howard L. Beeler, Jr.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Kathryn NASON
Magne W. Kimbrell
Dorothy Beelen
James Green
Gleason Norman
Ray Cemer

13231 E. Greenbank Rd 21220
7432 Gosport Rd 21220
13221 E. Greenbank Rd 21220
13223 E. Greenbank Rd 21220
13223 E. Greenbank Rd 21220
7410 Greenbank Rd. 21220

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Theresa D. Smith

Betha DiRicci

JOSEPH LARSON

13227 E. GREENBANK RD.

13227 E. Greenbank Rd.

105 W. Chesapeake Ave.



 Real Property Information	Maryland Department of Assessments and Taxation Real Property System
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[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 15 ACCT NO: 1511770882

Owner Information

Owner Name: DINICOLA NICHOLAS **Use:** RESIDENTIAL
Mailing Address: 13227 GREENBANK RD **Principal Residence:** NO
 BALTIMORE MD 21220-1109

Transferred**From:** KRAUS MARTIN L**Date:** 03/30/1998 **Price:** \$80,000
Deed Reference: 1) /12754/ 747
 2)
 Special Tax Recapture:

* NONE *

Tax Exempt: NO**Location Information [View Map]****Premises Address:****Zoning:** Legal Description:

7422 CHESAPEAKE RD

 7422 CHESAPEAKE RD
 OLIVER BEACH

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
84	2	40		A		123	82	Plat Ref: 9/ 97

Special Tax Areas**Town:****Ad Valorem:****Primary Structure Data****Year Built:****Enclosed Area:****Property Land Area:** **County Use:**

1939

811 SF

12,600.00 SF

04

Value Information

Base Value	Current Value	Phase-In Value	Phase-in Assessments
------------	---------------	----------------	----------------------

		As Of	As Of	As Of	As Of
		01/01/1997	07/01/2000	07/01/1999	07/01/2000
Land	36,150	36,150			
Impts	49,810	49,810			
Total	85,960	85,960	NOT AVAIL	34,380	NOT AVAIL
Pref Land	0	0	NOT AVAIL	0	NOT AVAIL

Partial Exempt Assessments

	Code	07/01/1999	07/01/2000
County	000	0	0
State	000	0	0
Municipal	000	0	0



Real Property
Information

Maryland Department of Assessments and Taxation
Real Property System

[\[Go Back\]](#)

Account ID : 04151511770882

[\[Zoom In\]](#)

Property maps provided courtesy of the Maryland Office of Planning © 1999.

For more information on electronic mapping applications, visit the Maryland Office of Planning web site at www.op.state.md.us.

GUNK POWDER

97-248-A

PATAPSCO

CHESAPEAKE

LSUSQUEHANNA

ROAD

SITE

R.C. 20

PART OF
1996 ZONING MAP
NE - 7M
#17
1" = 200'

GREEN BANK ROAD

BANK

55-A

PIERS

26,000

PIER

WALL

00-017-A

DRAIN



7422 Chesapeake Road
Property to be subdivided.



Existing garage on property

Petex
4A



Vacant Lot
7420 Chesapeake Rd. which
Abuts to proposed property.

13227 East Greenbank Road.

Property built and owned by
Petitioner Nicholas DiNicola.

Property is across the street from
Proposed subdivision.

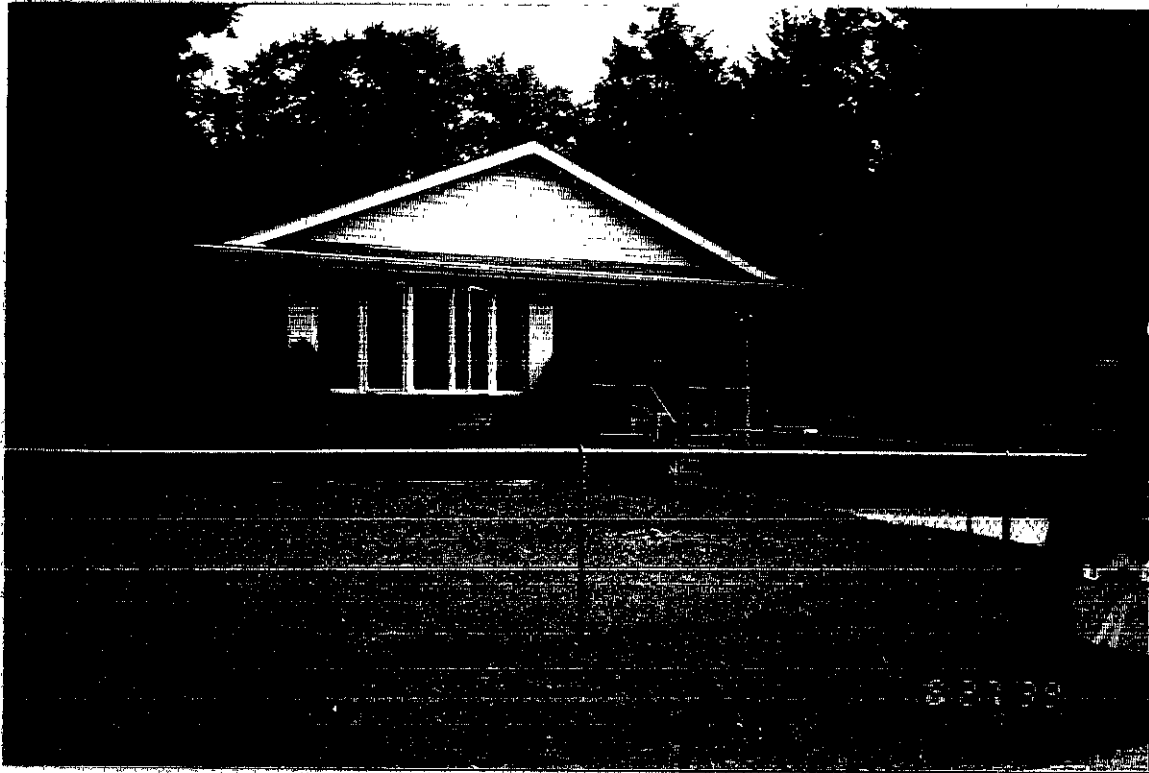


EX
4B

Properties previously built
and owned by Petitioner
Nicholas DiNicola in the
Oliver Beach Subdivision.



7246 Gunpowder Rd.



7326 Gunpowder Rd.



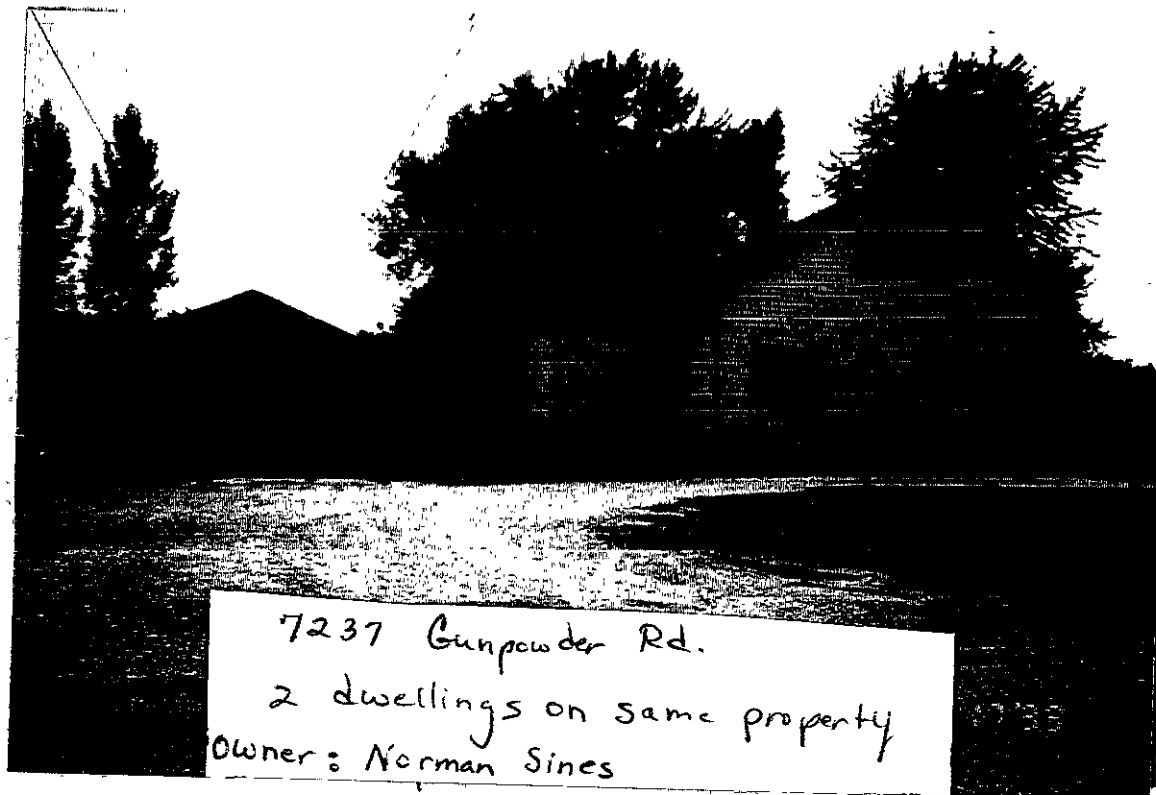
Et
4C

Garage
7423 Gun powder Road
abuts to rear of proposed property

Examples of side and rear yard
Set backs within the Cliver
Beach neighborhood.



Patuxent Rd.



7237 Gunpowder Rd.
2 dwellings on same property
Owner: Norman Sines

EX
40



7410 Greenbank Rd.
owner: Ray Reiner



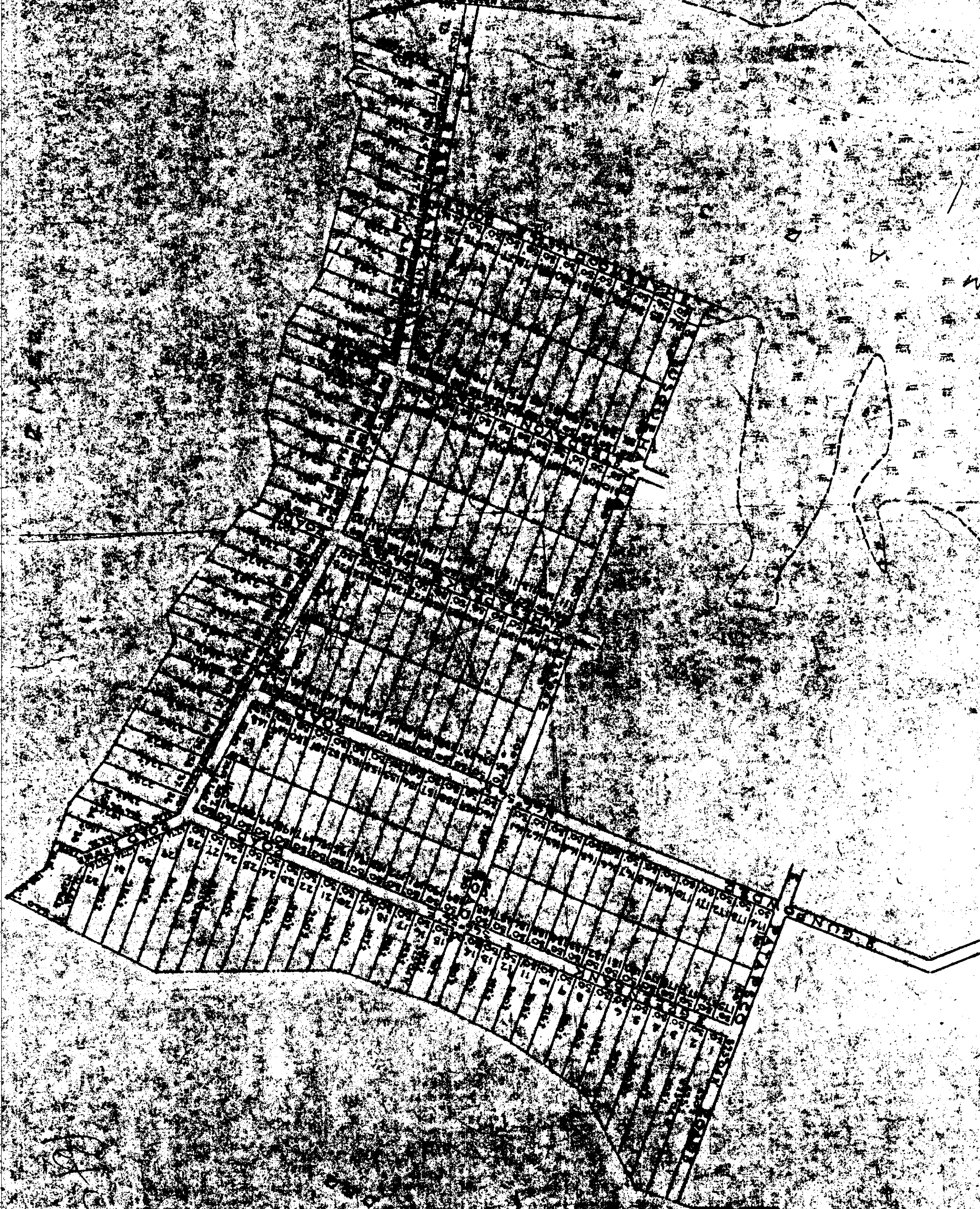
New home Construction on a
50 ft. wide lot. Gunpowder Rd.



W

SECTION 1
SILVER BEACH

SCALE 1" = 200' JAN 27 1931
E. W. GORDON & CO.
CHICAGO, ILL.



51X86