

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| IN RE: PETITION FOR ADMIN. VARIANCE   | * | BEFORE THE                 |
| N/S Nayborly Court, 500' S            |   |                            |
| Quilting Bee Road                     | * | DEPUTY ZONING COMMISSIONER |
| 1 <sup>st</sup> Election District     |   |                            |
| 1st Councilmanic District             | * | OF BALTIMORE COUNTY        |
| (17 Nayborly Court)                   |   |                            |
|                                       | * | CASE NO. 00-209-A          |
| Armand J. Volta, Jr. & Debra J. Volta |   |                            |
| Petitioners                           | * |                            |

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Armand J. Volta, Jr. & Debra J. Volta, property owners, for that property known as 17 Nayborly Court in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Section 1B01.2.C.2.a (VB5.a, Comprehensive Manual of Development Policies (CMDP)) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a window to tract boundary (side yard) setback of 30 ft. in lieu of the minimum required 35 ft. to build an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a *Petition for Administrative Variance* and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

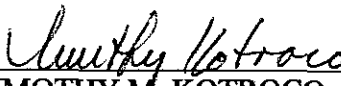
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING  
 FILED 12/21/99  
 BY J. C. JAMESON

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of December, 1999, that a variance from Section 1B01.2.C.2.a (VB5.a, Comprehensive Manual of Development Policies (CMDP)) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a window to tract boundary (side yard) setback of 30 ft. in lieu of the minimum required 35 ft. to build an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

CHECKED FOR FILING  
DATE 12/21/99  
BY R. J. Johnson



Baltimore County  
Zoning Commissioner

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

December 20, 1999

Mr. & Mrs. Armand J. Volta, Jr.  
17 Nayborly Court  
Baltimore, Maryland 21228

Re: Petition for Administrative Variance  
Case No. 00-209-A  
Property: 17 Nayborly Court

Dear Mr. & Mrs. Volta:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted 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 Department of Permits & Development Management. 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

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 17 Nayborly Ct., BALTO, 21228  
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) BD1, 2.C.2.9 (VB5.4, C.M.D.P.)

To allow a window to tract boundary (side yard) setback of 30ft  
in lieu of the minimum required 35ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Signature

Address Telephone No.

City State Zip Code

### Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

### Legal Owner(s):

ARMANDO J. VOLTA, Jr.

Name - Type or Print

Signature

DEBRA J. VOLTA

Name - Type or Print

Signature

17 Nayborly Ct.

Address

410-719-9364

Telephone No.

Catonsville

City

MD

State

21228

Zip Code

### Representative to be Contacted:

ARMANDO J. VOLTA, JR.

Name

or 410-644-2082

17 Nayborly Ct.

Address

410-719-9364

Telephone No.

Catonsville MD

City

State

21228

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-209-A

Reviewed By JH Date 11-16-99

Estimated Posting Date 11-28-99

REV 9/15/98

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

17 Nayborly Court  
Address  
Catonsville MD 21228  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

*There is no reasonable alternative for the placement of an addition on our property, this is the best location to place an addition and the only alternative that makes sense. The variance is needed because of the setback zoning requirements for this lot.*

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Armand J. Volta, Jr.*  
Signature  
ARMAND J. VOLTA, JR.  
Name - Type or Print

*Debra J. Volta*  
Signature  
DEBRA J. VOLTA  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8<sup>th</sup> day of November, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ARMAND J. VOLTA JR and DEBRA J. VOLTA  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

November 8, 1999  
Date

*Disane R. Rowe*  
Notary Public  
My Commission Expires 2/01/01

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

17 Mayberry Court  
Address  
Catonsville MD 21228  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

*There is no reasonable alternative for the placement of an addition on our property, this is the best location to place an addition and the only alternative that makes sense. The variance is needed because of the setback zoning requirements for this lot.*

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Armand J. Volta, Jr.*  
Signature  
ARMAND J. VOLTA, JR.  
Name - Type or Print

*Debra J. Volta*  
Signature  
DEBRA J. VOLTA  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8<sup>th</sup> day of November, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ARMAND J. VOLTA JR. and DEBRA J. VOLTA  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

November 8, 1999  
Date

*Diane R. Rowe*  
Notary Public

My Commission Expires 2/01/01



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 17 NAYBORLY CT., BALTO. 21228  
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) 1 B01.2.C.2.9. (VB 5.9, CMP)  
To allow a window to tract boundary (side yard) setback of  
30 ft. in lieu of the minimum required 35 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

### Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

### Attorney For Petitioner:

17 NAYBORLY CT. 410-719-9364  
Address Telephone No.

Name - Type or Print

CATONSVILLE MD 21228  
City State Zip Code

Signature

### Representative to be Contacted:

Company

Name

Address Telephone No.

Address

City State Zip Code

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-209-A

Reviewed By [Signature] Date 11-16-99

Estimated Posting Date 11-28-99

REV 9/15/98

**ZONING DESCRIPTION**

10-209-A

ZONING DESCRIPTION FOR 17 Nayborly Court, Catonsville, MD 21228  
(address)

Beginning at a point on the North side of  
(north, South, east or west)

Nayborly Court which is 10 feet  
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 500 feet South of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Quilting Bee  
(name of street)

which is 50 feet wide. Being Lot # 20, Liber 8638,  
(number of feet of right-of-way width)

Folio 564 in the subdivision of Patabasco Falls North as recorded  
(name of subdivision)

in Baltimore County Plat Book # SM62, Folio # 002, containing

10,042 square feet. Also known as 17 Nayborly Court,  
(square feet or acres) (property address)

Catonsville, Maryland and located in the 01 Election District,

1<sup>st</sup> Councilmanic District.

209

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET & FINANCE**  
**MISCELLANEOUS RECEIPT**

*00-209-A*  
*Case No. 875715*

DATE 11-16-99 ACCOUNT R-001-6150  
 AMOUNT \$ 50.<sup>00</sup>

RECEIVED FROM: MR. A. Volta

FOR: Resident's Variance filing fee  
# 17 Noyboly Ct. (212-28)

**D** **UTION**  
 WH... - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

**CASH RECEIPT**  
 PAID TO: **RECEIVED**  
 11/16/1999 11/16/1999 00:00:00  
 NEW YORK CASHIER NAME: **RECEIVED**  
 DEPT 6 520 CIVIL SERVICE  
 Receipt # 10000000000000000000  
 CP NO. 00000000000000000000  
 RECEIPT FOR 50.00  
 50.00 OK 100 100  
 Baltimore County, Maryland

**CASHER'S VALIDATION**

CERTIFICATE OF POSTING

ADMIN. VAR.

RE Case No 99-209-A

Petitioner/Developer A. VOLTA

Date of Hearing/Closing 12/13/99

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 #17-NAYBORLY CT.

The sign(s) were posted on 11/26/99  
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe SA 12/5/99  
(Signature of Sign Poster and Date)

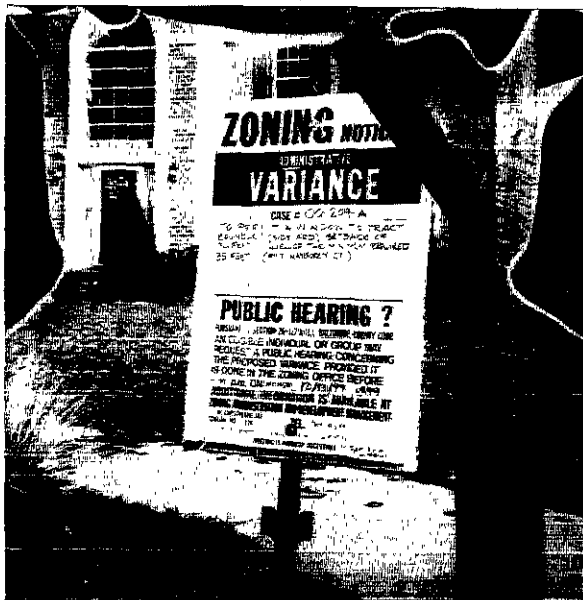
PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

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

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

Zon. Comm  
has his copy



99-209-A  
#17-NAYBORLY

12/13/99

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 00- 209 -A

Address 17 Nayborly Ct.

Contact Person: John Sullivan

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11-16-99

Posting Date: 11-28-99

Closing Date: 12-13-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 00- 209 -A

Address 17 Nayborly Ct.

Petitioner's Name Armand J. Volts Jr.

Telephone (410) 649-2092 OR 719-9364

Posting Date: 11-28-99

Closing Date: 12-13-99

Wording for Sign: To Permit a window to tract boundary (side yard)  
Setback of 30 ft. in lieu of the minimum required  
35 ft.

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/neighbor 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: AD-209-A

Petitioner: ARMAND J. VOLTA, JR AND DEBRA J. VOLTA

Address or Location: 17 NAYBORLY CT CATONSVILLE, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Armand and Debra VOLTA

Address: 17 Nayborly Ct.  
Catonsville MD 21228

Telephone Number: 410-719-9364

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

December 17, 1999

Mr. Armand Volta  
17 Nayborly Court  
Catonsville, Maryland 21228

Dear Mr. Volta:

RE: Case Number 00-209-A , 17 Nayborly Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/28/99.

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, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:rsj

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 10, 1999

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

RECEIVED JAN 06 2000

SUBJECT: Zoning Advisory Committee Meeting  
for December 6, 1999  
Item Nos. 206, 207, (209), 210, 211,  
212, 213, 217, and 218

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

RWB:HJO:jrb

cc: File

ZAC12699.NOC



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
December 17, 410-887-4880

~~Department of Permits and~~  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RECEIVED JAN 06 2000

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Item No.: 206, 208, 209, 210, 212, 214, 215, 218

Dear Ms. Stephens:

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.

The Fire Marshal's Office has no comments at this time.

Cc: file



AV  
12/13

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

-8

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

**Date:** December 7, 1999

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

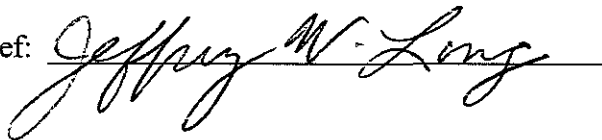
**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 209

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

We the undersigned who are owners of the residence known as 20  
Nayborly Ct. understand the addition that Armand and Debra Volta,  
our neighbors at 17 Nayborly Ct. wish to make to their home. We  
have no objection to said addition.

November 9, 1999  
Date

Richard Livingston  
Richard Livingston

Susan Livingston  
Susan Livingston

addition on side of  
house; 3 stories high.

00- 209-A

We, the undersigned who are owners of the residence known as 15 Nayborly Court, understand the addition that Armand and Debra Volta, our neighbors at 17 Nayborly Court, wish to make to their home. We have no objection to said addition.

11/14/99  
Date

Stuart Heilman  
Stuart Heilman

Cheryl Heilman  
Cheryl Heilman

00- 209-A

### ☐ Special Hearing

**see pages 5 & 6 of the CHECKLIST for additional required information**

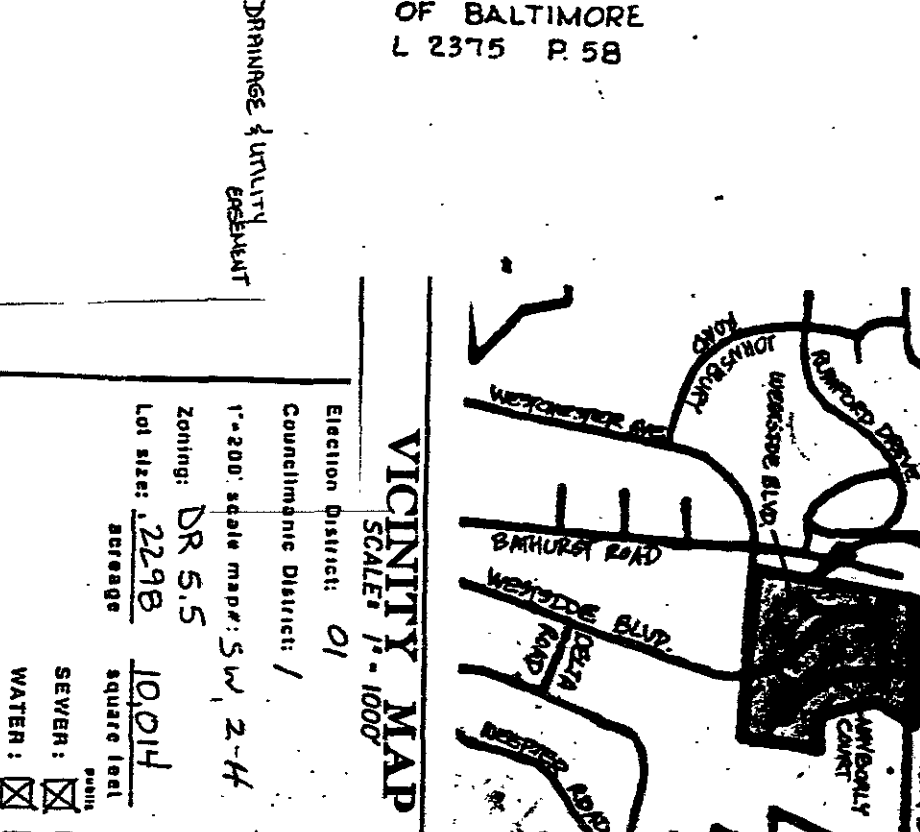
0443

1000

THE

**SITE** abee, pairing

COLLING B



VICINITY MAP

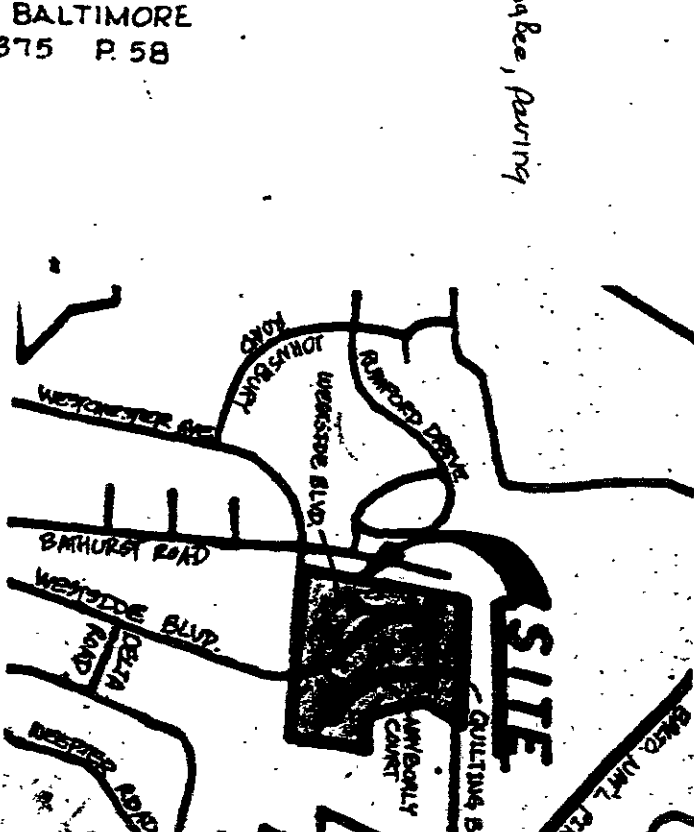
SCALE: 1" = 1000'

BATHURST ROAD

WESTSIDE BLVD.

DELTA ROAD

WESTPORT ROAD

VICINITY MAP  
SCALE: 1" = 1000'

SCALE: 1" = 100'

Election District: 01

**Councilman's District: /**

PRINTING & UNIT  
EQUIPMENT

1"-200' scale map# 5W 2-4

Zoning: DR 5.5

Lot size: 2298  
square feet 10014

[illegible]

SEWER: ☒ WATER: ☒

[illegible]

**newspaper Bay Critical Area:** ☐

**Prior Zoning Hearings:** *N/A*

Working Meetings: NONE

reviewed by: ITEM #: CASE#:  
Zoning Office Use Only

229 | ON #1

107-00 | 107-00

W 4355

D.R. 5.5 Site

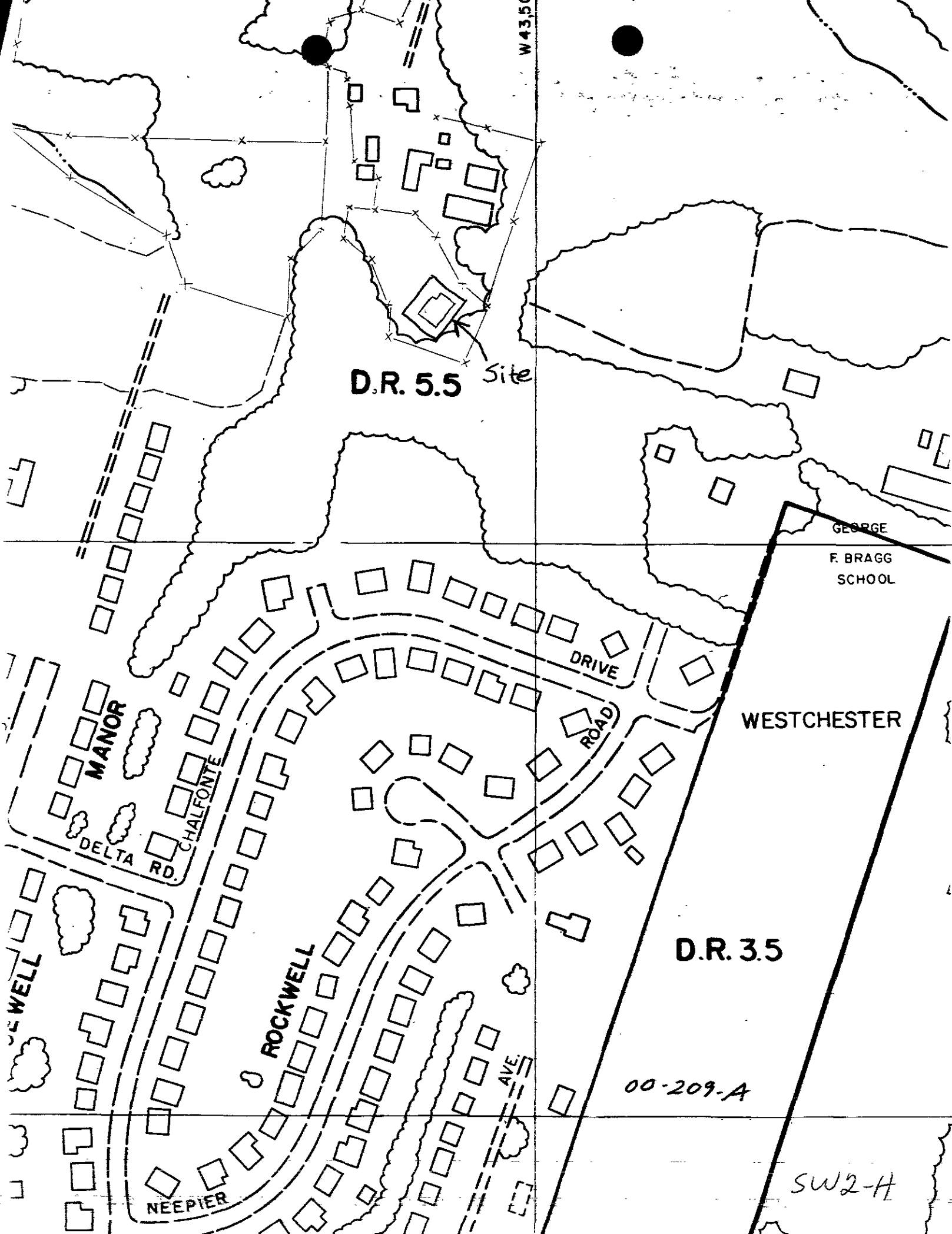
GEORGE  
F. BRAGG  
SCHOOL

WESTCHESTER

D.R. 3.5

00-209-A

SW2-H



00-209-A



00-209-A





