IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Landon Road, 50 ft. S
centerline of Alston Road
8th Election District
2nd Councilmanic District
(1619 Landon Road)

Gina M. & Gene P. Ubriaco

Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-361-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Gina M. and Gene P. Ubriaco. The variance request is for property located at 1619 Landon Road in the "Thornleigh" subdivision of Baltimore County. The variance request is from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side yard setback of 3 ft. and a sum of side yards of 18 ft. in lieu of the required 10 ft. and 25 ft. respectively for a garage. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning dated April 2, 2004, a copy of which is attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 4, 2004, 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 Zoning

Harlo4

Manual

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.

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 Zoning Commissioner for Baltimore County, this April, 2004, that a variance from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side yard setback of 3 ft. and a sum of side yards of 18 ft. in lieu of the required 10 ft. and 25 ft. respectively for a garage, 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.
- 2. Compliance with the ZAC recommendations submitted by the Office of Planning dated April 2, 2004, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Well June

LES:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

April 21, 2004

Mr. & Mrs. Gene P. Ubriaco 1619 Landon Road Towson, Maryland 21204

> Re: Petition for Administrative Variance Case No. 04-361-A Property: 1619 Landon Road

Dear Mr. & Mrs. Ubriaco:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been approved 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 and 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,

Schmidt

Lawrence E. Schmidt Zoning Commissioner

<u>LES:raj</u>



Visit the County's Website at www.baltimorecountyonline.info

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property	located at 16/9	Landon Rd)
		which is present	ly zoned <i>Q/</i>	2, - 3,5-
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of the zoning regulations of Balt of this petition form.	imore County, to the zoning	law of Baltimore County, t	for the reasons indic	ated on the back
Property is to be posted and adv i, or we, agree to pay expenses of regulations and restrictions of Baltin	above Variance, advertising, n	osting, etc. and further sores	to and are to be bour ore County.	nded by the zoning
		I/We do solemnly decl perjury, that I/we are this Poiss the subject of this Po	ne legal owner(s) of th	the penalties of e property which
Contract Purchaser/Lessee	<u>2:</u>	<u>Legal Owner(s):</u>		
Name - Type or Print		Gene P Ub Name - Type or Print	riaco	
Signature		Signature		
Address	Telephone No.	Name - Type or Print	lbriaco	
City	State Zip Code	Signature TYV	allenace	377-5192
Attorney For Petitioner:		1619 Lando	^	833-2340 Telephone No
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	<u> / 0 い 50 へ</u> City	/∕∕⊡∕ State	<u> </u>
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case No.	Ily demanded and/or found to be that the subject matter of the property be reposted.		Zoning Commissioner elearing, advertised, as resistance of Baltimore Cour	
CASE NO. 04.30	6/-ARe	viewed By	Date	2/26/
REV 10/25/01	Es	timated Posting Date	3/7/04	

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

19 Landon

	Towson	Md	2/204
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as a storage space. In ad	dition to the wa	ather iss	ue, we live on a
busy street that connects	to a high traff	fic road.	The room behind
the garage will sere as a	childrens learning	ig area as	well as a
family craft room. There			_
this is the most ideal p	lace since our	driveway	is already there
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That the Affiant(s) acknowledge(s) that if a formation advertising fee and may be required to provide advertising fee.	Iditional information.		
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Gene P Ubriaco	_		
Name - Type or Print	Name - Type or	r Print	<u>ac-o</u>
	-		
STATE OF MARYLAND, COUNTY OF BALTIMO	ORE, to wit:		
I HEREBY CERTIFY, this day of feel of Maryland, in and for the County aforesaid, pers	May , V	20 4, before me,	a Notary Public of the State
_			·
the Affiant(s) herein, personally known or satisfac	torily identified to me as such	ん) n Affiant(s).	
AS WITNESS my hand and Notarial Seal	b O		
	Minderl	u am	Treund
	Notary Public	1	<u>,,</u>
-	My Commission Exp	ires	KIMBERLY ANN FREUND
REV 10/25/01		My Co	Ommission Expires April 5, 2005

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	1619 Lando	a Rd	
	Towson	Md State	2/204 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the facts upop p or practical difficulty	on which I/we base the requ):	est for an Administrative
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Signature Gene P Ubriaco Name - Type or Print	Signa	Gines m alle	
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:		
of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfa	rsonally appeared Serve Jon, actorily identified to me	, <u>200</u> /, before me, a N Acco e as such Affiant(s).	lotary Public of the State
AS WITNESS my hand and Notarial Seal	ı. 1)		1
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	My Commis		ERLY ANN FREUND BLIC STATE OF MARYLAND
REV 10/25/01		My Commis	sion Expires April 5, 2005



Petition for Administrative Variance

for the property located at 1619 Landon

to the Zoning Commissioner of Baltimore County

which is presently zoned D, R, 3, 5

owner(s) of the property sit made a part hereof, hereby	uate in Baltime petition for a	ore County and Variance from	l which is do Section(s)	escribed	in the de	escription	and plat a	ttached here	to and
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required 10	ft. and	25 ft, r	espect)	vely.					
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Property is to be posted and i, or we, agree to pay expense regulations and restrictions of	es of above Var	iance, advertisin	ig, posting, e	itc. and fu	rther agre	ee to and nore Cour	are to be bo ity.	unded by the	zoning
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Attorney For Petitioner	<u>.</u>			16/9 Idress	Lano	Ion R	d 4	<i>10-83-3</i> Teleph	1340 C
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A Public Hearing having been faithis day of regulations of Baltimore County and	th:	it the subject matta	to be require er of this petiti	d, it is ord ion be set f	lered by t or a public	he Zoning hearing, a	Commissione dvertised, as	r of Baltimore required by the	County, zoning
				Zon	ing Comm	nissioner of	Baltimore Co	unty	
CASE NO	361-A		Reviewed	Ву/	3h	Da	ite		2/2
REV 10/25/01			Estimated	l Posting	Date _	3/7/00	Y		<i>-</i>

ZONING DESCRIPTION

Zoning Description For 1619 Landon Road

Beginning at a point on the south side of Landon Road which is 50 feet wide at the distance of 50 feet south of the centerline of the nearest improved intersecting street Alston Road which is 50 feet wide. Being Lot # 23, in the subdivision of Thornleigh as recorded in Baltimore County Plat Book #23, Folio 26, containing 9,875 square feet. Also known as 1619 Landon Road and located in the 8th Election District, 2nd Councilmanic District.

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Œ:	Case No.: 04-361-A
	Petitioner/Developer:
	Gene Ubriaco
	Date of Hearing/Closing: 3-22-04

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

Attention: Becky Hart

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 1619 Landon Road

Towson, MD 21204

The sign(s) were posted on ______March 4, 2004

(Month, Day, Year)



Sincerely,

Stacy Lardner 3/4/04
(Signature of Sign Poster and Date)

Stacy Gardner

105 COMPETITIVE GOALS DR. ELDERSBYARG. MD. 21784

410.781.4000

(City, State, Zip Code)

BALHIVIUKE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZOUNG REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 361 -A Address 1619 Landon 120.
Contact Person: Bruno Rudaitis Planner, Please Print Your Name
Filing Date: $\frac{2/26/64}{\sqrt{26/64}}$ Posting Date: $\frac{3/7/64}{\sqrt{20}}$ Closing Date: $\frac{3/22/69}{\sqrt{20}}$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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.
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.
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.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 04- 361 -A Address 1619 Landon Rd.
etitioner's Name Gene & Gina Ubriaco Telephone 40 377-5191 WC
osting Date:Closing Date:
ording for Sign: To Permit a side yard setback (for an addition) of
3 ft. in lieu of the required 10 ft. and a sum of side
eards of 18 ft. in lieu of the required 25 ft.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 54-361-A
Petitioner: Gina Ubriaco
Address or Location: 1619 Landon Rd.
PLEASE FORWARD ADVERTISING BILL TO:
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 1619 Landon Rd Towson, MD 21204
Telephone Number: (40) 823-2340

Department of Permits Cal Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 22, 2004

Gene Ubriaco Gina Ubriaco 1619 Landon Road Towson, Maryland 21204

Dear Mr. and Mrs. Ubriaco:

RE: Case Number: 04-361-A, 1619 Landon Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 26, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

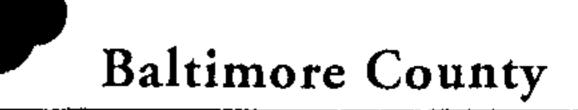
c: People's Counsel

Fire Department



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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 9, 2004

Item No.:

361, 364, 390-395, 397 & 398

Dear Ms. Hart:

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.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 16, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 15, 2004

Item No. 361

The Bureau of Development Plans Review received no drawings for this item.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley My

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

<u>X</u> The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

(04-361)

04 - 390

04-391

04-393

04-395

04-396

04-397

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 2, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

305 Kiending Mill Road

APR - 5 2004

INFORMATION:

Item Number:

4-373

ZONING COMMISSIONER

Petitioner:

Gene Ubriaco

Zoning:

DR 3.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed dwelling is constructed in accordance with the elevation drawings that were faxed to this office on February 26, 2004.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief: __

AFK/LL:MAC:



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

BPE

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.5.004

RE:

Baltimore County

Item No. 361

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

Dear. Ms. Matthews:

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,

for

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

TRANSMISSION OK

TX/RX NO. 3682

CONNECTION TEL 94104332571

CONNECTION ID

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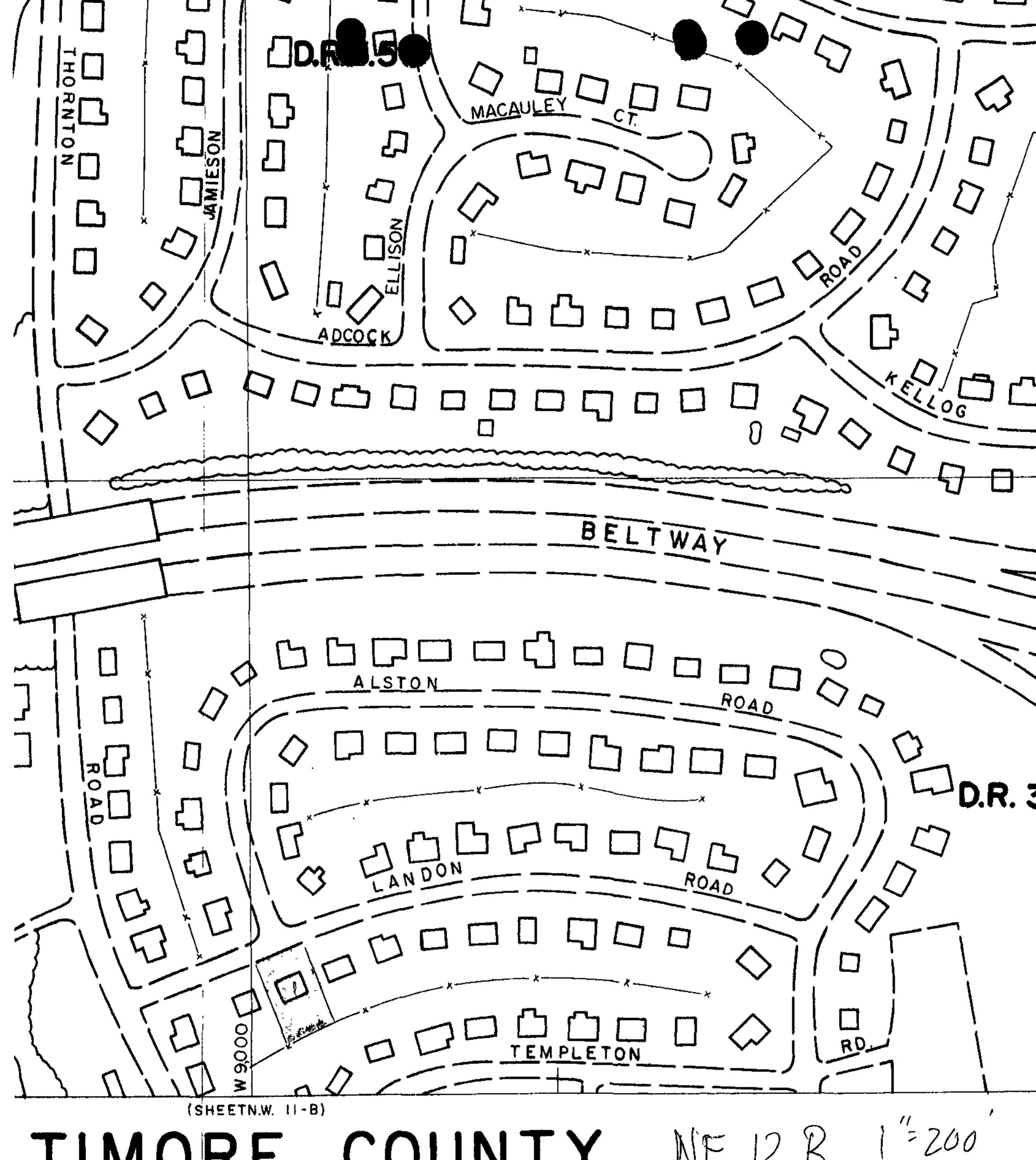
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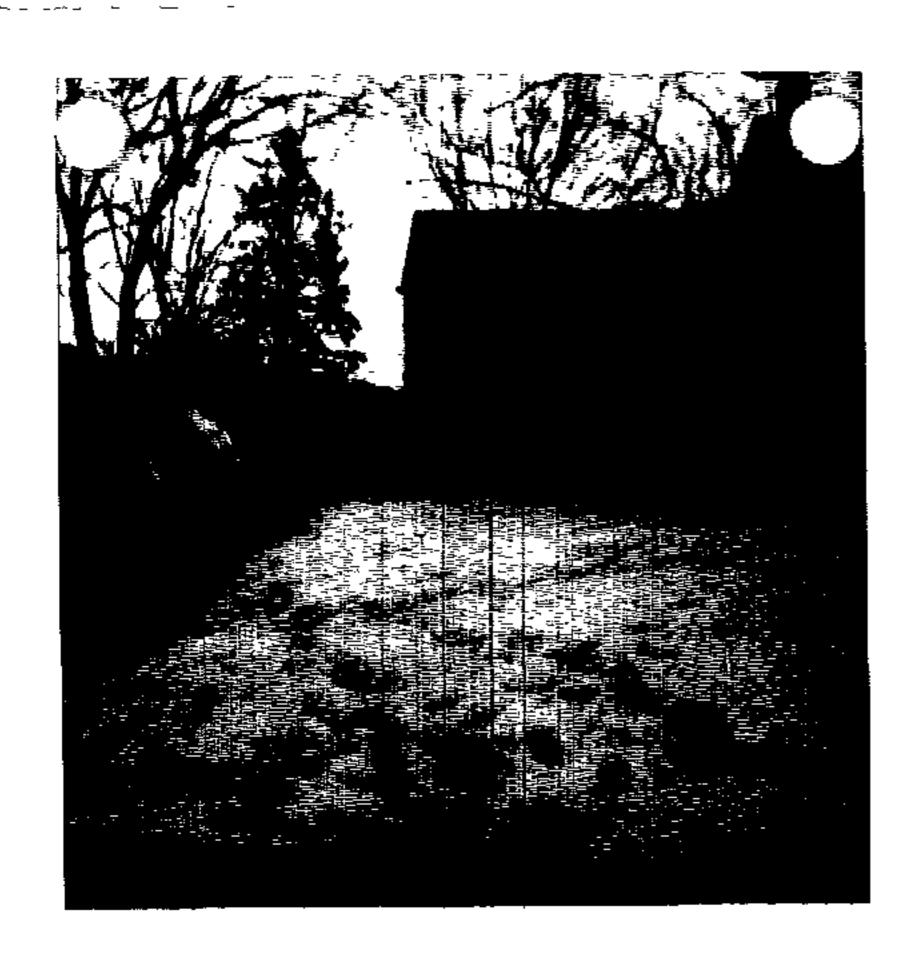
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Co./Dept. Co
Phone # Phone # Phone # 3868

Fax # 410-433-257/ Fax #

hc: 04-361-0



TIMORE COUNTY NE 12B 1 200 PLANNING AND ZONING
AL ZONING MAP #361





#361

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4.361



#361



#361