IN RE: PETITION FOR VARIANCE S/S Gibbons Boulevard, 97' W of Greenside Drive (33 Gibbons Boulevard) 8th Election District 4th Councilmanic District Monroe Associates Ltd. Part. Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 95-497-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 33 Gibbons Boulevard, located in the vicinity of Greenside Drive in Timonium. The Petition was filed by the owners of the property, Monroe Associates Limited Partnership, by Edward L. Blanton, Jr., General Partner, through their attorney, Michael T. Wyatt, Esquire. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building lot width of 60 feet and an area of 7,560 sq.ft. in lieu of the required 70-foot width and 10,000 sq.ft., or in the alternative, to approve an undersized lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Edward L. Blanton, Jr., a representative of Monroe Associates Limited Partnership, property owner, Steven K. Broyles, Professional Engineer with Broyles, Hayes and Associates, Inc., the engineering firm which prepared the site plan for this project, and Michael T. Wyatt, Esquire, attorney for the Petitioners. Appearing as interested parties were David L. Jordan, Ann S. Haltenberger, Mr. & Mrs. John R. DeShong, Curtis B. Baldwin, Jim Morrison, and Claire S. MacGibbon, all residents of the surrounding community.

ORDER RECEIVED FOR FILING
Date 8/11/95
By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of a gross area of 8,760 sq.ft., zoned D.R. 3.5 and is presently unimproved. The property is located in the subdivision known as Timonium Heights, and is comprised of Lots 44, 45 and 46 thereof. The Petitioners have owned the property since 1989 and now wish to develop the site with a single family dwelling in accordance with the site plan marked into evidence as Petitioner's Exhibit 1. The Petitioners submitted into evidence a copy of the contract for the type of home to be built and site elevation drawings for the proposed dwelling. The style, size and height of the proposed dwelling will be in keeping with other homes in Timonium Heights. Due to the size of the lot, the requested variance is necessary.

Mr. Steven Broyles testified on behalf of the Petitioners that this subdivision was approved in 1921 and that this particular lot has remained unimproved since that time. He testified that many of the houses in this subdivision are situated on lots of varying sizes, be it 40 feet, 50 feet, 60 feet, and some larger. Therefore, development of the subject lot would not be out of character with other lots in the neighborhood. Furthermore, as noted above, the design of the proposed dwelling will be in keeping with other homes in this community.

As stated previously, many residents of the surrounding community appeared as interested parties. The cumulative testimony from these residents was that they are not opposed to development of the subject lot as proposed; however, they are concerned that the owner of this lot and others in this community, namely, Dr. Joseph Seipe, would consider rezoning the property for commercial or office purposes. Their purpose for attending the hearing was to obtain assurance that no further commercial uses encroach into their neighborhood.

ORDER RECEIVED FOR FILING
Date 3/11/95
By

As indicated above, this lot is zoned D.R. 3.5 and as such, can only be developed for residential purposes. However, in response to the concerns raised by the neighbors who attended the hearing, I shall impose a restriction at the end of this Order which will restrict development on this lot for residential purposes, only, for so long as the property is zoned D.R.

The Petitioners also requested within the Petition for Variance a determination as to whether or not the subject lot meets the requirements of Section 304 of the B.C.Z.R. which pertains to undersized building lots. Inasmuch as the Petitioners have been forced to request the variance which is the subject of this Petition, the subject lot does not satisfy the requirements of Section 304 as to development on undersized lots. However, since the relief requested is being granted by virtue of this Order, the Petitioner shall be able to secure a building permit for the proposed dwelling.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

ORDER RECEIVED FOR FILING
Date 8/11/95
By

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to

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Date
By

demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

> 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
>
> 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict

ORDER RECEIVED FOR FILING
Date 8/11/95
By

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harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 1995 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building lot width of 60 feet and an area of 7,560 sq.ft. in lieu of the required 60-foot width and 10,000 sq.ft. for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 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 relief granted herein shall be rescinded.
>
> 2) The granting of this relief is limited to development of the subject site with a single family dwelling for residential purposes, only, for so long as the property is zoned D.R.
>
> 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.

IT IS FURTHER ORDERED that approval of the subject property as an undersized lot is hereby DENIED.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/11/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 11, 1995

Michael T. Wyatt, Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Gibbons Boulevard, 97' W of Greenside Drive
(33 Gibbons Boulevard)
8th Election District - 4th Councilmanic District
Monroe Associates Ltd. Part. - Petitioners
Case No. 95-497-A

Dear Mr. Wyatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Edward L. Blanton, Jr., Monroe Assoc. Ltd. Part.
One W. Pennsylvania Avenue, Suite 375, Towson, Md. 21204

Mr. David L. Jordan
120 Gibbons Boulevard, Cockeysville, Md. 21030

Ms. Ann S. Haltenberger
23 Gibbons Boulevard, Cockeysville, Md. 21030

People's Counsel; File

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on Recycled Paper

490

Petition for Variance

95-497-A

to the Zoning Commissioner of Baltimore County

for the property located at 33 Gibbons Boulevard

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & 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) 1B02.3.C.1 -

To allow a building lot with a 60 ft. lot width and an area of 7560 square feet in lieu of the required ~~60~~ 70 ft. and 10,000 square ft. respectively. To allow any other variance as deemed necessary by the zoning commissioner to approve undersize lot.

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

TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Michael T. Wyatt
(Type or Print Name)

Signature

404 Allegheny Avenue (410)821-1013
Address Phone No.

Towson, Maryland 21204
City State Zipcode

Legal Owner(s):

Monroe Associates Ltd. Partnership
(Type or Print Name)

Signature

Edward L. Blanton, Jr. - Gen. Partner
(Type or Print Name)

Suite 375, One West Pennsylvania Ave.
Signature

Towson, Maryland 21204 (410) 821-1013
Address Phone No.

City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: _____ DATE 6/28/95

ORDER RECEIVED FOR FILING

Date 8/11/95

By

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Zoning Administration & Development Management

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490

BROYLES, HAYES AND ASSOCIATES, INC.
Engineers • Land Planners • Surveyors
4972 ILCHESTER ROAD • ELLICOTT CITY, MD 21043-6838
PHONE (410) 747-5500 • FAX (410) 747-2952

ZONING DESCRIPTION FOR 33 GIBBONS BOULEVARD 95-497-A

BEGINNING at a point on the south side of Gibbons Boulevard right-of-way which is 40 feet wide, at a distance of 97± feet west of the centerline of Greenside Drive right-of-way which is 70 feet wide.

BEING Lot numbers 44, 45 and 46 in the subdivision of "Plat No. 2 Timonium Heights" as recorded in Baltimore County Plat Book# 7, folio# 15 containing 7560 square feet and 0.174 acres more or less, of land. Also known as 33 Gibbons Boulevard and located in the 8th Election District.

STATE OF MARYLAND
STEVEN KENNETH BROYLES
No. 10880
REGISTERED
PROFESSIONAL LAND SURVEYOR

MICROFILMED

CERTIFICATE OF POSTING 93-497-A

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 8th Date of Posting 7/21/95

Posted for: Variance

Petitioner: Monroe Assoc. Limited Partnership

Location of property: 33 Gibbons Blvd.

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by [signature] Healy Date of return: 7/28/95

Signature

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-497-A
(Item 490)
33 Gibbons Boulevard
S/S Gibbons Boulevard, 97' W of Greenside Drive
8th Election District
4th Councilmanic
Legal Owner(s):
Monroe Associates Limited Partnership
Hearing: Tuesday, August 8, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a building lot with a 60-foot lot width and an area of 7,650 square feet in lieu of the required 60 feet and 10,000 square feet, respectively, and to allow any other variances as deemed necessary by the zoning commissioner to approve undersized lot.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.
7/137 July 13.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1995

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 July 13, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

BALTIMORE UNTY, MARYLAND **No. 52813**
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

ITEM # 490
BY JLL

DATE 6/28/95 ACCOUNT R0016150

AMOUNT $ 85.00

RECEIVED FROM: MARLOW + WYATT

1 RV FILING CODE 010 50.00

FOR: 1 SIGN POSTING 080 35.00

95-497-A

02A02#0173a1CHRC $85.00
BA C011:07AM06/28/95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____ Item No.: 490

Petitioner: MONROE ASSOCIATES Ltd. Partnership

LOCATION: 33 GIBBONS BVLD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael T. Wyatt

ADDRESS: 404 Allegheny Ave.

Towson, MD. 21204

PHONE NUMBER: (410) 821-1013

AJ:ggs
(Revised 3/29/93)

Printed on Recycled Paper
Printed on Recycled Paper

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by JOHN LEWIS on 6/28/95.
Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is $50.00 and posting $35.00; total $85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 7/8/95 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES ____NO ____-DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/23/95 C (B-3 Work Days)

TENTATIVE DECISION DATE 7/28/95 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

_____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

CK/UNDER.LOT (TXTSOPH)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995Issue - Jeffersonian

Please foward billing to:

Michael T. Wyatt, Esq.
404 Allegheny Avenue
Towson, Maryland 21204
821-1013

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-497-A (Item 490)
33 Gibbons Boulevard
S/S Gibbons Boulevard, 97' W of Greenside Drive
8th Election District - 4th Councilmanic
Legal Owner(s): Monroe Associates Limited Partnership
HEARING: TUESDAY, AUGUST 8, 1995 at 11:00 a.m. in Room 118 Old Courthouse.

Variance to allow a building lot with a 60-foot lot width and an area of 7,560 square feet in lieu of the required 60 feet and 10,000 square feet respectively; and to allow any other variance as deemed necessary by the zoning commissioner to approve undersized lot

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-497-A (Item 490)
33 Gibbons Boulevard
S/S Gibbons Boulevard, 97' W of Greenside Drive
8th Election District - 4th Councilmanic
Legal Owner(s): Monroe Associates Limited Partnership
HEARING: TUESDAY, AUGUST 8, 1995 at 11:00 a.m. in Room 118 Old Courthouse.

Variance to allow a building lot with a 60-foot lot width and an area of 7,560 square feet in lieu of the required 60 feet and 10,000 square feet respectively; and to allow any other variance as deemed necessary by the zoning commissioner to approve undersized lot

Arnold Jablon
Director
Department of Permits and Development Management

cc: Monroe Associates Ltd. Partnership
Michael T. Wyatt, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 1, 1995

Michael T. Wyatt, Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 490
Case No.: 95-497-A
Petitioner: Monroe Associates

Dear Mr. Wyatt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 28, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative 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 or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 26, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 33 Gibbons Blvd.

INFORMATION:

Item Number: 490

Petitioner: Monroe Associates L.P.

Property Size:

Zoning: DR-3.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a lot width of 60 feet and an area of 7560 square feet in lieu of the required 60 feet and 10,000 feet, respectively.

Unless it is determined that the conditions set forth in Section 304 of the BCZR can be met, staff recommends that the applicant's request be denied.

Prepared by: Jeffrey M. Long

Division Chief: Gary Kerns

PK/JL

MICROFILMED

ITEM490/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 17, 1995
Items 479, 481, 482, 483, 484, 487, 488, 489, 12
490, 491, 492, ~~493~~, 495 and 496

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

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 JULY 10, 1995.

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: 478,479,480,481,482, 484,487,488,490,491,492,493 AND 495. 12

RECEIVED
JUL 18 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: 7/18/95

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478
479
480
481
483
484
485
486
487
489
490
491
494
496
revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 490 (JLL)

Dear Ms. Watson:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 6/5/95
OEA: VLC

PERMIT #: B237241
RECEIPT #: A247522
CONTROL #: NR
XREF #:
FEE: 116.00 + 5.35
PAID: 121.35
PAID BY: appl
INSPECTOR: //

PROPERTY ADDRESS: 33 Gibbons Blvd, Balto. MD.
SUBDIV: TIMONIUM HEIGHTS
TAX ACCOUNT #: 8/2200000024
DISTRICT/PRECINCT: 08 / 11

HISTORIC DISTRICT/BLDG.
[ ] YES [ ] NO
[ ] DO NOT KNOW

OWNER'S INFORMATION (LAST,FIRST)
NAME: Monroe Associates
ADDR: 4100 N Charles Street

DOES THIS BLDG. HAVE SPRINKLERS
YES __ NO __

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: KAREN BURTON
COMPANY: Maryland Modular Designs
STREET: P.O. Box 28321
CITY,ST,ZIP: Balto. MD 21234
PHONE #: (410) 668-7989 MHIC LICENSE #:
APPLICANT SIGNATURE: Karen Burton
TRACT: BLOCK:

BUILDING 1 or 2 FAM. CODE
CODE
BOCA CODE

PLANS: CONST 2 PLOT 2 PLAT 0 DATA 0 EL 1 PL 1
TENANT:
CONTR: Maryland Modular [illegible]
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER ___

DESCRIBE PROPOSED WORK: ~~Construct [illegible]~~ Construct foundation for and erect state approved industrialized dwelling 44' X 27.6' ±20'± 2420

*OK to file only - need undersized lot or variance insist on filing

TYPE OF USE

RESIDENTIAL
01. ✓ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ___ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE ___
20. ___ SWIMMING POOL ___
SPECIFY TYPE ___
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___)
23. ___ OTHER ___

TYPE FOUNDATION
1. ___ SLAB
2. ✓ BLOCK
3. ___ CONCRETE

BASEMENT
1. ✓ FULL
2. ___ PARTIAL
3. ___ NONE

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ✓ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ✓ ELECTRICITY
2. ___ OIL 4. ___ COAL

TYPE OF SEWAGE DISPOSAL
1. ✓ PUBLIC SEWER ___ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM
SEPTIC ___ EXISTS ___ PROPOSED
PRIVY ___ EXISTS ___ PROPOSED

TYPE OF WATER SUPPLY
1. ✓ PUBLIC SYSTEM ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. ✓ 2. ___
ESTIMATED COST: $80,000.00
OF MATERIALS AND LABOR
PROPOSED USE: SFD
EXISTING USE: vacant lot

OWNERSHIP
1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: ___ #1BED: ___ #2BED: ___ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS: ___
1 FAMILY BEDROOMS 3
GARBAGE DISPOSAL 1. ✓ Y 2. ___ N
BATHROOMS 2
CLASS 04
POWDER ROOMS 0
KITCHENS 1
LIBER ___ FOLIO ___

BUILDING SIZE
FLOOR 2420
WIDTH 44
DEPTH 27'6"
HEIGHT 20
STORIES 1+Bmt
LOT #'S 44-46
CORNER LOT
1. ___ Y 2. ___ N

LOT SIZE AND SETBACKS
SIZE 60'X126'
FRONT STREET
SIDE STREET
FRONT SETBK 42
SIDE SETBK 11 / 21'6"
SIDE STR SETBK
REAR SETBK 70
ZONING DR3.5

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	107 OK to file only MTK	6/5/95
PUB SERV		
ENVRMNT		
	CRooke	6/5/95
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

MICROFILMED

FILED WITH ZONING VAR, ITEM # 490

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

B 237241
Permit Number

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☒ Michael T. Wyatt — 404 Allegheny Avenue Towson MD 21204 — (410) 821-1013
Print Name of Applicant — Address — Telephone Number

☒ Lot Address 33 Gibbons Boulevard — Election District 8 — Council District 4 — Square Feet ~~8760~~ 7560'

Lot Location: N E S (W) / (side) / corner of GIBBONS BLVD ~~GREENSIDE DR.~~ (street), 97 feet from N E S (W) corner of ~~[illegible]~~ GREENSIDE DR. (street)

Land Owner Monroe Associates, Ltd. Partnership — Tax Account Number 2200000024

Address 33 Gibbons Boulevard, Timonium, MD 21093 — Telephone Number Edward L. Blanton, Jr., Gen. Partner (410) 296-8160

☒ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	X	
2. Permit Application	X	
3. Site Plan — Property (3 copies)	X	
Topo Map (available in Rm 206 C.O.B.) (please label site clearly) (2 copies)	X	
4. Building Elevation Drawings	X	
5. Photographs (please label all photos clearly) — Adjoining Buildings	X	
Surrounding Neighborhood	X	

Residential Processing Fee Paid
Codes 030 & 080 ($85)
Accepted by [signature] ZADM
Date 6/28/95

RECEIVED
AUG 1 1995
OFFICE OF PLANNING & ZONING

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☐ Approval ☑ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Francis Morsey
for the Director, Office of Planning & Zoning

Date: 8/9/95

smlots.pub

RE: PETITION FOR VARIANCE 33 Gibbons Boulevard, S/S Gibbons Blvd, 97' W of Greenside Drive, 8th Election District, 4th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Monroe Associates Ltd. Partnership Petitioners	*	CASE NO. 95-497-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael T. Wyatt, Esquire, 404 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
David L Jordan	120 Gibbons BLVD, Cockeysville 21030
Ann S. Hallenberger	23 Gibbons Blvd. "
Violet J. DeShong	28 Gibbons Blvd. "
John R DeShong	28 Gibbons Blvd "
Justin B. Baldwin	30 Gibbons Blvd. "
Jim Morrison	19 Gibbons Blvd "
Claire S. MacCubbin	115 Gibbons BLVD "

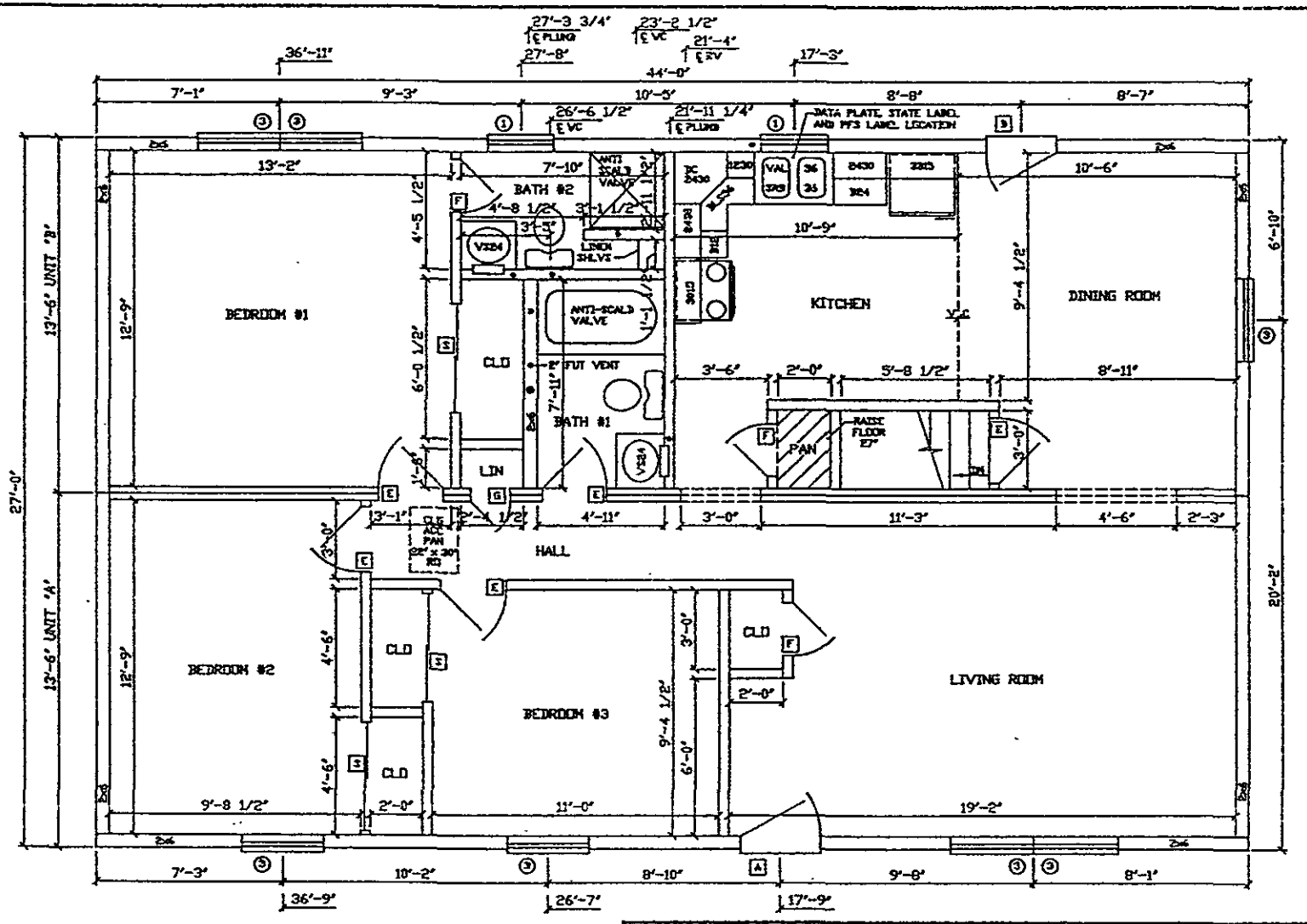
MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Wyatt	
Boyles	
Blanton	

Printed with Soybean Ink
on Recycled Paper



NOTES:
1. 2x6 EXTERIOR WALLS

MARYLAND MODULAR DESIGNS, INC.
P. O. BOX 28321
BALTIMORE, MARYLAND 21234

2744 GLENWOOD III

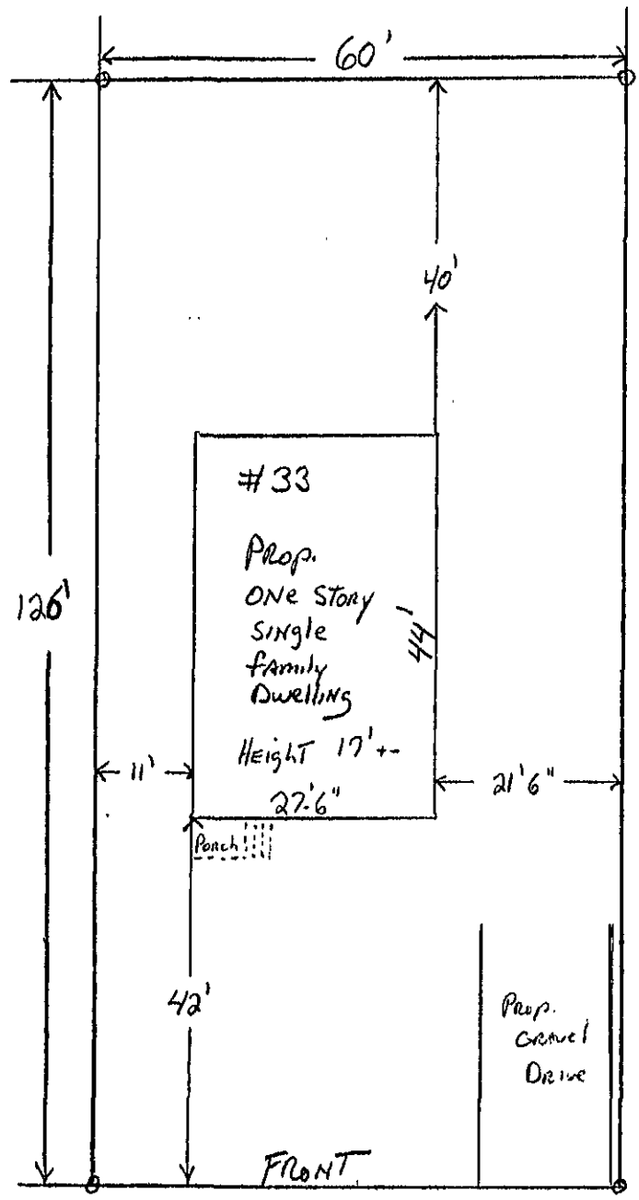
DRAWN BY:	CHECKED BY:	DATE:	SCALE: 1/4"=1'-0"
REVISIONS			DISK NO: STD

UNCLASSIFIED

Prop. Site Plan

Scale 1" = 20'
Date - 6-2-95
Prepared by : M.B.

MARYLAND MODULAR DESIGNS, INC.
P. O. BOX 28321
BALTIMORE, MARYLAND 21234



N

ZONING D.R 3.5

(public sewer + water Available)

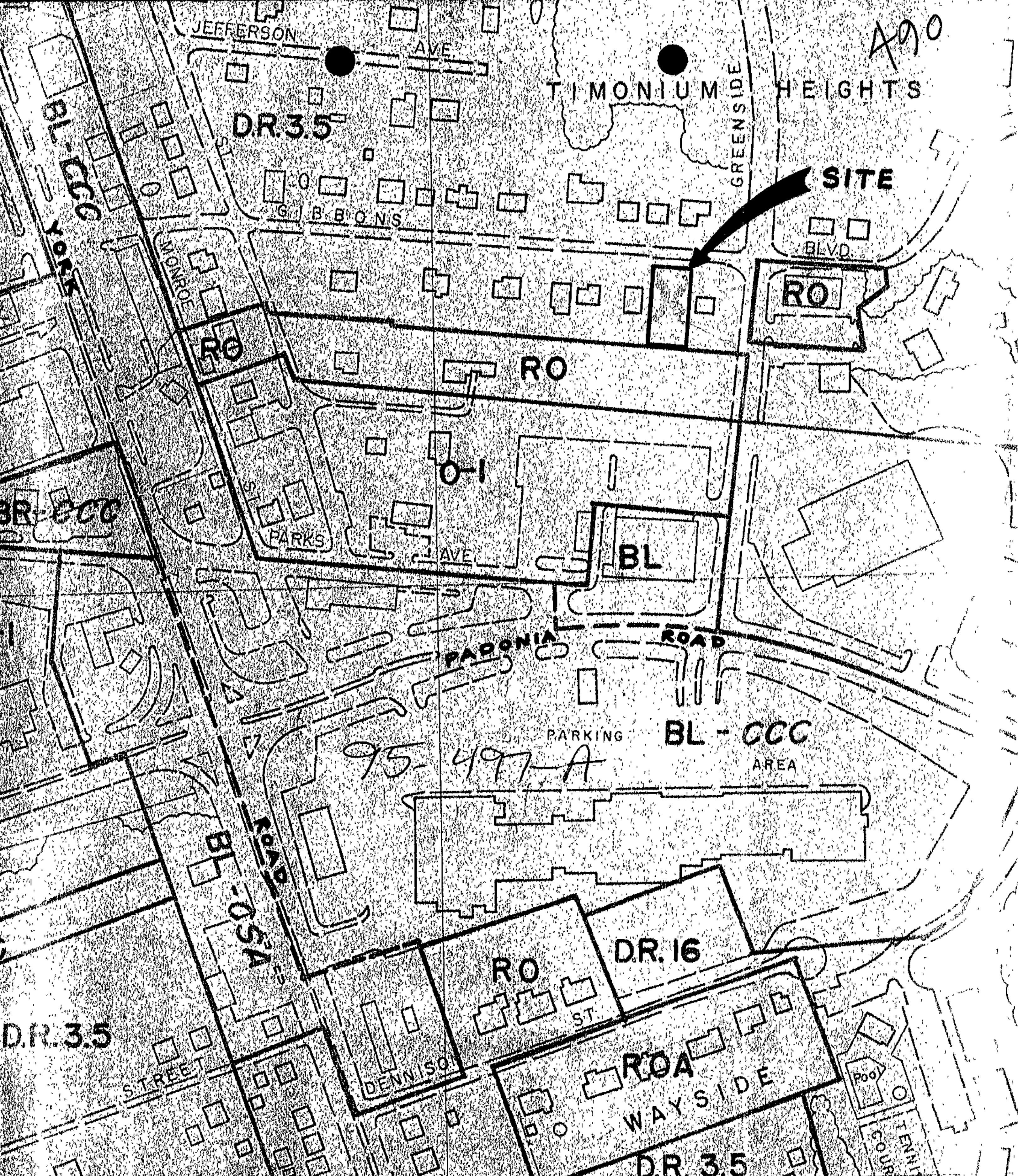
Gibbons BLVD.

RECEIVED
AUG 1 1995
OFFICE OF
PLANNING & ZONING

MICROFILMED

Site Plan for
Monroe Associates
Site Location : 33 Gibbons Blvd.
Baltimore, County Md
Tax I.D. # : 8/2200000024
Liber/Folio : 8362/788

A90



SHEET N.W.-14-A

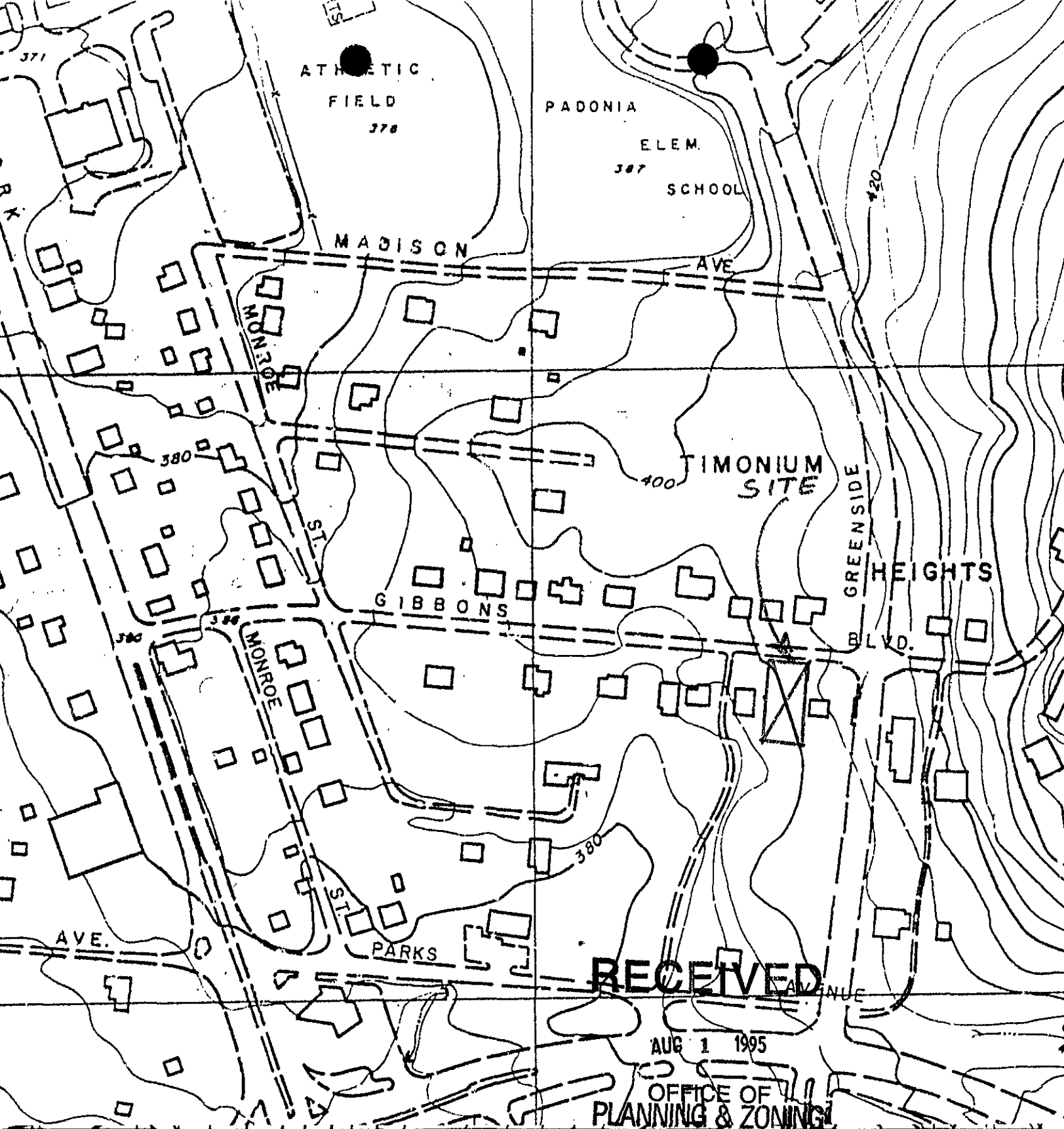
RE COUNTY
NNING AND ZONING
ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	PADONIA	15-A
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED



RECEIVED
AUG 1 1995
OFFICE OF
PLANNING & ZONING

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'		
Topographic	MAPS, INC.	4-11-70			N.W.
	JBB	5/4/84	DATE OF PHOTOGRAPHY APRIL 1953	PADONIA	15-A

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.

NO TITLE SEARCH

PETITIONER'S EXHIBIT 5

DEED

THIS DEED, made this 28th day of December, 1989, by and between Joseph H. Seipp, Jr., party of the first part, and Monroe Associates, a Maryland Partnership, party of the second part:

WITNESSETH that in consideration of twelve thousand dollars ($12,000.00) and other good and valuable considerations, the said party of the first part does grant and convey unto the party of the second part, its successors and assigns, in fee simple all those lots of land situate, lying and being in Baltimore County, State of Maryland, described as follows to wit:

BEING known and designated as Lots Nos. 44, 45 and 46 in Section DD as shown on the Plat entitled "Plat No. 2, Timonium Heights", which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 7 folio 15.

BEING the same three lots of ground which were conveyed by a deed dated May 21, 1985 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6934 folio 712 from Robert E. Ensor and Paul G. Ensor to Joseph H. Seipp, Jr.

D RC/F 12.00
TX 60.00
D DOCS 60.00
DEED 0 #
SH CLERK 132.00
R02 T11:08
12/29/89

To have and to hold the said lots of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Monroe Associates, a Maryland Partnership, its successors and assigns, in fee simple.

AND the said party of the first part covenants that he will

CULTURAL TRANSFER TAX
APPLICABLE
SIGNATURE [signature] DATE 12/29/89

B 104*****27872:a ©2988

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
[signature] 12/29/89

LIBER 8 3 6 2 PAGE 7 8 8

PETITIONER'S EXHIBIT 5

NO TITLE SEARCH

DEED

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WITNESSETH that in consideration of twelve thousand dollars ($12,000.00) and other good and valuable considerations, the said party of the first part does grant and convey unto the party of the second part, its successors and assigns, in fee simple all those lots of land situate, lying and being in Baltimore County, State of Maryland, described as follows to wit:

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D RC/F 12.00
D PT TX 60.00
D DOCS 60.00
DEED 0 #
SH CLERK 132.00
#5002 R02 T11:08
12/29/89

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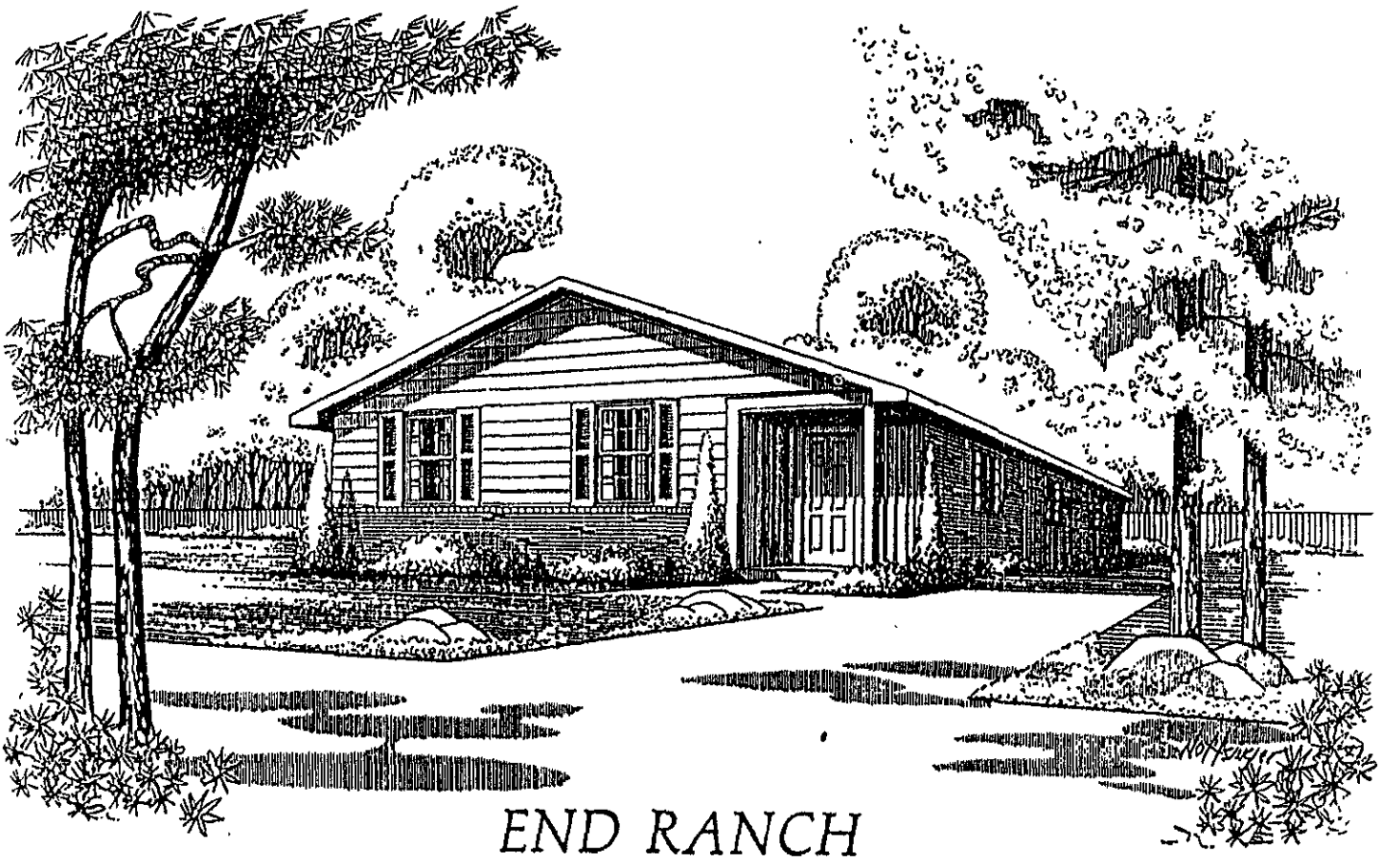
60
60
12

AND the said party of the first part covenants that he will

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE [signature] DATE 12/29/89

B 104*****27872:a 02988

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
[signature] 12/29/89



PETITIONER'S EXHIBIT 3

MICROFILMED

Proposal Submitted To:

Name Monroe Associates
Street 4100 N. Charles Street
City Baltimore
State Maryland 21218
Phone (410) 235-8650

Work To Be Performed At:

Street 33 Gibbons Road
City Baltimore State MD
Date of Plans May 16, 1995
Architect Excel Homes, Inc.

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Excel Homes Modular Rancher Known as a Signature Series modified Glenwood III size 27'6" x 44'. Included in this contract is a full basement foundation with an unfinished interior. The basement shall be "walkout" style with a 36" exit door to a 6' x 6' concrete patio. The Basement shall have a total of eight (8) double hung windows (Anderson) placed directly below the first floor windows. The basement shall also have rough-in plumbing installed for a future powder room. The modular units shall be set snd completed on the foundation. The specifications of the modular units are attached and become part of this contract known as exhibit A(see attached pages 1 thru 3 labeled Exhibit A Signature Specifications). A 4' wide masonary front porch and stairs with wood handrails shall be installed along with concrete sidewalks for acess to front and side doors. All other porches shall be of pressure treated wood construction. The heating shall be provided in the modular units only and shall be electric baseboard type with thermostats installed in every room. Appliances included are a Frigidiare dishwasher, a food disposal and a 30" range hood. All disturbed areas on the lot shall be graded, seeded and straw covered. The driveway shall be 500 sq. ft. of gravel installed. Upon acceptanc of this proposal the builder(Maryland Modular Designs, Inc.) shall send for

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Dollars ($)

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Maryland Modular Designs, Inc.

Respectfully submitted Maryland Modular Designs, In

Per Karen M. Barton

Note—This proposal may be withdrawn by us if not accepted within 5 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

PETITIONER'S EXHIBIT 2

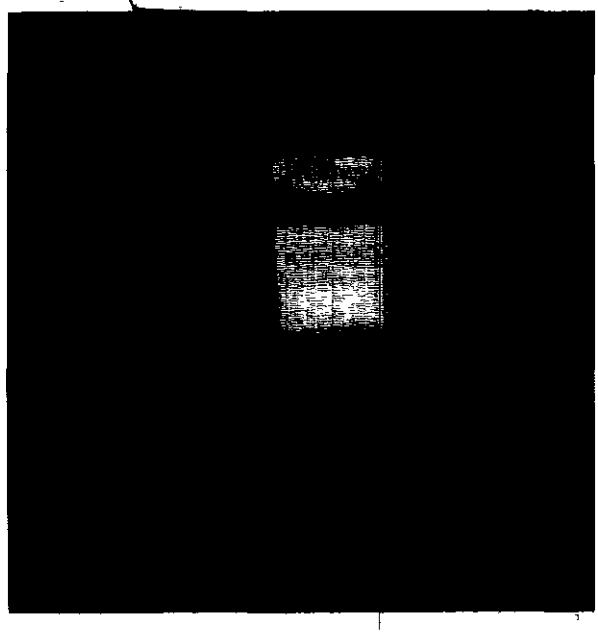
Signature [signature]

Date

Signature

TOPS FORM 3850 DUPLICATE MICROFILMED LITHO IN U.S.A.

95-497-A



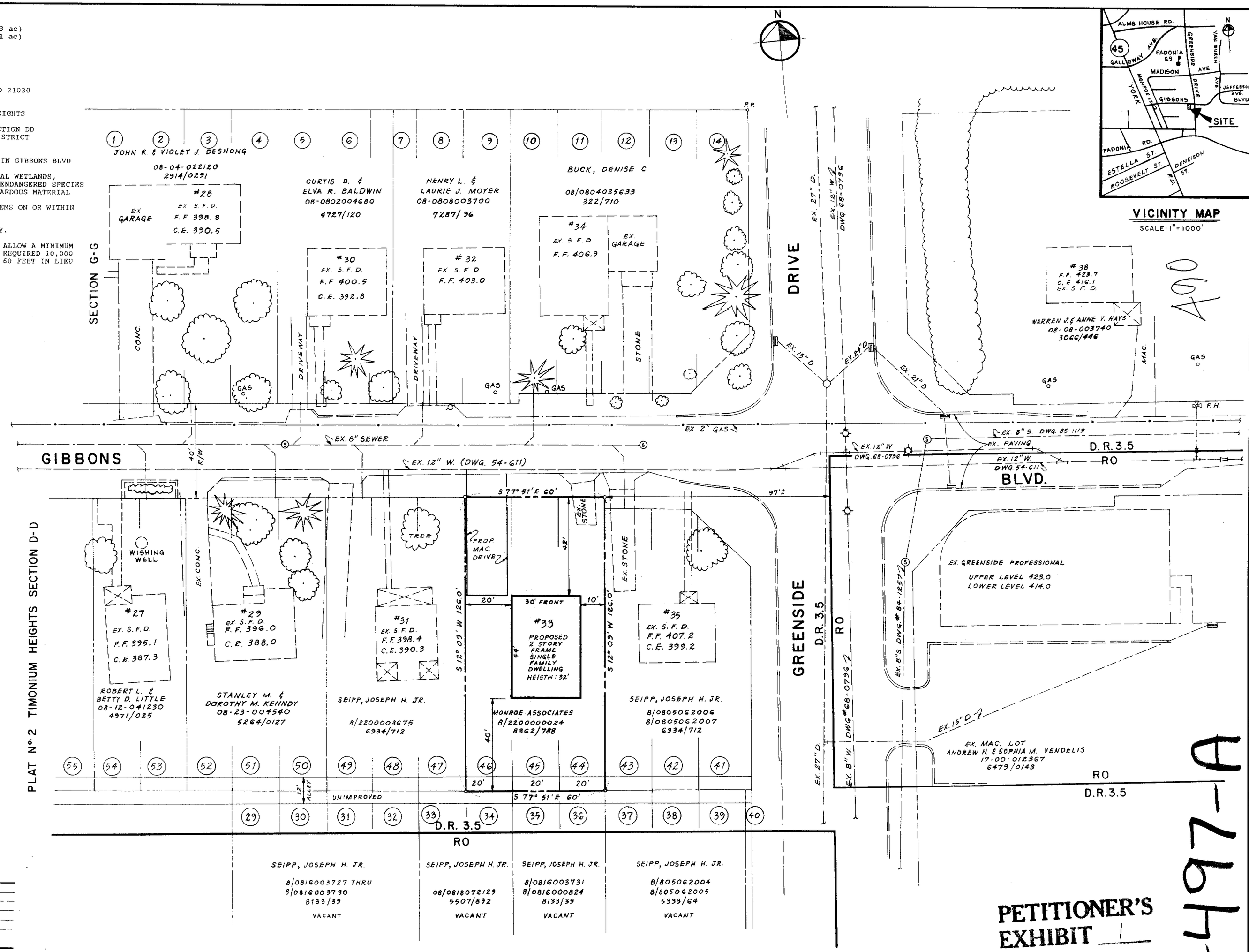
498

SITE DATA

1. NET SITE AREA = 7,560 sf. (0.173 ac)
   GROSS SITE AREA = 8,760 sf. (0.201 ac)
2. CURRENT ZONING: DR 3.5
   1"=200' ZONING MAP NW 15-A
3. OWNER: MONROE ASSOCIATES
   4100 NORTH CHARLES STREET
   BALTIMORE, MARYLAND 21218
   PROPERTY LOCATION: 33 GIBBONS BOULEVARD
   COCKEYSVILLE, MARYLAND 21030
   DEED REFERENCE: LIBER 8362, FOLIO 788
   TAX ID#: 2200000024
   PLAT REFERENCE: PLAT NO. 2 TIMONIUM HEIGHTS
   LIBER 7, FOLIO 15
   LOTS 44, 45 AND 46 SECTION DD
4. 8th ELECTION DISTRICT, 4th COUNCILMANIC DISTRICT
5. EXISTING USE: VACANT
   PROPOSED USE: SINGLE FAMILY DWELLING
6. SITE HAS PUBLIC SEWER AND WATER AVAILABLE IN GIBBONS BLVD RIGHT-OF-WAY
7. THERE ARE NO KNOWN TIDAL WETLANDS, NON-TIDAL WETLANDS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES ON THIS PROPERTY.
8. THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON OR WITHIN 100' OF THIS SITE.

NOTE: THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.

VARIANCES REQUESTED FROM SECTION 1B02.3.C.1. TO ALLOW A MINIMUM NET LOT AREA OF 7560 SQUARE FEET IN LIEU OF THE REQUIRED 10,000 SQUARE FEET AND TO ALLOW A MINIMUM LOT WIDTH OF 60 FEET IN LIEU OF THE REQUIRED 70 FEET



VICINITY MAP
SCALE: 1" = 1000'

LEGEND

- PROPERTY LINE
- LIMIT MACADAM PAVING
- WATER MAIN
- STORM DRAIN
- SANITARY SEWER
- GAS MAIN
- UTILITY POLE
- ZONING LINE
- LOT NUMBERS (49)

PETITIONER'S EXHIBIT 1

MICROFILMED

BROYLES, HAYES AND ASSOCIATES, INC.
JUN 27 1995
PRINTED

95-497-A

STATE OF MARYLAND — STEVEN K. BROYLES — REGISTERED PROFESSIONAL ENGINEER
STEVEN K. BROYLES
MD. P.E. Nº 14429

BROYLES, HAYES AND ASSOCIATES, INC.
Engineers • Land Planners • Surveyors
4972 ILCHESTER ROAD • ELLICOTT CITY, MD 21043-6938
PHONE (410) 747-5500 • FAX (410) 747-2952

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

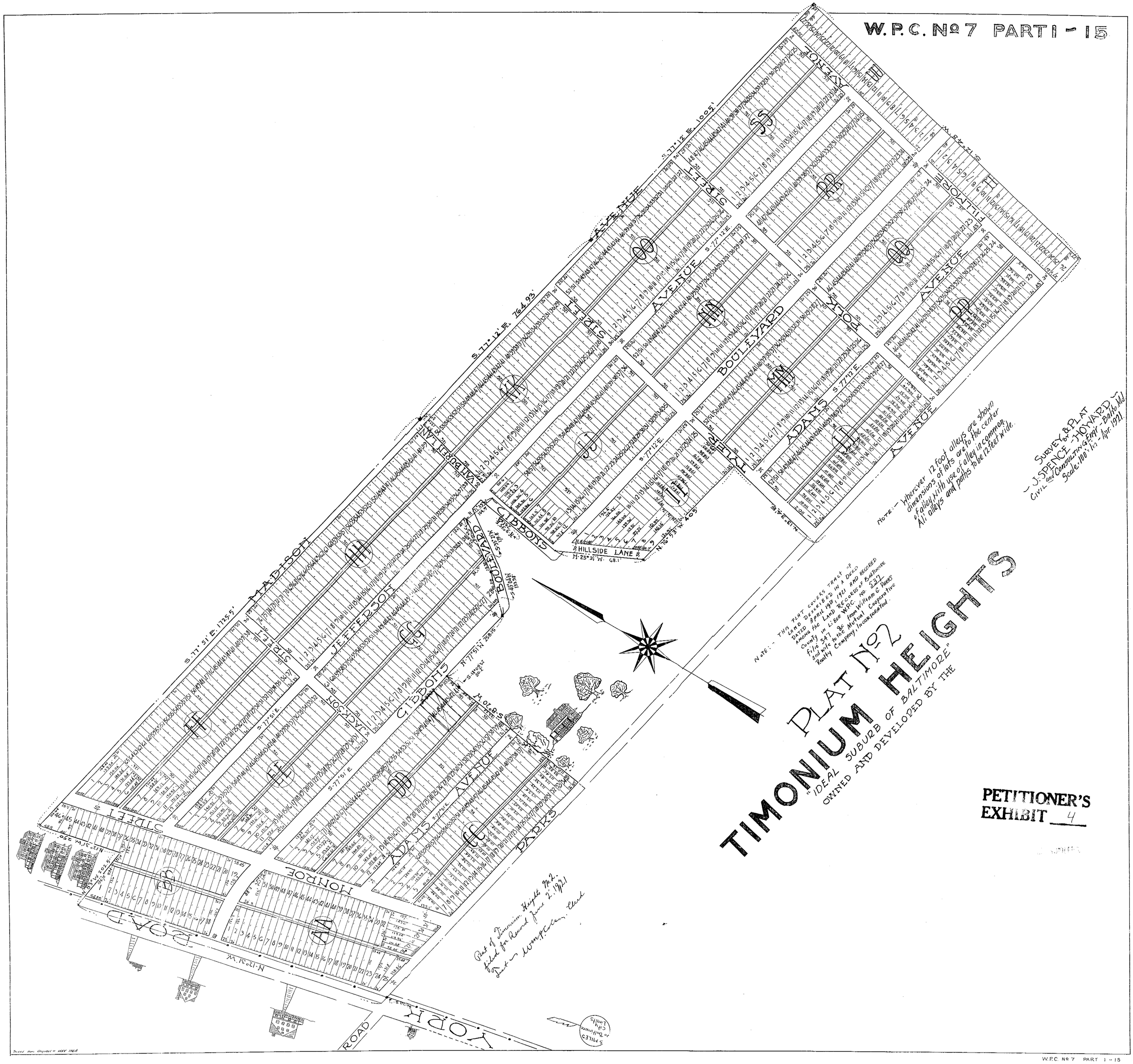
REVISIONS

SITE PLAN TO ACCOMPANY ZONING VARIANCE

33 GIBBONS BLVD.
LOTS 44,45 & 46

DATE: 6-7-95 | SCALE: 1" = 20' | DES. BY: S.K.B. | DWG. BY: R.H. | CHK. BY: S.K.B.

SHEET 1 OF 1



PETITIONER'S EXHIBIT 4

IN RE: PETITION FOR VARIANCE
S/S Gibbons Boulevard, 97' W
of Greenside Drive
(33 Gibbons Boulevard)
8th Election District
4th Councilmanic District

Monroe Associates Ltd. Part.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-497-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 33 Gibbons Boulevard, located in the vicinity of Greenside Drive in Timonium. The Petition was filed by the owners of the property, Monroe Associates Limited Partnership, by Edward L. Blanton, Jr., General Partner, through their attorney, Michael T. Wyatt, Esquire. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building lot width of 60 feet and an area of 7,560 sq.ft. in lieu of the required 70-foot width and 10,000 sq.ft., or in the alternative, to approve an undersized lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Edward L. Blanton, Jr., a representative of Monroe Associates Limited Partnership, property owner, Steven K. Broyles, Professional Engineer with Broyles, Hayes and Associates, Inc., the engineering firm which prepared the site plan for this project, and Michael T. Wyatt, Esquire, attorney for the Petitioners. Appearing as interested parties were David L. Jordan, Ann S. Haltenberger, Mr. & Mrs. John R. DeShong, Curtis B. Baldwin, Jim Morrison, and Claire S. MacGibbon, all residents of the surrounding community.

ORDER RECEIVED FOR FILING
Date 8/11/95
By

Testimony and evidence offered revealed that the subject property consists of a gross area of 8,760 sq.ft., zoned D.R. 3.5 and is presently unimproved. The property is located in the subdivision known as Timonium Heights, and is comprised of Lots 44, 45 and 46 thereof. The Petitioners have owned the property since 1989 and now wish to develop the site with a single family dwelling in accordance with the site plan marked into evidence as Petitioner's Exhibit 1. The Petitioners submitted into evidence a copy of the contract for the type of home to be built and site elevation drawings for the proposed dwelling. The style, size and height of the proposed dwelling will be in keeping with other homes in Timonium Heights. Due to the size of the lot, the requested variance is necessary.

Mr. Steven Broyles testified on behalf of the Petitioners that this subdivision was approved in 1921 and that this particular lot has remained unimproved since that time. He testified that many of the houses in this subdivision are situated on lots of varying sizes, be it 40 feet, 50 feet, 60 feet, and some larger. Therefore, development of the subject lot would not be out of character with other lots in the neighborhood. Furthermore, as noted above, the design of the proposed dwelling will be in keeping with other homes in this community.

As stated previously, many residents of the surrounding community appeared as interested parties. The cumulative testimony from these residents was that they are not opposed to development of the subject lot as proposed; however, they are concerned that the owner of this lot and others in this community, namely, Dr. Joseph Seipe, would consider rezoning the property for commercial or office purposes. Their purpose for attending the hearing was to obtain assurance that no further commercial uses encroach into their neighborhood.

ORDER RECEIVED FOR FILING
Date 8/11/95
By

As indicated above, this lot is zoned D.R. 3.5 and as such, can only be developed for residential purposes. However, in response to the concerns raised by the neighbors who attended the hearing, I shall impose a restriction at the end of this Order which will restrict development on this lot for residential purposes, only, for so long as the property is zoned D.R.

The Petitioners also requested within the Petition for Variance a determination as to whether or not the subject lot meets the requirements of Section 304 of the B.C.Z.R. which pertains to undersized building lots. Inasmuch as the Petitioners have been forced to request the variance which is the subject of this Petition, the subject lot does not satisfy the requirements of Section 304 as to development on undersized lots. However, since the relief requested is being granted by virtue of this Order, the Petitioner shall be able to secure a building permit for the proposed dwelling.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

ORDER RECEIVED FOR FILING
Date 8/11/95
By

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular *district, requires the imposition of a higher standard.* That is, to allow the change of use for a particular property requires the Petitioner to

ORDER RECEIVED FOR FILING
Date 8/11/95
By

demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

> 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
>
> 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and *public safety and welfare secured.*

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict

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Date 8/11/95
By

harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner f Baltimore County this 11th day of August, 1995 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building lot width of 60 feet and an area of 7,560 sq.ft. in lieu of the required 60-foot width and 10,000 sq.ft. for a proposed dwelling, in accordance with Petitioner's Exhibit 1. be and is hereby GRANTED, subject to the following restrictions:

> 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 relief granted herein shall be rescinded.
>
> 2) The granting of this relief is limited to development of the subject site with a single family dwelling for residential purposes, only, for so long as the property is zoned D.R.
>
> 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.*

IT IS FURTHER ORDERED that approval of the subject property as an undersized lot is hereby DENIED.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/11/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 11, 1995

Michael T. Wyatt, Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Gibbons Boulevard, 97' W of Greenside Drive
(33 Gibbons Boulevard)
8th Election District - 4th Councilmanic District
Monroe Associates Ltd. Part. - Petitioners
Case No. 95-497-A

Dear Mr. Wyatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Edward L. Blanton, Jr., Monroe Assoc. Ltd. Part.
One W. Pennsylvania Avenue, Suite 375, Towson, Md. 21204

Mr. David L. Jordan
120 Gibbons Boulevard, Cockeysville, Md. 21030

Ms. Ann S. Haltenberger
23 Gibbons Boulevard, Cockeysville, Md. 21030

People's Counsel; File

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Petition for Variance

490
95-497-A

to the Zoning Commissioner of Baltimore County

for the property located at 33 Gibbons Boulevard **which is presently zoned** DR 3.5

This Petition shall be filed with the Office of Zoning Administration & 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) 1B02.3.C.1 -
To allow a building lot with a 60 ft. lot width and an area of 7560 square feet in lieu of the required 70 ft. and 10,000 square ft. respectively. To allow any other variance as deemed necessary by the zoning commissioner to approve undersize lot.

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

TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
Michael T. Wyatt
(Type or Print Name)
Signature
404 Allegheny Avenue (410) 821-1013
Address Phone No.
Towson, Maryland 21204
City State Zipcode

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.
Legal Owner(s):
Monroe Associates Ltd. Partnership
(Type or Print Name)
Signature
Edward L. Blanton, Jr. - Gen. Partner
(Type or Print Name)
Suite 375, One West Pennsylvania Ave.
Signature
Towson, Maryland 21204 (410) 821-1013
Address Phone No.
City State Zipcode
Name, Address and phone number of representative to be contacted.
Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1HR
unavailable for Hearing
the following dates Next Two Months
ALL Jordan
REVIEWED BY: DATE 6/28/95

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ORDER RECEIVED FOR FILING
Date 8/11/95
By

490

BHA BROYLES, HAYES AND ASSOCIATES, INC.

Engineers • Land Planners • Surveyors
4972 ILCHESTER ROAD • ELLICOTT CITY, MD 21043-6838
PHONE (410) 747-5500 • FAX (410) 747-2952

ZONING DESCRIPTION FOR 33 GIBBONS BOULEVARD 95-497-A

BEGINNING at a point on the south side of Gibbons Boulevard right-of-way which is 40 feet wide, at a distance of 97± feet west of the centerline of Greenside Drive right-of-way which is 70 feet wide.

BEING Lot numbers 44, 45 and 46 in the subdivision of "Plat No. 2 Timonium Heights" as recorded in Baltimore County Plat Book# 7, folio# 15 containing 7560 square feet and 0.174 acres more or less, of land. Also known as 33 Gibbons Boulevard and located in the 8th Election District.

CERTIFICATE OF POSTING 95-497-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th — Date of Posting 7/21/95
Posted for: Variance
Petitioner: Monroe Assoc. Limited Partnership
Location of property: 33 Gibbons Blvd
Location of Signs: Front yard, approx. 20' off Gibbons Blvd. facing Greenside Dr.
Remarks:
Posted by [signature] Signature — Date of return: 7/28/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND No. 52813
OFFICE OF FINANCE - REVENUE DIVISION ITEM# 490
MISCELLANEOUS CASH RECEIPT

DATE 6/28/95 ACCOUNT R014150
AMOUNT $ 35.00
RECEIVED FROM: Michael Wyatt
ZONING - VAR 010 50.00
FOR: 1 SIGN POSTING 080 35.00
95-497-A

DISTRIBUTION: WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Case No.: _____ Item No.: 490
Petitioner: Monroe Associates Ltd. Partnership
LOCATION: 33 GIBBONS BLVD.

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Michael T. Wyatt
ADDRESS: 404 Allegheny Ave.
Towson, MD. 21204
PHONE NUMBER: (410) 821-1013

AJ:ggs
(Revised 3/29/93)

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-497-A
(Item 490)
33 Gibbons Boulevard
S/S Gibbons Boulevard, 97'W of Greenside Drive
8th Election District
4th Councilmanic
Legal Owner(s): Monroe Associates Limited Partnership
Hearing: Tuesday, August 8, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a building lot with a 60-foot lot width and an area of 7,560 square feet in lieu of the required 60 feet and 10,000 square feet respectively; and to allow any other variance as deemed necessary by the zoning commissioner to approve undersized lot.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.
7/137 July 13.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1995

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 July 13, 1995.

THE JEFFERSONIAN,

[signature]
LEGAL AD. - TOWSON

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by John Lewis on 6/28/95 (A)
Date

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is $50.00 and posting $35.00; total $85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 7/8/95 B (15 Days Before C)
DATE POSTED _____
HEARING REQUESTED-YES ___NO ___-DATE _____
CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/23/95 C (B-3 Work Days)
TENTATIVE DECISION DATE 7/28/95 D (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____
Location of property: _____
Posted by: _____ Signature Date of Posting: _____
Number of Signs: _____

CK/UNDER.LOT (TXTSOPH)

TO: POTOMAC PUBLISHING COMPANY
July 13, 1995Issue - Jeffersonian

Please foward billing to:

Michael T. Wyatt, Esq.
404 Allegheny Avenue
Towson, Maryland 21204
821-1013

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-497-A (Item 490)
33 Gibbons Boulevard
S/S Gibbons Boulevard, 97' W of Greenside Drive
8th Election District - 4th Councilmanic
Legal Owner(s): Monroe Associates Limited Partnership
HEARING: TUESDAY, AUGUST 8, 1995 at 11:00 a.m. in Room 118 Old Courthouse.

Variance to allow a building lot with a 60-foot lot width and an area of 7,560 square feet in lieu of the required 60 feet and 10,000 square feet respectively; and to allow any other variance as deemed necessary by the zoning commissioner to approve undersized lot

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-497-A (Item 490)
33 Gibbons Boulevard
S/S Gibbons Boulevard, 97' W of Greenside Drive
8th Election District - 4th Councilmanic
Legal Owner(s): Monroe Associates Limited Partnership
HEARING: TUESDAY, AUGUST 8, 1995 at 11:00 a.m. in Room 118 Old Courthouse.

Variance to allow a building lot with a 60-foot lot width and an area of 7,560 square feet in lieu of the required 60 feet and 10,000 square feet respectively; and to allow any other variance as deemed necessary by the zoning commissioner to approve undersized lot

Arnold Jablon
Director
Department of Permits and Development Management

cc: Monroe Associates Ltd. Partnership
Michael T. Wyatt, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

August 1, 1995

Michael T. Wyatt, Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 490
Case No.: 95-497-A
Petitioner: Monroe Associates

Dear Mr. Wyatt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 28, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative 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 or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM   DATE: July 26, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 33 Gibbons Blvd.

INFORMATION:

Item Number: 490

Petitioner: Monroe Associates L.P.

Property Size:

Zoning: DR-3.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a lot width of 60 feet and an area of 7560 square feet in lieu of the required 60 feet and 10,000 feet, respectively.

Unless it is determined that the conditions set forth in Section 304 of the BCZR can be met, staff recommends that the applicant's request be denied.

Prepared by: Jeffrey M. Long

Division Chief: Gary Kerns

PK/JL

ITEM490/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director   DATE: July 24, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 17, 1995
Items 479, 481, 482, 483, 484, 487, 488, 489, 490, 491, 492, ~~493~~, 495 and 496

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

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 JULY 10, 1995.

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: 478,479,480,481,482, 484,487,488,490,491,492,493 AND 495.

RECEIVED
JUL 18 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM   DATE: 7/18/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478
479
480
481
483
484
485
486
487
489
490
491
494
496
revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 490 (JLL)

Dear Ms. Watson:

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 effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 6/5/95
OEA: VLC

PERMIT #: B 237241
RECEIPT #: A 247522
CONTROL #: NR
XREF #:
FEE: 116.00 + 5.50
PAID: 121.50
PAID BY:
INSPECTOR:

PROPERTY ADDRESS: 33 Gibbons Blvd, Balto. MD.
SUBDIV: Timonium Heights
TAX ACCOUNT #: 8/2200000024
DISTRICT/PRECINCT: 08 11
HISTORIC DISTRICT/BLDG.: YES [ ] NO [ ] DO NOT KNOW [ ]
OWNER'S INFORMATION (LAST, FIRST)
NAME: Monroe Associates
ADDR: 4100 N Charles Street

APPLICANT INFORMATION
NAME: Karen Burton
COMPANY: Maryland Modular Designs
STREET: P.O. Box 28321
CITY,ST,ZIP: Balto MD 21234
PHONE #: (410) 668-7989   MHIC LICENSE #:
APPLICANT SIGNATURE: Karen Burton
DOES THIS BLDG. HAVE SPRINKLERS: YES — NO —

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM. CODE / CODE / BOCA CODE
TRACT: BLOCK:
PLANS: CONST 2 PLOT 2 PLAT 0 DATA 0 EL 1 PL 1
TENANT
CONTR: Maryland Modular Designs
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

DESCRIBE PROPOSED WORK: Construct foundation for and erect state approved industrialized dwelling 44' X 27'6" 2 = 2420

*OK to file only - need undersized lot or variance

TYPE OF USE

RESIDENTIAL
01. ✓ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS)
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH HEIGHT)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ___ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT SPECIFY TYPE
20. ___ SWIMMING POOL SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ___ OTHER

TYPE FOUNDATION: 1. SLAB 2. ✓ BLOCK 3. CONCRETE
BASEMENT: 1. ✓ FULL 2. PARTIAL 3. NONE

TYPE OF CONSTRUCTION: 1. MASONRY 2. ✓ WOOD FRAME 3. STRUCTURE STEEL 4. REINF. CONCRETE
TYPE OF HEATING FUEL: 1. GAS 2. OIL 3. ✓ ELECTRICITY 4. COAL
TYPE OF SEWAGE DISPOSAL: 1. PUBLIC SEWER 2. PRIVATE SYSTEM ✓ EXISTS PROPOSED; SEPTIC EXISTS PROPOSED; PRIVY EXISTS PROPOSED
TYPE OF WATER SUPPLY: 1. ✓ PUBLIC SYSTEM ✓ EXISTS PROPOSED; 2. PRIVATE SYSTEM EXISTS PROPOSED
CENTRAL AIR: 1. ✓ 2.
ESTIMATED COST OF MATERIALS AND LABOR: $90,000
PROPOSED USE: SFD
EXISTING USE: vacant lot

OWNERSHIP: 1. ✓ PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL
RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE 6. HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS 3
GARBAGE DISPOSAL 1. ✓ Y 2. N
BATHROOMS 2 KITCHENS 1
POWDER ROOMS 0
CLASS 04 LIBER FOLIO

BUILDING SIZE: FLOOR 2420; WIDTH 44; DEPTH 27'6"; HEIGHT 20; STORIES 1-B/R; LOT #'S 44-46
CORNER LOT 1. Y 2. N
LOT SIZE AND SETBACKS: SIZE 60 X 126'; FRONT STREET; SIDE STREET; FRONT SETBK 42; SIDE SETBK 11 / 21'6"; SIDE STR SETBK; REAR SETBK 45
ZONING DR3.5

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	07 OK to file only MTK	6/ /95
PUB SERV		
ENVRMNT	CRake	6/5/95
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

FILED WITH ZONING VAR. ITEM # 490

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

B 237241
Permit Number

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Michael T. Wyatt, 404 Allegheny Avenue Towson MD 21204, (410) 821-1013
Print Name of Applicant / Address / Telephone Number

Lot Address: 33 Gibbons Boulevard Election District 8 Council District 4 Square Feet ~~8760'~~ 7560'

Lot Location: N E S W side corner of Gibbons Blvd (street), 97 feet from N E S W corner of Greenside Dr (street)

Land Owner: Monroe Associates, Ltd. Partnership Tax Account Number: 2200000024

Address: 33 Gibbons Boulevard, Timonium, MD 21093 Telephone Number: Edward L. Blanton, Jr., Gen. Partner (410) 296-8160

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	X	
2. Permit Application	X	
3. Site Plan — Property (3 copies)	X	
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	X	
4. Building Elevation Drawings	X	
5. Photographs (please label all photos clearly) — Adjoining Buildings	X	
Surrounding Neighborhood	X	

Residential Processing Fee Paid
Codes 030 & 080 ($85)
Accepted by: ZADM
Date: 6/28/95

RECEIVED
AUG 1 1995
OFFICE OF PLANNING & ZONING

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

[ ] Approval [✓] Disapproval [ ] Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Francis Morsey
for the Director, Office of Planning & Zoning

Date: 8/9/95

RE: PETITION FOR VARIANCE * BEFORE THE
33 Gibbons Boulevard, S/S Gibbons Blvd, * ZONING COMMISSIONER
97' W of Greenside Drive, 8th Election
District, 4th Councilmanic * OF BALTIMORE COUNTY

Monroe Associates Ltd. Partnership
Petitioners * CASE NO. 95-497-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael T. Wyatt, Esquire, 404 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

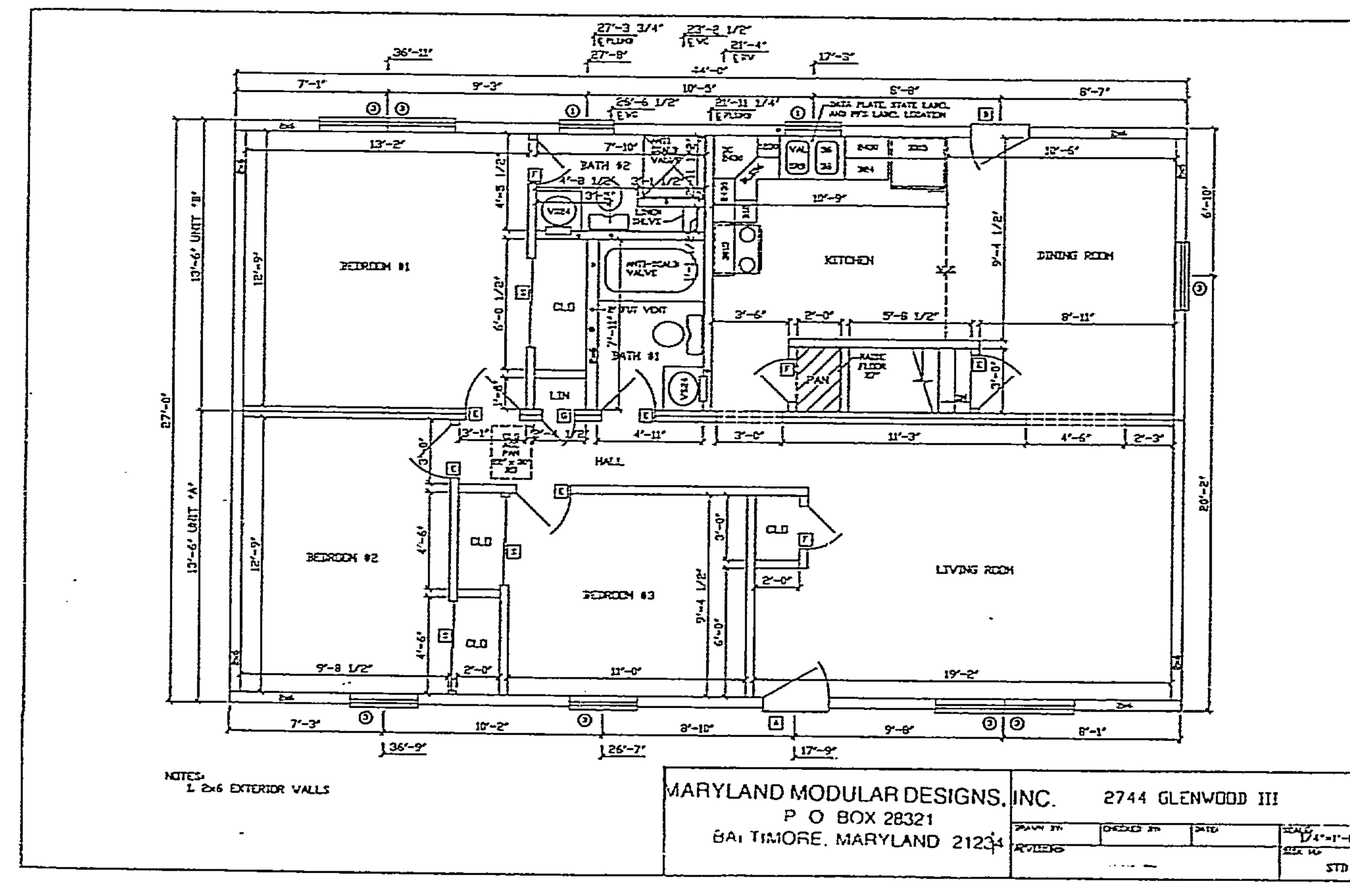
NAME	ADDRESS
David L. Jordan	120 Gibbons Blvd, Cockeysville 21030
Ann S. Haltenberger	23 Gibbons Blvd. "
Violet J. DeShong	28 Gibbons Blvd. "
John R. DeShong	28 Gibbons Blvd "
Justin B. Kalinus	30 Gibbons Blvd. "
Jim Morrison	19 Gibbons Blvd "
Clarice MacGibbon	115 Gibbons Blvd "

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Wyatt	
Broyles	
Blanton	

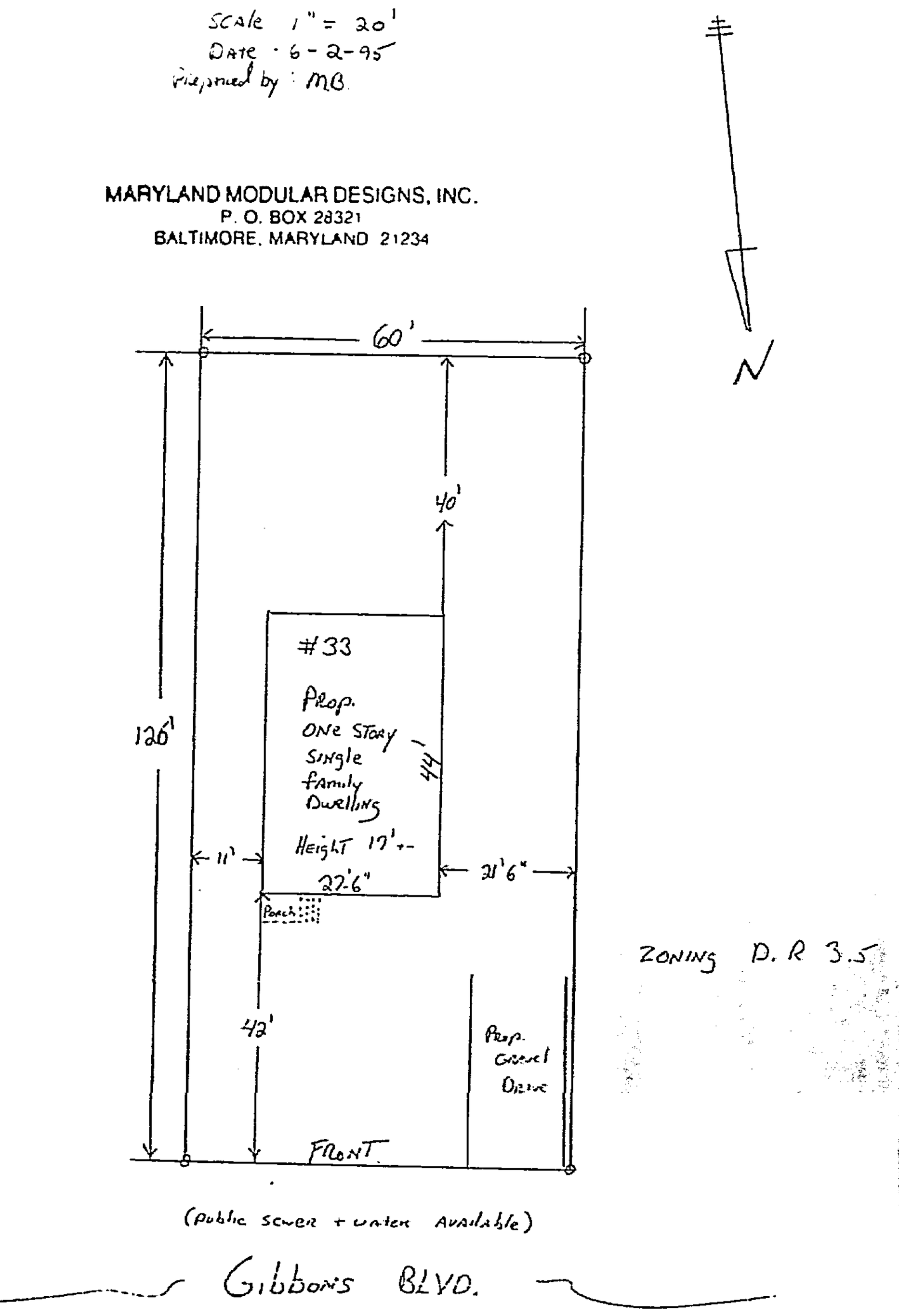
Printed with Soybean Ink on Recycled Paper



Prop. Site Plan

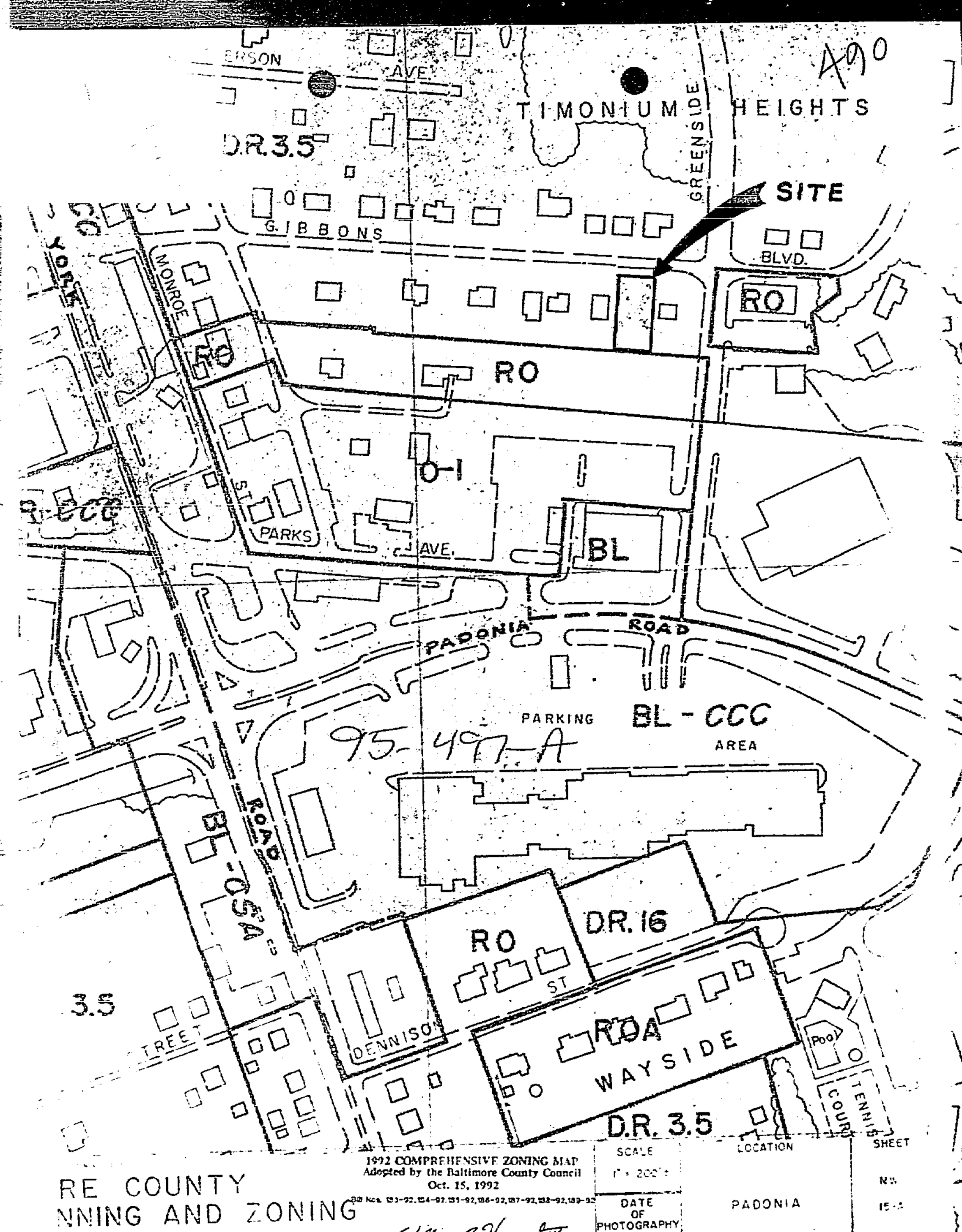
Scale 1" = 20'
Date 6-2-95
Prepared by: MB

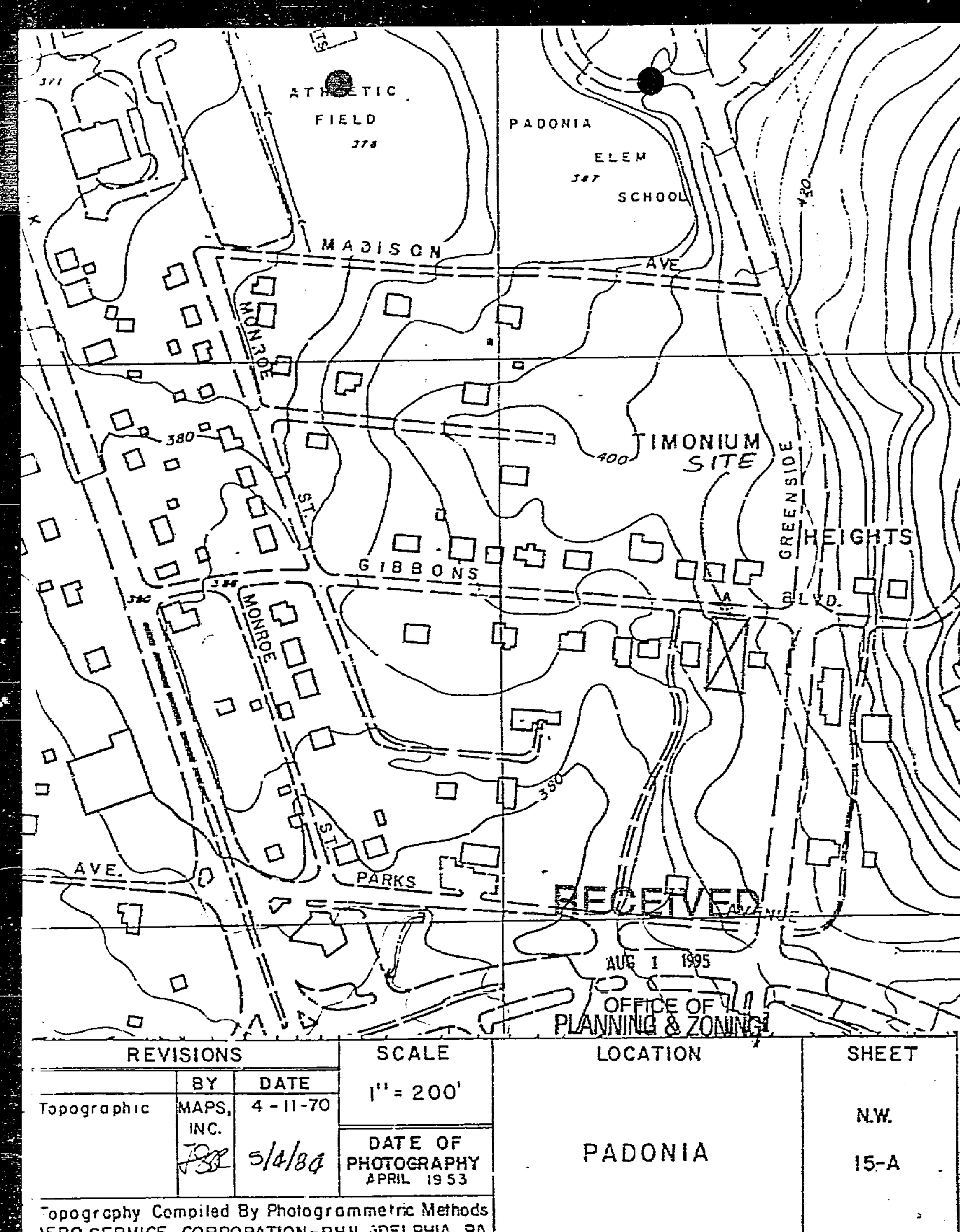
MARYLAND MODULAR DESIGNS, INC.
P. O. BOX 28321
BALTIMORE, MARYLAND 21234



RECEIVED
AUG 1 1995
OFFICE OF PLANNING & ZONING

Site Plan for Monroe Associates
Site Location: 33 Gibbons Blvd. Baltimore, County Md
Tax I.D. #: 8/2200000024
Liber/Folio: 8362/788





PROPOSAL

MARYLAND MODULAR DESIGNS, INC.
P.O. BOX 28321
BALTIMORE, MARYLAND 21234
(410) 668-7989

No. MMD-2-95
Date May 16, 1995
Sheet No. Sheet 1 of 3

Proposal Submitted To:
Name Monroe Associates
Street 4100 N. Charles Street
City Baltimore
State Maryland 21218
Phone (410) 235-6650

Work To Be Performed At:
Street 33 Gibbons Road
City Baltimore State MD
Date of Plans May 16, 1995
Architect Excel Homes, Inc.

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Excel Homes Modular Rancher Known as a Signature Series modified Glenwood III size 27'6" x 44'. Included in this contract is a full basement foundation with an unfinished interior The basement shall be "walkout" style with a 36" exit door to a 6' x 6' concrete patio. The basement shall have a total of eight (8) double hung windows (Anderson) placed directly below the first floor windows. The basement shall also have rough-in plumbing installed for a future powder room. The modular units shall be set and completed on the foundation. The specifications of the modular units are attached and become part of this contract known as exhibit A(see attached pages 1 thru 3 labeled Exhibit A Signature Specifications). A 4' wide masonary front porch and stairs with wood handrails shall be installed along with concrete sidewalks for access to front and side doors. All other porches shall be of pressure treated wood construction. The heating shall be provided in the modular units only and shall be electric baseboard type with thermostats installed in every room. Appliances included are a Frigidiare dishwasher, a food disposal and a 30" range hood. All disturbed areas on the lot shall be graded, seeded and straw covered. The driveway shall be 500 sq. ft. of gravel installed. Upon acceptance of this proposal the builder(Maryland Modular Designs, Inc.) shall send for

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Dollars ($).

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted Maryland Modular Designs, Inc
Per [signature]

Note – This proposal may be withdrawn by us if not accepted within days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

PETITIONER'S EXHIBIT 2

Signature [signature]
Date
Signature

DUPLICATE

Monroe Associates
33 Gibbons Blvd
Balto. MD
MMD-2-95 Contract No.
May 16, 1995

Page 1

"EXHIBIT A"
SIGNATURE SPECIFICATIONS

BOCA - National Building Code.
BOCA - National Plumbing Code.
BOCA - National Mechanical Code.
BOCA - National Energy Conservation Code.
CABO - One and Two Family Dwelling Code
National Electrical Code.
Third Party Inspections and Approvals (PFS Corporation)
Continuous On-Line Quality Control Inspections

FLOOR SYSTEMS

- Double 2 x 8 perimeter joists glued and nailed under load bearing walls, 23'8" wide home with 2 x 8 floor joists, 16" O.C. with solid block bridging.
- Double 2 x 10 perimeter joists glued and nailed under load bearing walls, 27' wide home with 2 x 10 floor joists, 16" O.C. with solid block bridging.
- 19/32" Tongue and groove O.S.B. subfloor glued and nailed.
- R-19 Fiberglass floor insulation (shipped loose).

WALLS

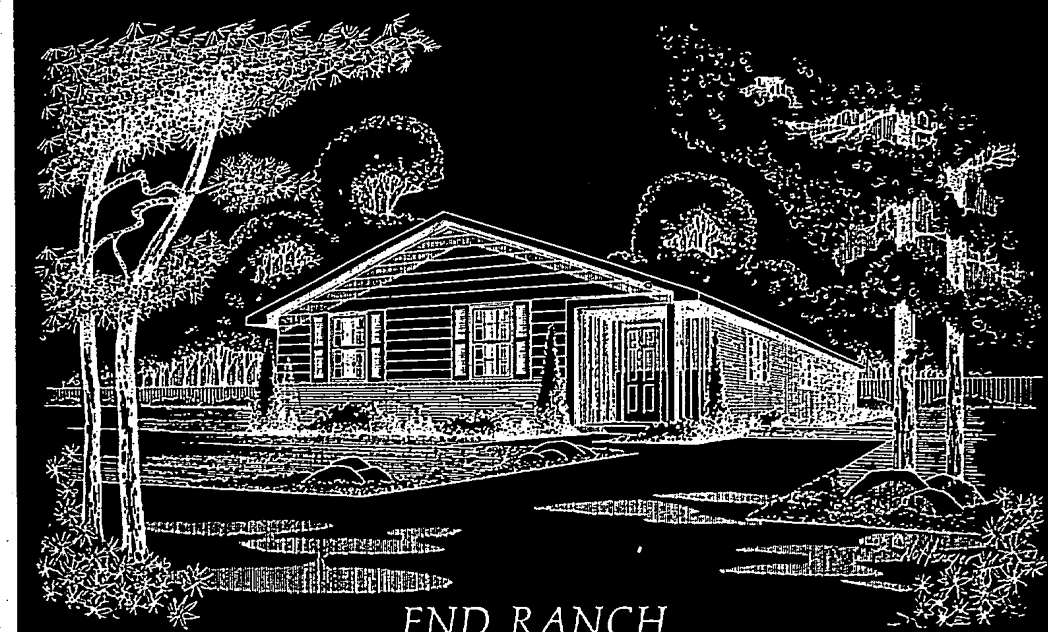
- 2 x 6-16" O.C. exterior load bearing wall construction with R-19 fiberglass insulation with vapor barrier
- 2 x 4-16" O.C. interior partition walls.
- Double 2 x 3 marriage wall, 16" O.C. with 1/8" structural thermoply sheathing.
- 7/16" O.S.B. exterior wall sheathing.
- 1/2" Finished drywall interior painted two (2) PRIMER COATS.
- 8 Foot ceiling heights.

ROOF AND CEILING

- 5/12 Trussed roof - 16" O.C.
- 7/16" O.S.B. roof sheathing.
- Underlayment with 235 lb. self-sealing 25 year warranty fiberglass shingles.
- Underlayment freeze back protection (per code).
- R-30 Fiberglass ceiling insulation.
- 1/2" Drywall ceiling with smooth finish (2) PRIMER COATS.
- Louvered gable end vents.
- 12" Gable overhangs with aluminum fascia and vinyl vented soffit.
- 10" Eave overhangs (23'8" wide fixed) (27' wide folding) with aluminum fascia and vinyl vented soffit

INTERIOR

- Deluxe carpet floor covering with 1/2" rebond pad.
- Vinyl floor covering in kitchen, baths, and utility rooms.
- Vented closet shelves with clothes bar.
- Ceiling lights in kitchen, dining room, bath, hall, foyer & stairwells.
- Interior doors and trim, stained or painted white; birch hollowcore doors with matching colonial moldings
- Door stops.
- Privacy lockset on baths & master bedroom.



PETITIONER'S EXHIBIT 3

LIBER 8 3 6 2 PAGE 7 8 8

NO TITLE SEARCH

PETITIONER'S EXHIBIT 5

DEED

THIS DEED, made this 28th day of December, 1989, by and between Joseph H. Seipp, Jr., party of the first part, and Monroe Associates, a Maryland Partnership, party of the second part:

WITNESSETH that in consideration of twelve thousand dollars ($12,000.00) and other good and valuable considerations, the said party of the first part does grant and convey unto the party of the second part, its successors and assigns, in fee simple all those lots of land situate, lying and being in Baltimore County, State of Maryland, described as follows to wit:

BEING known and designated as Lots Nos. 44, 45 and 46 in Section DD as shown on the Plat entitled "Plat No. 2, Timonium Heights", which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 7 folio 15.

BEING the same three lots of ground which were conveyed by a deed dated May 21, 1985 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6934 folio 712 from Robert E. Ensor and Paul G. Ensor to Joseph H. Seipp, Jr.

D RC/F 12.00
D TAX 60.00
D DOCS 60.00
DEED
SR CLERK 132.00
R02 T11:08
12/29/89

To have and to hold the said lots of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto *belonging or appertaining unto and to the proper use and* benefit of the said Monroe Associates, a Maryland Partnership, its successors and assigns, in fee simple.

60
60
12

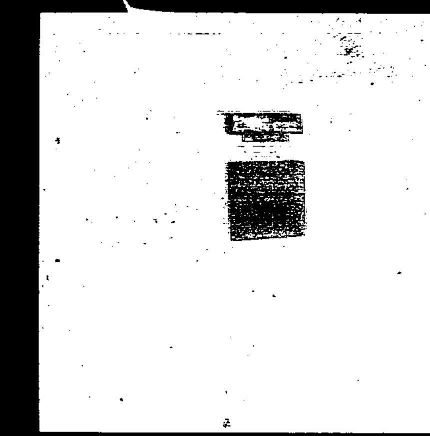
AND the said party of the first part covenants that he will

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE [signature] DATE 12/29/89

B 104*****27872:a ¤29S8

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
[signature] 12/29/89

95-497-A

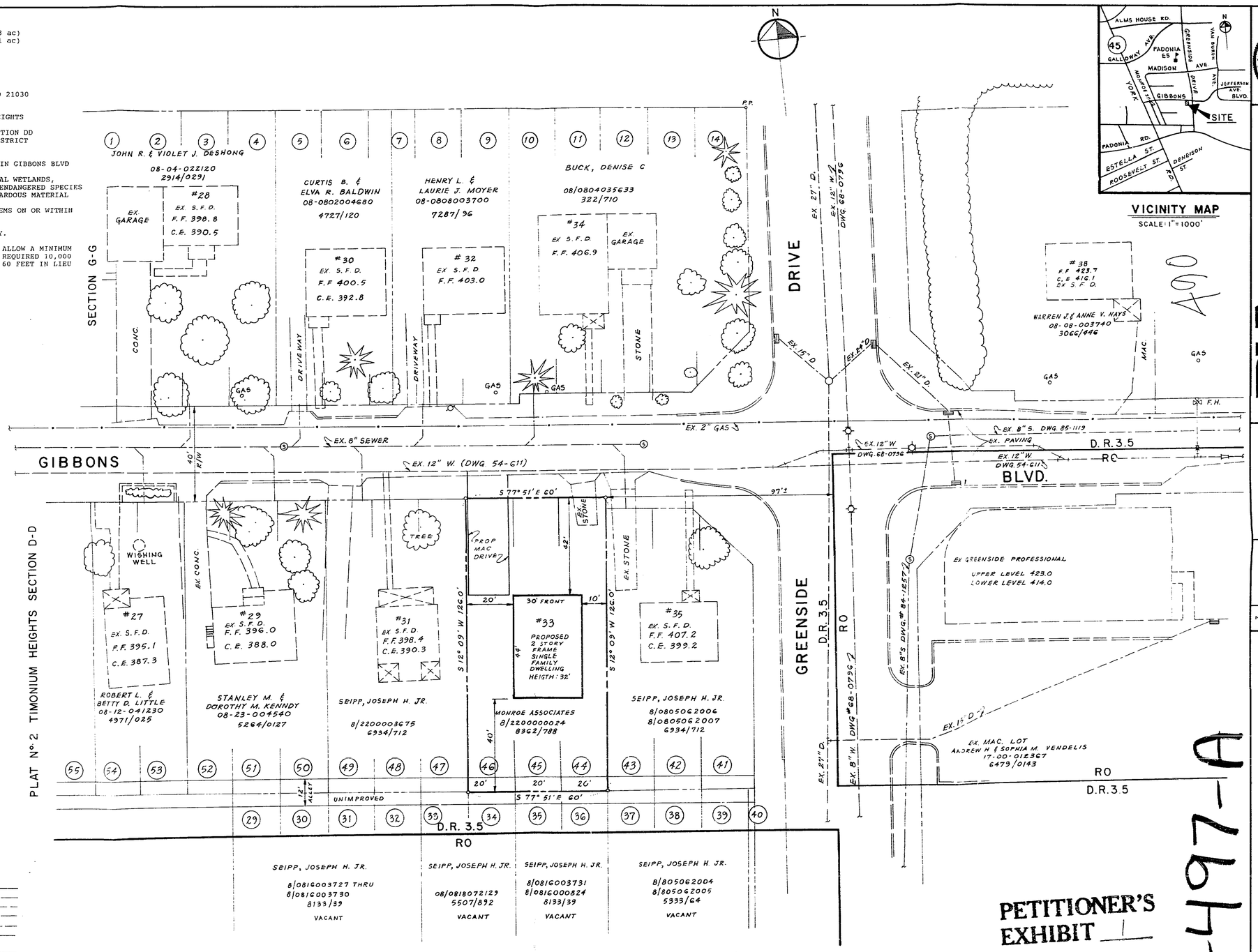


SITE DATA

1. NET SITE AREA = 7,560 sf. (0.173 ac)
   GROSS SITE AREA = 8,760 sf. (0.201 ac)
2. CURRENT ZONING: DR 3.5
   1"=200' ZONING MAP NW 15-A
3. OWNER: MONROE ASSOCIATES
   4100 NORTH CHARLES STREET
   BALTIMORE, MARYLAND 21218
   PROPERTY LOCATION: 33 GIBBONS BOULEVARD
   COCKEYSVILLE, MARYLAND 21030
   DEED REFERENCE: LIBER 8362, FOLIO 788
   TAX ID#: 2200000024
   PLAT REFERENCE: PLAT NO. 2 TIMONIUM HEIGHTS
   LIBER 7, FOLIO 15
   LOTS 44, 45 AND 46 SECTION DD
4. 8th ELECTION DISTRICT, 4th COUNCILMANIC DISTRICT
5. EXISTING USE: VACANT
   PROPOSED USE: SINGLE FAMILY DWELLING
6. SITE HAS PUBLIC SEWER AND WATER AVAILABLE IN GIBBONS BLVD RIGHT-OF-WAY
7. THERE ARE NO KNOWN TIDAL WETLANDS, NON-TIDAL WETLANDS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES ON THIS PROPERTY.
8. THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON OR WITHIN 100' OF THIS SITE.

NOTE: THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.

VARIANCES REQUESTED FROM SECTION 1B02.3.C.1. TO ALLOW A MINIMUM NET LOT AREA OF 7560 SQUARE FEET IN LIEU OF THE REQUIRED 10,000 SQUARE FEET AND TO ALLOW A MINIMUM LOT WIDTH OF 60 FEET IN LIEU OF THE REQUIRED 70 FEET



VICINITY MAP
SCALE: 1"=1000'

LEGEND

- PROPERTY LINE
- LIMIT MACADAM PAVING
- WATER MAIN
- STORM DRAIN
- SANITARY SEWER
- GAS MAIN
- UTILITY POLE
- ZONING LINE
- LOT NUMBERS (49)

PETITIONER'S EXHIBIT 1

BROYLES, HAYES AND ASSOCIATES, INC.
JUN 27 1995
PRINTED

95-497-A

STATE OF MARYLAND — KENNETH STEVEN BROYLES — PROFESSIONAL ENGINEER
STEVEN K. BROYLES
MD. P.E. Nº 14429

BROYLES, HAYES AND ASSOCIATES, INC.
Engineers • Land Planners • Surveyors
4972 ILCHESTER ROAD • ELLICOTT CITY, MD 21043-6938
PHONE (410) 747-5500 • FAX (410) 747-2952

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

REVISIONS

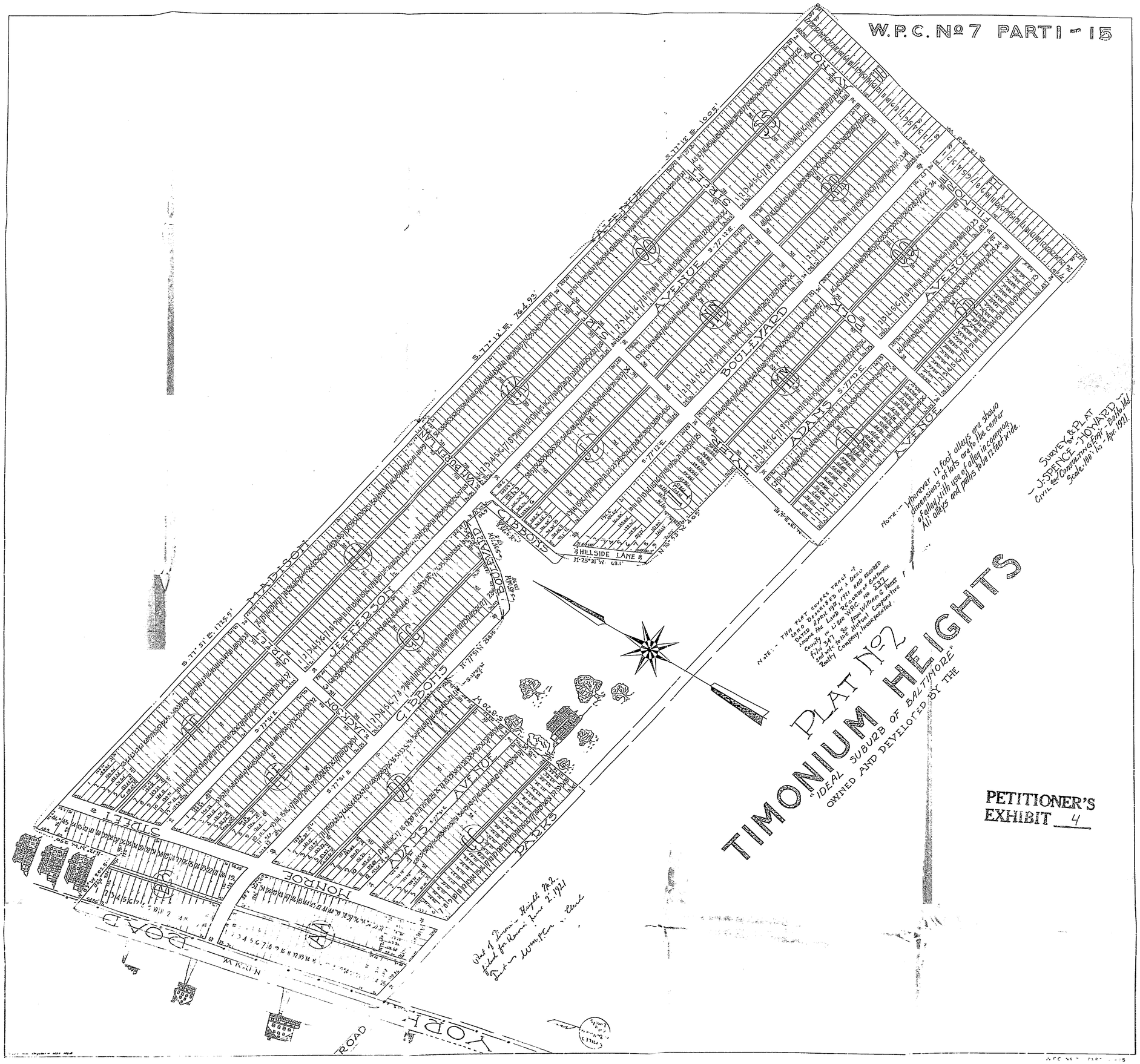
33 GIBBONS BLVD.
LOTS 44,45 & 46

SITE PLAN TO ACCOMPANY ZONING VARIANCE

DATE: 6-7-95 | SCALE: 1"=20' | DES. BY: S.K.B. | DWG. BY: R.H. | CHK. BY: S.K.B.

SHEET 1 OF 1

W.P.C. Nº 7 PART I - 15



PETITIONER'S EXHIBIT 4