

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Baldassare Michael Piccione and

I, or we, Mary D. Piccione, legal owner 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 1A00.3B.3 to permit side yard

setbacks of twenty-six (26) feet and fourteen and six-tenth (14.6)

feet instead of the required fifty (50) feet.

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

The owners have already completed the foundation, brick walls, roof, interior framing, rough plumbing and electrical work of the dwelling encroaching on the 50 foot setback required on each side at a cost of thousands of dollars. To comply with prescribed setbacks now would require destruction of the dwelling and rebuilding from the foundation up. The dwelling under construction as it stands has setbacks of greater distances than existing dwellings in the neighborhood. The owners are a family of parents and 16 year old child living in cramped existing quarters awaiting completion of dwelling under construction.

See attached description

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

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

B. Michael Piccione

Baldassare Michael Piccione

Mary D. Piccione

Mary D. Piccione Legal Owner

Address: 1 Leslie Road

Baltimore, Md. 21220

Protestant's Attorney

Thomas V. Friedman

Petitioner's Attorney

Address 211 St. Paul Place 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day

of September 1973 that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 108 County Office Building in Towson, Baltimore

County, on the 15th day of October 1973, at 10:15 o'clock

by the Zoning Commissioner of Baltimore County.

15A

15B

FRANK S. LEE
1277 NEIGHBORS AVENUE
BALTIMORE, MARYLAND 21227

August 9, 1973

Northwest corner of Earl's Beach Road and Leslie Road
East 1/2 of lot 2 B, Additional Developments to plat of Earl. 10/78
15th District Baltimore County, Maryland

Beginning for the same at the northwest corner of Earl's Beach Road (variable width) and Leslie Road, not open, (30 feet wide), said point of beginning also being at the southwest corner of lot 2 B, as laid out and shown on the plat of Additional Developments to the plat of Earl, said plat being recorded among the land records of Baltimore County in Plat Book 10 Folio 76, and thence running and building on the north side of Leslie Road as shown on said plat North 91 degrees 46 minutes East 86.50 feet, thence leaving Leslie Road for line of division as follows: North 8 degrees 14 minutes East 271.00 feet to an existing bulkhead at the waters of Bird River, thence running along said bulkhead on the waters of Bird River South 62 degrees 14 minutes East 86.50 feet and thence running South 8 degrees 14 minutes East 241.45 feet to the place of beginning.

Containing 0.50 acres of land more or less.



CORRECTED MANDAT

MANDATE

Court of Special Appeals of Maryland

No. 939, September Term, 1974

Baldassare Michael Piccione et ux,

Appellants

v.

Filed: January 9, 1975

Grant S. Spurrier et al,

Appellees

April 16, 1975: Line dismissing appeal filed by counsel for appellant.

April 17, 1975: Appeal dismissed.

STATEMENT OF COSTS:

In Circuit Court:

Record \$25.00
Scribbler's Costs \$486.00

In Court of Special Appeals:

Filing Record on Appeal \$20.00
Printing Brief for Appellant \$127.65
Reply Brief
Portion of Record Extract - Appellant
Appearance Fee - Appellant

Printing Brief for Appellee \$89.44
Portion of Record Extract - Appellee
Appearance Fee - Appellee

STATE OF MARYLAND, Say:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this seventeenth day of April A. D. 1975.

Clerk of the Court of Special Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

RE: VARIANCE FROM SEC. 1A00.3B.3 of the Baltimore County Zoning Regulations NW corner of Earl's Beach and Leslie Roads 15th District
Baldassare Michael Piccione, et ux
Petitioners
No. 74-95-A

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner of Baltimore County dated October 31, 1973 denying the petitioned Variance

The Petitioner herein seeks a variance from Section 1A00.3B.3 of the Zoning Regulations to permit the construction of a new dwelling (already constructed). The above section requires a 50 foot setback from the property line of property located in an R.D.P. zone, which is the classification which was placed upon the subject property, and the adjoining neighborhood upon the adoption of the zoning maps on March 24, 1971.

The subject property is located on the northeast corner of Earl's Beach Road and Leslie Road, Leslie Road being an unimproved road which bisects the Petitioner's property, all lying in the 15th Election District of Baltimore County. This had previously been identified in the caption of the case as the northwest corner, but is, in fact, the northeast corner of said intersection, as indicated by the exhibits, as well as all of the testimony from the Petitioner and Protestants. It contains approximately one-half acre of ground, but the subject property has further been identified as the western half of Lot 2-B, as shown on the Plat of Earl in Plat Book 10-78, in the Land Records of Baltimore County. (See Petitioner's Exhibit No. 2.)

The required 50 foot side yard setback in an R.D.P. zone clearly would not permit any construction on the Petitioner's property without a variance inasmuch as the property itself is only 83 1/2 feet wide. Consequently if the existing structure on the Petitioner's lot were destroyed, he would not be permitted to rebuild, as there was only in existence a non-conforming use. The Board feels this could be clearly confatory as regards the Petitioner in this case.

BALDASSARE MICHAEL PICCIONE, et ux,

Appellants

vs.

GRANT S. SPURRIER, et al

Appellees

IN THE

COURT OF SPECIAL APPEALS

OF

MARYLAND

No. 939

September Term, 1974

ORDER OF DISMISSAL

MR. CLERK:

Please dismiss the above entitled proceedings.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

ATTORNEY FOR APPELLANT.

THIS IS TO CERTIFY that on this 15 day of April, 1975, a copy of the foregoing Order of Dismissal was mailed to Sidney Blum, Esq., 10 Light Street, Baltimore, Maryland 21202, Attorney for Appellees.

Robert J. Romadka

PETITION FOR VARIANCE from Section 1A00.3B.3 of the Baltimore County Zoning Regulations NW corner of Earl's Beach and Leslie Roads 15th District

BALDASSARE MICHAEL PICCIONE et ux

Petitioner

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Misc. No. 5298

Docket 9

Folio 426

NOTICE OF APPEAL

MR. CLERK:

Please file an appeal to the Special Court of Appeals from the Order of this Honorable Court dated November 18, 1974.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

ATTORNEY FOR PETITIONER

I HEREBY CERTIFY this 17 day of December, 1974, that a copy of the foregoing notice was mailed to Sidney Blum, Esq., 10 Light Street, Baltimore, Maryland 21202, Attorney for Protestants.

Robert J. Romadka

B. M. Piccione, et ux - No. 74-95-A

2.

There was further testimony from the Petitioner that he had initially sought to replace the existing structure, which was extremely old, and found same to be in such poor condition it became unfeasible to add on or repair the existing structure and necessitated building a new dwelling. The structure which was existing at the time the Petitioner purchased the property, which will be referred to as the "old structure", was constructed in fact on the east property line of the subject property, amounting to a zero foot side yard setback on that side. The requested variance on the same side has been increased to a 14 foot 6 inch variance to permit construction of the new building. The Petitioner has also requested a variance for a 26 foot setback from the west property line, which would be a slight increase from the setback of the old structure, which appears to be approximately 34 feet from the west property line. However, this would still maintain a distance of 112 feet between the new building on the Petitioner's property and the new dwelling to the west of his property.

Several protestants from the immediate neighborhood appeared in opposition to the granting of this variance. However, all protestants expressed concern over the construction of a new sewage system on the subject property which they feared may affect their water and have other deleterious effects upon their respective properties. Such a sewage system, however, could be installed with or without the variance petitioned for and would, of course, be subject to the approval of the appropriate Baltimore County departments. Further, one of the protestants states he was not opposed to the construction of the house but was only concerned over the location of the sewage system, and the possibility of the Petitioner closing a private road which runs through his property. This again is not a proper matter before this Board.

For the reasons set forth above, the Board feels that the Petitioner has shown practical difficulty and unreasonable hardship if required to adhere to the requirement for a 50 foot side yard setback, and therefore the Board hereby reverses the Zoning Commissioner's Order of October 31, 1973, and grants the requested variance.

B. M. Piccione, et ux - No. 74-95-A

3.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 22nd day of April, 1974, by the County Board of Appeals ORDERED, that the variance petitioned for be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

Walter A. Miller, Jr., Chairman

Robert L. Gilland

John A. Miller

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts

the above Variance should be had; and it further appearing that by reason of

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of 197, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above Petition and it appearing that by reason of failure to show practical difficulty and unreasonable hardship,

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31 day of October, 1973, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

PETITION FOR VARIANCE from Section 1A00.3B.3 of the Baltimore County Zoning Regulations NW corner of Earle Beach and Leslie Roads 15th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Misc. No: 5298 Docket: 9 Folio: 426

BALDASSARE MICHAEL PICCIONE et ux Petitioner

ZONING CASE NO. 74-95-A

MEMORANDUM OPINION

This matter involves an Appeal from the County Board of Appeals of Baltimore County, which by its order dated the 22nd day of April, 1974, granted to Baldassare Michael Piccione, et ux, a requested variance from Section 1A00.3B.3 of the Baltimore County Zoning Regulations to permit the construction of a new dwelling (already constructed) with a side yard setback of twenty-six (26) feet and fourteen and six tenths (14.6) feet instead of the required fifty (50) feet. The property is located in an R.D.P. zone, which is the classification which was placed upon the subject property, and the adjoining neighborhood upon the adoption of the comprehensive zoning maps of March 24, 1971.

The property involved is located on the NE corner of Earle Beach Road and Leslie Road. Leslie Road is an unimproved road which bisects the subject property, which property is situated in the 15th Election District of Baltimore County and contains approximately one-half acre of ground.

The Zoning Commissioner of Baltimore County, after conducting a public hearing, rendered an order on October 31, 1973, which denied the variance because of the Petitioner's failure to show practical difficulty and unreasonable hardship. An Appeal was filed to the County Board of Appeals, who reversed the Zoning Commissioner's order and granted the requested variance.

An Appeal from that order was filed to this Court by the Protestants.

Rec'd 11-20-74
10 AM

Page 2.

The Petition was filed pursuant to Section 307 of the Zoning

Regulations which states in part:

"Sec. 107 VARIANCES The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare." (Emphasis added)

The County Board of Appeals found that "the required fifty (50) foot side yard setback in an R. D. P. zone clearly would not permit any construction on the Petitioner's property without a variance inasmuch as the property itself is only 83 1/2 feet wide, consequently, if the existing structure on the Petitioner's lot were destroyed, he would not be permitted to rebuild, as there was only in existence a non-conforming use. The Board feels this could be clearly confiscatory as regards the Petitioner in this case."

The reasoning of the Board is incorrect and clearly erroneous because it fails to take into consideration Section 305 of the Zoning Regulations which the Board is duty bound to follow.

"Sec. 305 - REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS.

In case of complete or partial casualty loss by fire, windstorm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings before the casualty are not increased in any respect."

Page 3.

Briefly, the facts of the case are as follows:

Mr. Piccione purchased the property on April 3, 1973 and he knew that the zoning was R.D.P. and also knew that he needed a variance in order to build a new structure on this property. He obtained from Baltimore County an alteration permit on March 8, 1973 in order to make a \$2,000.00 alteration and improvement on the house. He then testified that while removing the porch beams, and because of the deteriorations of the house and because it was termite infested, the living room and bedroom walls collapsed. Because of this collapse, Mr. Piccione, without obtaining a building permit, without filing for a variance, took it upon himself to build a new structure in violation of the zoning laws of Baltimore County, and which structure, he states, cost him in the neighborhood of \$35,000.00. While in the process of building the new structure, Baltimore County served him with a stop work order. It was after this that Mr. Piccione decided to comply with the law and petitioned for a variance.

This Court is persuaded that the testimony presented by the Appellee/Petitioner was "void of proof of practical difficulty and/or unreasonable hardship." All of the evidence that might tend to prove such difficulty and/or hardship is the result of overt actions by the Petitioner and therefore self-created. Section 305 clearly shows that the Petitioner/Appellee could have rebuilt on the site of the original structure, and therefore there is no confiscation.

Appellant/Protestant correctly cites the Court of Appeals opinion in Salisbury Bd. of Zoning Appeals, et al v. Bonds et al, 240 Md. 547 on this point.

In that case, petitioner by mistake constructed four apartment units in a zone which permitted only three units. The Board denied a variance because petitioner was "responsible for obtaining a valid permit and had demonstrated no hardship other than financial, which was legally insufficient". (at page 551). On

Page 4.

Appeal to the Circuit Court for Wicomico County, the order of the Board was reversed. The Court of Appeals in reversing the lower court stated at page 555:

"The hardship here relied on was entirely self-created and the Board properly refused to allow it to be used as a fulcrum to lift, by way of a variance, the valid limitations imposed by the Salisbury Zoning Code.

Aside from the fact that the hardship shown to the Board was self-inflicted, it was also shown to be of a purely financial nature. . . Under these circumstances we think the Board would have been correct in denying them the requested variance even if the hardship upon which it was based had not been self-inflicted."

This Court recognizes the financial burden on the Petitioner/Appellee, however, this financial burden is not legally sufficient for the granting of a variance. The Court is presented with a record devoid of affirmative evidence, and therefore the Petitioner/Appellee has failed to meet the burden of practical difficulty or hardship. The Board acted arbitrarily, capriciously and illegally in granting the variance.

For the reasons stated herein, it is this 18th day of November, 1974, ORDERED

that the Order of the County Board of Appeals of Baltimore County, dated April 26, 1974 be and the same is hereby REVERSED, and the Order of the Zoning Commissioner, dated October 31, 1973 denying the variance is hereby REINSTATED.

Judge Frank E. Cicone

cc: Zoning Commissioner
County Board of Appeals of Baltimore County
Sidney Blum, Esquire
Robert J. Romadka, Esquire
William H. Adkins, II

ROBERT J. ROMADKA
ATTORNEY AT LAW
805 EASTERN BOULEVARD
Baltimore, Federal, 21201
ESSEX, MARYLAND 21221

December 6, 1973

Zoning Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Petition For Variances
Baldassare Michael Piccione, et ux - Petitioners
No. 74-95-A (Item No. 42)

Gentlemen:

Please enter my appearance in the above noted case on behalf of Baldassare Michael Piccione, et ux, Petitioners, and forward all correspondence and hearing notices to this office.

Very truly yours,
Robert J. Romadka

ds1

ROSEN, ESTERSON & FRIEDMAN
ATTORNEYS AT LAW

H. MORTON ROSEN
MELVYN ESTERSON
THOMAS V. FRIEDMAN

BENJAMIN L. GARDEN
RICHARD E. WALSH
RICHARD TITTEL

THE GREEN BUILDING
211 SAINT PAUL PLACE
BALTIMORE, MARYLAND 21202
PHONE: (301) 539-0606

November 23, 1973

Zoning Board of Appeals
Baltimore County, Maryland
111 W. Chesapeake Avenue
Towson, Maryland 21204

Gentlemen:

Re: Baldassare M. Piccione & Mary Piccione
Northwest Corner Earle Beach & Leslie
Roads
15th District - No. 74-95-A

Please strike my name as counsel for the Petitioners in the above appeal.

Very truly yours,
Thomas V. Friedman

TVP:AS

ROSEN, ESTERSON & FRIEDMAN
ATTORNEYS AT LAW

H. MORTON ROSEN
MELVYN ESTERSON
THOMAS V. FRIEDMAN

BENJAMIN L. GARDEN
RICHARD E. WALSH
RICHARD TITTEL

THE GREEN BUILDING
211 SAINT PAUL PLACE
BALTIMORE, MARYLAND 21202
PHONE: (301) 539-0606

November 1, 1973

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition of Variances
NW corner of Earle Beach & Leslie Roads-
15th District
Baldassare Michael Piccione, et ux -
Petitioners
No. 74-95-A (Item No. 42)

Dear Sir:

Please enter an appeal on behalf of the Petitioners, Baldassare Michael Piccione and Mary D. Piccione, from the Order of October 31, 1973 denying the petition. Check for \$35.00 is enclosed.

Very truly yours,
Thomas V. Friedman

TVP:jl
Enclosure



RE: PETITION FOR VARIANCE
from Section 1A00.3B.3 of
the Baltimore County
Zoning Regulations
NW (NE) corner of Earls
Beach and Leslie Roads
15th District
Baldassare Michael Piccione, et ux,
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Zoning File No. 74-95-A : Misc. Docket No. 9
Grant B. Spurrier, et al, : Folio No. 426
Protestants-Appellants : File No. 5298

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, & c.

Edith T. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Robert J. Romacko, Esquire
Sidney Blum, Esquire

RE: VARIANCE FROM SEC. 1A00.3B.3
of the Baltimore County
Zoning Regulations
NW corner of Earls Beach
and Leslie Roads
15th District
Baldassare Michael Piccione,
et ux,
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

(APPEAL FROM
COUNTY BOARD OF
APPEALS
NO. 74-95-A)
MISC. DOCKET NO. 9
FOLIO 426
FILE NO. 5298

PETITION FOR EXTENSION OF TIME TO FILE RECORD

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Grant B. Spurrier and Rita Spurrier, his wife; Charlotte Wilhelm; Leo C. Kelly and Dolores Kelly, his wife; and Peggy Earl, Protestants, pursuant to Maryland Rules of Procedure, B-1 to B-12, by Sidney Blum, their attorney, respectfully represents that:

1. On May 21, 1974 they filed Notice of Appeal in the above-entitled matter in the Circuit Court for Baltimore County.
2. That on May 30, 1974, the Petitioners filed their Petition for Appeal.
3. That your Petitioners requested C. Leonard Perkins, Court Reporter to transcribe the testimony in the above-entitled matter.
4. That counsel for your Petitioners has been advised by Mr. Perkins that he will be unable to transcribe the testimony within the time prescribed by law so that the record can be filed

RE: PETITION FOR VARIANCE
from Section 1A00.3B.3 of
the Baltimore County
Zoning Regulations
NW (NE) corner of Earls
Beach and Leslie Roads
15th District
Baldassare Michael Piccione, et ux,
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Zoning File No. 74-95-A : Misc. Docket No. 9
Grant B. Spurrier, et al, : Folio No. 426
Protestants-Appellants : File No. 5298

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Belter, Jr., Robert L. Gilland and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 74-95-A

Aug. 30, 1973 Comments of Department of Health Filed

" 31 Comments of Board of Education filed

Sept. 4 Comments of Project & Development Planning Division filed

" 6 Comments of Department of Public Works filed

" 18 Petition of Baldassare Michael Piccione, et ux, for variance from Section 1A00.3B.3 of the Baltimore County Zoning Regulations to permit side yard setbacks of 26 feet and 14.6 feet instead of the required 50 feet, on property located on the northeast corner of Earls Beach and Leslie Roads, 15th District - filed

" 18 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for October 15, 1973 at 10:15 a.m.

" 27 Comments of Department of Traffic Engineering filed

Oct. 1 Comments of Zoning Advisory Committee filed

" 12 Comments of Director of the Office of Planning and Zoning filed

" 1 Certificate of Publication in newspaper - filed

" 4 Certificate of Posting of property - filed

" 15 At 10:15 a.m. hearing held on petition by Zoning Commissioner - case held sub curia

in the Circuit Court for Baltimore County.

5. That the said C. Leonard Perkins has requested an extension of 45 days for the filing of said transcript of testimony.

WHEREFORE YOUR PETITIONERS PRAY:

- a. That the time for filing of record in the above-entitled matter be extended 45 days.
- b. And for such other and further relief as the nature of their case may require.

Sidney Blum
SIDNEY BLUM
10 Light Street, Suite 3106
Baltimore, Maryland 21202
685-1800
ATTORNEY FOR THE PROTESTANTS

I HEREBY CERTIFY that copies of the foregoing Petition and attached were mailed to the County Board of Appeals of Baltimore County, County Office building, Towson, Maryland 21204, and Robert J. Romacko, Esq., 309 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioners, on the 18th day of June, 1974.

Sidney Blum

Piccione vs. Spurrier - 9/426/5298

2.

Oct. 31, 1973 Order of Zoning Commissioner denying variance

Nov. 2 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

Feb. 13, 1974 Hearing on appeal before County Board of Appeals

Mar. 12 " - case held sub curia

Apr. 22 Order of County Board of Appeals granting variance

May 21 Order for Appeal filed in the Circuit Court for Baltimore County

" 22 Certificate of Notice sent to all interested parties

" 30 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

June 18 Petition for Extension of Time to File Record (45 days) filed in the Circuit Court for Baltimore County, and Order granting same

July 9 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Official Zoning Map 5-8 (1000) Chase-Bowleys Quarters

" " " 2 - Plot Plan of subject property 8/9/73

" " " 3 - Plot Plan, 4/17/68

" " " 4 - Application for Alteration Permit 14476, 3/8/73

" " " 5 - Letter from Permits & Licenses, 12/26/73

" " " 6 - Zoning Advisory Comments, 10/1/73

" " " 7 - Photograph of subject property

" " " 8 - (a to k) Series of Photos

Protestants' Exhibit A - Buildings Engineer's file

" " B - Baltimore County Health Dept. file

" " C - Sketch made by Mrs. Wilhelm

" " D - Application for building permit 17847, 7/15/57

" " E - (1 to 4) Series of Photos (Kelly property)

" " F - (1 to 11) Series of Photos

" 15 Record of proceedings filed in the Circuit Court for Baltimore County

RE: VARIANCE FROM SEC. 1A00.3B.3
of the Baltimore County
Zoning Regulations
NW corner of Earls Beach
and Leslie Roads
15th District
Baldassare Michael Piccione,
et ux,
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

(APPEAL FROM
COUNTY BOARD OF
APPEALS
NO. 74-95-A)
MISC. DOCKET NO. 9
FOLIO 426
FILE NO. 5298

ORDER

It is hereby this 18th day of June, 1974 by the Circuit Court for Baltimore County in Equity, ORDERED, that the time for filing of record in the above-entitled matter is hereby extended for a period of 45 days.

True Copy Test
ELMER H. KAHLINE, JR., CLERK
Per: Deputy Clerk

Piccione vs. Spurrier - 9/426/5298

3.

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Elenhart, Administrative Secretary
County Board of Appeals of Baltimore County

October 31, 1973

Thomas V. Friedman, Esquire
211 St. Paul Place
Baltimore, Maryland 21202

RE: Petition for Variances
NW/corner of Earls Beach and Leslie Roads - 15th District
Baldassare Michael Piccione, et ux -
Petitioners
NO. 74-95-A (Item No. 42)

Dear Mr. Friedman:

I have this date passed my Order in the above captioned matter. Copy of said Order is attached.

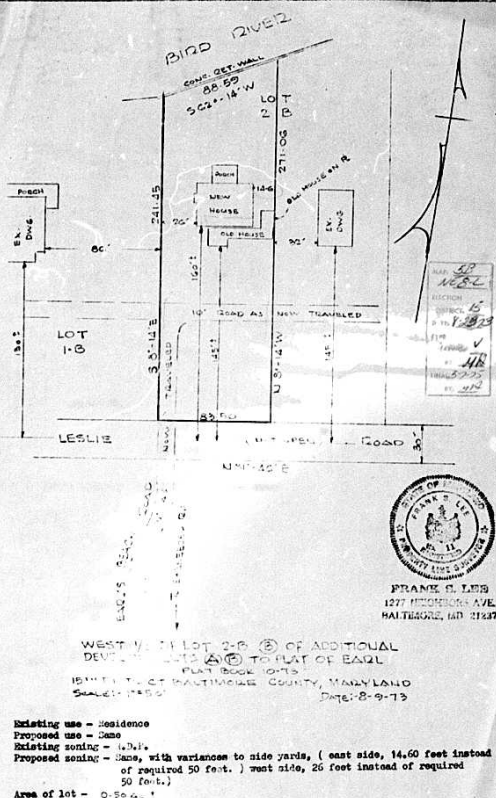
Very truly yours,
S. ERIC DI NENNA
Zoning Commissioner

SED/ari

Attachments

cc: Sidney Blum, Esquire
Room 3106, 10 Light Street
Baltimore, Maryland 21202

MAY 12 1975



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 12, 1973
Director
FROM: William D. Fromm, Office of Planning
SUBJECT: Petition #74-95-A. Northwest corner of Earl's Beach and Leslie Roads
Petition for a Variance for Side Yards.
Petitioner - Baldassare Michael Piccione and Mary D. Piccione

15th District

HEARING: Monday, October 15, 1973 (10:15 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has no comment to make at this time.

William D. Fromm
William D. Fromm, Director
Office of Planning

REG:WDF:rv



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING Item 42

Ans V. Friedman, Esq.
1 St. Paul Place
Baltimore, Maryland 21202

County Office Building
111 W. Chapsapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 11th day of August 1973.

S. Eric DiNenna
Zoning Commissioner

Petitioner: Baldassare Michael Piccione and
Mary D. Piccione

Petitioner's Attorney: Mr. Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21237

Reviewed by: [Signature]
Chairman
Zoning Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 1, 1973

Thomas V. Friedman, Esq.,
211 St. Paul Place
Baltimore, Maryland 21202

RE: Variance Petition
Item 42
Baldassare Michael Piccione and
Mary D. Piccione - Petitioners

Dear Mr. Friedman:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northwest corner of Earl's Beach and Leslie Roads, in the 15th District of Baltimore County.

This property, which is zoned RDP and contains 0.50 acres of land, is located in a development known as "Flat of Earl", on a lot that has 83 feet of frontage on Leslie Road which is unimproved at this time.

This water front lot is currently improved with a very odd shaped existing structure. The owner has already constructed a one-story brick

Thomas V. Friedman, Esq.,
Item 42
October 1, 1973

dwelling in front of the existing building and is now requesting a side yard setback of 26 feet and 14-1/2 feet instead of the required 50 feet. There are existing dwellings on either side of the subject property. This Committee was generally impressed with the new dwelling that has been constructed on this site; however, we are clearly agitated with the method in which the petitioner has constructed the new dwelling.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

John J. Dillon, Jr.
John J. Dillon, Jr., Chairman
Zoning Advisory Committee

JJD:fr:JD

Enclosure

cc: Mr. Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21237

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P. E., CHIEF

September 6, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #42 (1973-1974)
Property Owner: Baldassare Michael and Mary D. Piccione
N/W corner of Earl's Beach and Leslie Roads
Existing Zoning: R.D.P.
Proposed Zoning: Variance to permit side yard setbacks
of 26' and 14.6' in lieu of the required 50'
District: 15th No. Acres: 0.50

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Earl's Beach Road, an existing public road, is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. The status of that portion of the road and the intersecting road (Leslie Road) indicated on the submitted plat as "10' road as now travelled", is unknown and assumed to be public. It is the responsibility of the Petitioner to ascertain and clarify rights therein, and to initiate such action as may be required to abandon or relocate these travelled ways. At such time as Leslie Road, indicated as "not open", might be improved in the future as a public road, it would be on a 40-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening including any necessary re-surface treatment for slopes will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #42 (1973-1974)
Property Owner: Baldassare Michael and Mary D. Piccione
Page 2
September 6, 1973

Storm Drains: (Cont'd)

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential or commercial development and other special construction features are required.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property which is utilizing private onsite facilities.

Very truly yours,

Ellsworth N. Diver
Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:ZAM:FWB:as

cc: J. Somers

W-34 Key Sheet
25 NE L5 Pos. Sheet
NE 8 L Top
83 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MELTZER
DIRECTOR DEPUTY TRAFFIC ENGINEER

September 27, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 42 - ZAC - August 28, 1973.
Property Owner: Baldassare Michael and Mary D. Piccone
NW corner of Earl's Beach and Leslie Roads
Variance to permit sideyard setbacks of twenty-six (26) and fourteen (14) feet in lieu of the required fifty (50) feet.
District 15

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the side yards.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

ASF/pk

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

August 30, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 42, Zoning Advisory Committee Meeting August 28, 1973, are as follows:

Property Owner: Baldassare M. and Mary D. Piccone
Location: NW cor. Earl's Beach and Leslie Roads
Present Zoning: R.D.P.
Proposed Zoning: Variance to permit sideyard setbacks of 26' and 14.6' instead of required 50'
District: 15
No. Acres: 0.50

Complete soil evaluation has been conducted.

Old septic system must be eliminated.

The present water well must be backfilled and a new water well drilled to meet Health Department requirements.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:nn

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



September 4, 1973

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 42, Zoning Advisory Committee Meeting, August 28, 1973, are as follows:

Property Owner: Baldassare Michael and Mary D. Piccone
Location: NW corner of Earl's Beach and Leslie Roads
Existing Zoning: R.D.P.
Proposed Zoning: Variance to permit sideyard setbacks of twenty-six (26) and fourteen (14.6) feet in lieu of the required fifty (50) feet.
Election District: 15
No. of Acres: 0.50

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 064311 ZONING 064331

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: August 31, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: Tuesday, August 28, 1973

Re: Item 42
Property Owner: Baldassare Michael and Mary D. Piccone
Location: NW corner of Earl's Beach and Leslie Roads
Present Zoning: R.D.P.
Proposed Zoning: Variance to permit sideyard setbacks of twenty-six (26) and fourteen (14.6) feet in lieu of the required fifty (50) feet.

District: 15
No. Acres: 0.50 acres

Dear Mr. DiNenna:

No bearing on student population.

WDF/ml

Very truly yours,
W. Nick Petravich
W. Nick Petravich
Field Representative

H. EMILY PARKS, President
EUGENE C. HESS, Vice President
MR. ROBERT L. BEVNEY

MARCUS M. BISHOP, President
JOSEPH N. MCDONALD, Vice President
ALVIN LORICH

RAYMOND WILLIAMS, Jr.
RICHARD W. FRICKY, Vice President
MR. RICHARD M. MURKIN

ORIGINAL

OFFICE OF

THE ESSEX TIMES

ESSEX, MD. 21221 October 1, 1973

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric DiNenna
Zoning Commissioner of Baltimore County

was inserted in THE ESSEX TIMES, a weekly newspaper published in

Baltimore County, Maryland, once a week for One XXXXXXXX

days of the 1st day of Oct., 1973 that is to say, the said

was inserted in the said of September, 27, 1973.

STROMBERG PUBLICATIONS, Inc.

Bo Ruth Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 27, 1973

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 1st day of October, 1973, the first publication appearing on the 27th day of September, 1973.

THE JEFFERSONIAN,
H. L. L. L. L.
Manager.

Cost of Advertisement, \$ 11.00

PETITION FOR A VARIANCE

15A DISTRICT
ZONING: Petition for a Variance for Side Yard Setbacks
LOCATION: Northwest corner of Earl's Beach and Leslie Roads
DATE & TIME: Monday, October 1, 1973 at 10:15 A.M.
PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Planning and Zoning Department of Baltimore County, will hold a public hearing on the Petition for Variance from the Zoning Regulations of Baltimore County to permit side yard setbacks of 26 feet and 14.6 feet instead of the required 50 feet.

The Zoning Regulations to be varied are: Zoning Regulations, Section 14-2-2.1 - The minimum distance between any building in an R.D.P. zone and any lot line other than a street shall be 50 feet.

All that parcel of land in the Eastern District of Baltimore County.

Beginning for the same at the southwest corner of Earl's Beach Road (variable width) and Leslie Road, not over 100 feet wide, and point of beginning also located at the southwest corner of R.D.P. zone and any lot line other than a street shall be 50 feet.

At that point of land in the Eastern District of Baltimore County.

Beginning for the same at the southwest corner of Earl's Beach Road (variable width) and Leslie Road, not over 100 feet wide, and point of beginning also located at the southwest corner of R.D.P. zone and any lot line other than a street shall be 50 feet.

At that point of land in the Eastern District of Baltimore County.

Beginning for the same at the southwest corner of Earl's Beach Road (variable width) and Leslie Road, not over 100 feet wide, and point of beginning also located at the southwest corner of R.D.P. zone and any lot line other than a street shall be 50 feet.

At that point of land in the Eastern District of Baltimore County.

Beginning for the same at the southwest corner of Earl's Beach Road (variable width) and Leslie Road, not over 100 feet wide, and point of beginning also located at the southwest corner of R.D.P. zone and any lot line other than a street shall be 50 feet.

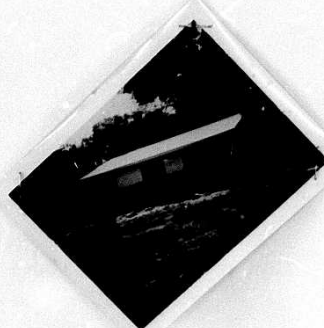
At that point of land in the Eastern District of Baltimore County.

Beginning for the same at the southwest corner of Earl's Beach Road (variable width) and Leslie Road, not over 100 feet wide, and point of beginning also located at the southwest corner of R.D.P. zone and any lot line other than a street shall be 50 feet.

FUNCTION	PETITION MAPPING PROGRESS SHEET									
	Wall Map	Original	Duplicate	Tracing	200 Sheet					
	date by	date by	date by	date by	date by					
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>	Revised Plans: Change in outline or description Yes ☐ No ☐									
Previous case: <i>[Signature]</i>	Map # <i>[Blank]</i>									

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15
Posted for: Baldassare Michael and Mary D. Piccone
Location of property: NW cor. of Earl's Beach & Leslie Rd.
Location of Sign: 105m Postal Dr. Post. of Earl's Beach
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 11/21/73



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9/20/73
Posted for: Baldassare M. Piccione
Petitioner: Baldassare M. Piccione
Location of property: NW corner of Earls Beach & Leslie Rd.
Location of Sign: 1 sign posted on NW corner of Earls Beach & Leslie Rd.
Remarks: M. H. Hoo
Signed by: M. H. Hoo Date of return: 10-4-73

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
County Office Building
Towson, Maryland 21204
No. 74100
DATE 6/7/74
To: Sidney H. Esquire
Room 3105, 10 Light Street
Baltimore, Md. 21202
County Board of Appeals
(Zoning)
REPORT TO ACCOUNT NO. 01.712
TOTAL AMOUNT \$17.00
Cost of certified copies of documents - Case No. 74-95-A
S. M. Piccione, et ux
NW corner of Earls Beach
and Leslie Roads
15th District
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MAIL TO COURTHOUSE, TOWSON, MARYLAND 21204

PERMIT

THIS PERMIT MUST BE POSTED

NOTE - A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

15-20-001431
#1 LESLIE ROAD - 21220
B. MICHAEL PICCIONE
5100 BELAIR ROAD - 21206
OWNER
JOHN THOMAS AND JOAN TALBARD
N/S LESLIE ROAD 249' WEST END LESLIE ROAD

TYPE OF IMPROVEMENT
RESIDENTIAL
NEW BUILDING CONSTRUCTION
ADDITION
ALTERATION
REPAIR
REPLACING EXISTING NO. 15 HITS DEDUCTED
MOVING
OTHER
TEARING DOWN EXISTING FRONT PORCH.
33'x7' CONSTRUCT 54'x7'x12' ADDITION ON FRONT OF DWELLING TO ENLARGE EXISTING LIVING RM.
OWNERSHIP
ESTIMATED COST OF MATERIAL & LABOR 2,000

BALTIMORE COUNTY, MARYLAND
Department of Permitting and Licenses
Office of Building Engineer
County Office Building
Towson, Maryland 21204
Telephone: 694-2937
Part of Building Inspected
Approved 6/5 Disapproved ()
Remarks: 5-14-73 Building Engineer

County Office Building
Towson, Maryland 21204
Telephone: 823-3000, Extension 337
Part of Building Inspected
Approved 6/5 Disapproved ()
Remarks: 5-14-73 Building Engineer

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received this 13th day of August 1973 1972 Item #
Submitted by Piccione
Petitioner's Attorney Friedman Reviewed by BBP
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 12427
DATE Sept. 24, 1973 ACCOUNT 01-662
AMOUNT \$50.00
WHITE - CASHIER
Michael Piccione
1 Leslie Road
Baltimore, Md. 21220
Petition for Variance for Baldassare M. Piccione
8/14-95-A 30 6/24 24 250 C 600

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 12469
DATE Oct. 11, 1973 ACCOUNT 01-662
AMOUNT \$51.50
WHITE - CASHIER
Community Terms & Pest Control
5100 Belair Road
Baltimore, Md. 21206
Advertising and posting of property - 8/14-95-A
11 515 C 600

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 12777
DATE November 7, 1972 ACCOUNT 01-662
AMOUNT \$5.00
WHITE - CASHIER
Mr. Baldassare Michael Piccione
Cost of posting property of Baldassare Michael Piccione, et ux, for an appeal hearing, NW corner of Earls Beach and Leslie Roads
15th District
Case No. 74-95-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 13721
DATE November 7, 1973 ACCOUNT 01-662
AMOUNT \$35.00
WHITE - CASHIER
Thomas V. Friedman, Esquire
Cost of Filing of an Appeal on Case No. 74-95-A
NW corner of Earls Beach and Leslie Roads - 15th District
Baldassare Michael Piccione, et ux - Petitioners
30 C 600

ALWAYS USE THE CONTROL AND THE PERMIT NUMBERS WHEN REQUESTING INSPECTIONS OR INFORMATION REGARDING THIS PERMIT. BUILDINGS ENGINEERS BUILDINGS INSPECTOR 494-3957
The first of these inspections shall be called for as soon as the trenches for footings are completed.
Also a slab inspection will be required before pouring slab.
The second inspection shall be called for when the foundation has been waterproofed.
The third inspection shall be called for when the structural members are in place, but before covering same with lath or plaster, or other covering.
Final inspection shall be called for before structure is occupied.
LIMITATION Except as otherwise herein provided this permit shall expire one year after the date of issue.