

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Mr. & Mrs. **EMMANNO FLORIO**, legal owner of the property situated 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 23B.2 to permit side yard and rear yard setback of 21' instead of permitted 30'. Section 23B.1 to permit front yard setback of 10 feet in lieu of the required 25 feet. *10' in lieu of 25'*

From consideration of almost 40 years' experience of this required 25-foot setback of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (State hardship or practical difficulty):
It is essential to increase size of the building to accommodate our present needs.
Any variance features less than asked for would make the building extremely costly and cause this construction to be prohibitive.
Other reasons will be given at the hearing.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expense of above variance advertising, posting, etc. upon filing of this petition, and further agree to not sue to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

DATE: June 6, 1977
 Petitioner's Attorney: Charles E. Keatts, Jr.
 Protestor's Attorney: _____
 Address: 2131 Lodgefarm Road, Baltimore, Maryland 21219

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of June, 1977.

That the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 6th day of June, 1977, at 10:15 o'clock A.M.

Eric DiStefano
 Zoning Commissioner of Baltimore County

UNDER RECEIVED FOR FILING

#77-239-A
 6/16

BE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 SW corner of Old North Point and : OF BALTIMORE COUNTY
 New Battle Grove Rd., 15th District
 EMMANNO FLORIO, et ux, Petitioner : Case No. 77-239-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
 Pursuant to the authority contained in Section 527.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Keatts, Jr.
 Charles E. Keatts, Jr.
 Deputy People's Counsel

I HEREBY CERTIFY that on this 2nd day of June, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Emano Florio, 2131 Lodgefarm Road, Baltimore, Maryland 21219, Petitioner.

John W. Heslian, III
 John W. Heslian, III
 People's Counsel
 County Office Building
 Towson, Maryland 21284
 494-2188



June 14, 1977

Mr. & Mrs. Emano Florio
 2131 Lodgefarm Road
 Baltimore, Maryland 21219

RE: Petition for Variance
 SW corner of Old North Point and
 New Battle Grove Roads -
 15th Election District
 Emano Florio, et ux - Petitioner
 NO. 77-239-A (Item No. 216)

Dear Mr. & Mrs. Florio:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
George J. Gorman
 GEORGE J. GORMAN
 Deputy Zoning Commissioner

GJM/me
 Attachments
 cc: John W. Heslian, III, Esquire
 People's Counsel

Plan No. 77-239-A

Property described below known as 2131 Old North Point Road owned by Mr. & Mrs. Emano Florio 2131 Lodgefarm Road Baltimore, Maryland 21219

Beginning at the center of New Battle Grove Road from monument as shown on plat 100-C, 100-D, 100-E, 100-F to a monument then N. 25° 00' 00" E, 235.00' to a monument, then S. 75° 00' 00" E, 180.00' to monument, then N. 25° 00' 00" E, 110.00' to N. 75° 00' 00" E, 22.00', then westerly to center of North Point Road northerly 100.00' then westerly N. 75° 00' 00" E, 110.00' within 21 feet point of beginning.

John W. Heslian, III
 John W. Heslian, III
 People's Counsel

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiStefano, Zoning Commissioner Date: May 24, 1977

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition #77-239-A, Petition for Variance for Front and Side Yard Setback corner of Old North Point and New Battle Grove Roads Petitioner - Emano Florio and Dorothy Lela Florio
 15th District

HEARING: Monday, June 6, 1977 (10:15 A.M.)

If the petitioner's request for a 2'-wide setback variance is granted; it is assumed that were a similar request made for the adjacent property, it too would be granted. The result would be a narrow, 4'-wide alleyway between buildings.

Were the property owner able to "straighten-out" the southernmost property line by a land swap with the adjacent property owner, a more usable rectangularly shaped building could be constructed.

If any variances are granted for the subject property, it is suggested that order be conditioned in compliance with the comments of the Department of Traffic Engineering's representative on the Zoning Advisory Commission.

Norman E. Gerber
 Norman E. Gerber
 Acting Director of Planning

BALTIMORE COUNTY
 ZONING PLANS
 ADVISORY COMMITTEE

PETITION AND SITE PLAN
EVALUATION COMMENTS

Mr. & Mrs. Emano Florio
 2131 Lodgefarm Rd., BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 BALTIMORE, MD 21209

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21284

Your Petition has been received and accepted for filing this 29th day of June, 1977

Eric DiStefano
 E. Eric DiStefano
 Zoning Commissioner

Petitioner: Emano & Dorothy Florio
 Petitioner's Attorney: _____
 Reviewed by: Richard S. Commodari
 RICHARD S. COMMODARI
 Planning & Zoning Associate III

Maryland Department of Transportation
 State Highway Administration

April 5, 1977

Mr. S. Eric DiStefano
 Zoning Commissioner
 County Office Bldg.
 Towson, Md. 21204

Attention: Mr. S. Commodari

Re: 239-A, Setting, March 29, 1977
 Item: 216
 Property Owner: Emano Florio
 Location: SW corner North Point Rd. (etc. 20) & New Battle Grove Rd.
 Existing Zoning: R.R.
 Proposed Zoning: R.R.
 Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.
 District: 15th

Dear Mr. DiStefano:

The plan indicates no direct access from Old North Point Rd., therefore no highway improvements are required by the State Highway Administration.

The existing posts and cable along the State Highway must be noted on the plan.

Very truly yours,
 Charles L. Myers
 Bureau of Engineering
 Access Permits
 John L. Myers

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following findings of fact, that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners:

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, Variances to permit a side yard setback of 2 feet instead of the required 30 feet, a front yard setback of 10 feet from the property line instead of the required 25 feet, and 40 feet from the center line of the street instead of the required 50 feet should be granted:

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of June, 1977, that the herein Petition for the aforementioned Variances should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, Department of Public Safety, Department of Traffic Engineering, and the Office of Planning and Zoning.

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

the above Variance should NOT BE GRANTED
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of June, 1977, that the above Variance and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 31, 1977

OFFICE OF THE ZONING COMMISSIONER
BALTIMORE COUNTY

Mr. Ermanno Florio
Mrs. Dorothy Florio
2131 Lodgefarm Road
Baltimore, Maryland
21215

Re: Variance Petition
Item No. 216
Petitioner - Ermanno Florio
Dorothy Florio

Dear Mr. & Mrs. Florio:

The Zoning Plans 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, currently zoned B.R., is located on the southwest corner of Old North Point and New Battle Grove Roads and is improved with an existing office/cabinet shop. Adjacent properties surrounding this site are improved with dwellings to the north and east, vacant land immediately to the south and abutting this site and a restaurant to the west.

This Variance is necessitated by your proposal to construct an addition to the side of the existing shop, thereby creating a side setback of 2-feet and a front setback of 10-feet in lieu of the required 30-feet and 25-feet, respectively.

Mr. Ermanno Florio
Page 2
Item No. 216
May 31, 1977

The plan should be revised prior to the scheduled hearing date in order to conform with the comments of the Department of Traffic Engineering. In addition, particular attention should be afforded the comments of the Department of Permits and Licenses.

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 45 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
Nicholas B. Comodari
NICHOLAS B. COMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21286
(301) 496-2311

April 19, 1977

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

Dear Mr. DiNenna:

Comments on Item #216, Zoning Advisory Committee Meeting, March 29, 1977, are as follows:

Property Owner: Ermanno Florio
Location: SW/C Old North Point Road and New Battle Grove Road
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.
District: 15H

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John W. Wiley
John W. Wiley
Planner III
Project and Development Planning



Baltimore County
Department of Public Works
TOWSON, MARYLAND 21286

FRANCIS M. MOURING, PE
DIRECTOR

May 9, 1977

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

Re: Item #216 (1976-1977)
Property Owner: Ermanno Florio
S/W Cor. Old North Pt. Rd. & New Battle Grove Rd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.
District: 15H

Dear Mr. DiNenna:

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

Highways:

Old North Point Road (Md. 201 is a State Road) therefore, all improvements, intersections, entrances and drainage requirements as they affect the road open under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

East Battle Grove Road is proposed to be improved in the future as a four-foot (4') section roadway on a 50-foot right-of-way. Highway right-of-way widening, including a fillcut area for eight feet at the intersection, and any necessary remedial measures for slopes will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County standards.

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 Drainage:

Provisions for accommodating storm water drainage have not been indicated on the submitted plan.

Item #216 (1976-1977)
Property Owner: Ermanno Florio
Page 2
May 9, 1977

Storm Drainage (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewer:

Public water supply is serving this property, which is utilizing private on-site sewer facilities.

Public sanitary sewerage is proposed to be constructed in East Battle Grove Road (Drawing #76-004), File #1 per Job Order 1-2-589.

Very truly yours,
DONALD W. TURNER, P.E.
A City Chief, Bureau of Engineering

DATE: 5/9/77
BY: S. Tenner
S. Bellestar
J. Somers

E/S: Kay Sheet
22 SF 73 Post, Sheet
58 1/2 H Top
104 To Map



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21286
(301) 496-2500

STEPHEN COLLINS
DIRECTOR

May 17, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, MD 21204

Re: Item 216 - ZAC - March 29, 1977
Property Owner: Ermanno Florio
Location: SW/C North Point Rd. & New Battle Grove Rd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.
Acres: 1.57
District: 15H

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances to the side and front setbacks.

Since the area in front of the existing building is too small to use as a parking lot or loading area (without backing into it from the street) the entrance should be closed.

Sincerely,
Michael S. Flanagan
Associate Traffic Engineer

5/17/77



Baltimore County
Department of Health
TOWSON, MARYLAND 21286
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 15, 1977

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

Dear Mr. DiNenna:

Comments on Item #216, Zoning Advisory Committee Meeting, March 29, 1977, are as follows:

Property Owner: Ermanno Florio
Location: SW/C Old North Point Rd. & New Battle Grove Rd.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.
Acres: 1.57
District: 15H

Metropolitan water is available. The disposal system appeared to be functioning properly. Metropolitan sewer is proposed to be constructed in New Battle Grove Road.

Very truly yours,

Thomas H. Berlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21284
301-434-3030

JOHN D. SEVIER
DIRECTOR

March 28, 1977

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

Dear Mr. DiHenna:
Comments on Item # 216 Zoning Advisory Committee Meeting, March 29, 1977
are as follows:

Property Owner: Ermanno Florio
Location: S/W Old North Point Road & New Battle Grove Road
Existing Zoning: S.R.
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.

ACWAs:
District: 15th

- The items checked below are applicable:
- A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
 - B. A building permit shall be required before construction can begin.
 - C. Three sets of construction drawings will be required to file an application for a building permit.
 - D. Three sets of construction drawings with a registered Maryland architect or engineer's original seal will be required to file an application for a building permit.
 - E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
 - F. The type of construction will determine the allowable areas and setbacks (See B.O.C.A Code Table 5 & 6).
 - G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,
Mark E. Latham

Charles E. Burnham
Plans Review Chief
C.E.T.

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: March 25, 1977

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

Z.A.C. Meeting of: March 29, 1977

RE: Item No: 216
Property Owner: Ermanno Florio
Location: S/W Old North Point Rd. & New Battle Grove Road
Present Zoning: S.R.
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 30' and a front setback of 10' in lieu of the required 25'.

District: 15th
No. Acres:

Dear Mr. DiHenna:

No bearing on student population.

Very truly yours,
Walter Frank
W. Neil Retzsch,
Field Representative

JOHN W. WASHINGTON, PRESIDENT
J. CLARENCE BARNETT, VICE PRESIDENT
BARBARA W. BENTLEY, SECRETARY

THOMAS P. BOYER, CHAIRMAN
JAMES P. LAMBERT, VICE CHAIRMAN
ROBERT W. WALTON, SECRETARY

ALVIN LITTLE, TREASURER
WESLEY W. WILSON, VICE TREASURER
RICHARD W. RAYBURN, CLERK

W.N.F./D.P.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 19, 1977

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. 21286, on the 19th day of May, 1977, the 19th day of May, 1977, the 19th day of May, 1977, appearing on the 19th day of May, 1977.

THE JEFFERSONIAN
S. Leland Struthers
Manager

Cost of Advertisement, \$

OFFICE OF
THE TIMES
NEWSPAPER'S

TOWSON, MD 21204 May 25 19 77

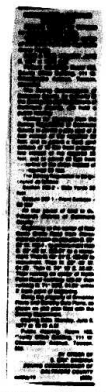
Petition for Variance-15th Dist.
THIS IS TO CERTIFY that the annexed advertisement of was inserted in the following

- Catonsville Times
- Dundalk Times
- Essex Times
- Suburban Times East
- Towson Times
- Arbutus Times
- Community Times
- Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for 1 successive weeks before the 6 day of June 1977, that is to say, the same was inserted in the issues of

May 19, 1977

STROMBERG PUBLICATIONS, INC
BY *[Signature]*



BALTIMORE COUNTY, MARYLAND No. 51781
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: June 6, 1977 ACCOUNT: 03-662

AMOUNT: \$44.00

RECEIVED: E. Florio 2131 Lodge Farm Rd., Balto., Md.
21229
FOR: Abandoning and parking of property
#77-239-4

284 1 07:00 6 4 0 C REC

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND No. 51729
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: May 16, 1977 ACCOUNT: 03-662

AMOUNT: \$85.00

RECEIVED: E. Florio 2131 Lodge Farm Rd., Balto., Md.
21229
FOR: Petition for Variance
#77-239-4

250 C REC

VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY #77-239-A
Towson, Maryland

District: 15th Date of Posting: 5-19-77
Posted for: Harvey Mandy June 6, 1977 @ 10:15 A.M.
Petitioner: Eranno Florio
Location of property: S.W. Cor. of Old North Rd. & New Battle Grove Rd.

Remarks:
Posted by: David H. New Date of return: 5-22-77

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

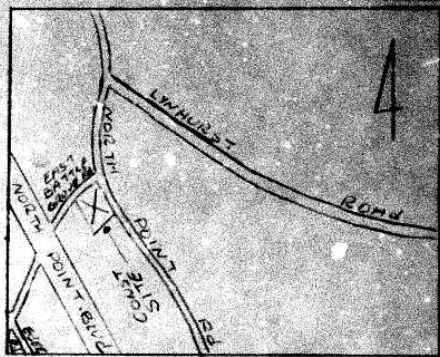
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 17 day of
May 1977. Filing Fee \$ 2. Received Cash
 Check
 Other

S. Eric DiHenna
S. Eric DiHenna,
Zoning Commissioner

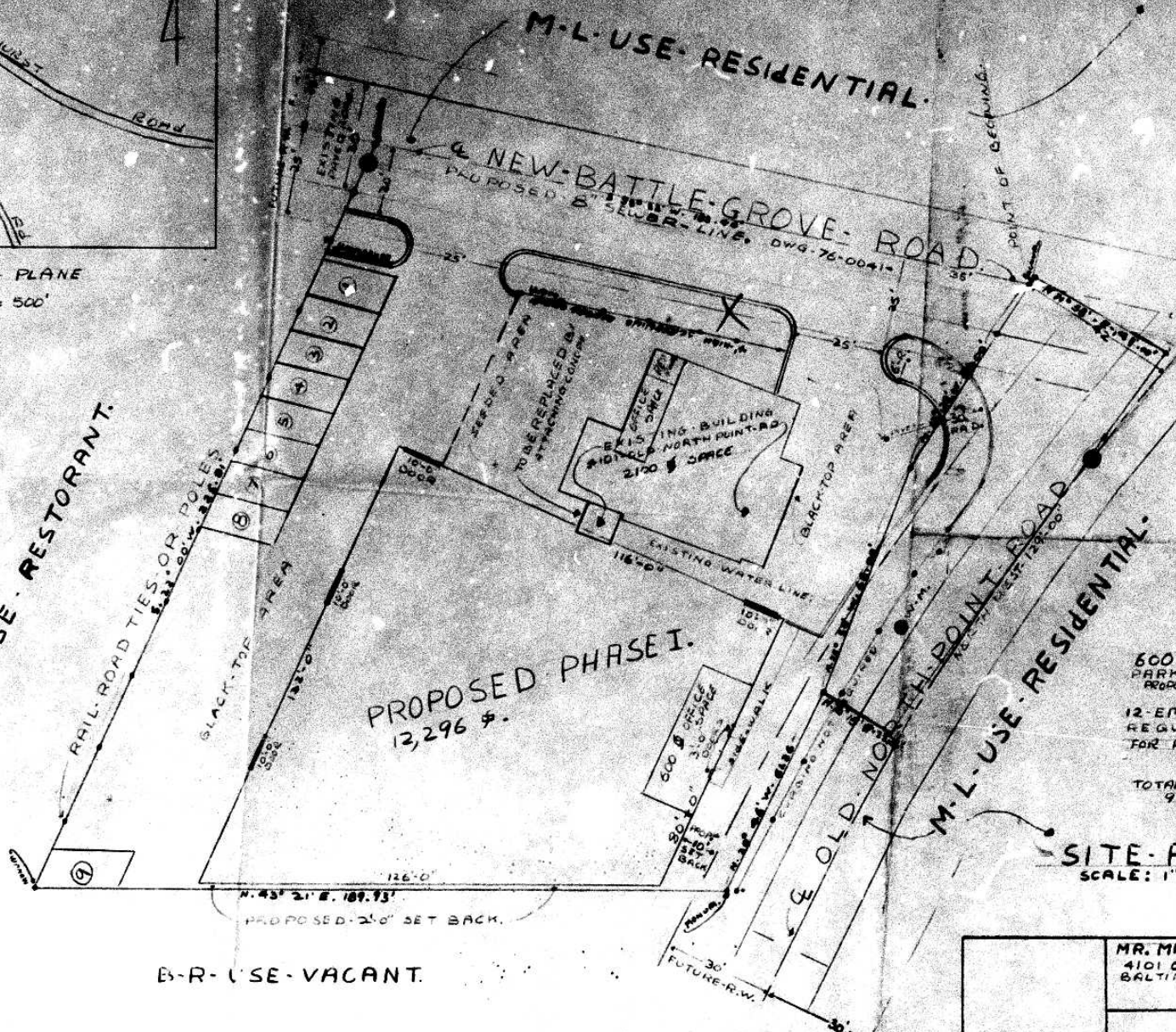
Petitioner: _____ Submitted by _____
Petitioner's Attorney: _____ Reviewed by: *[Signature]*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



LOCATION - PLANE
SCALE: 1" = 500'

B-R USE RESTORANT
RAILROAD TIES OR POLES
BLACK TOP AREA



EXISTING BLU
192 sq. OFFICE SPACE
PARKING REQUIRED - 15 SPACES
5 EMPLOYEES PARKING REQ.
2 SPACES

600 sq. OFFICE SPACE
PARKING REQUIRED 2 SPACES
PROPOSED WOOD WORKING SHOP

12 EMPLOYEES PARKING
REQUIRED 4 SPACES
FOR PROPOSED WOOD WORKING
SHOP

TOTAL PARKING REQUIRED 40 SPACES
9 SPACES

SITE PLAN
SCALE: 1" = 30'-00"

B-R USE VACANT

ELECTION DIST. 15

MR. MRS. ERANNO-FLORIO
4101 OLD NORTH POINT RD
BALTIMORE MD 21222

SP
1