

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE BOARD OF COMMISSIONERS OF BALTIMORE COUNTY:

I, or we, John Markowski, 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 Sections 1702.3.G.1. to 1702.3.G.1.4. of the Zoning Ordinance of Baltimore County, to allow a building setback of 7 1/2 feet in lieu of the required 10 feet in a D.R.S. 5 Zone.

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

House being moved from flood-plain and requires variance to fit on lot

See attached description

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 consent to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchase _____ Legal Owner John A. Markowski
 Address 626 Woodward Drive
 Baltimore, Maryland 21221
 Petitioner's Attorney _____ Protestor's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of February, 1978, 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 Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 10th day of February, 1978, at 10:45 o'clock A.M.

Eric D. DiMenna
 Zoning Commissioner of Baltimore County
 (over)
 FEB 14 7 28 AM
 10:45A
 4/11/78

78-217-A
 #157
 178-217-A
 1157
 10-45A
 4/11/78
 78-217-A
 #157

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 5W/5 of George Ave., 200' : OF BALTIMORE COUNTY
 SW of Myrtle Ave., 15th District
 JOHN MARKOWSKI, Petitioner : Case No. 78-217-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
 Pursuant to the authority contained in Section 524.1 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. Kousser, Jr. John W. Hessian, III
 Charles E. Kousser, Jr. John W. Hessian, III
 Deputy People's Counsel People's Counsel
 County Office Building
 Towson, Maryland 21284
 494-2188

I HEREBY CERTIFY that on this 27th day of March, 1978, a copy of the foregoing Order was mailed to Mr. John Markowski, 626 Woodward Drive, Baltimore, Maryland 21221, Petitioner.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: S. Eric DiMenna, Zoning Commissioner Date: March 23, 1978

FROM: Leslie H. Gross, Director of Planning
 SUBJECT: Petition #78-217-A, Petition for Variance for Side Yards, Item #15, Southeast side of George Avenue 200 feet Southwest of Myrtle Avenue, Petitioner - John Markowski
15th District

HEARING: Monday, April 10, 1978 (10:45 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

LHG:JGH/w

Leslie H. Gross
 Director of Planning



April 13, 1978

Mr. John A. Markowski
 626 Woodward Drive
 Baltimore, Maryland 21221

RE: Petition for Variance 5W/5 of George Avenue, 200' SW of Myrtle Avenue - 15th Election District John A. Markowski - Petitioner NO. 78-217-A (Item No. 157)

Dear Mr. Markowski:

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

Very truly yours,

George J. Martiniak
 GEORGE J. MARTINIAK
 Deputy Zoning Commissioner

GJM/mc

Attachments

cc: John W. Hessian, III, Esquire
 People's Counsel

ORDER RECEIVED FOR FILING

DATE: 4-11-78

DESCRIPTION FOR VARIANCE

Beginning at a point on the Southeast side of George Avenue 200 feet Southwest of Myrtle Avenue and known as lot No. 34 as shown on the plat of Part of Grant Land's Subdivision, which is recorded in the Land Records of Baltimore County as Liber 5, Page 59. Containing 7500 square feet of land. Also known as 523 George Avenue.

BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. John Markowski
 626 Woodward Drive
 Baltimore, MD. 21221
 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 County Office Building
 131 N. Chesapeake Ave.
 Towson, Maryland 21284

Your Petition has been received and accepted for filing this 14th day of February, 1978.

Eric D. DiMenna
 Zoning Commissioner

Petitioner: Mr. John Markowski
 Petitioner's Attorney: _____
 Reviewed by: Nicholas S. Commodari
 Chairman, Zoning Plans Advisory Committee



THORNTON M. MOURING, P.E.
 DIRECTOR

March 16, 1978

Mr. S. Eric DiMenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

Re: Item #157 (1977-1978)
 Property Owner: John Markowski
 6/26 George Ave., 200' S/W Myrtle Avenue
 Existing Zoning: D.R. 5/5
 Proposed Zoning: Variance to permit side setbacks of 7.5' in lieu of the required 10'.
 Address: 0.177 District, 15th

Dear Mr. DiMenna:

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:

George Avenue, an existing public road, is proposed to be improved in the future as a 37-foot paved section roadway on a 50-foot light-of-way. Highway right-of-way widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

Setback Control:

Development of this property through striping, 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 striping of top soil.

Storm Drains:

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

Water and Sanitary Sewer:

Public water main and sanitary sewerage exist in George Avenue.

Very truly yours,

Edward W. Dwyer, P.E.
 EDWARD W. DWYER, P.E.
 Chief, Bureau of Engineering

END/EM:PMR/SS

cc: J. Somers

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 unnecessary hardship upon the Petitioner.

It is further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community.

It is further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community.

It is ORDERED by the Zoning Commission of Baltimore County, this 13th day of April, 1978, that the herein Petition for the aforementioned Variance be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works 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 following findings of fact that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unnecessary hardship upon the Petitioner.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commission of Baltimore County, this 13th day of April, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commission of Baltimore County

BALTIMORE COUNTY ZONING PLAN ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
1114 CHESAPEAKE
TOWSON, MARYLAND 21284

March 27, 1978

Chairman
Nicholas B. Comodari

MEMORANDUM

Subject: Variance Petition
Item Number 157
Petitioner - John Markowski

Dear Mr. Markowski:

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 insure 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 will file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This currently vacant 50 foot lot is located on the east side of George Avenue southwest of Myrtle Avenue in the 15th Election District. Immediately contiguous properties also consist of 50 foot wide lots with a dwelling to the north and vacant lots to the south, respectively. This petition is necessitated by your proposal to construct a 35 foot wide dwelling in the center of this property with resultant side setbacks of 7.5 feet in lieu of the required 10 feet. It is my understanding that at the present time you do not own nor have owned any adjacent property since 1970. Since this is the case, the only Variance required is for side setbacks, and a request for lot width is not required.

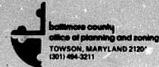
Mr. John Markowski
Page 2
Item Number 157
March 27, 1978

It should be noted that if this petition is granted and at the time of application for the building permit, the front setback of this dwelling must be in compliance with Section 303.1 of the Baltimore County Zoning Regulations. Particular attention should be afforded to the comments of the Department of Permits and Licenses concerning Section 320 of the Supplement to the Building Code.

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

NBC:rf



Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21284

March 17, 1978

Dear Mr. DiNenna:

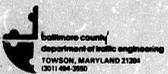
Comments on Item #157, Zoning Advisory Committee Meeting, February 14, 1978, are as follows:
Property Owner: John Markowski
Location: SE/S George Ave. 200' SW Myrtle Ave.
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit side setbacks of 7.5' in lieu of the required 10'.
Acres: 0.172
District: 15th

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 L. Wimbley
John L. Wimbley
Planner II
Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21284

March 17, 1978

Item No. 157 - SAC - February 14, 1978
Property Owner: John Markowski
Location: SE/S George Ave. 200' SW Myrtle Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 7.5' in lieu of the required 10'.

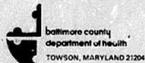
Acres: 0.172
District: 15th

Dear Mr. DiNenna:
No traffic problems are anticipated by the requested variance to the side setback.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

NBF/ma



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

March 15, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

Dear Mr. DiNenna:

The following are comments on Item #157, Zoning Advisory Committee Meeting of February 14, 1978:

Property Owner: John Markowski
Location: SE/S George Ave. 200' SW Myrtle Ave.
Acres: 0.172
District: 15th

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Very truly yours,

Thomas A. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TBD/KS/ethc

SEC 15 118



Paul H. Heinke
Chair

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21284

Attention: N. Comodari, Chairman
Zoning Advisory Committee

Re: Property Owner: John Markowski

Location: SE/S George Ave. 200' SW Myrtle Ave.

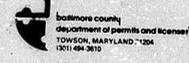
Item No. 157 Zoning Agenda Meeting of 2/14/78

G-tickets:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments herein marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A _____ means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ exceeds the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (x) 7. The Fire Prevention Bureau has no comments, at this time.

George M. Hegardt
Special Inspection Division Fire Prevention Bureau



JOHN O. CLEVELAND
DIRECTOR

February 22, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

Dear Mr. DiNenna:

Comments on Item #157 Zoning Advisory Committee Meeting, February 14, 1978 are as follows:

Property Owner: John Markowski
Location: SE/S George Ave. 200' SW Myrtle Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 7.5' in lieu of the required 10'.

Acres: 0.17
District: 15th

The items checked below are applicable:

- (x) A. Structure shall conform to Baltimore County Building Code (B.C.G.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- (x) 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.
- (x) D. Three sets of construction drawings with a registered Maryland Engineer's original seal may 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.
- (x) F. Elevation of property is critical to design of building - See Section 300.6 of Supplement to Building Code construction in areas subject to regulation by Building Code. See Section _____.
- () G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Lushan
Plans Review Chief
C281rj

All fences shall be maintained in good repair by the owner or owners thereof. The Building Department shall determine the suitability of any fence and the amount and character of repairs required to make any fence safe.

Any existing fence which does not comply with the provisions of this section shall be permitted to continue to exist and be repaired at any time unless such fence has been allowed to deteriorate more than 50% or cost. Although nonconforming fences which have been allowed to deteriorate beyond repair shall be removed or reconstructed in accordance with the requirements of this Code.

Hedges or other shrubbery used in lieu of fences shall be planted not less than 18 inches from any adjoining property line except when directly on a property line by agreement. No such hedge shall be allowed to grow to a height exceeding the maximum height for a fence on the same premises.

Section 328.A.

Add new section as follows:

Section 329.0 Construction in Areas Subject to Flooding

Subsection 329.0.1 General Requirements. All buildings and structures hereafter erected or moved in areas in Baltimore County as designated by the Department of Public Works of Baltimore County and which are subject to inundation by tidalwater, surface water or running streams shall have floor elevations and watertightness as set forth in this Code.

Subsection 329.0.2 Areas Subject to Inundation by Tidalwaters

a. Where buildings are built in areas subject to inundation by tidalwaters, the first or main floor elevation shall not be lower than 10 feet above mean low tide. Such buildings shall be supported on piles, reinforced concrete piers, monolithic concrete foundations or other approved means of support.

b. Where basements or other floors are constructed below 10 feet above mean low tide, the enclosure walls and floor construction shall be of monolithic construction of concrete of sufficient strength and specifically designed for watertightness and hydrostatic pressure, as certified by a Professional Engineer registered in the State of Maryland. Such walls shall be made watertight by membrane waterproofing on the exterior face and the membrane protected by 1 inch minimum cement plaster coating. All floors below 10 feet above mean low tide shall be made watertight by membrane waterproofing on 5 inch minimum concrete floor slab-base.

c. All arrearages for windows, doors, and other openings below 10 feet above mean low tide shall be made watertight as required for walls and floors as set forth in this Code.

d. All arrearages for windows, doors, and other openings below 10 feet above mean low tide shall be connected by service weight 10 feet from sill pipe to an adequate sump pump located in the basement and discharging to exterior not less than 10 feet above mean low tide; the said pump shall have a discharge capacity of not less than 18 gallons per minute.

e. Crawlspace under floors of buildings or structures below 10 feet above mean low tide shall have enclosure walls conforming to the requirements of this Code except such enclosing walls may be of concrete masonry units set in mortar and shall be equal in strength to the hydrostatic pressure. All openings of the crawl space, including access doors, shall be enclosed to an elevation of not less than 7 1/2 feet above mean low tide. The crawl space area and water valve, and shall discharge to the adjacent grade or into an approved drainage system.

Subsection 329.0.3 Areas Subject to Inundation by Surface Waters or Running Streams

a. The first or main floor elevation of buildings subject to inundation by surface water or streams shall be not less than 2 feet above the flood level as determined by the Department of Public Works of Baltimore County, or at such elevation as may be necessary to grade a lot to prevent flooding of the same. Construction shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidalwaters."

b. All basements or other floors below the first or main floor shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidalwaters."

Section 321.0.

Add new section as follows:

Section 321.0 Grading

All individuals, firms or corporations desiring to grade in Baltimore County shall be required to follow the procedures and requirements of Sections 4114B and 4114A, Article 66C, Annotated Code of Maryland, 1967 Edition, 1967 Replacement Volume, as amended; Sections 105 through 110, Inclusive, Article 98A, Annotated Code of Maryland, 1967 Edition, 1964 Replacement Volume, as amended; Sections 161(a) and 167(a), Article 26, Annotated Code of Maryland, 1967 Edition, 1965 Replacement Volume, as amended; Sections 766A, 767, 768A and 768B, Article 66C, Annotated Code of Maryland, 1967 Edition, 1967 Replacement Volume, as amended, and the Baltimore County Sediment Control Manual as adopted October 14, 1968, and as amended.

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: February 9, 1978

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

Z.A.C. Meeting of: February 14, 1978

RE: Item No: 157
Property Owner: John Markowski
Location: SE/S George Ave. 200' NW Myrt Ave.
Present Zoning: D.K. 5.5
Proposed Zoning: Variance to permit side setbacks of 7.5' in lieu of the required 10'.

District: 15th
No. Acres: 0.172

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrosich
W. Nick Petrosich,
Field Representative

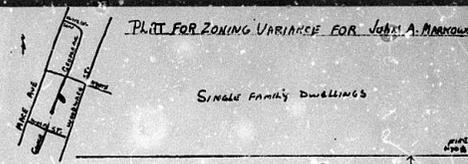
MJP/ljp

JOSEPH M. WOODWARD, PRESIDENT
T. BARBARA WILLIAMS, JR., VICE-PRESIDENT
MARCEY M. ROTHSCHILD

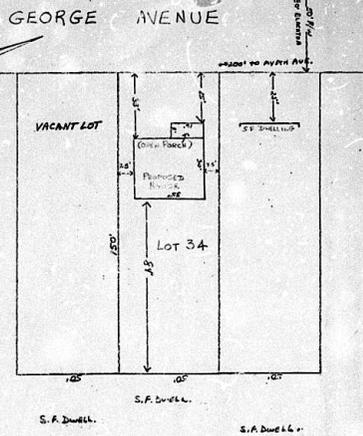
THOMAS H. ROYER
HELENE LORECK
ROBERT B. HAYDEN
ROBERT Y. DUBEL, SUPERINTENDENT

ALVIN LORECK
HELENE WILSON, D.D.M.
RICHARD W. TRACY, D.D.M.

PLAN FOR ZONING VARIANCE FOR JOHN A. MARKOWSKI



Zoned D.R. 5.5
Scale 1" = 30'
15th Elect. Dist.
Public Water Service



CERTIFICATE OF PUBLICATION

TOWSON, MD. March 23, 1978.

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. commencing on or before the 19th day of April, 1978, the last publication appearing on the 23rd day of March 1978.

THE JEFFERSONIAN,
S. L. Smith
Manager

Cost of Advertisement, \$ _____

**OFFICE OF
THE TIMES**



TOWSON, MD. 21204 March 23 1978

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - John Markowski, SE/S of George Ave. 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 one successive weeks before the 24th day of March 1978, that is to say, the same was inserted in the issues of March 23 1978

STROMBERG PUBLICATIONS, INC.

By *Eric Berger*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#78-217-A

District: 15th Date of Posting: 3-23-78
Posted for: *John Markowski*
Petitioner: *John Markowski*
Location of property: *SE/S of George Ave. 200' NW Myrt Ave.*
Location of Sign: *1 Sign on Front Lot of SE/S of George Ave. Myrt Ave.*
Remarks:
Posted by: *Muel H. Deas* Date of return: 3-26-78

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 31st day of JAN 1978. Filing Fee \$ 25.00 received Cash Other

Petitioner *JOHN MARKOWSKI* Submitted by *SAAG*

Petitioner's Attorney _____ Reviewed by _____

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

PETITION MAPPING PROGRESS SHEET

FUNCTION	Map		Original		Duplicate		File no		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline placed on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>JL</i>			Revised Plans:							
Change in outline or description: Yes _____ No _____										
Previous case: <i>NONE</i>			Map # <i>NE 20</i>							

BALTIMORE COUNTY, MARYLAND No. 65557
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: *March 29, 1978* ACCOUNT: *01-552*
AMOUNT: *80.00*
RECEIVED FROM: *John A. Markowski, 606 Woodward Dr., 21221*
FOR: *Cost of Filing & Advertising property 78-217-A*
2712W 10 4035ec
VALIDATION OR SIGNATURE OF CLERK:

BALTIMORE COUNTY, MARYLAND No. 65430
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: *January 31, 1978* ACCOUNT: *01-662*
AMOUNT: *\$ 25.00 (cash)*
RECEIVED FROM: *John Markowski*
FOR: *Filing Fee - Petition for Variance*
606 Woodward Dr.
Baltimore, Maryland 21221
33 & 7115 1 2500r
VALIDATION OR SIGNATURE OF CLERK: