

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

79-41-A
208

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frank J. Napoli, the 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 18022B(211.3) (301.1) to permit a carport to be reconstructed 3 feet from the side lot line in lieu of the required 6 feet.

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

Map No. SC 1075
 SECTION 18022B
 DISTRICT 14th
 D. TO 6-22
 DATE 8/21/78
 FILED BY 11

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

DATE 8/21/78
 Signature of Petitioner Frank J. Napoli
 Signature of Attorney George J. Martynak
 Contract purchaser Frank J. Napoli
 Address 3218 Woodside Ave., Baltimore, Md. 21234
 Petitioner's Attorney George J. Martynak
 Protestant's Attorney _____

ORDERED By the Zoning Commissioner of Baltimore County, this 20th day of August, 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 held before the Zoning Commissioner of Baltimore County in Room 10A, County Office Building in Towson, Baltimore County, on the 21st day of August, 1978, at 10:45 o'clock A.M.

George J. Martynak
 Deputy Zoning Commissioner of Baltimore County
 (over)

10:45
8/21/78

782724

RE: PETITION FOR VARIANCE : OF BALTIMORE COUNTY
 NE 1/2 of Woodside Ave., 90.01' NW of Avondale Rd., 14th District
 FRANK J. NAPOLI, et ux, Petitioners : Case No. 79-41-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.

Peter Max Zimmerman John W. Hession, III
 Peter Max Zimmerman John W. Hession, III
 Deputy People's Counsel People's Counsel
 County Office Building County Office Building
 Towson, Maryland 21204 Towson, Maryland 21204
 474-2188 474-2188

I HEREBY CERTIFY that on this 27th day of July, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Frank J. Napoli, 3218 Woodside Avenue, Baltimore, Maryland 21234, Petitioners.

John W. Hession, III
 John W. Hession, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
 Zoning Commissioner
 To: _____ Date: August 2, 1978
 Lettie H. Groat
 FROM: Director of Planning
 Subject: Petition # 79-41-A, Item #272

Petition for Variance for side lot line Northeast side of Woodside Avenue, 90.01' at Northwest of Avondale Road Petitioner - Frank J. and Evelyn E. Napoli

14th District

HEARING: Monday, August 21, 1978 (10:45 A.M.)

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

Lettie H. Groat
 Lettie H. Groat
 Director of Planning

LHG:JHW

Baltimore County
 Office of Planning and Zoning
 Towson, Maryland 21286
 071-44-2263
 S. ERIC DINENNA
 ZONING COMMISSIONER
 George J. Martynak
 Deputy Zoning Commissioner

August 24, 1978

Mr. & Mrs. Frank J. Napoli
 3218 Woodside Avenue
 Baltimore, Maryland 21234

RE: Petition for Variance
 NE 1/2 of Woodside Avenue, 90.01'
 NW of Avondale Road -
 14th Election District
 Frank J. Napoli, et ux -
 Petitioners
 NO. 79-41-A (Item No. 272)

Dear Mr. & Mrs. Napoli:

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

Very truly yours,
George J. Martynak
 GEORGE J. MARTYNAK
 Deputy Zoning Commissioner

GJM:mr

Attachments

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 7, 1978

County Office Bldg.
 111 W. Chesapeake Ave.
 Towson, Maryland 21286

Mr. & Mrs. Frank J. Napoli
 3218 Woodside Avenue
 Baltimore, Maryland 21234

RE: Variance Petition
 Item No. 272
 Petitioner - Napoli

Dear Mr. & Mrs. Napoli:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site filed inspection of the property. The following 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 suitability of the requested zoning.

Located on the north side of Woodside Avenue approximately 90 feet west of Avondale Road in the 14th Election District, the subject property is presently improved with an individual dwelling and attached carport, which is subject of this petition. Because the carport is located within 3 feet of the side property line in lieu of the required 6 feet, this Variance is required in order to "legalize" this situation.

Particular attention should be afforded to the comments of the Department of Permits and License, and you should contact Mr. Charles Burnham at 494-3955 for his explanation of this matter.

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 of the filing certificate, will be forwarded to you in the near future.

Very truly yours,
Nicholas S. Commodari
 NICHOLAS S. COMMODARI
 Chairman, Zoning Plans
 Advisory Committee

NBC:mr

Mr. & Mrs. Frank J. Napoli
 3218 Woodside Avenue
 Baltimore, Maryland 21234

Item No. 272

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
 this 20th day of August, 1978.

S. Eric DiNenna
 S. ERIC DINENNA
 Zoning Commissioner

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

ZONING COMMISSION OF BALTIMORE COUNTY

Beginning at a point 90.01' northwest of Avondale Road on the north side of Woodside Avenue, as recorded in the Land Records of Baltimore County in Liber 27 Folio 25, Plot of Aberly, Block A, Lot 9. Otherwise known as 3218 Woodside Avenue, in the 14th Election District.

**BALTIMORE COUNTY
 ZONING PLANS
 ADVISORY COMMITTEE**



PETITION AND SITE PLAN
 COLLECTION

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and appearing that by reason of the following finding of facts 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 existing of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a side setback of three feet in lieu of the required six feet for an open airport, should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of August, 1978, that the herein Petition for the aforementioned Variance should 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 Deputy Zoning Commissioner of Baltimore County 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 24th day of August, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21286
THORNTON M. MOURING, P.E.
DIRECTOR

July 25, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21286

Re: Item #272 (1977-1978)
Property Owner: Frank J. & Evelyn E. Napoli
N/S Woodside Pk. 90.01' NW Avondale Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 6' for an open airport.
Acre: 0.1607 District: 14th

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.

General:
Baltimore County highway and utility improvements are not directly involved.

Development of this property through striping, grading and stabilization would 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.

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. Construction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,
Ellen M. H. Diver, P.E.
Chief, Bureau of Engineering

EPG: EAM: PWR: BS
N-SE Key Sheet
24 NE 16 POS. Sheet
NE S C 2000
S. TAX MAP

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21286
LESLIE H. GRAY
DIRECTOR

July 27, 1978

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21286

Dear Mr. DiNenna:

Comments on Item #272, Zoning Advisory Committee Meeting, June 20, 1978, are as follows:

Property Owner: Frank J and Evelyn E. Napoli
Location: NE/S Woodside Avenue 90.01' NW Avondale Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 6' for an open airport.
Acre: 0.1607
District: 14th

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 to be bearing on this petition.

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

Very truly yours,
John L. Wimbley
Director III
Current Planning and Development

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

7-41-A
10:45am

August 22, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21286

Dear Mr. DiNenna:

Comments on Item #272, Zoning Advisory Committee Meeting, June 20, 1978, are as follows:

Property Owner: Frank J. & Evelyn E. Napoli
Location: NE/S Woodside Ave. 90.01' NW Avondale Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 6' for an open airport.
Acre: 0.1607
District: 14th

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

Very truly yours,
John M. Klevin
Director
BUREAU OF ENVIRONMENTAL SERVICES

TEH/HJP/CLS

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21286
STEPHEN E. COLLINS
DIRECTOR

June 27, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21286

Item No. 272 - SAC - June 20, 1978
Property Owner: Frank J. & Evelyn E. Napoli
Location: NE/S Woodside Ave. 90.01' NW Avondale Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 6' for an open airport.

Acre: 0.1607
District: 14th

Dear Mr. DiNenna:

The variance should have no effect on traffic.

Very truly yours,
Stephen E. Weber

SEW/nms

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21286
Paul H. Reinke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21286

Attention: N. Cosmochari, Chairman
Zoning Advisory Committee

Re: Property Owner: Frank J. & Evelyn E. Napoli
Location: NE/S Woodside Ave. 90.01' NW Avondale Rd.
Item No. 272 Zoning Agenda Meeting of 6/20/78

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below 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 second 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 operation.
- () 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.

Noted and approved,
Special Inspection Division
Fire Prevention Bureau

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21286
JOHN D. SEVIER
DIRECTOR

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21286

Dear Mr. DiNenna:

Comments on Item #272 Zoning Advisory Committee Meeting, June 20, 1978

Property Owner: Frank J. & Evelyn E. Napoli
Location: NE/S Woodside Ave. 90.01' NW Avondale Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 6' for an open airport.

Acre: 0.1607
District: 14th

The items checked below are applicable:

- (X) A. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement, and other applicable codes.
- (X) B. A building permit shall be required before construction can begin.
- () C. Additional _____ Permit shall be required.
- () D. Building shall be upgraded to new use - requires alteration permit.
- (X) E. Three sets of construction drawings will be required to file an application for a building permit.
- () F. Three sets of construction drawings with a registered Maryland Architect or Engineer's seal and will be required to file an application for a building permit.
- (X) G. Wood frame _____ not permitted within 300' of a property line. Contact Building Department if distance is between 300' and 600' of property line.
- () H. Requested setback variance complies with the Baltimore County Building Code. See Section 202.1. THIS SHOULD BE IN THE Fire District. The location map is not scaled so I cannot verify that it is or is not within 250' of the center of Harford Road.
- () I. Comments:

Very truly yours,
Charles E. Bunch
Plans Review Chief

BOARD OF EDUCATION
OF BALTIMORE COUNTY
TOWSON, MARYLAND - 21286

Date: June 23, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21286

Z.A.C. Meeting of: June 20, 1978

RE: Item No: 272
Property Owner: Frank J. & Evelyn E. Napoli
Location: NE/S Woodside Ave. 90.01' NW Avondale Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 6' for an open airport.

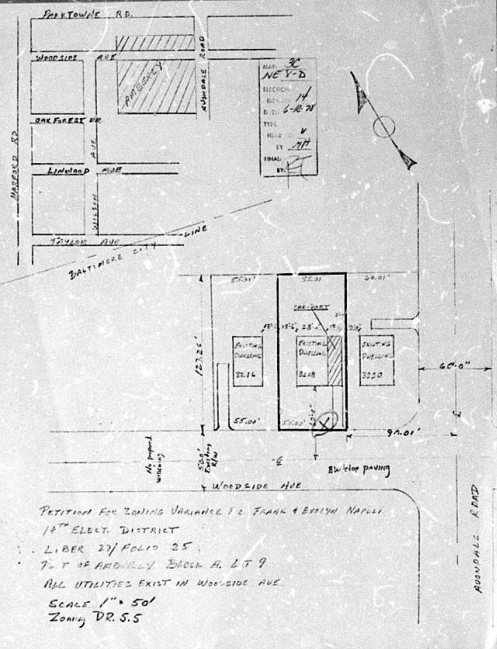
District: 14th
No. Acres: 0.1607

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
M. Nick Fetrowich,
Field Representative

KMP/BN
JOSEPH H. MCGOWAN, PRESIDENT
T. STARBUCK WYLANDER, JR., VICE-PRESIDENT
MARGIE M. SPITZBERG
THOMAS H. BRIDGES
RHS. LORRAINE F. CHURCH
ROBERT R. HAYDEN
ALVIN LORECK
MRS. WILSON A. SMITH, JR.
RICHARD W. TRACY, D.V.A.
ROBERT Y. TUGER, SUPERVISOR



CERTIFICATE OF PUBLICATION

TOWSON, MD., August 3, 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 August 3, 1978 at 11:30 a.m. and continuing for the 3rd day of August, 1978.

THE JEFFERSONIAN,
L. Frank Napoli
Manager

Cost of Advertisement, \$ 25.00

OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 August 3 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Frank J. Napoli, et ux was inserted in the following:

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

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 3rd day of August, 1978, that is to say, the same was inserted in the issues of August 3, 1978.

STROMBERG PUBLICATIONS, INC.
By *Ernie Burger*

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

79-41A

District, M Date of Posting, 8-3-78

Poste for: Variance

Petitioner: Frank J. Napoli et ux

Location of property: NE 1/2 Woodside Ave. 90.01' NW of Avondale Rd.

Location of Sign: Front of Property

Remark: None

Posted by: Gary C. Froume Date of return: 8-3-78
Signature

1 - sign

PETITION MAPPING PROGRESS SHEET

FUNCTION	West Map date	Original date	Duplicate date	Tracing date	COO Sheet date
Descriptions checked and outline plotted on map			6-12	1/4	
Petition number added to outline					
Denied					
Granted by ZC, EA, CC, CA					
Reviewed by: <i>JD</i>	Revised Plans: Change in outline or description <u>Yes</u> <input type="checkbox"/> <u>No</u> <input checked="" type="checkbox"/>				
Previous case: <u>None</u>	Map # <u>NE 8-D</u>				

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received • this 9 day of June 1978. Filing Fee \$ 25.00. Received Cash Other

Eric DiNenna
Eric DiNenna,
Zoning Commissioner

Petitioner: Frank & Evelyn Napoli submitted by: F. Napoli

Petitioner's Attorney: _____ Reviewed by: *JD*

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

BALTIMORE COUNTY MARYLAND
OFFICE OF FINANCE - TAX DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73319

DATE: June 9, 1978 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED Frank Napoli, Cost of Filing Fee for Petition
FOR: For Variance

2547839 10 25.00 NEX

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73469

DATE: August 21, 1978 ACCOUNT: 01-662

AMOUNT: \$40.00

RECEIVED Mr. Frank Napoli
FOR: Cost of Advertising and Posting for Case No. 79-41A

28094828 21 41.48 NEX

VALIDATION OR SIGNATURE OF CASHIER

