

PETITION FOR ZONING VARIANCE 83-245-A
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 A 9 1.3 B.3 to permit a sideyard setback of 2 feet in lieu of the required 5 feet per order of the Deputy Zoning Commissioner of Baltimore County dated September 7, 1977 in Case No. 78-12-A of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County for the following reasons: (Indicate hardship or practical difficulty)

practical difficulty

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Eric R. Bragg
(Type or Print Name)
Signature
Sydney G. Bragg
(Type or Print Name)
Signature

Attorney for Petitioner:
Barbara Kerr Howe
(Type or Print Name)
Signature
Kerr, Kerr & Howe
210 W. Pennsylvania Avenue
Towson, MD 21204
City and State
Attorney's Telephone No.: 823/3414

Box 1027 Beach Avenue
Address
White Marsh, MD 21162
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Eric R. Bragg / Sydney G. Bragg
Name
11205 Beach Avenue
Address
White Marsh, Md. 21162
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of March 1983, 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 106, County Office Building in Towson, Baltimore County, on the 28th day of April 1983, at 9:15 o'clock A.M.

Signature
Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Beach Ave., 239' NW of :
Stevens Rd., 11th District : OF BALTIMORE COUNTY
Eric R. Bragg, et al, Petitioners : Case No. 83-245-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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Signature
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 7th day of April, 1983, a copy of the foregoing Order was mailed to Barbara Kerr Howe, Attorney, Kerr, Kerr & Howe, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioners.

Signature
John W. Hession, III

SED:neb

RE: PETITION FOR VARIANCE * BEFORE THE
Southside of Beach Avenue * ZONING COMMISSIONER
239 Feet Northeast of *
Stevens Road * OF
11th Election District * BALTIMORE COUNTY
Eric R. Bragg, et al, *
Petitioners * Case No.: 83-245-A

NOTICE OF APPEAL

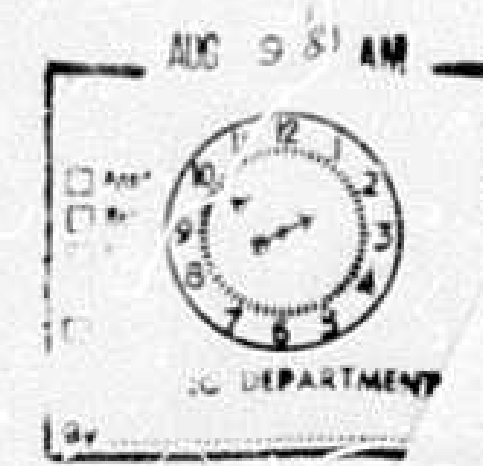
Dear Mr. Commissioner:

Please enter an appeal on behalf of Mary and Lloyd Goodman, Protestants in the above captioned matter, to the County Board of Appeals.

Signature
S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorneys for Mr. & Mrs. Goodman

I HEREBY CERTIFY that on this 9th day of April, 1983, a copy of the foregoing Notice of Appeal was mailed to Barbara Kerr Howe, Kerr, Kerr & Howe, 210 W. Pennsylvania Avenue, Towson, Maryland 21204, and John Hession, People's Counsel, Court House, Towson, Maryland 21204.

Signature
S. ERIC DINENNA



SED:wjt
5-10-83

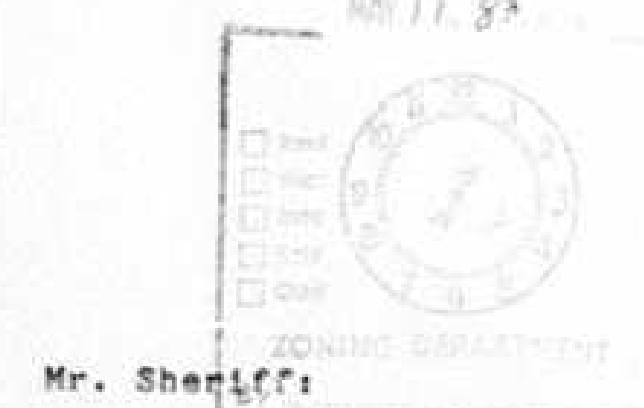
RE: PETITION FOR VARIANCE * BEFORE THE
S/S Beach Avenue, 239' NW of * DEPUTY ZONING COMMISSIONER
Stevens Road, 11th District * FOR BALTIMORE COUNTY
Eric R. Bragg, et al *
Petitioners * Case No. 83-245-A

SUMMONS

Please issue for the following witness to testify for the Protestants in the above matter and make the writ returnable for Tuesday, May 17, 1983 at 9:30 o'clock A.M. Before the Deputy Zoning Commissioner for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, in the Zoning Commissioner's Hearing Room.

PAUL HOHNE
BUILDING INSPECTOR
DEPARTMENT OF PERMITS AND LICENSES
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DUCES TECUM - To appear and bring any and all records, including but not limited to applications for permits, issuance of permits, inspection sheets for the property known as 11205 Beach Avenue.



Signature
S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorneys for Protestants

Mr. Sheriff:
Please issue summons in accordance with the above.

Signature
Deputy Zoning Commissioner of Baltimore County

SUD
5/12/83

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

May 12, 1983

Barbara Kerr Howe, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.167 - CASE No. 83-245-A
Petitioner - Eric P. Bragg, et ux
Variance Petition

Dear Ms. Howe:

Enclosed please find addendum comments for the above referenced case.

Very truly yours,

Signature
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 167, Zoning Advisory Committee Meeting of March 8, 1983

Property Owner: Eric R. & Sydney G. Bragg

Location: S/S Beach Ave First Stevens Rd District 11

Water Supply Private Sewage Disposal Private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 167
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
{ } The results are valid until
{ } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others 1) Approval of the Variance will not jeopardize the location of the well or septic system.
2) Metropolitan water is available to serve the property, therefore the owner must connect to the public system and backfill the well as per section 212.1 of the Baltimore County Plumbing and Gasfitting Code.

Signature
Tim J. Forester, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 12th day of July, 1983, that the herein Petition for Variance(s) to permit a side yard setback of 2 feet in lieu of the 5-foot setback previously granted on September 7, 1977, Case No. 78-12-A, for the expressed purpose of allowing the second story of the existing dwelling to extend beyond said 5 feet, in accordance with the site plan prepared by Gerhold, Cross and Etzel, revised December 13, 1982, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The garage shall be used only for the parking of residential vehicles and storage.
2. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning.

John M. H. Jones
Deputy Zoning Commissioner
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition No. 83-245-A
Eric R. Bragg, et al

Date: April 6, 1983

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

Norman E. Gerber
Norman E. Gerber,
Director of Planning and Zoning

NEG:JGHale

cc: Arlene January
Shirley Hess

Barbara Kerr Howe, Esquire
210 W. Pennsylvania Ave
Towson, Md. 21204

Gerhold, Cross & Etzel
412 Delaware Ave
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 6th day of March, 1983.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Eric R. Bragg, et al

Petitioner's Attorney: Barbara Kerr Howe, Esq. Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 20, 1983

Barbara Kerr Howe, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 167 - Case No. 83-245-A
Petitioner: Eric R. Bragg, et al
Variance Petition

Dear Ms. Howe:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

This site was the subject of a previous zoning hearing (Case No. 78-12-A), which granted your clients the right to construct an addition to the side of the existing dwelling within 5 feet of the westerly property line. When this addition was constructed, the first floor was situated the required distance from the property line. However, the second floor overhangs the first and is located within 2 feet of the property line, therefore this additional variance is required.

At the time of field inspection an unlicensed vehicle was parked at the end of the driveway. This vehicle must be removed.

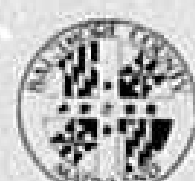
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 13, 1983

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #167 (1982-1983)
Property Owner: Eric R. & Sydney G. Bragg
575 Beach Avenue 239 E. of Stevens Road
Acres: 0.50 District: 11th

Dear Mr. Hammond:

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:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 254 (1976-1977) are referred to for your consideration.

There is a 12-inch water main in Beach Avenue (Drawing #80-0186, File 3).

Public sanitary sewerage remains unavailable to serve this property, which is utilizing private onsite sewage disposal facilities.

The Baltimore County Sewerage Plan S-17B, as amended through January 1982 indicates this property within the Comprehensive Metropolitan Facilities Planning Area with public sanitary sewerage planned in 1 to 6 years.

Very truly yours,

Robert A. Norton
ROBERT A. NORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:PMR:ss

M-NE Key Sheet
33 NE 39 Pos. Sheet
NE 9 J Topo
73 Tax Map

Attachment

June 16, 1977

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

Re: Item #254 (1976-1977)
Property Owner: Eric R. Bragg
S/S Beach Ave. 239 E. Stevens Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 50' and a rear setback of 5' in lieu of the required 50' and to permit a proposed swimming pool in the front yard in lieu of the required rear yard.
Acres: 0.50 District: 11th

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:

Beach Avenue, an existing public road, is proposed to be improved in the future as a 60-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements 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 #254 (1976-1977)
Property Owner: Eric R. Bragg
Page 2
June 16, 1977

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. The Baltimore County Comprehensive Water and Sewerage Plan, adopted January 1976, indicates this property is beyond the Urban-Rural Demarcation Line, with public water supply in "Final Planning" and public sewerage "Planned Service in 11 to 30 years".

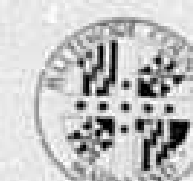
Very truly yours,

Donald W. Tucker
DONALD W. TUCKER, P.E.
Acting Chief, Bureau of Engineering

DWT:EAM:PMR:ss

cc: J. Somers

M-NE Key Sheet
33 NE 39 Pos. Sheet
NE 9 J Topo
73 Tax Map



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

March 7, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

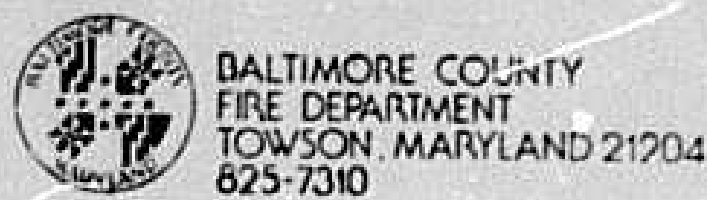
ZAC - Meeting of March 8, 1983
Item Nos. 162, 163, 164, 165, 166, 167, and 168.

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 162, 163, 164, 165, 166, 167, and 168.

Michael S. Flanagan
Michael S. Flanagan
Traffic Investigator II

MSF/ccm



PAUL H. REINCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

April 12, 1983

Attention: Nick Conodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Eric R. & Sydney G. Bragg

Location: S/S Beach Avenue 239' E. of Stevens Road

Item No.: 167

Zoning Agenda: March 8, 1983

Gentlemen:

Furnish 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 or _____ 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.

(X) 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", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

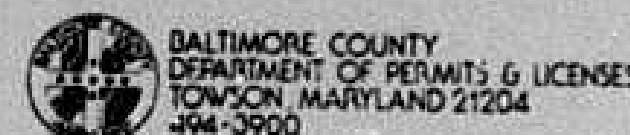
() 7. The Fire Prevention Bureau has no comments, at this time.

REVISION: 4/14/83
Planning Bureau
Special Inspection Division

Noted and Approved: *George M. McGowan*
Fire Prevention Bureau

JK/mh/ean

4/18/83
45-A



TED ZALESKI JR.
DIRECTOR

March 21, 1983

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 167 Zoning Advisory Committee Meeting March 8, 1983
are as follows:

Property Owner: Eric R. & Sydney G. Bragg
Location: S/S Beach Avenue 239' E. of Stevens Road
Building Number: E.C. 2
Proposed Variance: To permit a sideyard setback of 2' in lieu of the required 5' as per order of the Deputy Zoning Commissioner dated Sept. 7, 1977 in Case No. 78-12-A.
Area: 0.50
Meters: 11th

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1961/
Council Bill 1-82
and other applicable Codes.

X B. A building and other miscellaneous permits shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal is required to file a permit application.

X E. An exterior wall erected within 5' of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1107 and Table 1105.

F. Requested variance conflicts with the Baltimore County Building Code, Section 1-1.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer, certify to this office, that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 5/5 and the required occupancy classification of Table 101.

X I. Comments: Since the above project is under construction, the owner should review the code requirements noted above and/or Section R-203 as well as Section R-211 of the One & Two Family Code to determine which might better suit his needs.

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Avenue, 21204.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:rr
FORM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 2, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: March 8, 1983

RE: Item No: 162, 163, 164, 165, 166, 167, 168
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: ZONING VIOLATION
Beach Avenue - Lots 4 & 5
11th Election District
Eric R. Bragg and
Sydney G. Bragg
1/2 S. Sydney G. Bragg
1027 Beach Avenue
White Marsh, Maryland 21162
Defendants

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
83-142-V

NOTICE OF APPEAL

Please enter an appeal to the County Board of Appeals
on behalf Mr. Lloyd and Mrs. Mary Goodman relative to the
Order of July 15, 1983.

S. ERIC DINENNA
S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1636
Attorneys for Mr. & Mrs. Goodman

I HEREBY CERTIFY that on this 9th day of April, 1983,
a copy of the foregoing Notice of Appeal was mailed to Barbara
Kerr Howe, Kerr, Kerr & Howe, 210 W. Pennsylvania Avenue, Towson,
Maryland 21204.

S. ERIC DINENNA



RE: Petition for Variance
S/S Beach Avenue, 239' NW of
Stevens Road, 11th District

ERIC R. BRAGG, et al

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Case No.: 83-245-A

SUMMONS

Please issue for the following witness to testify for the Protestants
in the above matter and make the writ returnable for Tuesday, May 17, 1983
at 9:30 o'clock A. M. before the Deputy Zoning Commissioner for Baltimore
County, 111 W. Chesapeake Avenue, Towson, Maryland 21204, in the Zoning
Commissioner's Hearing Room.

SYDNEY G. BRAGG
11205 Beach Avenue
Baltimore, Maryland 21162
White Marsh - Baltimore County

DUCES TECUM - To appear and bring any and all plans in support of permits
issued in relation to the Addition to the property known as 11205 Beach
Avenue, Baltimore County, Maryland.

COST \$.00
SUMMONED 19
NON EST 19
NON SUIT 19
COPY LEFT 19

CHARLES H. HENCKY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please issue summons in accordance with the above.

John M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

RE: Petition for Variance
S/S Beach Avenue, 239' NW of
Stevens Road, 11th District

ERIC R. BRAGG, et al

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Case No.: 83-245-A

SUMMONS

Please issue for the following witness to testify for the Protestants
in the above matter and make the writ returnable for Tuesday, May 17, 1983
at 9:30 o'clock A. M. before the Deputy Zoning Commissioner for Baltimore
County, 111 W. Chesapeake Avenue, Towson, Maryland 21204, in the Zoning
Commissioner's Hearing Room.

ERIC R. BRAGG
11205 Beach Avenue
Baltimore, Maryland 21162
White Marsh - Baltimore County

DUCES TECUM - To appear and bring any and all plans in support of permits
issued in relation to the Addition to the property known as 11205 Beach
Avenue, Baltimore County, Maryland.

COST \$.00
SUMMONED 19
NON EST 19
NON SUIT 19
COPY LEFT 19

CHARLES H. HENCKY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please issue summons in accordance with the above.

John M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

IN THE MATTER OF THE APPLICATION OF
ERIC R. BRAGG, ET AL
FOR VARIANCE FROM 1101.3B.3
OF THE BALTIMORE COUNTY
ZONING REGULATIONS
S/S OF BEACH AVENUE 239'
NE OF STEVENS ROAD
11th DISTRICT

AND

IN THE MATTER OF ALLEGED ZONING VIOLATION
OF ERIC R. BRAGG, ET AL
ON PROPERTY LOCATED AT
LOTS 4 and 5, BEACH AVENUE
11th DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

NO. 83-245-A

AND

NO. 83-142-V

OPINION

This matter comes before this Board upon a request for variance
to permit a 2 foot side yard setback in lieu of the required 5 foot setback,
and upon a notice of violation of the Baltimore County Zoning Regulations re-
flecting the fact that construction on the subject property of less than the
5 foot side yard setback in fact exists. In September, 1982, the zoning
inspector verified that an overhang in excess of the 5 foot setback permitted
by a previous zoning variance existed. The zoning violation matter was not
dismissed but rather was dismissed following the Deputy Zoning Commissioner's Order
permitting a variance for a 2 foot side yard setback in this matter. It is
from the dismissal of the violation and approval of the variance that the
Protestants have appealed. The subject property is located on the south side
of Beach Avenue 239 feet northeast of Stevens Road in the Eleventh Election
District of Baltimore County.

The testimony before the Board indicated that on June 14, 1977,
the Zoning Commissioner permitted a variance from the required 25 foot side
yard setback on this property to permit construction of a garage and recreation
room up to 5 feet from the side property line. Such construction was to be
in accordance with a site plan submitted by the subject property owners; site
plan has been made a part of this file. Testimony also indicated that the
site plan submitted and approved by the County did not reflect that portion
of the construction that overhangs on the second floor and roof that is the
subject of the present controversy. In fact, such construction does exist.

ERIC R. BRAGG, ET AL - #83-245-A & #83-142-V

and the encroachment of 3 feet was stipulated by the parties in this matter.
In effect, Mr. and Mrs. Bragg have, without County approval, increased the use
which was permitted by the 1977 variance. Unfortunately, they have chosen
to complete a substantial portion of the construction with this overhang, and
testimony they provided clearly indicates that to deny their requested
variance would pose severe financial problems required by the reconstruction
of the entire addition, not merely the 3 foot portion of the overhang.

In questioning, and cross-examination regarding the issue of
hardship, the Petitioners could provide no basis for their claim of hardship
other than the monetary detriment that complying with the 1977 variance would
pose. Petitioners also claim that their time and effort in repainting the
condition so to comply with a 5 foot side yard setback would create a hardship
for them. The Board believes that this again is a financial hardship and
nothing more as the Petitioners could choose not to make the repairs themselves
but rather hire a contractor for this purpose. On cross-examination the
Petitioner was unable to supply any additional hardship inherent in the prop-
erty itself or otherwise to sustain the required variance.

In view of the case law interpreting hardship, the Board is of
the belief that no such hardship has been established by the testimony received.
Merely monetary hardship is not enough. The testimony presented on cross-exami-
nation indicated that a reasonable use of the property as a residence could
still be made without the requested variance, and that the use to which the
property would be used if granted the variance would not be unusual or peculiar.

The Board was not particularly persuaded, however, that a grant
of the requested variance would have adversely affected the general health,
safety and welfare of the community. The harm to which the Protestants ob-
jected have not been created by the 3 foot overhang but are rather a response
to the legitimate construction in general by the Petitioner. Such an absence
of detrimental effect though is not a matter of this Board's decision, as we
believe that sufficient hardship has not been proven.

We hold that the sole basis for denying the variance is that no
substantial evidence of hardship was introduced. Without this *prima facie*

showing issues of the effect on the community are not relevant. We, therefore, hold that the construction on this property exceeds that permitted by the 1977 variance, and this Board will not permit a further encroachment. All present and contemplated construction on the property to the contrary must be changed in order to comply with this decision.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of February, 1984, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED, and that all present and contemplated construction on the subject property be changed so as not to encroach beyond the 5 foot side yard setback; and it is

FURTHER ORDERED that the Board finds that the Defendants are in violation of the Zoning Regulations of Baltimore County as stated in case #83-142-V and such violation must cease.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

LeRoy E. Spurrick

Olivia K. Vincent

SED:wjt
5-10-83

RE: PETITION FOR VARIANCE
S/S Beach Avenue, 239' NW of
Stevens Road, 11th District

ERIC R. BRAGG, et al

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 83-245-A

SUMMONS

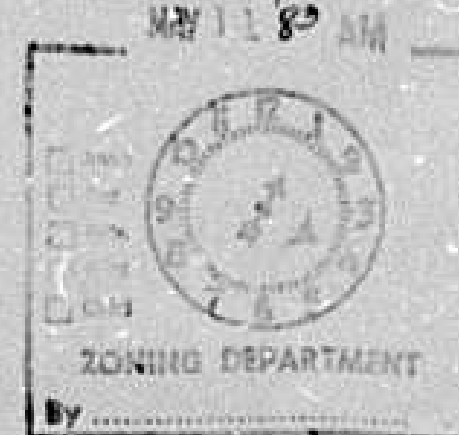
Please issue for the following witness to testify for the Petitioners in the above matter and make the writ returnable for Tuesday, May 17, 1983 at 9:30 o'clock A. M. before the Deputy Zoning Commissioner for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, in the Zoning Commissioner's Hearing Room.

COST \$ 5.00

SUMMONED 5/12/83
NON EST 19
NON SUIT 19
COPY LEFT 19

TED ZALESKI, JR.
DEPARTMENT OF PERMITS AND LICENSES
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DUCESS TECUM - To appear and bring any and all books, plats, applications for permits, plans in support of permits, permits, plats in support of permits relative to 1205 Beach Avenue which have been submitted, approved, disapproved, applied for, etc. since January 1, 1980 to the present date, to include electrical, plumbing, Health Department and Zoning, etc.



S. ERIC DINENNA, P.A.
406 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
825-1630
Attorneys for Protestants

Mr. Sheriff:

Please issue summons in accordance with the above.

John M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

SED:wjt
5-10-83

RE: PETITION FOR VARIANCE
S/S Beach Avenue, 239' NW of
Stevens Road, 11th District

ERIC R. BRAGG, et al

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 83-245-A

SUMMONS

Please issue for the following witness to testify for the Protestants in the above matter and make the writ returnable for Tuesday, May 17, 1983 at 9:30 o'clock A. M. before the Deputy Zoning Commissioner for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, in the Zoning Commissioner's Hearing Room.

NICHOLAS S. COMMODARI
OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DUCESS TECUM - To appear and bring File Number 78-12-A from the Office of Planning and Zoning.



Mr. Sheriff:

Please issue summons in accordance with the above.

S. ERIC DINENNA, P.A.
406 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
825-1630
Attorneys for Protestants

John M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

PETITION FOR VARIANCE

11th Election District

ZONING: Petition for Variance
LOCATION: South side of Beach Avenue, 239 ft. Northeast of Stevens Road

DATE & TIME: Thursday, April 28, 1983 at 9:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 2 ft. in lieu of the required 5 ft. per order of the Deputy Zoning Commissioner of Baltimore County dated September 7, 1977 in Case No. 78-12-A

The Zoning Regulation to be excepted as follows:
Section 1A01.3B.3 - minimum side yard setback in a R.C. 2 zone

All that parcel of land in the Eleventh District of Baltimore County

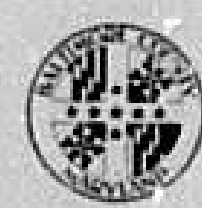
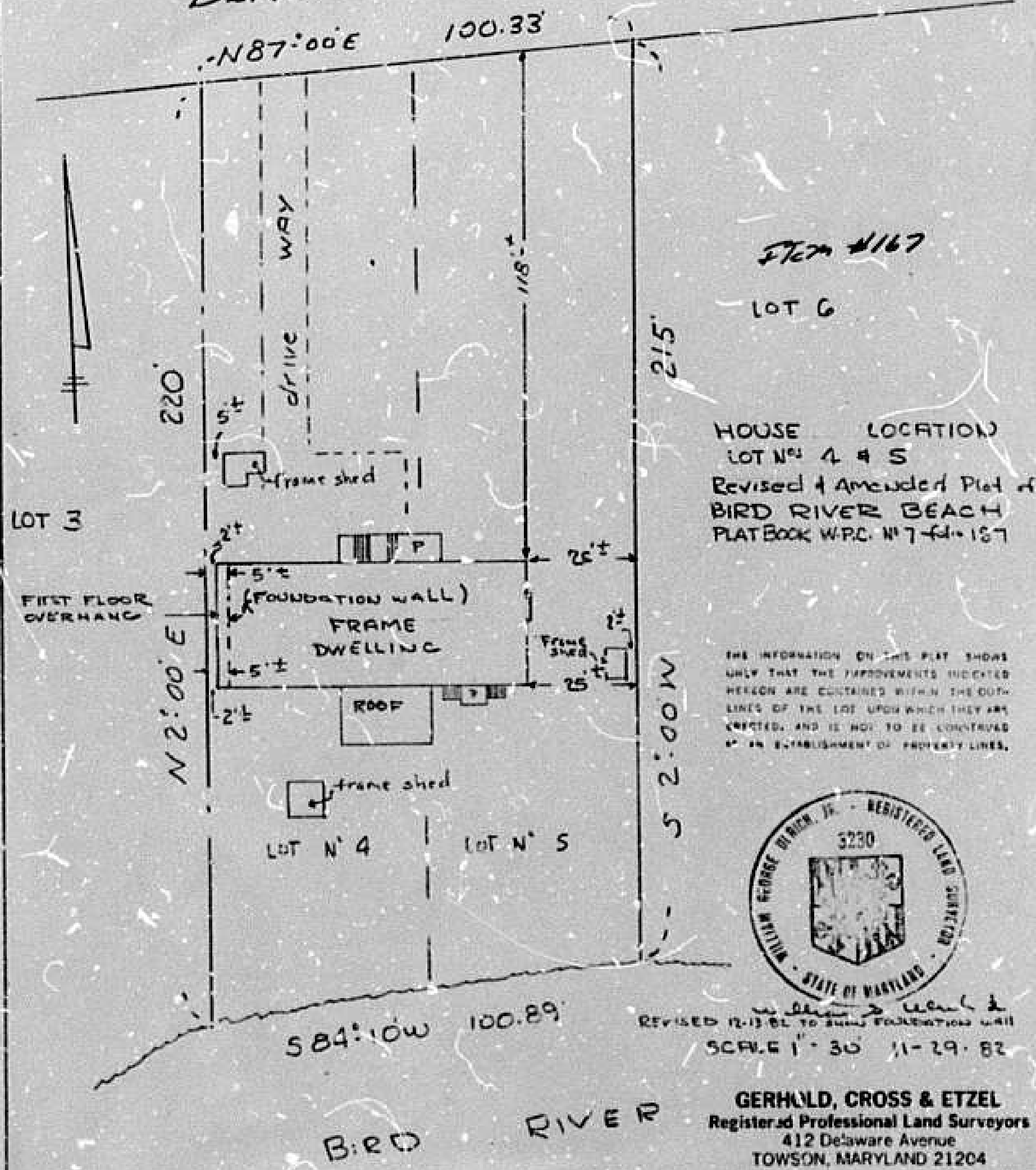
Being the property of Eric R. Bragg, et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, April 28, 1983 at 9:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

11th ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEACH AVENUE



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 12, 1983

Barbara Kerr Howe, Esquire
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
S/S of Beach Ave., 239' NE of Stevens Rd.
11th Election District
Eric R. Bragg, et al - Petitioners
NO. 83-245-A (Item No. 167)

Dear Ms. Howe:

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

Very truly yours,

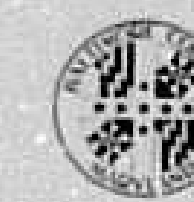
John M. H. Jung
Deputy Zoning Commissioner

JMH/mc

Attachments

cc: S. Eric Dinenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

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



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JADON
ZONING COMMISSIONER

August 9, 1983

Barbara Kerr Howe, Attorney at Law
210 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Variance
S/S of Beach Ave., 239' NE of
Stevens Road
Eric R. Bragg, et al - Petitioners
Case No. 83-245-A

Dear Ms. Howe:

Please be advised that an appeal has been filed by S. Eric Dinenna, Attorney for protestants, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jadon
Zoning Commissioner

AJ:aj

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

March 30, 1983

Barbara Kerr Howe, Attorney at Law
210 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variance
S/S of Beach Ave., 239' NE of Stevens Road
Eric R. Bragg, et al - Petitioners
Case No. 83-245-A

TIME: 9:15 A.M.

DATE: Thursday, April 28, 1983

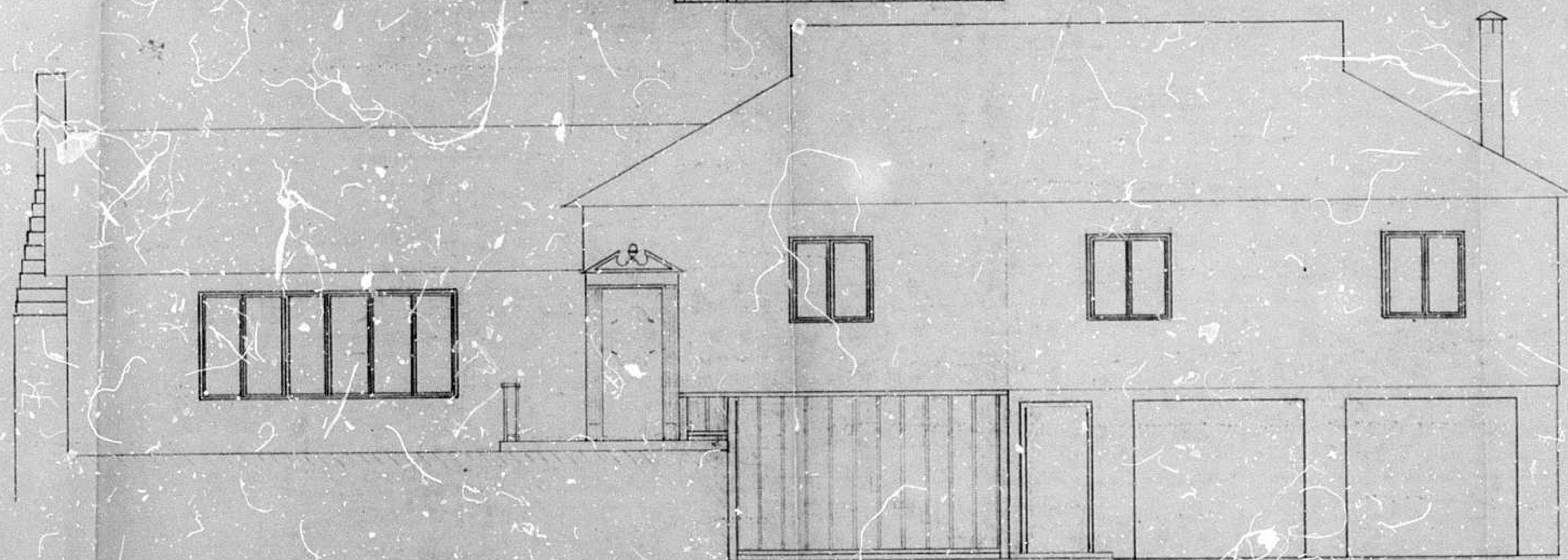
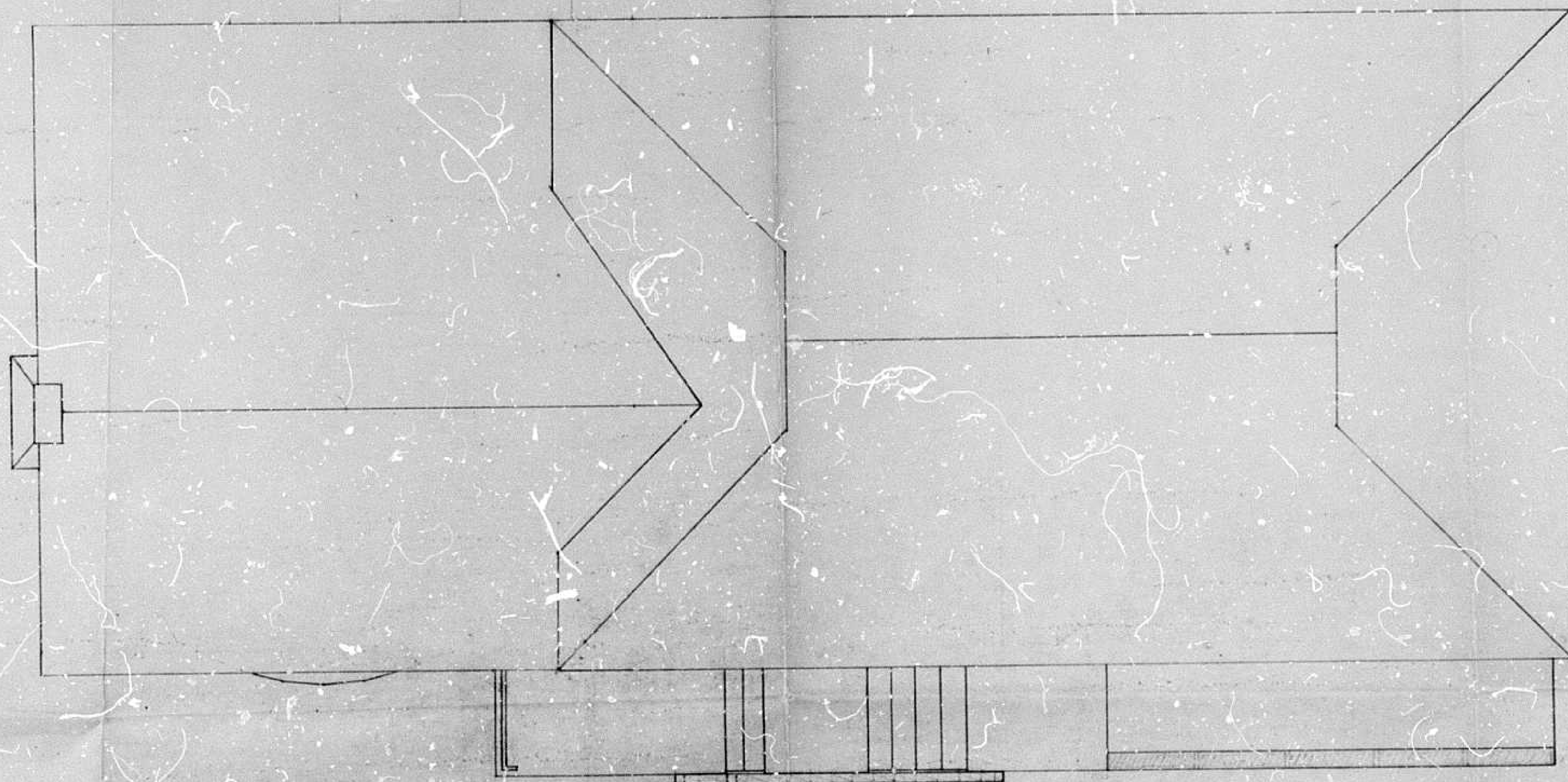
PLACE: Room 106, County Office Building, 111 West
Chesapeake Avenue, Towson, Maryland

John M. H. Jung
Deputy Zoning Commissioner of
BALTIMORE COUNTY

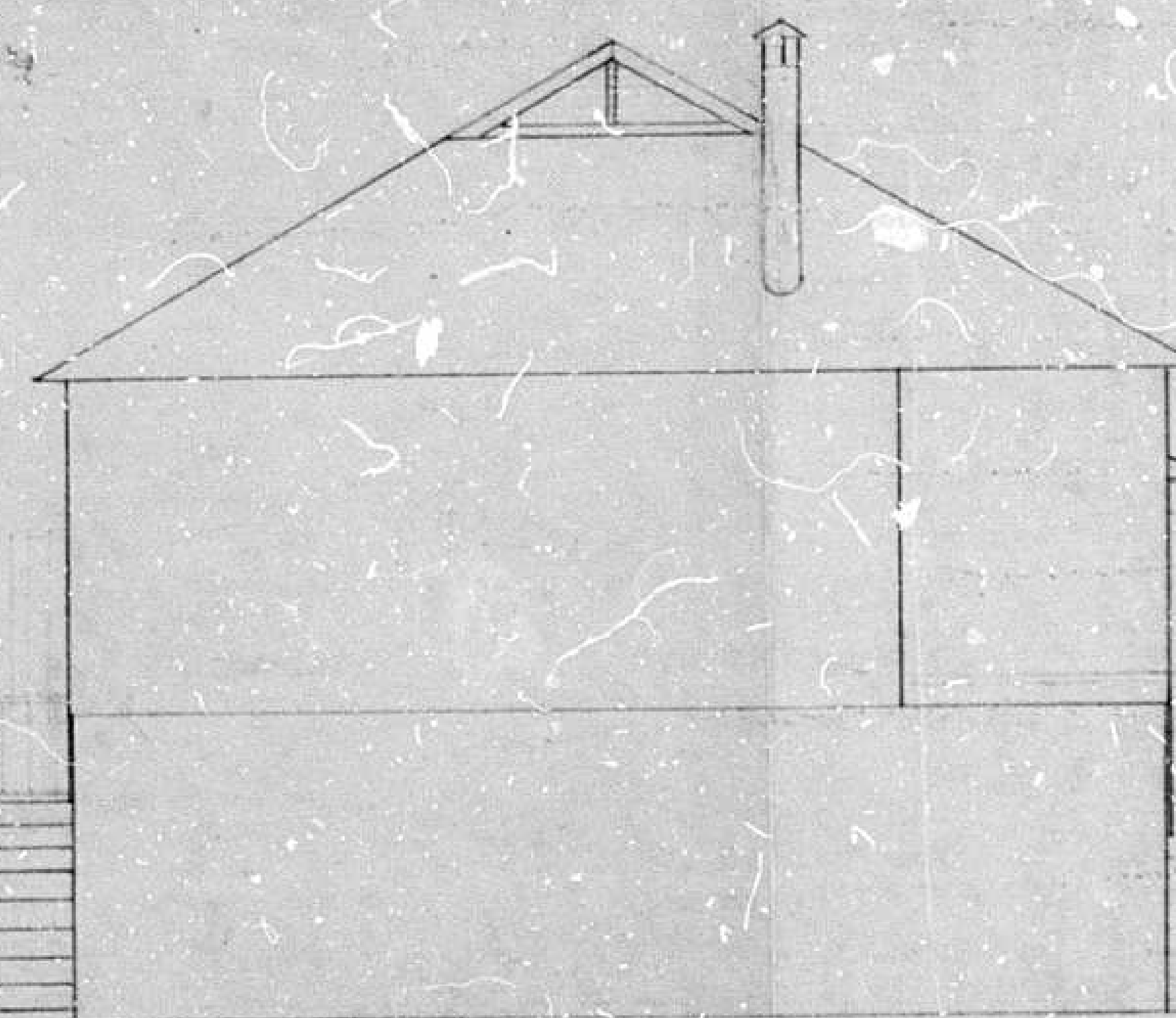
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 113080

DATE: 4/28/83 ACCOUNT: R-0615-006
AMOUNT: \$35.00
RECEIVED: SHANEY E. BERRY
FROM: City of Baltimore
FOR: Item #167
6 100*****350010 0202A
VALIDATION OR SIGNATURE OF CASHIER



FRONT ELEVATION



WEST SIDE ELEVATION

PETITIONER'S
EXHIBIT 1

SCALE: $\frac{1}{4}'' = 1'-0''$
DIMENSION FOR REFERENCE ONLY

MICROFILMED

Mrs & Mr. ERIC R. BRAGG, OWNERS
1027 BEACH AVENUE
WHITE MARSH, MARYLAND, 21162
DRAWN BY: J.L. WITZEL 4-13-77

PAGE 1 OF 2