

- () 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.
- () Others This site is served by a sewage disposal system which appears in some cases.

Approved is based on the following conditions:
The proposed addition will be limited to approximately one-half of the site shown on the original plot plan (1 story) submitted with the previous dated Jan 1984. No additional plumbing fixtures will be permitted, including automatic dishwashers and garbage disposals.
The proposed amount of approximately 1200 sq ft will not interfere with the existing sewage disposal system.

[Signature]
John J. McCreary, Director
BUREAU OF ENVIRONMENTAL SERVICES

BB 20 1080 (2)

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Duhal, Sr., Superintendent

Towson, Maryland - 21204

Date: January 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 31, 1984

RE: Item No: 192, 193, & 194.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

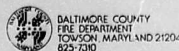
District:
No. Acres:

Dear Mr. Jablon:

The above item, have no bearing on student population.

Very truly yours,
[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/th



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
625-7100

PAUL H. RENCKE
C.E.T.

January 31, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: John Bongiorno, Jr.

Location: W/S Burke Road 989' S. Cold Spring Road

Item No. 192 Zoning Agenda: January 31, 1984.

Contentment:

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.
- (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.

REVIEWED BY: *[Signature]* + 31-4
Planning Group Special Inspection Division
Noted and Approved: *[Signature]*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

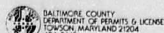
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: March 23, 1984
Norman E. Barber, Director
FROM: Office of Planning and Zoning
John Bongiorno, Jr.
SUBJECT: BU-783-A

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

[Signature]
Norman E. Barber, Director
Office of Planning and Zoning

NEG/JGH/sf



BALTIMORE COUNTY
DEPARTMENT OF PLANNING & ZONING
TOWSON, MARYLAND 21204
404-3010

ED ZALEWSKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 192 Zoning Advisory Committee Meeting are as follows:

Property Owner: John Bongiorno, Jr.
Location: W/S Burke Road 989' S. Cold Spring Road
Present Zoning: R.C.D.
Proposed Zoning: Variance to permit a side yard setback of 27' in lieu of the required 50'.

Area: 120/50 x 339/983.55
District: 15th.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/1982. All structures shall conform to the Baltimore County Building Code 1981/1982 and other applicable codes.
- (X) A building/structure shall conform to the Baltimore County Building Code 1981/1982 and other applicable codes.
- (X) Residential: These sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seal and signature are required on Plans and Technical Data.
- (X) Commercial: These sets of construction drawings with a Maryland Registered Professional Engineer seal are required to file a permit application.
- (X) An exterior wall erected within 6'0" for commercial use or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistant construction, no opening permitted within 3'0" of lot line. If a wall is required if construction is on the lot line, see Table 101, line 2; Section 1007 and Table 1001, also Section 1007.
- (X) Requested variance appears to conflict with the Baltimore County Building Code, Section 1007.
- (X) 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.
- (X) Before this office can comment on the above structure, please have the owner, the services of a Registered or Licensed Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed is in compliance with the height/area requirements of Table 505 and the required construction classification of Table 507.
- (X) Comments - All floor levels including basements if there is one shall be 1'-0" above the flood stage as established by public works. See attached copy of Section 519.07 from Bill 10-82. Show separate distances between buildings and distances from all property lines.

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 112 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
[Signature]
Charles E. Burbanck, Chief
Plans Review

CEB:ee

February 3, 1984

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS

BILL 10-82 BALTIMORE COUNTY BUILDING CODE 1981

EFFECTIVE MARCH 25, 1982

SECTION 519 A Section added to read as follows:

SECTION 519.0 CONSTRUCTION IN AREAS SUBJECT HAZARD TO FLOODING

519.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.
2. Crawl space under buildings constructed in the Tidal Plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.
3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal system to be located so as to avoid impairment of them or contamination from them during flooding.

519.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be constructed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed area.
2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 121.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 519.1 of this section.
3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 519.1 when damage exceeds 50 percent of physical value.

Form 02-82

April 3, 1984

TO WHOM IT MAY CONCERN:

John Bongiorno has informed me of his intention to build an addition to his existing house. This will be done, I understand, to comply with the County Code in all respects. I have been shown the plans and have found nothing objectionable to me, as his neighbor.

Margaret J. Elliott
1306 Burke Road
Baltimore, Md., 21202

To Whom It May Concern:
I have reviewed all of the drawings of the work to be done and have no objections to the construction that will take place at 1308 Burke Road. My property is subject to the setback requirements and the percentage of property to be covered.

Yours truly,
[Signature]
Paul Bongiorno

PETITIONER'S
EXHIBIT 3

IN RE: PETITION ZONING VARIANCES
W/S of Burke Road, 989' S of
Cold Spring Road (1308 Burke
Road) - 15th Election District
OF BALTIMORE COUNTY
John Bongiorno, Jr.,
Petitioner
Case No. 84-263-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a side yard setback of 39 feet instead of the required 50 feet and 16.7% of the lot to be covered by buildings instead of the maximum permitted coverage of 15%, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the Petitioner's family has owned the subject property, zoned R.C.5, for many years. It was given to the Petitioner as a gift by his parents. Two houses, a primary dwelling which faces the water and a summer house, a garage, and a swimming pool presently exist on the property. The lot, which is adjacent to the water, is oddly shaped, i.e., about 370 feet long on one side, 339 feet long on the other side, 50 feet wide at the water, and 120 feet along the road. See Petitioner's Exhibit 2. The Petitioner proposes to place the primary dwelling as his residence and to expand it by adding a story and a 52.6' x 12' rear addition.

The proposed rear addition requires a side yard setback variance. Due to the odd shape of the lot, the addition would be only 39 feet from the side yard property line in the front and the required 50 feet in the rear. The addition could not be constructed elsewhere due to the configuration of the lot and the placement of the other buildings and swimming pool.

The Petitioner determined that the total square footage of the property is 29,917 square feet, not the 27,000 square feet determined by the Zoning Office. The existing buildings and proposed addition total 3,848.46 square feet, which would be less than the 15% allowed; therefore, that variance is not required. If the figure determined by the Zoning Office were used, the total coverage would be 16.7% and a variance would be required. Even if that figure were used, the Petitioner has certainly set forth sufficient evidence to satisfy the burden of proof mandated by Section 307 of the Baltimore County Zoning Regulations (BCZR). It should be noted that the existing buildings predate the implementation of the BCZR.

The Petitioner seeks relief from Section 1804.3.B.3 and 4, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Daley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Md. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of April, 1984, that the variance to permit a side yard setback of 39 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

It is FURTHER ORDERED that the variance to permit 16.7% of the lot to be covered by buildings instead of the maximum permitted coverage of 15% is not necessary for the reason described above and, as such, is moot.

[Signature]
Zoning Commissioner of
Baltimore County

ZONING DESCRIPTION

Beginning at a point on the west side of Burke Road 989 feet south of Cold Spring Road and known as lot 129, Plat 1 of Rowley's Quarters and recorded among the land records of Baltimore County in plat book 7, folio 12.

Also known as 1308 Burke Road.

ORDER RECEIVED FOR FILING

DATE: April 19, 1984

BY: *[Signature]*

ORDER RECEIVED FOR FILING

DATE: April 19, 1984

BY: *[Signature]*

ORDER RECEIVED FOR FILING

DATE: April 19, 1984

BY: *[Signature]*

PETITION FOR VARIANCES

15th Election District

ZONING: Petition for Variances

LOCATION: West side Burke Road, 989 ft. South of Cold Spring Road (1308 Burke Road)

DATE & TIME: Monday, April 9, 1984 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Variances to permit a side yard setback of 39 feet instead of the required 50 feet and to permit 16.7% of the lot to be covered by building in lieu of the maximum permitted coverage of 15%

Being the property of John Bongiorno, Jr., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
444-3333

ARNOLD JABLON
ZONING COMMISSIONER

March 30, 1984

Mr. John Bongiorno, Jr.
1308 Burke Road
Baltimore, Maryland 21220

Re: Petition for Variances
W/S Burke Rd. 989' S of Cold Spring Rd.
(1308 Burke Road)
Case No. 84-263-A

Dear Mr. Bongiorno:

This is to advise you that \$45.05 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
JABLON
Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 128279
DATE: 4/4/84
AMOUNT: \$45.05
RECEIVED FROM: JABLON JANUARY 4/4/84
FOR: CASE NO. 84-263-A
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 8, 1984

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

Mr. John Bongiorno, Jr.
1308 Burke Road
Baltimore, Md. 21220

MEMBERS
Nicholas B. Commodari
Chairman
Members:
Bureau of Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Protection
Health Department
Parks and Recreation
Building Department
Board of Education
Zoning Administration
Industrial
Development

RE: Item No. 192

Petitioner - John Bongiorno, Jr.
Variance Petition

Dear Mr. Bongiorno:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Mr. Steve Adamski - Health Department - 494-2762

Mr. Charles Burnham - Permits & Licenses - 494-3987

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 2-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bhc

March 13, 1984

Mr. John Bongiorno, Jr.
1308 Burke Road
Baltimore, Maryland 21220

NOTICE OF HEARING

Re: Petition for Variances
W/S Burke Rd., 989 ft. S of Cold Spring
Road (1308 Burke Road)
John Bongiorno, Jr. - Petitioner
Case No. 84-263-A

TIME: 10:30 A.M.

DATE: Monday, April 9, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 124075

DATE: 1/24/84
AMOUNT: \$45.05
RECEIVED FROM: JABLON JANUARY 4/4/84
FOR: CASE NO. 84-263-A
VALIDATION OR SIGNATURE OF CARRIER