PETITION FOR ZONING VARIANCE 84-263-A

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%

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

Existing home is 55 feet to property line.Need 12 feet for new addition. Leaving 39 feet to property line. Need addition for living space.

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 adoreted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly dec under the penalties of per are the legal owner(s) of which is the subject of this	jury, that I/we
Legal Owner(s):	0.50
John Bongiorno jr	Tree Face of the tree of the t
Strature Surction	D. A. Joseph
(Type or Print Name)	
Signature	
	254-0700 work
1308 Burke Road	335-6713 home
Address	Phone No.
Baltimore Maryland City and State	21220
Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
John Bongiorno jr Name	254-0700 wor
1308 Furke Road	335-6713 home
	under the penalties of pe- which is the subject of this Lagal Owner(s):

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL P. E.

Mr. Arnold Jablon

4

___ day of __April______ 19.84 __at 10:30 o'clock

Gall Soll

Item 192 (1983-1984)
Property Owner: John Bonglorno, Jr.
Page 2
March 16, 1984 Water and Sanitary Sewer:

There is a 10-inch public water main in pure tood. Public markety seerage is not available to serve this property, which was in missip private confits enverse disposal facilities of the public facilities with the Comprehensive Metropolities which the Comprehensive Metropolities of the public facilities of the public facilities and through January 1992, indicate "Existing Service" and "No Planned Service", respectively.

ROBERT A. MORTON, P.E., Chief Bureau of Public Services

: BEFORE THE ZONING COMMISSIONER

......

ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the above-

captioned matter. Notices should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or final

OF BALTIMORE COUNTY

Phyllic Cole Friedman

Leter May Zummenn

Phyllis Cole Friedman

Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

Phyllis Cole Friedman

I HEREBY CERTIFY that on this 22nd day of March, 1984, a copy of

the foregoing Entry of Appearance was mailed to Mr. John Bongiorno, Jr.,

1308 Burke Road, Baltimore, MD 21220, Petitioner.

Phyllis Cole Friedman People's Counsel for Baltimore County

BEA DETITION FOR VARIANCES

JOHN BONGIORNO, JR., Petitioner

M/S Burke Rd., 989' S of Cold Spring Rd. (1308 Burke Rd.), 15th District

BAM - PAM - PWR - GR

Z-SW Key Sheet 5 NE 45 Pos. Sheet NE 2 L Topo 98 Tax Map

Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Item 192 (1983-1984)
Property Owner: John Bongiorno, Jr.
W/S Burke Rd. 989' S. Cold Spring Rd.
Acres: 120/50 X 339/383.55
District: 15th

March 16, 1984

Dear Mr. Jahlone

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

Burke Road, an existing public road, is proposed to be further improved in the future as a 30 foot closed section roadway on a 50-foot right-of-way.

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.

ORDER RECEIVED FOR FILING

The Petitioner must provide necessary drainage facilities (temporary or perannent) 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, owald be the full respensibility of the Petitioner.

The property to be developed is located adjacent to tidewater. The Petitioner is advised that the proper sections of the Maltimore County Mulising Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential and commercial development.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 30, 1984

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

Dear Mr. Bongiornos

Realth Departmen

The Scaling Flans Advisory Committee has reviewed the plans submitted with the above referenced petition. The Tollowing comments are not intended to indicate the suppress are made as a construction of the suppression of the superior of the submittee of the superior of the submittee of the submi In view of your proposal to construct an addition to the side of the main aveiling on this property, this hearing for setback and percentage of lot overnege is routived. Because the other deal with property is a "numer house", it was the reach of the scaling supervisor that the pottion should be processed as schmitted.

RE: Came No. 8h-263-A (Item No. 192) Petitioner - John Bongiorno, Jr. Variance Petition

After a number of discussions with you concerning the percentage of the lot that will be covered by the buildings, we arrived at the figure shown on the site plan.

However, you stated that the site area is sotually greater than 27,005 eq. ft, and therefore, the variance should not be an great as was advertised. This information should be presented and discussed at the hearing

Balones are all comments ministed from the members of the Committee at this time that offer or request information or your petition. If similar comments from the resating members for I will forward then to you. Otherwise, worm informative will be placed in for informative will be placed in for the called. This petition was accepted "or filling" as such as the petition was an a hearing subschild accordingly.

Very truly yours. Commodarfas. MICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:mch Enclosures

DALTIMORE COUNTY OFFICE OF PLANNING AND ZONNIK TOUNON MARYLAND 21204 474-3211

2/19/04

Re: Zoning Advisory Meeting of 1/31/84/ Item # 1970 Property Owner: Johns Bourgior No. Ir. Location Late Berlier Advisory Cold Syring Flot

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are smallcable.

There are no tite planting factor requiring comment, if country factor from the planting factor Regulations.
]Development of this site may constitute a potential conflict with
the Saltimore County Master Plan.
The amended Development Plan was approved by the Planning Board on Landscaping should be provided on this site and shown on the plan. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity use Certificate has been issued. The deficient service () The property is located in a traffic area controlled by a '5' level intersection as defined by \$111 178-79, and as conditions change traffic capacity may become once limited. The Basic Services Area or re-ever lusted annual by by the County Council.

() Additional comments:

Eugene A. Bober Chief, Current Planning and De

Feb 28, 1984

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

CONCESTS ARE AS POLICES!

Zoning Item # 192 . Zoning Advisory Committee Meeting of JAN 31, 1984

Property owner: John Bongios No Dr. ___ District ___/5

Location: W/s Burke Road Water Supply _____ Dublic ____ Sewage Disposal ___ PriVATE____

- () Price 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 substited to the Plans Bruse Section, Burizomental Support Services, for final review and approval.

- () Prior to new installation/s of rest burning emisses, the owner should content the Division of Alexander that the United States of Alexander that the Company of the Com
- into the atmosphere.

 A permit to construct from the Division of Air Pollution Control is required for any charbcoller operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a initiate Femal Application for reconstitute of the state of the st
- () Prior to any new construction or substantial alteration of public evising pool, wating pool, bathhouse, sames, whitipools, but these week-record facilities or other approximation of the substantial public to the property of the public of the property of the public of the public
- Prior to approval for a murery 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.

ee on 1082 (1)

BALTIMORE COUNTY PUBLIC SCHOOLS

Towson, Maryland - 21204 Robert Y. Dubel, St., erintendent

Date: January 27, 1984

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

Mr Arnold Jahlon

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

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

District

Dear Mr. Jablon

The above item, have no bearing on student population.

Www. Teisteleous Wm. Nick Petrovich, Assistant

PAUL H RENCKE

January 31, 1984

Zoning Agenda: January 31, 1984

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Ower: John Bongiorno, Jr.

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

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

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 Morks.

/ 1 2 A second means of unbicle 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

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

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

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

REVIEWER CAR Last tolly 1311 Noted and Leone M. Merondt Special Inspection Division

RALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO Zoning Commissioner Date ... March 29, 1984

PROM Office of Planning and Zoning

John Bongiorno, Jr. SUBJECT 84-263-A

There are no comprehensive planning factors requiring comment on this

Norman E. Gerber, Birdtor Office of Planning and Zoning

NEG/JGH/sf

February 3, 1984

Community on Item # 192 Zomine Advisory Committee Meating are as follows

John Bongiorno, Jr. W/S Burke Road 989 S. Cold Spring Road R.C. 5 Variance to permit a side yard setback of 27' in lieu

Acres: 120/50 x 339/383.55 District: 15th.

The items checked below are applicable;

(A) All structures shall conform to the Baltimore County Building Code 1981/Council

C. Residential: Three outs of construction drawings are required to file a permit application. Architect/Engineer seal legis not required. Hom-reproduced seals and signatures are required on Plans and Technical letts.

2. An extensive vall enough within 60 for Commercial uses or 10 for Com 6 Two Family use group-of an adjacent let line shall be of one how fire restative construction, no opening permitted within 10 of 1st line. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1107 and Table 1007, also Section 93.2.

F. Requested variance appears to conflict with the Baltimore County Building Code

B. Defore this office our comment on the above structure, please have the owner, then the services of a Registered in Karyland architect or Pregimer certify to this office, that, the structure for which a preposed change in use is proposed can comply with the height/area requirements of Table 905 and the required on struction classification of Table 405.

(i) Comments - All floor levels including basements if there is one shall be 1'-0 above the flood stage as established by public vorks. See attached copy of Section 519.0 from Bill 16-52. Show separate distances between buildings and distances from all property lines.

NOWS: These comments reflect only on the information provided by the drawings schemitted to the office of Flazzing and Sozing and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting most 122 (Plazz Merter) at 111. V. Chesapsek Ave.

Very truly yours. Marks & Sunta Charles E. Burnham, Chief

To Whom It May Concern: I have reviewed all of the drawings of the work to the done

and have in orgetime to the construction that will take frace of 1308 Durke Good. My property is subject to the sections

requiremente and the percentage property to be conced.

SPECIAL NOTE FOR CONSTRUCTION IN TITLAL OR RIVERING AREAS

BILL 4-82 BALTIMORE COUNTY BUILDING CODE 1981

EVPERATUR MARCH 25, 1080

SECTION 519 A section added to read as follows:

SECTION 519.0 CONSTRUCTION IN AREAS SUBJECT HAZARD TO PLOODING

519.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS

immedation by tidewaters, the building or additions are constructed in areas object to immedation by tidewaters, the building's lowest floor (including heasems) shall be not lower than one (1) foot shows the 100 year flood elevation, as established by the U.L. Army Corps of Engineers or the Pederal flood Innermose study, whichever, and the contract of the structure with such contractions of the structure with such contract to prove the contract to report of the structure with the contract of the structure with the structure with the contract of the structure with the contract of the structure with t

2. Cravi 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 debers causing damage to the improvements of any property.

j. New or replacement utility systems, including but not limited to water supply, smitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of lood waters into the systems and discharges from the systems into flood waters, and require omnite wate disposal systems to be located so as to avoid impairment of these or containation from thee during flooting.

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

No structures or additions shall be constructed within the 100 year flood plain of any vatercourse. The 100 year flood plain shall be based upon the Federal Flood insurance study or the begaritem of Polic Verks, whichever is the more restrictive; this determination shall include plazmed future development of the vaterched area.

Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 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 restion.

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 2, 1984

TO WHOM IT MAY CONCERN:

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

> Managet J. Ellints. 1306 Burke Road Da 2+ 1 more Mt. . 21220



Department of Planning

PHILIPPONER'S EXHIBIT 3

IN RE: PETITION ZONING VARIANCES
W/S of Burke Road, 889' S of
Cold Spring Road (1908 Burke
Road) - 15th Election District
John Bongiorho, Jr.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
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 Ernibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the Pelitioner's family has owned the subject property, seed N.C.S, for many years. It was given to the Pelitioner as a gift by his parents. The houses, a primary dealing which faces the water and a numer house, a garage, and a sufmining 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 aide, 339 feet long on the other side, 50 feet wide at the water, and 120 feet long the property. This lot, 2. The Feltitoner proposes to

along the road. See Petitioner's Exhibit 2. The Petitioner proposes to

he proposed rear addition requires a side yard setback variance. Due to a shape of the lot, the addition would be only 39 feet from the side yard ty line in the front and the required 50 feet in the rear. The addition rot be constructed elsewhere due to the configuration of the lot and the meent of the other buildings and automics cool. The Petitioner determined that the total aquare footage of the property is 29,917 square feet, not the 27,002 square feet determined by the Zoning Office. The existing buildings and proposed addition total 19,884.64 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 <u>Baltimore County Zoning Repulations</u> (BCZB). It should be noted that the existing buildings predate the implementation of the BCZB.

The Petitioner seeks relief from Section 1804.3.8.3 and 4, pursuant to Section 107. RCZR.

An area variance may be granted where strict application of the zoning regulation would count practical difficulty to the petitioner and his property. <u>McLean v. Boley</u>, 270 Md. 268 (1973). To prove practical difficulty for an area variance, its petitioner must neet 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.
- on v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

t is clear from the testimony that if the variance were granted, such use

patential detriment to the public good.

-2-

After due consideration of the teatinony 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 Fetitioner 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 detrinontal to the public health, safety, and general wefform.

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

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is bereby made sware that proceeding at this time is at his own risk until such time as the applicable 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, and property to its original condition.

It is FURTHER ORDERED that the variance to permit 16.7% of the lot to be red by buildings instead of the maximum permitted coverage of 15% is not

Zoning Commissioner of

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 Bowleys Quarters and recorded among the land records of Baltimore County in plat book 7, folio 12.

Also known as 1308 Burke Road.

PETITION FOR VARIANCES

15th Election District

ZONING:

Petition for Variances

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 W. Chesapeake

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 ft. instead of the required 50 ft. and to permit 16.7% of the lot to be covered by building in lieu of the maximum permitted coverage

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

In the event that this Petition is granted, a building permit may be issued within the thirty (10) day appeal period. The Zoning Commissioner will, however, neitertain any request for a stoy of the issuence of said permit during this period for good cause abown. Such request must be received in writing by the date of the hearing, at above or made at the hearing,

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY



ARNOLD JADION 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 \$42.85 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 <u>not</u> remove sign until day of hearing.

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



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

- 3 -

February 8, 1984

county office BLDG.
111 W. Chesspeake Ave.
Towson, Maryland 2126
ode
Nicholas B. Commodari

ATE

MEMBERS

Boreau of Engineering
Department of
Traffic Engineering
State Foods Commissi

Traffic Engineering
State Ende Commission
Decay of
Fire Prevention
Health Department
Project Planning
Building Department
Doard of Education
Include Administration
Industrial

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

> 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 evoid any future delays in processing this petition, 'urge you to personally contact the representative(s) from the above department(s) and discuss the required evisions. Men discussing this petition, it will save you approximately 3-4 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.

> Micholas B. Commoder. Chairman Zoning Plans Advisory Committee

NBC:bsc

March 13, 1

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

NOTICE OF HEARING

Rev Petition for Variances

Even Petition for Variances

Road (1308 Burke Road)

John Bongiorno, Jr. - Petitioner

Case No. 34-261-A

TIME: 10:30 A.M.

DATE: Monday, April 9, 1984

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

Avenue, Towyon, Maryland

Zoning Compressioner

TIMORE COUNTY, MARY DE OF FINANCE - REVENUE D CELLANEOUS CASH RECE	MONSTAN	m. 124075
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