

85-193-A 85-193-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.B.2.3.B. (Section 1.B.2.3.B.4) To Permit side yard set back of 17.5 feet instead of required eight feet. A side yard setbacks of 17.5 feet instead of required twenty feet, and to amend the final development plan of Lodge Forest to permit building outside of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To enclose an already covered carport

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

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Emergency's Telephone No.:

Address

Phone No.

Legal Owner(s):

John Joseph Sporik, Jr.

(Type or Print Name)

Signature

Sharon Darlene Sporik

(Type or Print Name)

Signature

2509 East Ave.

Address

Baltimore, Md.

City and State

21219

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John Joseph Sporik, Jr.

Name

2509 East Ave.

Address

477-8927

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of December, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 30th day of January, 1985, at 10:00 o'clock A.M.

(over)

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 11th day of December, 1984.

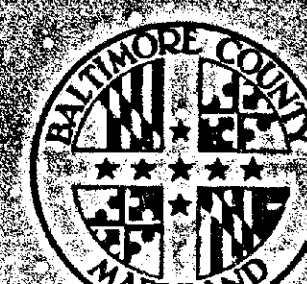
ARNOLD JABLON
Zoning Commissioner

Petitioner: John Sporik, Jr., et ux Received by: Nicholas B. Commodari
Chairman Zoning Plans Advisory Committee

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1985

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

Mr. & Mrs. John Sporik, Jr.
2509 East Avenue
Baltimore, Maryland 21219

RE: Item NO. 144 - Case NO. 85-193-A
John J. Sporik, Jr., et ux
Variance Petition

Dear Mr. & Mrs. Sporik:

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.

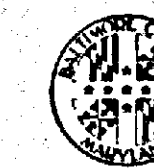
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing 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
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
DIRECTOR

January 18, 1985

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

Re: Item #144 (1984-1985)
Property Owner: John J. Sporik, Jr., et ux
E/S East Ave., 20' S. from centerline
Seekford Rd.
Acres: 60 x 125
District: 15th

Dear Mr. Jablon:

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:

There are no public facilities involved; however, this property is located in a critical area.

The existing and proposed contours have not been provided. The amount of proposed impervious area appears to be approximately 550 square feet. If proposed disturbed area is less than 5,000 square feet, the owners may request an exemption from storm water management.

The 100-year tidal flood plain has not been delineated on the plan. The 100-year tidal flood elevation at this location is 9.4. Any proposed living floor must be 10.4 or higher; however, this does not apply to a garage or carport.

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.

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.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

85-193 JAM:EM:RAC:ISS

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-5550
NORMAN E. COLLINS
DIRECTOR

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

Re: Zoning Advisory Meeting of 12/1/84
Item # 144
Property Owner: JOHN J. SPORIK, JR. ET UX
Location: E/S EAST AVE. 20' S. OF SEEKFORD RD.

Dear Mr. Jablon:

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

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore 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 S111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is.
- The property is located in a traffic area controlled by a "D" level intersection as defined by S111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments:

This property is located in the Chesapeake Bay Critical Area and is subject to environmental review. Additional comments will be forwarded by the Comprehensive Planning Division.

Norman E. Collins
Director, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-5550

STEPHEN E. COLLINS
DIRECTOR

December 17, 1984

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

Item No. 144, 145, 147, 148, 150, 151, 152, and 153 ZAC- Meeting of December 11, 1984.
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 144, 145, 147, 148, 150, 151, 152, and 153.

Michael S. Pilsen
Traffic Engineering Assoc. II

MEF/ocm

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REYNOLDS
CHIEF

December 18, 1984

Mr. William Remond
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 J. Sporik, Jr., et ux

Location: E/S East Avenue 20' S. from c/l Seekford Road

Item No.: 144 Zoning Agenda: Meeting of 12/11/84

Gentlemen:

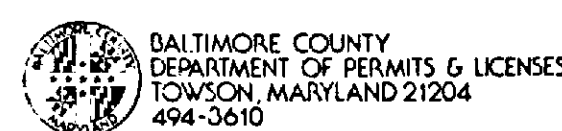
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals 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.
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.

Noted and Approved: George M. Wagonet
Fire Prevention Bureau
Special Inspection Division

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/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BAITMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
December 18, 1984

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

Dear Mr. Jablon:
Comments on Item # 111a Zoning Advisory Committee Meeting are as follows:

Property Owner: John J. Sporik, Jr., et ux
Location: 2509 East Ave. 20' S. from c/l Seekford Road
Existing Zoning: R-1
Proposed Zoning: Variance to permit a 10' side yard setback of 2' in lieu of the required 8' and the 12' in lieu of the required 22', etc.

Acres: 60 x 125
District: 15th.

The items checked below are applicable:

(1) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 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3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817, 3818, 3819, 3820, 3821, 3822, 3823, 3824, 3825, 3826, 3827, 3828, 3829, 3830, 3831, 3832, 3833, 3834, 3835, 3836, 3837, 3838, 3839, 3840, 3841, 3842, 3843, 3844, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3860, 3861, 3862, 3863, 3864, 3865, 3866, 3867, 3868, 3869, 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880, 3881, 3882, 3883, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 392

PETITION FOR VARIANCES
15th Election District
LOCATION: East side of East Avenue, 20 feet South of the centerline of Seekford Road Extended (2509 East Avenue)
DATE AND TIME: Wednesday, January 30, 1985 at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commission, of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variances to permit side yard setback of 2 feet instead of the required 8 feet, a sum of the side yard setbacks of 12 feet instead of the required 20 feet and to amend the final development plan of Lodge Forest to permit building outside of the permitted building area, as more particularly described on Petitioners' Exhibit 1.
Being the property of John J. Sporik, Jr., et ux as shown on the plat filed with the Zoning Office.
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
Jan. 18.

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 10, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 10, 1985.

THE JEFFERSONIAN,

JB Kentz
Publisher

85-193-A

Cost of Advertising 22.00

ZONING DESCRIPTION

Beginning on the east side of East Ave., 40 ft. wide, at a distance of twenty feet south of the center of Seekford Rd. *Extended* Being lot 3 in the subdivision of Lodge Forest 11ber No. 46 Folio 147. Also known as 2509 East Ave. in the 15th. Election District.

PETITION FOR VARIANCES 15th Election District

LOCATION: East side of East Avenue, 20 feet South of the centerline of Seekford Road Extended (2509 East Avenue)
DATE AND TIME: Wednesday, January 30, 1985 at 10:00 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 side yard setback of 2 feet instead of the required 8 feet, a sum of the side yard setbacks of 12 feet instead of the required 20 feet and to amend the final development plan of Lodge Forest to permit building outside of the permitted building area.

Being the property of John J. Sporik, Jr., et ux as shown on the plat filed with the Zoning Office.

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

IN RE: PETITION ZONING VARIANCES AND TO AMEND THE FINAL DEVELOPMENT PLAN
E/S of East Avenue, 20' S of the centerline of Seekford Road Extended (2509 East Avenue) - 15th Election District
John J. Sporik, Jr., et al,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-193-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of two feet instead of the required eight feet and a sum of the side yard setbacks of twelve feet instead of the required twenty feet and, additionally, to amend the final development plan of Lodge Forest to allow a building to be located outside of the permitted building area, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, is within the Chesapeake Bay Critical Area. The Petitioners purchased the lot undeveloped and had a new home constructed thereon. They have lived there since June, 1984. The house faces East Avenue and has no basement or attic space. However, it does have a 10' x 27.7' carport situated on the north side of the house which the Petitioners propose to enclose with a wall and garage door in order to provide storage as well as parking. This proposal would not entail any expansion beyond the area presently used for the carport. Also, there is an existing driveway leading to East Avenue.

Pursuant to Section 8-1813, Natural Resources Art., Chesapeake Bay Critical Area Protection Program, it is the finding of this Commissioner, the local approving authority, that the proposed enclosure of the existing carport is an insignificant action, as defined by the Maryland Department of State Planning.

ORDER RECEIVED FOR FILING
DATE
BY

The Petitioners seek relief from Section 1B02.3.B (Section 1B01.2.C.4), pursuant to Section 307, Baltimore County Zoning Regulations, and to amend the final development plan pursuant to Section 1B01.3.A.7.c, BCR; Section VIII.A.4.f(1) to (4), Comprehensive Manual of Development Policies; and RM-1, Zoning Commissioner's Manual.

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. Soley, 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. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCR 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 variances were not granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances 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 variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of January, 1985, that the Petition for Zoning Variances to permit a side yard setback of two feet instead of the required eight feet and to permit a sum of the side yard setbacks of twelve feet instead of the required twenty feet and, additionally, the amendment of the final development plan of Lodge Forest to allow a building to be located outside of the permitted building area be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Baltimore County, Maryland has reviewed this application involving property located in the Maryland Chesapeake Bay Critical Area and has determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat.

ASJ
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE

BY
ADMINISTRATIVE ASSISTANT

AJ/srl

cc: Mr. & Mrs. John Joseph Sporik, Jr.
Maryland Department of State Planning
People's Counsel

ORDER RECEIVED FOR FILING

DATE

BY
ADMINISTRATIVE ASSISTANT