

PETITION FOR ZONING VARIANCE

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 1B02.3B (1B01.2.C.4) to permit a front yard setback of 7', a side yard setback of 7' and a rear yard setback of 12.5' all in lieu of the required setbacks of 25', 8' and 30' respectively and a sum of side yard setbacks of 19' in lieu of the required 20' *****

The construction of a three room addition consisting of a den, bedroom and living room is needed because of the size of the family and the possibility that an in-law will be living with us in the near future. Because of the layout of the existing dwelling, the side and front of the dwelling is the only practical location for this addition, and therefore, variances to these yards are required. Even though the addition will not extend into the rear yard, a rear yard variance is also required because of the orientation of the house on the lot. *****

Property is to be posted and advertised as prescribed by Zoning Regulations. see attached sheet

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: Legal Owner(s):
(Type or Print Name) John F. Ciarpella
Signature: John F. Ciarpella
Address: 7908 Shore Road
City and State: Baltimore, Md. 21219
Attorney for Petitioner: Nicholas B. Commodari
(Type or Print Name) Address: 3607 Bonview Ave. 21213
City and State: Baltimore, Md. 21213
Attorney's Telephone No.: 488-8821

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of June, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of July, 1987, at 9:30 o'clock.

Section 400.1 to permit a shed in the front yard 1' from the side property line in lieu of the required rear yard and 2 1/2' from the side property line and to further amend the most recently approved final development plan of Elstann Village.

RE: PETITION FOR VARIANCES
NW/S Shore Rd., 231' SW of C/L
of Tall Oaks Rd. (7908 Shore Rd.), 15th District
JOHN F. CIARPELLA, et ux,
Petitioners

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 Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 12th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John F. Ciarpella, 7908 Shore Rd., Baltimore, MD 21219, Petitioners; and Mr. Nicholas B. Commodari, 3607 Bonview Ave., Baltimore, MD 21213, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Reasons for variances cont'

Variances for a shed in the front yard within 1' of the property line are also requested. In view of the fact that this is a waterfront property, the location of the shed would be more aesthetically pleasing (i.e. not on the waterside).

ZONING DESCRIPTION

Beginning on the West side of Shore Road at the distance of 231' south east of the center line of Tall Oaks Rd. Being Lot 4, Block A in the subdivision of Elstann Village. Book No. 41 Folio 46 also known as 7908 Shore Rd in the 15th Election District. Containing approx. 1/4 Ac.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 6/21/87
Posted for: Variance
Petitioner: John F. Ciarpella, et ux
Location of property: NW/S Shore Rd., 231' SW of Tall Oaks Rd., 7908 Shore Rd.
Location of Sign: NW/S Shore Rd., 7908 Shore Rd.
Remarks: Petitioner, approx. 15' from road.
Posted by: [Signature] Date of return: 6/28/87
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 18, 1987.
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 June 18, 1987.

THE JEFFERSONIAN,

Publisher

38.61

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222 June 18, 1987

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Hrgs. Case #88-9-A - P.O. #88934 - Req. #M03250 - 103 Lines @ \$41.20.

was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 19th day of June 1987; that is to say, the same was inserted in the issues of June 18, 1987

Kimbel Publication, Inc.
per Publisher.

By [Signature]

PETITION FOR ZONING VARIANCES

15th Election District - 7th Councilmanic District
Case No. 88-9-A

LOCATION: Northwest Side Shore Road, 231 feet Southwest of the Centerline of Tall Oaks Road (7908 Shore Road)
DATE AND TIME: Wednesday, July 8, 1987, at 9:30 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 Zoning Variances to permit a front yard setback of 7 feet, a side yard setback of 7 feet and a minimum rear yard setback of 12.5 feet all in lieu of the required setbacks of 25 feet, 8 feet, and 30 feet respectively, a sum of the side yard setbacks of 19 feet in lieu of the required 20 feet, a shed in the front and side yard 1 foot from the side property line in lieu of the required rear yard and 2 1/2 feet from the side property line, and to further amend the most recently approved final development plan of Elstann Village

Being the property of John F. Ciarpella, et ux as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

Mr. John F. Ciarpella
Mrs. Gail F. Ciarpella
7908 Shore Road
Baltimore, Maryland 21219
May 25, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
NW/S Shore Rd., 231' SW of C/L of Tall Oaks Rd. (7908 Shore Rd.)
15th Election District - 7th Councilmanic District
John F. Ciarpella, et ux - Petitioners
Case No. 88-9-A

TIME: 9:30 a.m.
DATE: Wednesday, July 8, 1987
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. 32478
DATE: 6/25/87 ACCOUNT: 01-615-003
AMOUNT: \$ 35.00
RECEIVED FROM: Nick Commodari
FOR: J. F. # 384 Variance
8 8131-000350018 8300F
VALIDATION OR SIGNATURE OF CASHIER

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 30, 1987

Mr. John F. Ciarpella
Mrs. Gail F. Ciarpella
7908 Shore Road
Baltimore, Maryland 21219

RE: PETITION FOR ZONING VARIANCES
NW/S Shore Rd., 231' SW of C/L of Tall Oaks Rd. (7908 Shore Rd.)
15th Election District - 7th Councilmanic District
John F. Ciarpella, et ux - Petitioners
Case No. 88-9-A

Dear Mr. and Mrs. Ciarpella:

This is to advise you that \$94.81 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Baltimore County, Maryland, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 35952
DATE: 7/9/87 ACCOUNT: 01-615-000
SIGN & POST RETURNED AMOUNT: \$ 94.81
Mr. John F. Ciarpella, 7908 Shore Rd., Baltimore, Md. 21219
RECEIVED FROM: [Signature]
ADVERTISING & POSTING COSTS RE CASE #88-9-A
FOR: 8 B012-0000948118 B088F
VALIDATION OR SIGNATURE OF CASHIER

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) and amendment should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of July, 1987, that the Petition for Zoning Variances to permit a front yard setback of 7 feet in lieu of the required 25 feet, a side yard setback of 7 feet in lieu of the required 8 feet, a rear yard setback of 12.5 feet in lieu of the required 30 feet, a sum of the side yard setbacks of 19 feet in lieu of the required 20 feet, an accessory structure (shed) to be located in the front and side yards in lieu of the required rear yard, and a side yard setback of one foot in lieu of the required 2 1/2 feet for the shed and, additionally, the amendment to the final development plan of Elstann Village be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Compliance with the Chesapeake Bay Critical Area comments submitted by the Director of Planning, dated June 22, 1987, attached hereto and made a part of this Order.
2. 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.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/ar1

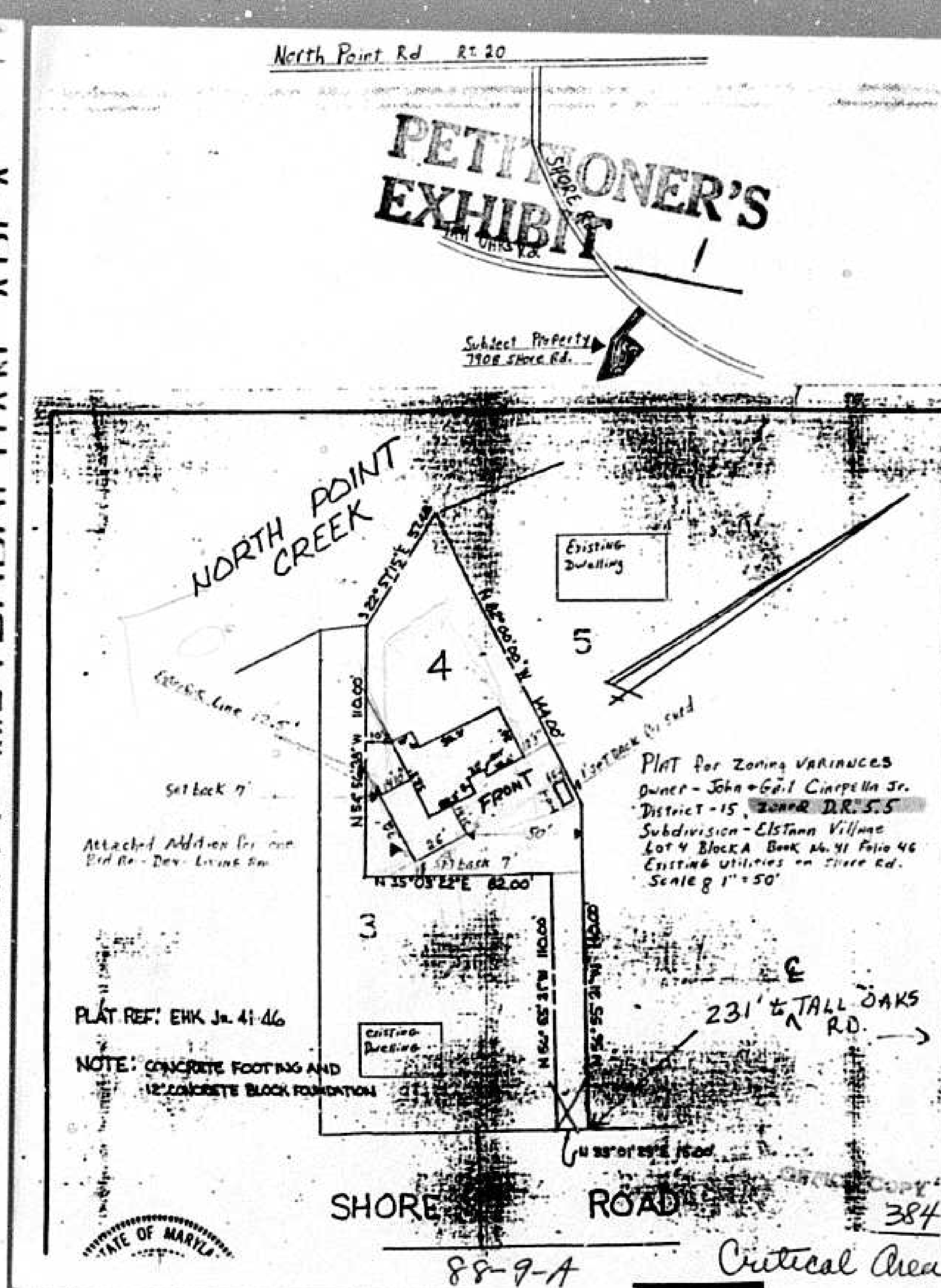
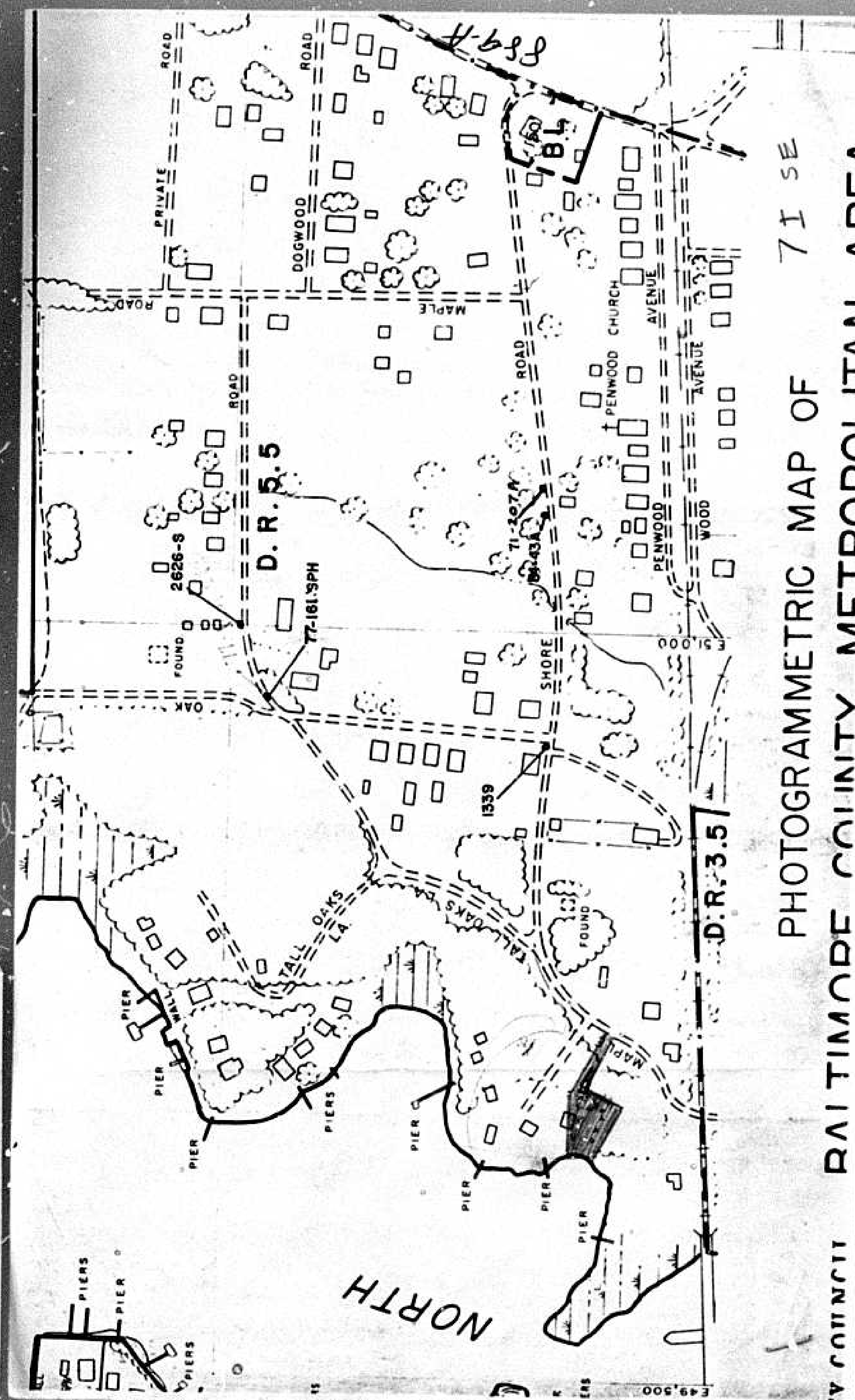
Attachment

cc: Mr. & Mrs. John F. Ciarpella

People's Counsel

ORDER RECEIVED FOR FILING
Date July 20, 1987
By [Signature]

John F. Ciarpella, 88-9-A
et ux
NW/SE Shore Rd., 231' SW of C/I of
Tall Oaks Rd. (7908 Shore Rd.)
13th E.D.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 22, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
Chesapeake Bay Critical Area Findings - John F. Ciarpella, et ux
SUBJECT: (88-9-A, Item 384)

In accordance with Section 8-1813 of the Chesapeake Bay Critical Law and the July 8, 1985 Opinion from the County Attorney, it is hereby my "findings" that the proposed development will comply with the terms of Section 8-1813(a) for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

1. Two (2) major deciduous trees, or four (4) conifers, or four (4) minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 2,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet. Any existing trees that are to remain can be credited toward meeting these requirements.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

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

NEG:PJS:pat

cc: Tim Dugan
David Fields
Jim Howell
Tom Vidmar
People's Counsel

RECEIVED
JUN 25 1987

ZONING OFFICE

ORDER RECEIVED FOR FILING
Date July 20, 1987
By [Signature]

CPS-008

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 12th day of May, 1987.

Arnold Jablon
Zoning Commissioner

Petitioner John F. Ciarpella, et ux Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 24, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos.: 88-5-SpH; 88-6-SpH;
SUBJECT: 88-9-A; 88-11-A; 88-17-A; 88-30-A

Please consider the Chesapeake Bay Critical Area Findings (see memoranda from Gerber to Jablon dated June 22, 1987) to represent the position of this office.

Norman E. Gerber, AICP, Director

NEG/JGH/sf

cc: Shirley Hess, People's Counsel
J. G. Howell

RECEIVED
JUN 26 1987

ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 15, 1987

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

060

Mr. & Mrs. John F. Ciarpella
7908 Shore Road
Baltimore, Maryland 21219

RE: Item No. 384 - Case No. 88-9-A
Petitioners: John F. Ciarpella, et ux
Petition Zoning Variances

Dear Mr. & Mrs. Ciarpella:

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,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. Nicholas B. Commodari
3607 Bonview Avenue
Baltimore, Maryland 21213



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

STEPHEN E. COLLINS
DIRECTOR

April 24, 1987

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 174, 376, 377, 378, 379, 380, 383, 384, 385, 390, and 391.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



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

PAUL H. REINCKE
CHIEF

April 7, 1987

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

RE: Property Owner: John F. Ciarpella, et ux (critical area)

Location: NW/S Shore Road, 231' SW of centerline Tall Oaks Road

Item No.: 384

Zoning Agenda: Meeting of 4/6/87

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.

(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.

REVIEWER: *Paul H. Reincke*
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

May 5, 1987

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

Dear Mr. Jablon:

Comments on Item # 384 Zoning Advisory Committee Meeting are as follows:

Property Owner: John F. Ciarpella
Location: NW/S Shore Rd, 231 Ft SW of centerline Tall Oaks Rd.
District: 15th

APPLICABLE ITEMS ARE CIRCLED:

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1990) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use. See Section 312 of the Building Code.

(I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(J) Comments: Plans should show elevations of floor levels of any proposed construction, and elevations of the grade.

K. These abbreviated 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 the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Edmunds
C. E. Edmunds, Chief
Building Plans Review

4/22/85

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL RIVERINE AREAS

BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984

EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 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.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp 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 on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

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

1. No structures or additions shall be 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 103.0 or 120.0 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 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985