

IN THE MATTER OF
THE APPLICATION OF
B. MICHAEL PICCIONE
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTHEAST CORNER OF
SATYR HILL ROAD AND PROCTOR LANE
(9101 SATYR HILL ROAD)
9th ELECTION DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-236-A

OPINION

This case comes before this Board on appeal from a denial of a variance to allow an accessory building of 21 feet in height in lieu of the allowed 15 feet maximum height. The case was heard this day in its entirety.

This case is somewhat unique in that the accessory building 21 feet in height is already erected and that no request for variance or building permit was obtained by the contractor. In essence, then, the problem created by the 6 feet of excess height is to a degree self-imposed. In this case, however, there are extenuating circumstances.

Testimony indicates that Mr. & Mrs. Piccione have long been troubled by the lack of storage space for their household articles due to a lack of cellar space in the residence and the need for a garage in which to park one truck associated with Mr. Piccione's exterminating business. In June of 1987, Mr. Piccione went on an extended business trip. While he was on this trip, Mrs. Piccione contacted a contractor, showed him the plans for what they desired, and had the accessory building constructed. The contractor made no mention to Mrs. Piccione of any need for a permit or a variance.

The property slopes sharply down to the north and this site was the only practical site to erect this residential garage. There was testimony from three neighbors in support of allowing the garage to exist, and further testimony that it was an improvement to the area and in keeping with the area.

Case No. 88-236-A
B. Michael Piccione

There was also present in the hearing room a number of neighbors in favor of granting the variance and, petitions submitted from 26 other neighbors in support of the variance requested. There was, however, objection to the garage by one neighbor whose fears were that chemicals associated with the extermination business would be stored in the garage and further fear that the second floor would be converted into his business office and thus become an intrusion into a residential neighborhood.

The Board will note for the record that had this accessory building been attached to the house, even by a breezeway, no variance would have been necessary. The Board will also note that had the variance and the building permit been applied for there is no testimony to indicate that same would not have been granted. It appears from the testimony and evidence received that in the instant case Mrs. Piccione has placed the cart before the horse. The Board is of the opinion that no benefit can be derived to the neighborhood, to the County, or to any interested person in the denial of the requested variance. Further, the existence of the garage has allowed the Board to find, in fact, that its construction has not caused any detrimental impact or adverse effect to this locale. Section 307.1 of the Baltimore County Zoning Regulations grants the Board of Appeals the power to grant height variances in cases where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. The Board finds as a fact that in the instant case to deny the requested variance would indeed result in practical difficulty. The Board will further find that certain restrictions should accompany this variance to assure anyone involved that no commercial use be permitted in this residential garage.

ORDER

It is therefore this 1st day of September, 1988 by the

Case No. 88-236-A
B. Michael Piccione

County Board of Appeals of Baltimore County ORDERED that the requested variance to allow an accessory building of 21 feet in height in lieu of the allowed 15 feet maximum height be GRANTED subject to the following restrictions:

1. That no chemicals of any kind used in the extermination business be permitted to be stored on site other than those chemicals already on the business vehicle; and
2. That no commercial use, office or otherwise, be permitted in the second floor of the residential garage.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis
Henry H. Lewis

Lawrence E. Schmit
Lawrence E. Schmit

IN RE: PETITION FOR ZONING VARIANCE
NE/C. Satyr Hill Rd. and
Proctor Lane 9101 Satyr Hill
Road
9th Election District
9th Councilmanic District
B. Michael Piccione
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-236A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance of Section 409.3 to allow a total height of 21 feet for an accessory structure/building (residential garage) in lieu of the allowed 15 foot maximum accessory structure height, as more particularly described on Petitioner's Exhibit 1.

The Petitioner was present, testified and was represented by counsel. Additional evidence on behalf of the Petitioner was provided in a proffer by the Petitioner's attorney, S. Eric Dikema. The Petitioner was supported in his testimony by the testimony of Mr. Schlaefli, Mrs. Price and Mr. Dikema. Mrs. White, Mr. White, and Mr. Baynor, representing the O.B. Hill Civic Organization, Inc. appeared as Protestants and testified.

The testimony tends to indicate that the Petitioner owns property located at the corner of Satyr Hill Road and Proctor Lane, known as 9101 Satyr Hill Road. The property is developed with a single family residence with an attached patio, family room and in-ground swimming pool enclosed with an existing wooden deck.

The property is currently zoned D.R.2 and consists of .91 acres. During the first half of 1987, the Petitioner improved the property with a two-story brick and frame building/residential garage consisting of 1,320 sq. ft. The brick and frame building is the subject of the requested Petition for Variance.

to or act a potential violation, namely, an accessory building built in excess of maximum allowed height of 15 feet.

Testimony indicates that the Petitioner uses the ground floor of the building as a detached garage serviced by a separate existing stone driveway. The second floor of the building is currently used as storage space and as a bath house for the presently existing in-ground swimming pool.

The Petitioner testified, extensively, as to his business operation and the location of that business. According to the Petitioner's testimony, the Petitioner is in the pest control business and operates his pest control business under the trade name, Community Termitite and Pest Control. According to this testimony, the Petitioner operates the business from 2908 E. Joppa Road, Carney, Baltimore County, Maryland. The Petitioner testified that he stores no chemicals, nor does he keep any business equipment on the subject property at 9101 Satyr Hill Road.

The testimony of the Protestants tends to indicate that they are opposed to the size and scope of the project constructed on the site. The testimony of the various witnesses for the Protestants indicates that the project is too large and out of character with the neighborhood. The testimony tends to indicate that the size and location of the now existing brick and frame building/residential garage is forming a barrier to the view of neighboring properties and causes a loss and the enjoyment of the common view in the neighborhood. The Protestants also raised issue as to whether or not the particular project resulted in the Petitioner using more than 40% of the existing lot in violation of the B.C.Z.R. There was no definitive evidence on this issue.

The Protestants also offered extreme concern over the current actual use of the existing building and its possible future uses. The Protestants

indicated that they are fearful that a business would be operated from this building or that portions of the building would be used as office space in support of the Petitioner's current business. There was testimony about the concerns over the storage of chemicals and equipment for the Petitioner's business and the possible conversion of the second floor of the building into an apartment. The testimony of the Petitioner indicated that this second floor area contains bathroom facilities. There was no indication that there was any existing kitchen facilities in the building.

The testimony of Mr. Baynor also dealt with the problem when business entities gain a foothold in a residential community. His testimony dealt with the Community Association's fear that allowing business entities to gain access to a residential neighborhood would result in a deterioration of the residential nature of the community. Mr. Baynor testified, vigorously, in opposition to the granting of variances to correct problems caused by the indiscriminate construction of projects such as this building, without building permits, and without authorization from the appropriate County Agencies. Mr. Baynor testified, at great length, that he was opposed to granting variances to petitioners who build projects and, when the County issues a correction notice, then get the proper permits and variances.

The Baltimore County Zoning Regulations (B.C.Z.R.) in Section 307 grants unto the Zoning Commissioner the authority to grant variances from height and area regulations. This granted authority is only to be applied in cases where strict compliance with the Zoning Regulations would result in a practical difficulty and/or an unreasonable hardship. The underlying issue in this matter is whether or not the practical difficulty and/or unreasonable hardship is created by the Petitioner, himself, or whether or not it was created by the restrictions inherent in the B.C.Z.R.

This underlying issue is controlled by what is commonly referred to as a self-induced hardship. Clearly, the Petitioner is permitted to construct accessory structure on this location. The question has nothing to do with the Petitioner's right to the accessory structure, but the height of the structure is at issue.

The evidence is that the Petitioner constructed this building without consulting the Baltimore County Building Department, Permits and Licenses, and/or the Zoning Office, to name a few. As a result of the construction of this project without proper authorization, the Petitioner constructed a structure that is simply taller than is permitted under the B.C.Z.R.

There is no evidence in the record to indicate that a garage of 15 feet in total height could not have been built. There is no indication that a garage of less than 15 feet is architecturally not possible to be constructed or, in any way, would have been harmful to the Petitioner's property. The simple fact is that the Petitioner constructed this building and after a complaint by the neighbors is now seeking to have the construction sanctified as legitimate by a zoning variance.

There is no evidence in the record to indicate that the Petitioner cannot use his land and construct a residential garage that complies with the terms and conditions of the B.C.Z.R. It is clear and obvious that the Petitioner has created this hardship and has, at his disposal, the ability to easily correct the violations. The problem has not been caused by the B.C.Z.R., but by the actions of the Petitioner. Therefore, the requirements of Section 307 have not been complied with by this request and must be denied.

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

THEFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of January, 1988, that the Petition for Zoning Variance of Section 409.3 to allow a total height of 21 feet for an accessory structure/building (residential garage) in lieu of the allowed 15 foot maximum accessory structure height be and is hereby DENIED from and after the date of this Order.

J. Robert Harris
J. Robert Harris
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Witness
S. Eric Dikema, Esquire
Counsel for Petitioner

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner



David F. Bauman
Chief Executive

January 27, 1988

S. Eric DiMenna, Esquire
Suite 600, Mercantile Tower Bldg.
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No. 88-236-A
B. Michael Piccione, petitioner

Dear Eric:
Pursuant to the recent hearing held on the subject case, please be advised that your petition for Zoning Variance has been denied.

If you have any questions, concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:am
enclosure
cc: Peoples Council

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 400.3 to allow 21 feet height of an accessory building (residential garage) in lieu of the allowed 19.5 feet maximum height.

1. Area on second level necessary for residential storage and bath house for existing residential pool.
2. Other hardship and difficulty to be shown at time of hearing.

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 do solemnly declare and affirm, under the penalty of perjury, that I am 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:

S. Eric DiMenna

(Type or Print Name)

Signature

Address

City and State

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

S. Eric DiMenna

City and State

Attorney's Telephone No.

296-0820

Address

400 Washington Blvd.

Towson, Maryland 21204

Phone No.

296-0820

City and State

Towson, Maryland 21204

Phone No.

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Towson, Maryland 21204

PROPERTY OF B. MICHAEL PICCIONE
8101 Satyr Hill Road

Beginning at a corner intersection of Satyr Hill Road and Proctor Lane described in a deed dated October 18, 1908 and recorded among the Land Records of Baltimore County, Maryland in Liber W.P.C. 394, folio 378 was conveyed by John F. Gontrom et al. trustees in Jacob F. Weber and wife, running thence and binding in the center of Satyr Hill Road the three following courses and distances: 1.) N 34° 30' E 100.00 feet; 2.) N 87° 57' E 50.00 feet; 3.) N 25° 14' E 41.61 feet to a point, thence courses and distances: 4.) S 55° 48' E 210.23 feet; 5.) S 74° 14' E 230.00 feet to a point in the center of Proctor Lane, running thence and binding along said centerline the following courses and distances: 6.) N 55° 48' E 195.00 feet, to the point of beginning.

Containing 0.91 Acres of land, more or less, said improvement being known as 8101 Satyr Hill Road, in file 9721 Elec. Div.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 24, 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 Nov. 24, 1987.

THE JEFFERSONIAN.

Susan Seidel Shurt
Publisher



NOTICE OF HEARING
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
409 Washington Avenue
Towson, Maryland 21204
494-3333
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 of B. Michael Piccione, petitioner, for a Variance from Section 400.3 to allow 21 feet height of an accessory building (residential garage) in lieu of the allowed 19.5 feet maximum height, on Friday, December 18, 1987 at 9:00 AM, Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 25, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Nov. 25, 1987.

TOWSON TIMES.

Susan Seidel Shurt
Publisher

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

THIS IS TO CERTIFY, that the annexed advertisement of the proposed new 12-unit apartment building was published in THE AVENUE NEWS, a weekly newspaper published in Baltimore County, Maryland once a week for successive weeks before the day of 1987.

that it was the same as was published in the issue of 1987.

The Avenue Inc.

per publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 964 Date of Posting: 11/24/87
Posted for: 14 days
Petitioner: B. Michael Piccione
Location of property: 8101 Satyr Hill Road, Towson, Maryland 21204
Location of Signs: 8101 Satyr Hill Road, Towson, Maryland 21204
Remarks: 26 signs posted on property of B. Michael Piccione
Posted by: J. Robert Haines Date of return: 11/24/87
Number of Signs: 26



NOTICE OF HEARING
BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
409 Washington Avenue
Towson, Maryland 21204
494-3333
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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333
J. ROBERT HAINES
ZONING COMMISSIONER

S. Eric DiMenna, Esquire
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
8101 Satyr Hill Road and Proctor Lane
(1987 Satyr Hill Road)
9th Election District - 6th Councilmanic District
B. Michael Piccione - petitioner
Case No. 88-236-A

Dear Mr. DiMenna:

This is to advise you that \$78.38 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 NOT RETURNED ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by self.

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

No. 45877

DATE: 11/24/87 ACCOUNT: 101-101-000

AMOUNT: \$ 78.38

PAID BY: B. Michael Piccione

FOR: 101-101-000

8 8110*****10101 327 236

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
To: Zoning Commissioner
Date: November 23, 1987
From: Norman E. Gerber, AICP
Subject: Director of Planning and Zoning
Sonia Petitions No. 88-236-A, 88-242-A, 88-238-A, 88-237-A, 88-239-A, 88-240-A, 88-241-A, 88-243-A, 88-244-A, 88-245-A, 88-246-A, 88-247-A, 88-248-A, 88-249-A, 88-250-A, 88-251-A, 88-252-A, 88-253-A, 88-254-A, 88-255-A, 88-256-A, 88-257-A, 88-258-A, 88-259-A, 88-260-A, 88-261-A, 88-262-A, 88-263-A, 88-264-A, 88-265-A, 88-266-A, 88-267-A, 88-268-A, 88-269-A, 88-270-A, 88-271-A, 88-272-A, 88-273-A, 88-274-A, 88-275-A, 88-276-A, 88-277-A, 88-278-A, 88-279-A, 88-280-A, 88-281-A, 88-282-A, 88-283-A, 88-284-A, 88-285-A, 88-286-A, 88-287-A, 88-288-A, 88-289-A, 88-290-A, 88-291-A, 88-292-A, 88-293-A, 88-294-A, 88-295-A, 88-296-A, 88-297-A, 88-298-A, 88-299-A, 88-300-A, 88-301-A, 88-302-A, 88-303-A, 88-304-A, 88-305-A, 88-306-A, 88-307-A, 88-308-A, 88-309-A, 88-310-A, 88-311-A, 88-312-A, 88-313-A, 88-314-A, 88-315-A, 88-316-A, 88-317-A, 88-318-A, 88-319-A, 88-320-A, 88-321-A, 88-322-A, 88-323-A, 88-324-A, 88-325-A, 88-326-A, 88-327-A, 88-328-A, 88-329-A, 88-330-A, 88-331-A, 88-332-A, 88-333-A, 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88-634-A, 88-635-A, 88-636-A, 88-637-A, 88-638-A, 88-639-A, 88-640-A, 88-641-A, 88-642-A, 88-643-A, 88-644-A, 88-645-A, 88-646-A, 88-647-A, 88-648-A, 88-649-A, 88-650-A, 88-651-A, 88-652-A, 88-653-A, 88-654-A, 88-655-A, 88-656-A, 88-657-A, 88-658-A, 88-659-A, 88-660-A, 88-661-A, 88-662-A, 88-663-A, 88-664-A, 88-665-A, 88-666-A, 88-667-A, 88-668-A, 88-669-A, 88-670-A, 88-671-A, 88-672-A, 88-673-A, 88-674-A, 88-675-A, 88-676-A, 88-677-A, 88-678-A, 88-679-A, 88-680-A, 88-681-A, 88-682-A, 88-683-A, 88-684-A, 88-685-A, 88-686-A, 88-687-A, 88-688-A, 88-689-A, 88-690-A, 88-691-A, 88-692-A, 88-693-A, 88-694-A, 88-695-A, 88-696-A, 88-697-A, 88-698-A, 88-699-A, 88-700-A, 88-701-A, 88-702-A, 88-703-A, 88-704-A, 88-705-A, 88-706-A, 88-707-A, 88-708-A, 88-709-A, 88-710-A, 88-711-A, 88-712-A, 88-713-A, 88-714-A, 88-715-A, 88-716-A, 88-717-A, 88-718-A, 88-719-A, 88-720-A, 88-721-A, 88-722-A, 88-723-A, 88-724-A, 88-725-A, 88-726-A, 88-727-A, 88-728-A, 88-729-A, 88-730-A, 88-731-A, 88-732-A, 88-733-A, 88-734-A, 88-735-A, 88-736-A, 88-737-A, 88-738-A, 88-739-A, 88-740-A, 88-741-A, 88-742-A, 88-743-A, 88-744-A, 88-745-A, 88-746-A, 88-747-A, 88-748-A, 88-749-A, 88-750-A, 88-751-A, 88-752-A, 88-753-A, 88-754-A, 88-755-A, 88-756-A, 88-757-A, 88-758-A, 88-759-A, 88-760-A, 88-761-A, 88-762-A, 88-763-A, 88-764-A, 88-765-A, 88-766-A, 88-767-A, 88-768-A, 88-769-A, 88-770-A, 88-771-A, 88-772-A, 88-773-A, 88-774-A, 88-775-A, 88-776-A, 88-777-A, 88-778-A, 88-779-A, 88-780-A, 88-781-A, 88-782-A, 88-783-A, 88-784-A, 88-785-A, 88-786-A, 88-787-A, 88-788-A, 88-789-A, 88-790-A, 88-791-A, 88-792-A, 88-793-A, 88-794-A, 88-795-A, 88-796-A, 88-797-A, 88-798-A, 88-799-A, 88-800-A, 88-801-A, 88-802-A, 88-803-A, 88-804-A, 88-805-A, 88-806-A, 88-807-A, 88-808-A, 88-809-A, 88-810-A, 88-811-A, 88-812-A, 88-813-A, 88-814-A, 88-815-A, 88-816-A, 88-817-A, 88-818-A, 88-819-A, 88-820-A, 88-821-A, 88-822-A, 88-823-A, 88-824-A, 88-825-A, 88-826-A, 88-827-A, 88-828-A, 88-829-A, 88-830-A, 88-831-A, 88-832-A, 88-833-A, 88-834-A, 88-835-A, 88-836-A, 88-837-A, 88-838-A, 8

ZONING VIOLATION INSPECTION RECORD

Case No. 88-236-A
Inspector: *Robert A. Hackett*
Location: *400 West 5th St. N.B.*
Zoning: *Int. Landmark*
Source: ☐ In-Person ☐ Letter ☐ Pick-Up ☐ Structure: Apartment ☐ Dwelling ☐ Other ☐

() Complainant: *Phone:*
Address: *Phone:*
() Attorney: *Phone:*
Address: *Phone:*
() Occupant: *Phone:*
Address: *Phone:*
() Owner: *Phone:*
Address: *Phone:*
() Attorney: *Phone:*
Address: *Phone:*

DETAILS OF COMPLAINT:

INSPECTION REPORT

Probable Violation: Yes ☐ No ☐ Sections: *1*
Non-Conforming Use Claimed: Yes ☐ No ☐ Year: *1987*

Send Day Card - Correction: *No. Photos:*
RE-INSPECTION Day: *9/1/88* Date: *10/1/88* Time: *3:00*

Close Case ()
Set for Hearing ()
RE-INSPECTION Day: *9/1/88* Date: *10/1/88* Time: *3:00*

RE-INSPECTION Day: *9/1/88* Date: *10/1/88* Time: *3:00*

SUNSHINE ☒ Inspector: *Robert A. Hackett*

Case No. 88-236-A
B. Michael Piccione

County Board of Appeals of Baltimore County ORDERED that the requested variance to allow an accessory building of 21 feet in height in lieu of the allowed 15 feet maximum height be GRANTED subject to the following restrictions:

1. That no chemicals of any kind used in the extermination business be permitted to be stored on site other than those chemicals already on the business vehicles;
2. That no commercial use, office or otherwise, be permitted in the second floor of the residential garage.

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Henry H. Lewis
Henry H. Lewis

James E. Dyer
James E. Dyer



County Board of Appeals of Baltimore County
Room 300 Court House, Room 315, County Office Building
Towson, Maryland 21204
(301) 494-3180

September 1, 1988

B. Eric Dillema, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No. 88-236-A
B. Michael Piccione

Dear Mr. Dillema:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,
James E. Dyer
James E. Dyer, Esquire
Administrative Secretary

Encl.

cc: Mr. B. Michael Piccione
Mr. & Mrs. White
Mr. Donald Raynor
Phyllis C. Friedman, Esquire
P. David Flaide
Pat Keller
J. Robert Haines
Ann Rastawicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

RECEIVED
JUL 6 1988
ZONING OFFICE

DP 3
173



County Executive
Dennis F. Rasmussen



County Executive
Dennis F. Rasmussen

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPROVED FOR: *9/1/88*
DATE: *9/1/88*
BY: *Michael B. Piccione*
OWNER: *Owner*

TYPE OF IMPROVEMENT: *Construction of accessory garage - 1st floor area - 2nd floor - with above storage*

TYPE OF SERVICE DISPOSAL: *1. 3.37 x 1.37 x 1.37*
TYPE OF WATER SUPPLY: *2. 3.37 x 1.37 x 1.37*

WHITE-PERMIT: *White-Permit*
IMPROVED: *Improved*

THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS



County Board of Appeals of Baltimore County
Room 300 Court House
Towson, Maryland 21204
(301) 494-3180
April 7, 1988

HEARING ROOM #218

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE #10. NO POSTPONEMENTS DATE UNLESS IN FULL COMPLIANCE WITH RULE #10. COUNTY COUNCIL RULE NO. 59-79.

CASE NO. 88-236-A

B. MICHAEL PICCIONE

RE/for: Sator Hill Rd. and Proctor Ln.

9th E. District

RE/for: 21' height of an accessory bldg. in lieu of allowed 15'.

MINUTES, JUNE 29, 1988, at 1 P.M.

ASSIGNED FOR:

cc: B. Michael Piccione

S. Eric Dillema, Esq.

Mr. and Mrs. White

Donald Raynor

Phyllis C. Friedman

P. David Flaide

James Howell

J. Robert Haines

Ann Rastawicz

James E. Dyer

Docket Clerk

People's Counsel

Planning Office

Zoning Office

James E. Dyer

James E. Dyer

Docket Clerk

Docket Clerk

June Holman, Secretary

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JUL 11 1988
ZONING OFFICE

Case No. 88-236-A
B. Michael Piccione

There was also present in the hearing room a number of neighbors in favor of granting the variance and petitions submitted from 26 other neighbors in support of the variance requested. There was, however, objection to the garage by one neighbor whose fears were that chemicals associated with the extermination business would be stored in the garage and further fear that the second floor would be converted into his business office and thus become an intrusion into a residential neighborhood.

The Board will note for the record that had this accessory building been attached to the house, even by a breezeway, no variance would have been necessary. The Board will also note that had the variance and the building permit been applied for there is no testimony to indicate that same would not have been granted. It appears from the testimony and evidence received that in the instant case Mrs. Piccione has placed the card before the Board. The Board is of the opinion that no benefit can be derived to the neighborhood, to the County, or to any interested person in the denial of the requested variance. Further, the existence of the garage has allowed the Board to find, in fact, that its construction has not caused any detrimental impact or adverse effect to this locale. Section 307.1 of the Baltimore County Zoning Regulations grant the Board of Appeals the power to grant height variances in cases where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. The Board finds as a fact that in the instant case to deny the requested variance would indeed result in practical difficulty. The Board will further find that certain restrictions should accompany this variance to assure anyone involved that no commercial use be permitted in this residential garage.

ORDER

It is therefore this 1st day of September, 1988 by the

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. *Nov 25, 1987*

THIS IS TO CERTIFY that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of *1* successive weeks, the first publication appearing on *Nov 25, 1987*

TOWSON TIMES.

Susan Slusher Christ
Publisher

\$21.63

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. *Nov 26, 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 *Nov 26, 1987*

THE JEFFERSONIAN.

Susan Slusher Christ
Publisher

\$35.75

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: November 23, 1987
FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
Zoning Division No. 88-236-A
88-232-A, 88-238-A, 88-237-A,
88-239-A, 88-234-A, 88-235-A,
SUBJECT: 88-236-A, 88-237-A, 88-238-A, 88-239-A

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

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEE:JRH:dm
cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 14, 1987

County Office also
111 N. Chesapeake Ave.
Towson, Maryland 21204

S. Eric DiIemma, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Item No. 80 - Case No. 88-236-A
Petitioner: B. Michael Piccione
Petition for Zoning Variance

Dear Mr. DiIemma:

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 on 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:kab
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 805
Towson, Maryland 21204
88-234

September 23, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 73, 74, 75, 77, 78, and 80.

Very truly yours,

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

MSF:ab

RECEIVED
SEP 30 1987
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2588
684-4500

Paul H. Eische

September 1, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: B. Michael Piccione

Location: NE/C Satyr Hill Road and Proctor Lane

Item No.: 80

Zoning Agenda: Meeting of 9/1/87

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and reviewed 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 up 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: *Carl J. Kelly* 9-1-87 Noted and Approved: *Paul H. Eische*
Planning Division Fire Prevention Bureau
Special Inspection Division

/s/

County Board of Appeals of Baltimore County

Room 300 Court House
Towson, Maryland 21204
(301) 954-3180

September 1, 1988

S. Eric DiIemma, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No. 88-236-A
B. Michael Piccione

Dear Mr. DiIemma:

Enclosed is a copy of the Final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

James C. Weidenhamer
James C. Weidenhamer
Administrative Secretary

Encl.

cc: Mr. B. Michael Piccione
Mr. & Mrs. White
Mr. Donald Baynor
Phyllis C. Friedman, Esquire
P. David Fields
Pat Kay
J. Robert Haines
Ann Katarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Copy to Nancy C. White



County Board of Appeals of Baltimore County

Room 300 Court House
Towson, Maryland 21204
(301) 954-3180

HEARING ROOM #218

April 7, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 21(c). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 21(c), COUNTY COUNCIL BILL NO. 55a-79.

CASE NO. 88-236-A

B. MICHAEL PICCIONE

NE/Cor. Satyr Hill Rd. and Proctor Ln.

9th E. District

Var. To allow 21' height of an accessory shed, in lieu of allowed 15'.

WEDNESDAY, JUNE 29, 1988, at 1 P.M.

ASSIGNED FOR:

cc: B. Michael Piccione

S. Eric DiIemma, Esq.

Mr. and Mrs. White

Donald Baynor

Phyllis C. Friedman

P. David Fields

James Howell

J. Robert Haines

Ann Katarowicz

James E. Dyer

Docket Clerk

Petitioner

Counsel for Petitioner

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June Holmen, Secretary

11/87

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
684-5552
J. Robert Haines
Zoning Commissioner

February 16, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
NE/Corner Satyr Hill Road and Proctor Lane (9101 Satyr Hill Road)
9th Election District - 6th Councilmanic District
B. Michael Piccione - Petitioner
Case No. 88-236-A

Dear Board:

Please be advised that on February 12, 1988 an appeal of the decision rendered in the above-referenced case was filed by S. Eric DiIemma, Attorney for Petitioner. All materials relative to the case are being forwarded to your office herewith. Please notify all parties to the case when a date and time for the appeal hearing has been scheduled.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

cc: S. Eric DiIemma, Esquire, Attorney for Petitioner
409 Washington Avenue, Suite 600, Towson, Maryland 21204

Mr. & Mrs. White
9101 Satyr Hill Road, Baltimore, Maryland 21234
Mr. Don Baynor
2728 Superior Avenue, Baltimore, Maryland 21234
People's Counsel
File

IN RE: PETITION FOR ZONING VARIANCE
NE/C. Satyr Hill Rd. and Proctor Lane (9101 Satyr Hill Road)
9th Election District - 6th Councilmanic District
B. MICHAEL PICCIONE
Petitioner
Case No.: 88-236-A

ORDER FOR APPEAL

Please enter an Appeal on behalf of the Petitioner, B. MICHAEL PICCIONE, 9101 Satyr Hill Road, Baltimore, Maryland 21234, from the Findings of Fact and Conclusions of Law of the Zoning Commissioner dated January 27, 1988, to the County Board of Appeals.

S. Eric DiIemma
S. ERIC DIILEMMA
DIILEMMA, HAINES & BRASCHI
409 Washington Avenue,
Suite 600
Towson, Maryland 21204
(301)296-6820

I HEREBY CERTIFY that on this 16th day of February, 1988 a copy of the foregoing Order for Appeal was mailed postage prepaid to People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

RECEIVED
FEB 13 1988

ZONING OFFICE

4/7/88 - Following were notified of hearing set on Wed. June 29, 1988, at 1 P.M.:

B. Michael Piccione
S. Eric DiIemma
Mr. and Mrs. White
Donald Baynor
Phyllis Friedman
David Fields
J. Howell
J. R. Haines, A. Katarowicz, J. Dyer, Doc. Clerk

Pettibone (3)
PROTESTANT (3)



Pettibone (3)
PROTESTANT (3)



Pettibone (3)
PROTESTANT (3)



front



PROTESTANT (3)
PROTESTANT (3)



PROTESTANT (3)
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