

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
W/Side of Beechwood Avenue, 65' N of c/line of	*	OFFICE OF
Bayside Drive		
15 th Election District	*	ADMINISTRATIVE HEARINGS
6 th Councilmanic District		
(1820 Beechwood Avenue)	*	FOR BALTIMORE COUNTY
 Vincent J. and Karen M. Bonolis		
<i>Petitioners</i>	*	Case No. 2011-0280-SPHA

* * * * *

MEMORANDUM OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Vincent J. and Karen M. Bonolis, the legal property owners. Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two houses (existing) on one R.C.5 lot pursuant to Section 1A04.2.A.2 of the B.C.Z.R. Petitioners are also requesting Variance relief from Sections 1A04.3.B.1.b.1, 1A04.3.B.1.a, 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 11 ft. side yards, in lieu of the required 50 ft., 37 ft. in lieu of the required 50 ft. to bulkhead, to permit lot coverage of 37% in lieu of the maximum 15%, and to permit two houses on a lot with a gross square footage of 12,500 square ft. in lieu of the required 3 acres. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 7.

Appearing at the public hearing in support of the requested relief were Petitioners Vincent J. and Karen M. Bonolis, and Bernadette Moskunas with Site Rite Surveying, Inc., the surveying company who prepared the site plan. Carl Maynard, an area resident active in community affairs, attended the hearing and expressed concerns regarding the requested relief.

Testimony and evidence offered revealed that the subject property is situated on the waterfront (Back River) and is located in the Evergreen Park Community. The property is .287

ORDER RECEIVED FOR FILING

Date 5-4-11

acres and is zoned RC 5, and is improved by two structures. Petitioners presented evidence (Exhibit 3) establishing that both structures on the lot have been used as residential dwellings "occupied by the home owners dating back at least 1945." Petitioner testified that both dwellings were severely damaged in Hurricane Isabel, and that they were only able to afford to reconstruct one of the dwellings initially, but now seek to reconstruct (and enlarge) the second structure/dwelling on the lot. As will be discussed later, the buildings qualify as nonconforming structures under State and County law, and under settled case law and the B.C.Z.R. (§104.2) nonconforming structures can be reconstructed after a casualty loss such as a fire (or in this case, a hurricane). Though B.C.Z.R. §104.2 provides only a two year "window" for such reconstruction, Baltimore County authorities adopted special procedures for and were indulgent concerning restoration of properties damaged by Hurricane Isabel.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS), dated April 20, 2011, as follows:

"DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This 12,150 square foot (area above mean high water used for Critical Area) waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area and must comply with all requirements of Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Areas Protection. Based on the Code, the lot coverage area on the property is limited to 25% (3,038 square feet), or a maximum of 31.25% (3,797 square feet) if approved and with mitigation for the amount over 25%. The lot coverage on the property currently exceeds the maximum allowed, and may require removal of lot coverage. It must be determined when the existing lot coverages were added to the property in order to determine compliance with Critical Area law. At no time can the lot coverage exceed the existing amount, and the existing amount may require reduction. In addition, a 15% forest cover (4 trees) must exist on each lot at all times. Mitigation requirements can increase the number of trees required on the site. A 100-foot tidal buffer measured off mean high water covers almost half the property. BMA requirements restrict the location and area of structures allowed within this buffer. The location and size of the proposed dwelling may require adjustment to meet BMA requirements. Based on this, DEPS has determined that adverse impacts on water quality

from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of lot coverage and the planting of native trees and shrubs.

2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by complying with all Critical Area requirements including mitigation.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited and may not exceed the amount allowed by Critical Area law. Compliance with the Critical Area requirements, including mitigation that may include lot coverage removal and planting of native trees, can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts”.

In addition, a ZAC comment was received by the Office of Planning, dated April 8, 2011, which recommended the following:

“The Office of Planning has reviewed the petitioner’s request and accompanying site plan. The Office of Planning recommends denial of the request to permit two dwelling units on one lot. The RC5 zone does not permit more than one primary residence on a lot. The dwelling unit in the garage building should be abandoned. The Office of Planning has no objection to the remaining variance requests and construction of a replacement dwelling. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.”

After due consideration of the testimony and evidence presented, I am persuaded to grant, in part, the relief requested.

ORDER RECEIVED FOR FILING

Date

5-4-11

As to the variance requests, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the site conditions have existed as they are for years, and Petitioner merely seeks to "legitimize" these side yard and bulkhead setbacks, lot coverage and the undersized lot containing two dwellings. As such, those variance requests are granted.

That leaves for consideration the request for special hearing relief to permit 2 houses on 1 RC 5 lot. The SDAT records reflect the structures(s) were built in 1924, long before the B.C.Z.R. were adopted. As such, it seems clear Petitioner enjoys nonconforming use status with respect to the 2 dwellings on the lot, and as stated above, Petitioner submitted evidence – that was un rebutted – establishing that both structures were used as dwellings since 1945. But that is not the end of the story. Petitioners seek to enlarge the nonconforming structure (now 20'x49', or 980 square feet) to 1,424 square feet (28'x51'), which is a greater than 25% increase, which is forbidden under B.C.Z.R. §104.3. As such, the special hearing relief is granted, to the extent that the lot can contain the 2 dwellings, although the waterfront structure cannot be reconstructed larger than 1,225 square feet (i.e., it can be enlarged by 245 square feet) pursuant to the dictates of B.C.Z.R. §104.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' special hearing and variance requests should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 4 day of May, 2011 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two houses (existing) on one R.C.5 lot pursuant to Section 1A04.2.A.2 of the B.C.Z.R., be and is hereby GRANTED, and

ORDER RECEIVED FOR FILING

Date 5-4-11

4

By [Signature]

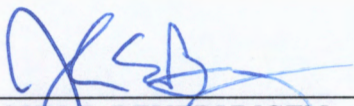
IT IS FURTHER ORDERED that if the waterfront nonconforming structure is reconstructed, it can be enlarged by only 245 square feet (i.e., the dwelling can be no larger than 1,225 square feet); and

IT IS FURTHER ORDERED that Petitioners' Variance request from Sections 1A04.3.B.1.b.1, 1A04.3.B.1.a, 1A04.3.B.2.b and 1A04.3.B.3 of the B.C.Z.R. to permit 11 ft. side yards, in lieu of the required 50 ft., 37 ft. in lieu of the required 50 ft. to bulkhead, to permit lot coverage of 37% in lieu of the maximum 15%, to permit two houses on a lot with a gross square footage of 12,500 square ft. in lieu of the required 3 acres, be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

1. Petitioners, before being issued building permits, must satisfy each of the comments/conditions (of the Department of Environmental Protection and Sustainability and the Office of Planning) set forth in pp. 2-3 of this Opinion.
2. Petitioners are advised that they may apply for any required building permits 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 the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEI:B:pz

ORDER RECEIVED FOR FILING

Date 5-4-11

By JB



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 4, 2011

VINCENT J. AND KAREN M. BONOLIS
1820 BEECHWOOD AVENUE
BALTIMORE MD 21221

Re: Petition for Special Hearing and Variance
Case No. 2011-0280-SPHA
Property: 1820 Beechwood Avenue

Dear Mr. Bonolis:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits, Approvals and Inspections. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the name and title of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson
MD 21286
Carl Maynard, 1546 Denton Road, Essex MD 21221

CBCA/Flood

TAX ID: 1502571060



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 1820 Beechwood Avenue

which is presently zoned RC5

Deed Reference: 12335 / 169 Tax Account # 1502571060

This Petition shall be filed with the Department of Permits and Development Management. 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(s) 1A04.3.B.1.b.1; 1A04.3.B.1.a, 1A04.3.B.2.

and 1A04.3.B.3. BCZR. To permit 11ft. sideyards, in lieu of the required 50ft, 37ft. in lieu of the required 50ft. to bulkhead, to permit lot coverage of 37% in lieu of the maximum 15%, to permit 2 houses on a lot with a gross square footage of 12,500 sq.ft. in lieu of the required 3 acres.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

~~see attached~~

to be discussed at time of hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Vincent Bonolis

Name - Type or Print

Signature

Karen Bonolis

Name - Type or Print

Signature

1820 Beechwood Avenue

Address

Telephone No.

Baltimore, MD 21221-6505

City

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410-828-9060

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

Case No. 2011-0280-SPHA

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by

Date 3.23.11

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 5-4-11

By

CACA/F/1000

Tax ID: 1502571060



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1820 Beechwood Avenue
which is presently zoned RC5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

BCZR Section 1A04.2.A.2 To permit two houses (existing) on one RC5 lot.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Vincent Bonolis

Name - Type or Print _____
Signature _____
Karen Bonolis
Name - Type or Print _____

Signature _____
1820 Beechwood Avenue 410-780-9820
Address _____ Telephone No. _____
Baltimore, MD 21221-6505
City _____ State _____ Zip Code _____

Representative to be Contacted:

Site Rite Surveying, Inc.

Name _____
200 E. Joppa Road, Room 101 410-828-9060
Address _____ Telephone No. _____
Towson, MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0280-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By JCM Date 3-23-11

ORDER RECEIVED FOR FILING

Date 5-4-11

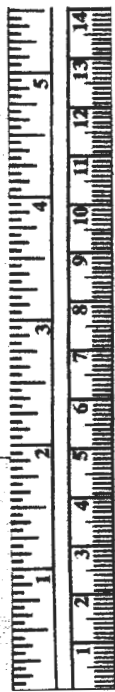
**"BONOLIS PROPERTY"
ZONING DESCRIPTION
#1820 BEECHWOOD AVENUE**

BEGINNING at a point on the west side of Beechwood Avenue which is 30 feet wide at the district of 65 feet, more or less, north of the centerline of Bayside Road which is 30 feet wide. Being Lo. No. 25 in the subdivision of EVERGREEN PARK as recorded in Baltimore County Plat Book No. 7, folio No. 174, containing 12,500 S.F. Also known as 1820 Beechwood Avenue and located in the 15th Election District, 6th Councilmanic District.

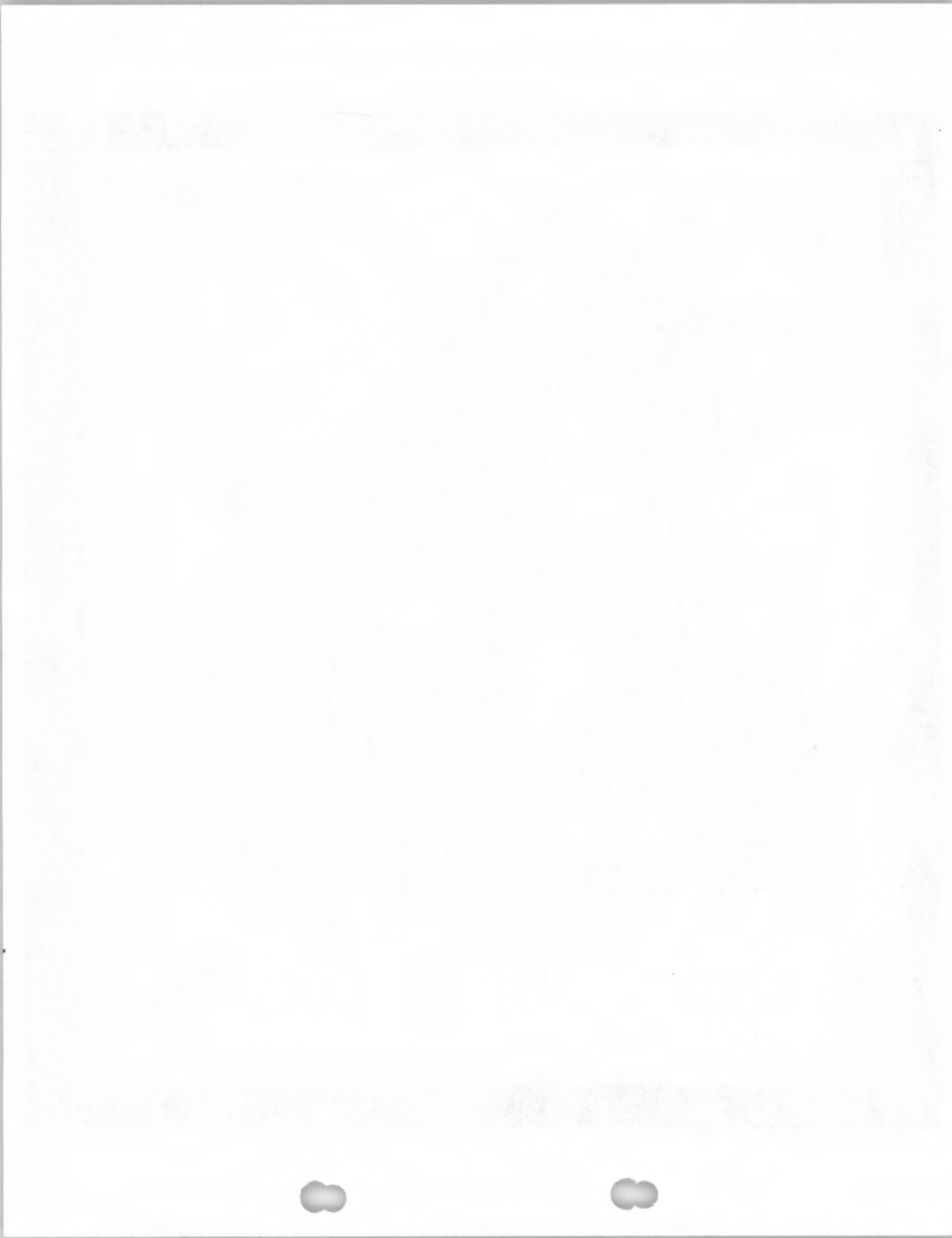


Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060



Lot 25
Oct. 29, 1924
Evergreen Park 7/174





SE 4-1 104C3

SITE

1000' (approx) NW
100' W. NORTH & BAYVIEW
ROAD

NOTICE OF HEARING
ON THE MOTION OF THE DEFENDANT
FOR A WRIT OF HABEAS CORPUS
IN THE MATTER OF THE ESTATE OF
JAMES EARL RAY, JR.
CASE NO. 1:73-cr-00012
U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[Handwritten signature]

JOHN EDWARD BROWN, JR., Attorney for Defendant

TO ALL WHOM THESE PRESENTS SHALL COME: I, the undersigned, Clerk of the United States District Court for the District of Columbia, do hereby certify that the within-entitled case is a matter of public interest and that the hearing thereon should be held at the time and place specified herein.

Witness my hand and the seal of the Court at Washington, D.C., this 1st day of May, 1973.

Very truly yours,
Clerk of the Court

NOTICE OF HEARING

May 1, 1973



THE KODAK SAFETY FILM COMPANY
1000 WEST 12TH AVENUE
ANN ARBOR, MICHIGAN 48106-1000
TELEPHONE 761-4400
FAX 761-4400

SALES AND SERVICE
KODAK SAFETY FILM COMPANY

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KODAK SAFETY FILM COMPANY

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D.C.

January 1, 1964

RECEIVED
JAN 2 1964
FBI - NEW YORK

TO DIRECTOR, FBI (100-374301)
FROM SAC, NEW YORK (100-374301) (P)
SUBJECT: [Illegible]
RE: [Illegible]
[Illegible text block containing several lines of typed information, mostly obscured by heavy noise and bleed-through.]

Very truly yours,

[Illegible signature line]

Enclosure
[Illegible text]

100-374301

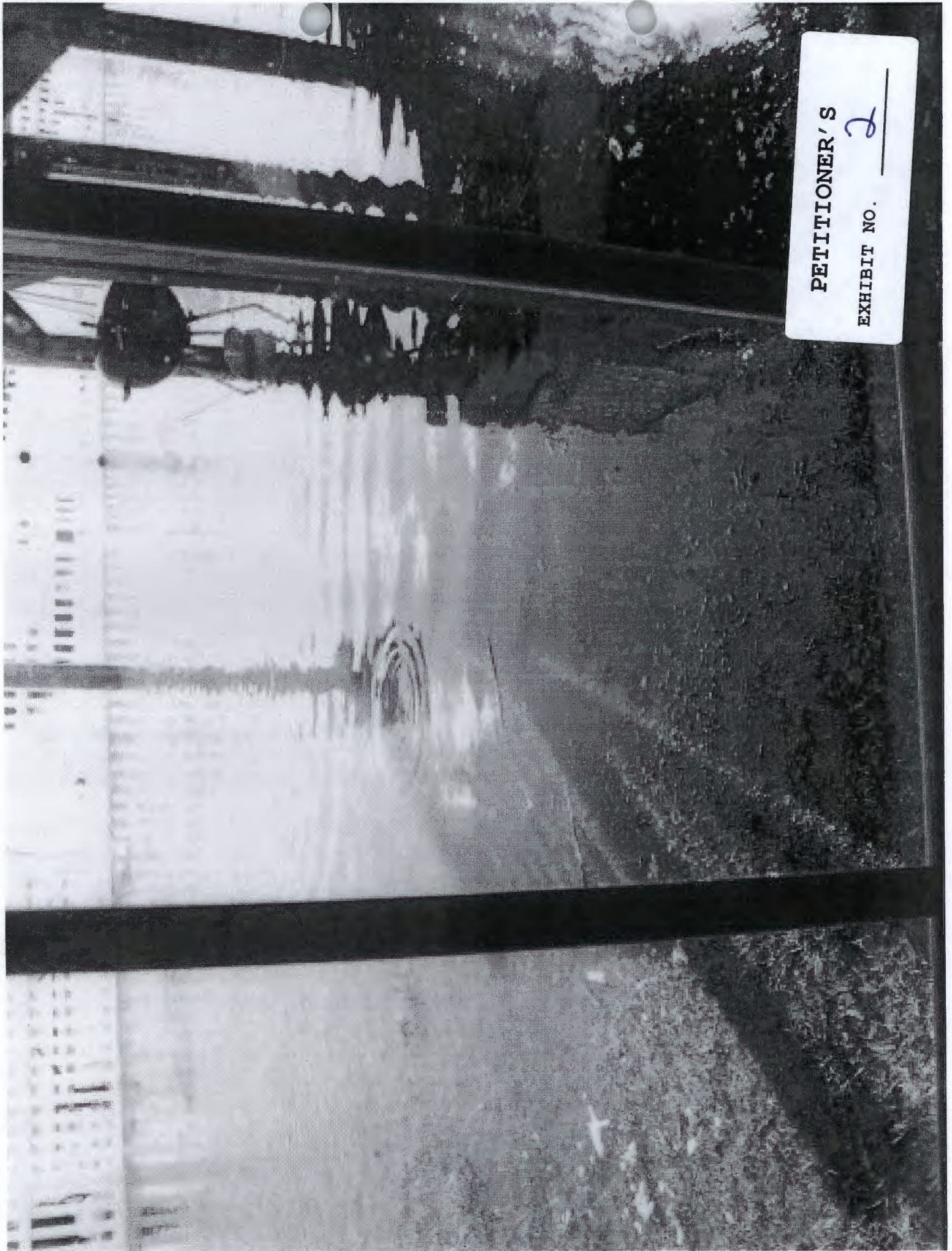
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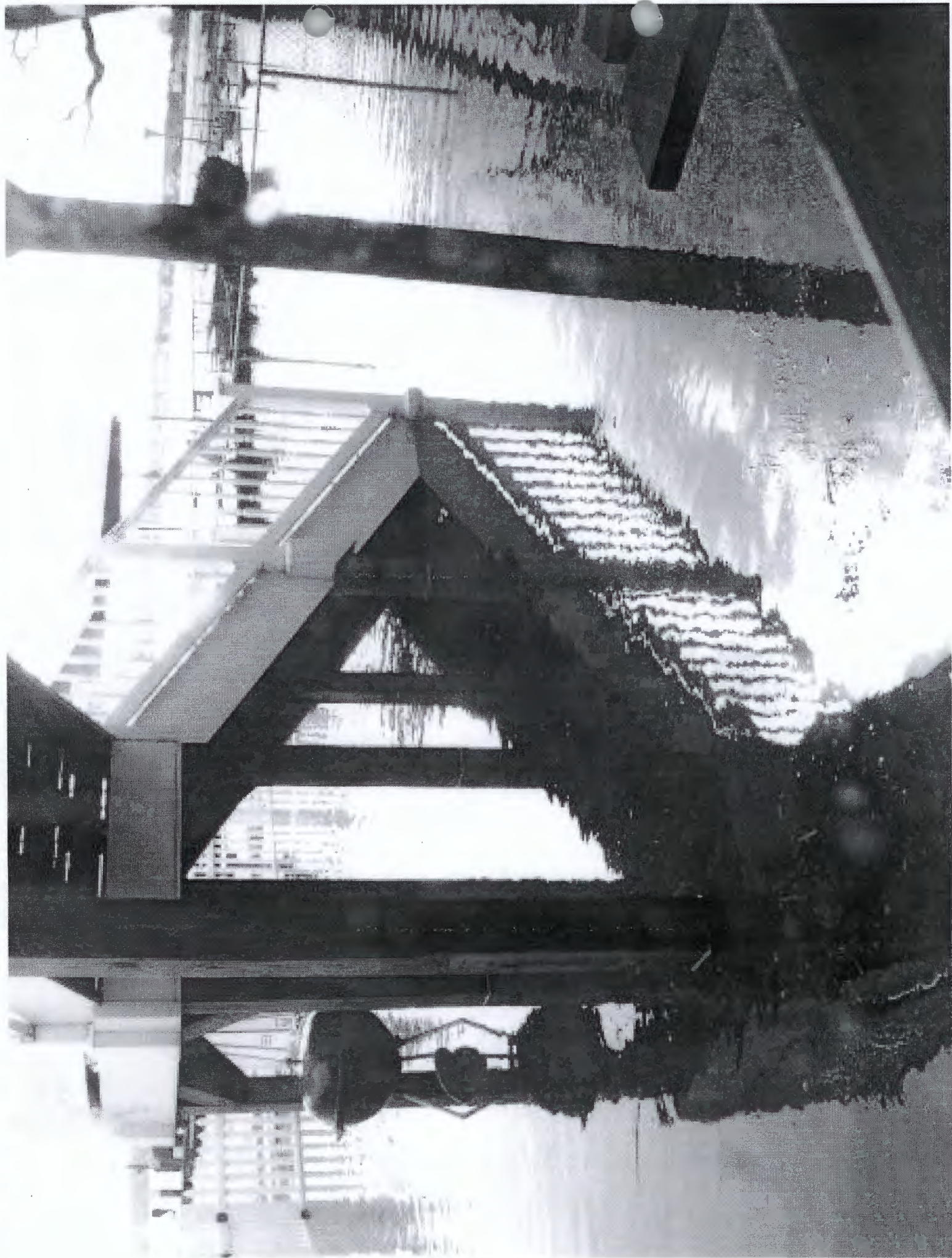
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PETITIONER'S

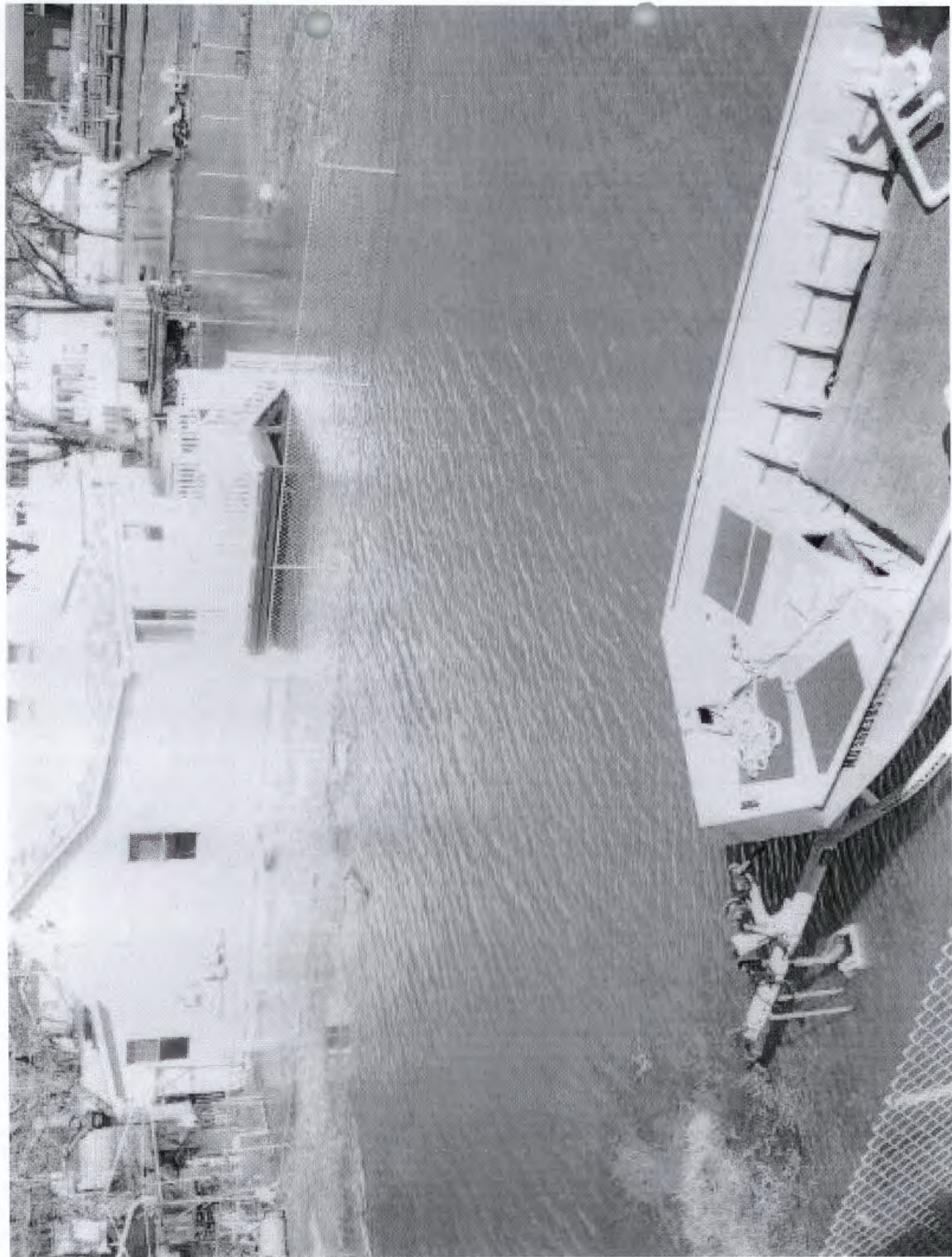
EXHIBIT NO.

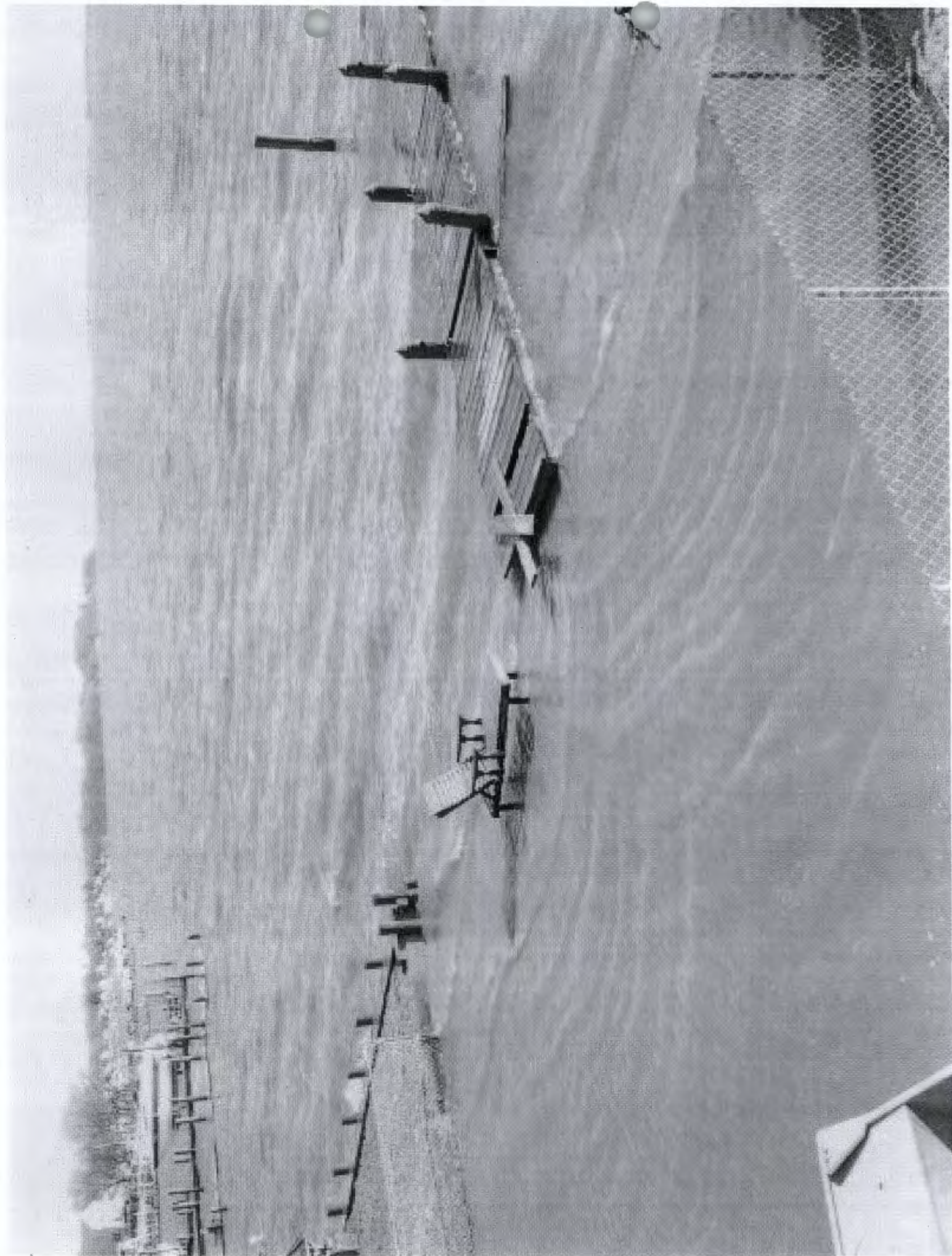
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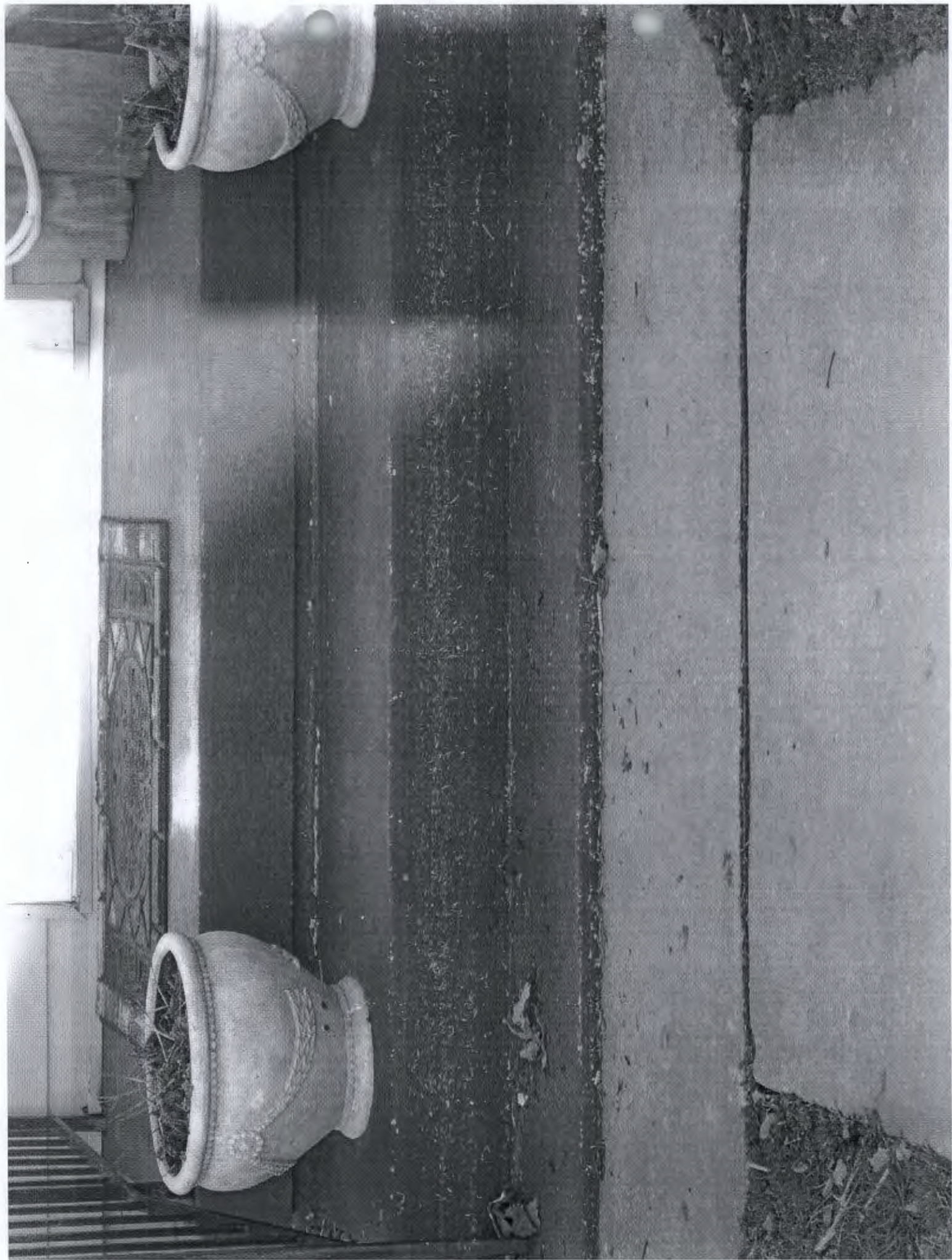


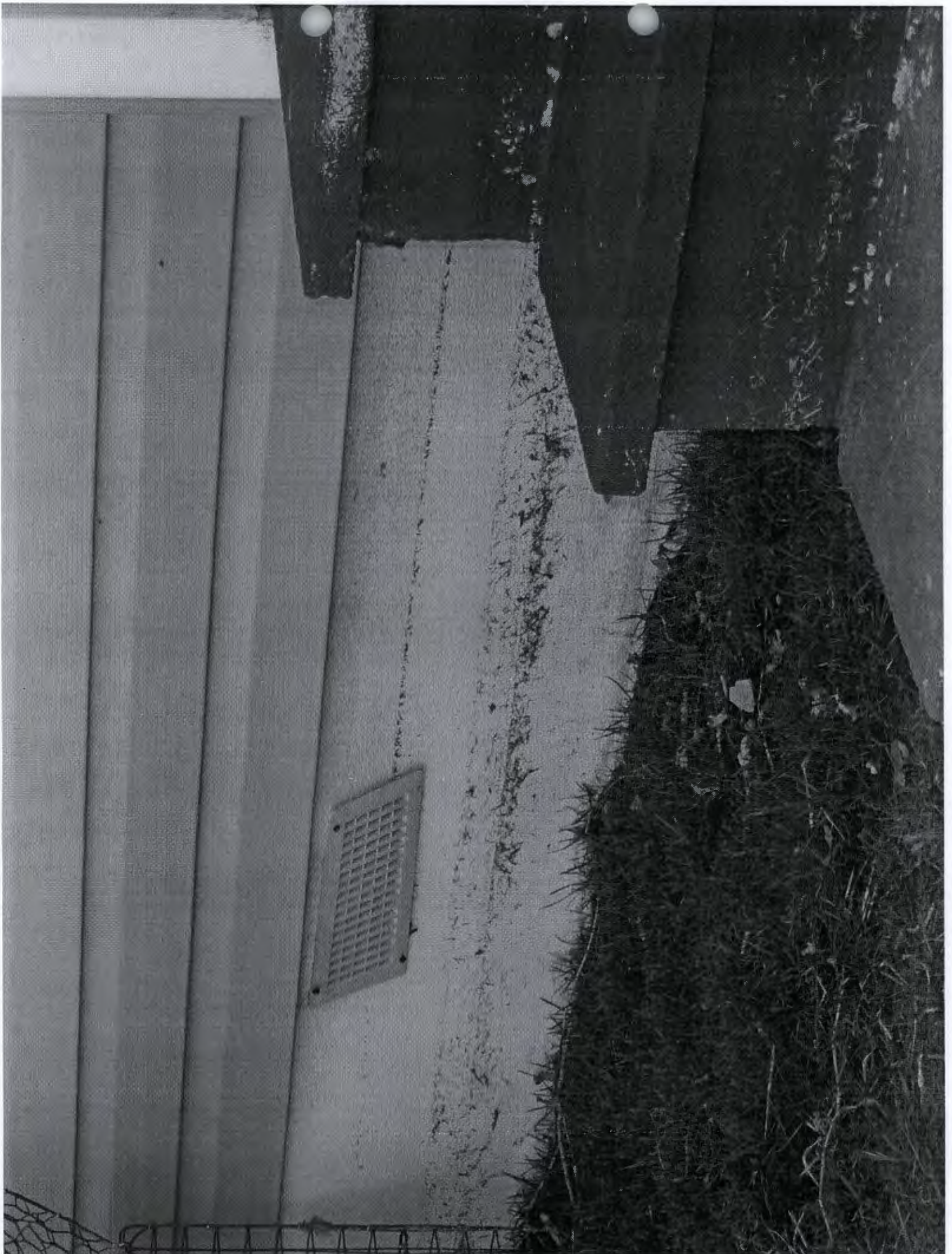


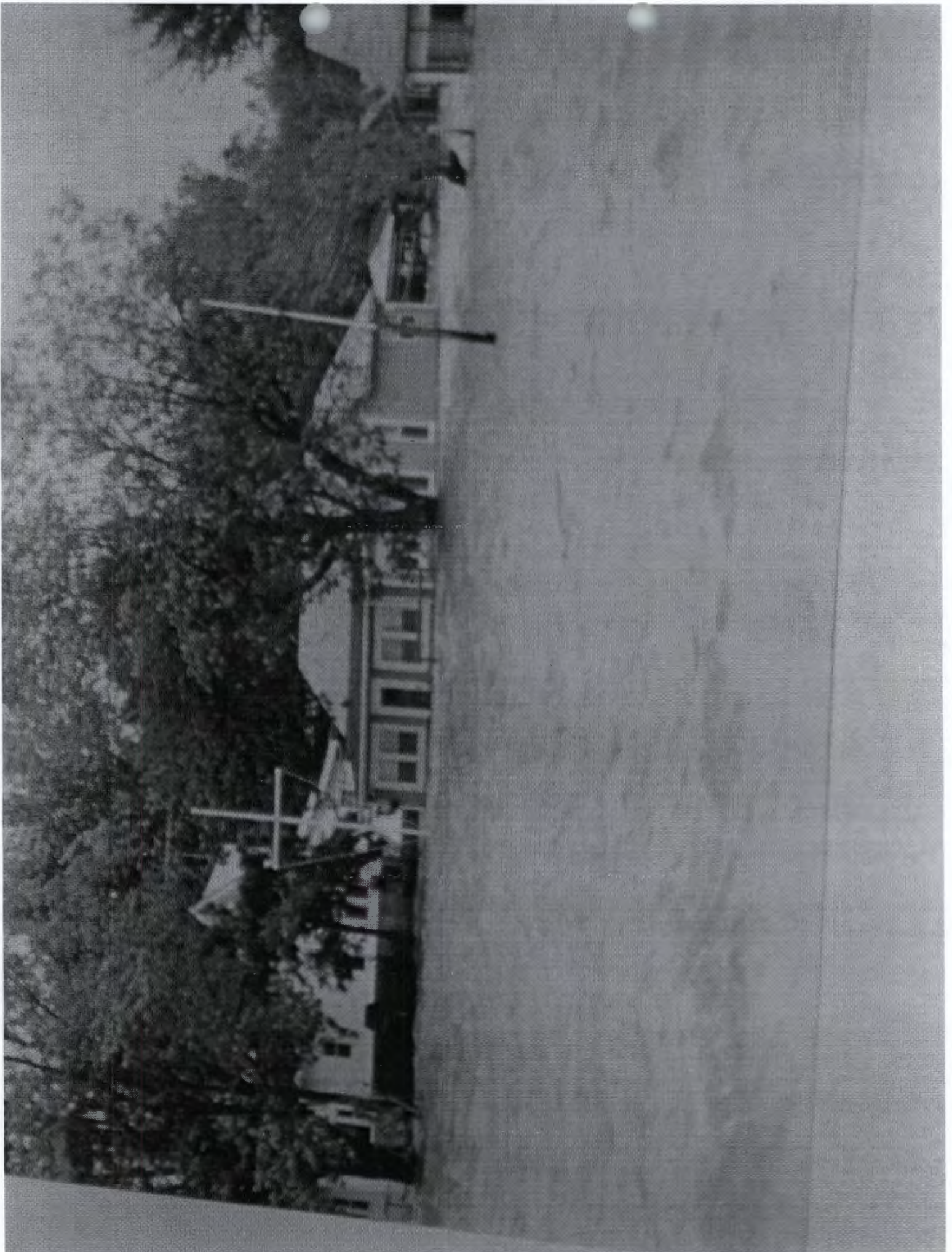












To: whom it might concern

From: Vincent & Karen Bonolis
1820 Beechwood Avenue
Essex, MD 21221

DATE 11/17/2010

Subject: Verification of 2 homes located at the above address

This is a letter to verify the existing structures located at 1820 Beechwood Ave. Essex, MD 21221 have been in place and occupied by the home owners dating back at least 1945.

The undersigned witnesses have owned and occupied their homes from the dates listed.

Ann Chaney 1990-Present
1209 Bayside Road
Essex, MD 21221

Ann Chaney

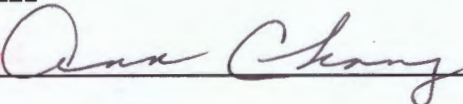


Date

11/17/10

Ann Chaney 1935-1990
1207 Bayside Road
Essex, MD 21221

Ann Chaney

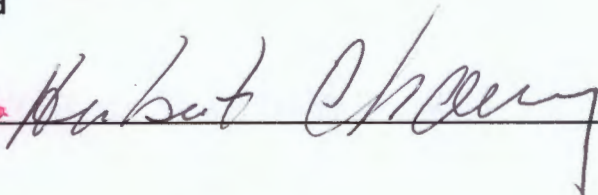


Date

11/17/10

Herbert Chaney 1954-Present
1209 Bayside Road
Essex, MD 21221

Herbert Chaney

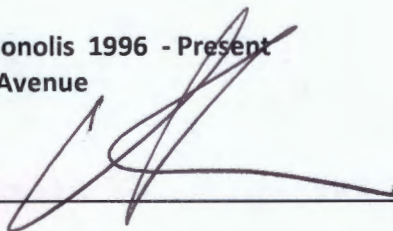


Date

11/17/10

Vincent & Karen Bonolis 1996 - Present
1820 Beechwood Avenue
Essex, MD 21221

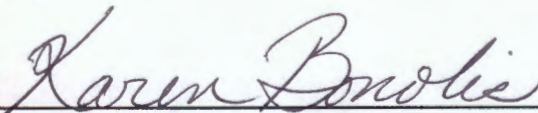
Vincent Bonolis



Date

11/17/2010

Karen Bonolis



Date

11/17/10

If I can be of anymore assistance please do not hesitate to call.

Ann Chaney Home (410)686-7332

Vincent Bonolis Home (410)780-9820 Work (301)286-2450

Christine P. Wirth - NOTARY
Christine P. Wirth exp. 7/22/2011



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 13, 2011

BERNADETTE MOSKUNAS
SITE RITE SURVEYING, INC.
200 EAST JOPPA ROAD, ROOM 101
TOWSON MD 21286

Re: Petition for Special Hearing and Variance
Case No. 2011-0280-SPHA
Property: 1820 Beechwood Avenue

Dear Ms. Moskunas:

I am in receipt of your e-mail dated May 10, 2011, seeking clarification of the May 4, 2011, Order in the above matter. Specifically, you sought clarification concerning the reference in B.C.Z.R. § 104.3, concerning non-conforming structures that can be enlarged by no "more than 25% of the ground floor area of the building so used." The portion of the Opinion and Order containing this discussion provides that "the special hearing relief is granted, to the extent that the lot can contain the two dwellings, although the waterfront structure cannot be reconstructed larger 1,225 square feet (i.e., it can be enlarged by 245 square feet) pursuant to the dictates of B.C.Z.R. § 104." Upon further reflection, I can see how this might cause some confusion in interpretation, and I will therefore clarify and correct that language as follows, which shall be considered an amendment to the earlier Order of May 4, 2011:

As such, the special hearing relief is granted, to the extent that the lot can contain the two dwellings, although the waterfront structure can be extended no more than 25% of the ground floor area of the currently existing structure.

Sincerely,

A handwritten signature in cursive script, reading "John E. Beverungen / pz", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

c: Vincent J. and Karen M. Bonolis, 1820 Beechwood Avenue, Baltimore MD 21221
Carl Maynard, 1546 Denton Road, Essex MD 21221

John Beverungen - Case No. 2011-0280-SPHA

From: "Bernadette L. Moskunas" <siteriteinc@aol.com>
To: <jbeverungen@baltimorecountymd.gov>, <vbonolis@yahoo.com>
Date: 05/10/11 1:18 PM
Subject: Case No. 2011-0280-SPHA

Mr. Beverungen,

I am in receipt of your zoning order for the above referenced case. Thank you very much for quick decision; however, I was wondering if you could clarify the language pertaining to enlarging the dwelling. Section 104.3, BCZR references the enlarged area as the ground floor. As stated in an earlier email, Mr. and Mrs. Bonolis can accommodate the 25%; however, it is obvious that the overall square footage of the house will be much larger (ground floor, first and second floor living space). Therefore, is the reference to "the waterfront structure cannot be reconstructed larger than 1,225 square feet" to the ground floor or the entire structure. The way it reads, to me, is that the structure cannot be larger than 1,225 square feet; when in reality, it has to be based on Flood Plain requirements.

Upon review, please let me know your thoughts at your earliest convenience.
Thank you for your attention to the above.

Bernadette L. Moskunas
Vice President
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

**BALTIMORE COUNTY ZONING REGULATIONS 2010 Edition Updated 09-01-2010,
v3 / THE REGULATIONS / ARTICLE 4, SPECIAL REGULATIONS / SECTION 409,
Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988] / § 409.6. Required
number of parking spaces.**

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Automotive service station	See Section 405.
Bank	3.3 per 1,000 square feet of gross floor area.
Beauty shop or barbershop	5 per 1,000 square feet of gross floor area.
Car wash	See Section 419.
Carry-out restaurant	5 per 1,000 square feet of gross floor area. [Bill No. 110-1993]
Fast-food and standard restaurants: general rule	16 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except that no parking spaces are required for restaurants in the C.T. District of Towson or for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a restaurant. [Bill No. 110-1993; 3-2003]
Standard restaurants in revitalization districts	In the Arbutus, Catonsville and Pikesville revitalization districts, 5 spaces per 1,000 square feet are required for a standard restaurant. However, a minimum investment of \$100,000 in interior and/or exterior improvements is required. The improvements shall be made within 6 months of the filing of the parking plan and verified by the Director of Permits and Development Management. [Bill No. 3-2003]
Fast food, drive-through only	14 per 1,000 square feet of gross restaurant floor area, plus spaces for outdoor seating area in accordance with the requirement for fast food and standard restaurants. A minimum of 10 spaces is required. [Bill No. 110-1993]
Furniture or carpet store	2.5 per 1,000 square feet of gross floor area.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Medical office or clinic	4.5 per 1,000 square feet of gross floor area.
Neighborhood car rental agency	3 per 1,000 square feet of gross floor area (excluding any enclosed vehicular preparation area) plus 1 for each rental vehicle [Bill No. 122-2005]
Nightclub, tavern, striptease business, catering hall or drive-in restaurant	20 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except no spaces required for nightclubs or taverns in the C.T. District of Towson or for buildings contributing to the historic character of an area, if such buildings have been designated on The National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a nightclub, tavern or striptease business. [Bill Nos. 137-1990; 110-1993]
Office -- general	In the C.T. District of Towson: 3.3 per 1,000 square feet of gross ground floor area and 2 per 1,000 square feet of gross floor area of upper floors. Elsewhere: 3.3 per 1,000 square feet of gross floor area.
Passenger rail station	No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for office space. As determined by the Zoning Commissioner upon the recommendation of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Personal service establishment, except beauty shop and barbershop	3.3 per 1,000 square feet of gross floor area.
Residential art salon	See Section 402C.4.

Type of Use

Retail -- general

**Minimum Number of Required Off-Street
Parking Spaces**

3 per 1,000 square feet of gross floor area in the C.T. District of Towson; 5 per 1,000 square feet of gross floor area elsewhere. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for retail space.

Shopping center (less than 100,000 square feet of gross leasable area)

The required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.

Shopping center (100,000 square feet or more of gross leasable area)

In the C.T. District of Towson: the required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.

Elsewhere: 5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses.

[Bill No. 57-2009]

Transit center or transit facility

As determined by the Baltimore County Zoning Commissioner upon the recommendations of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]

Transit storage or repair yard

1 per employee on the largest shift. [Bill No. 91-1990]

CASE NAME BONGLIS
CASE NUMBER 11-280-5PHA
DATE 4/27/11

[illegible]

CASE NAME 1820 Beechwood Ave.
CASE NUMBER 2011-0280 SPA
DATE 4/27/2011

[illegible]

John Beverungen - Case No. 2011-0280-SPHA

From: "Bernadette L. Moskunas" <siteriteinc@aol.com>
To: <jbeverungen@baltimorecountymd.gov>
Date: 04/29/11 10:29 AM
Subject: Case No. 2011-0280-SPHA
CC: <vbonolis@yahoo.com>, <pdennis@baltimorecountymd.gov>

Mr. Beverungen,

This is in response to our hearing on Wednesday 4/27 regarding the above referenced case. I have left two messages for Paul Dennis to email you regarding his ZAC comment language. I will follow-up with him again today. With regard to Section 104.3 and the 25% language it contains; the Bonolis' feel confident that they can remain within 25% of the **original ground floor area**. The additional language of Section 104.3 does not apply to structures described in Section 104.2 (restoration of damaged or destroyed structures), with the exception authorized by the Zoning Commissioner. The Bonolis' feel this request is clearly within the spirit and intent of the BCZR, specifically Section 307.1 Authority of the Zoning Commissioner to grant variances where "special circumstances or conditions exist".

This is not the only review process for the proposed request. The Bonolis' need to file a building permit which will again be reviewed thoroughly by the same ZAC agencies; i. e. planning, plans review, zoning, environmental, etc.

Upon receipt of clarification from Paul Dennis, Environmental Impact Review, I hope the requested relief meets with your satisfaction and approval.

Thank you for your attention to this matter and please do not hesitate to contact me with questions or concerns.

Bernadette L. Moskunas
Vice President
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (EPS) –
Development Coordination *prc for DVL*

DATE: May 3, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-280-SPHA
Address 1820 Beechwood Avenue
(Bonolis Property)

Zoning Advisory Committee Meeting of March 28, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area, and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17) as follows:

(17) (i) "Lot coverage" means the percentage of a total lot or parcel that is:

- 1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

- 1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;*
- 2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;*
- 3. A wood mulch pathway; or*
- 4. A deck with gaps to allow water to pass freely.*

In order to minimize impacts on water quality, the applicant should maintain the historical percentage of lot coverage that exists on the property. According to the table on the applicant's plan, lot coverage is proposed to be increased. For this reason, we recommend that the zoning petition be conditioned to

require the applicant to scale back the size of the proposed rebuilt dwelling to its present size, or remove an area of Critical Area lot coverage equal in size to the proposed dwelling increase from elsewhere on the property; preferably from the 100-foot buffer to Back River.

2. Conserve fish, wildlife, and plant habitat; and

The subject property and adjoining properties are located in a mapped Buffer Management Area, meaning that the existing pattern of historical development in the buffer prevents the 100-foot buffer from fulfilling water quality and habitat functions. These areas are subject to EPS's Critical Area regulations entitled "Baltimore County Buffer Management Plan". The applicant's proposal to replace a dwelling slightly larger and slightly closer to the water than an existing dwelling is consistent with this Plan. It is recommended that the zoning petition be conditioned to require conformance with mitigation requirements of the Buffer Management Plan to offset water quality impacts associated with rebuilding the dwelling, which will improve buffer functions and conserve fish habitat in Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to replace a dwelling slightly larger and slightly closer to the water than an existing dwelling within a Critical Area Buffer Management Area is consistent with this goal. The conditions listed above will minimize adverse environmental impacts from movement and activities of persons on the subject property.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 20 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability (DEPS) -
Development Coordination

DATE: April 20, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-280-SPHA
Address 1820 Beachwood Avenue
(Bonolis Property)

Zoning Advisory Committee Meeting of March 28, 2011.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This 12,150 square foot (area above mean high water used for Critical Area) waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area and must comply with all requirements of Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Areas Protection. Based on the Code, the lot coverage area on the property is limited to 25% (3,038 square feet), or a maximum of 31.25% (3,797 square feet) if approved and with mitigation for the amount over 25%. The lot coverage on the property currently exceeds the maximum allowed, and may require removal of lot coverage. It must be determined when the existing lot coverages were added to the property in order to determine compliance with Critical Area law. At no time can the lot coverage exceed the existing amount, and the existing amount may require reduction. In addition, a 15% forest cover (4 trees) must exist on each lot at all times. Mitigation requirements can increase the number of trees required on the site. A 100-foot tidal buffer measured off mean high water covers almost half the property. BMA requirements restrict the location and area of structures allowed within this buffer. The location and size of the proposed dwelling may require adjustment to meet BMA requirements. Based on this, DEPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of lot coverage and the planting of native trees and shrubs.
2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by complying with all Critical Area requirements including mitigation.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited and may not exceed the amount allowed by Critical Area law. Compliance with the Critical Area requirements, including mitigation that may include lot coverage removal and planting of native trees, can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

- Paul Dennis; Environmental Impact Review

898 A.2d 449

appeal, this Court reaffirmed the principle that although the purpose of zoning regulations is to restrict rather than to **expand nonconforming** uses, *Phillips v. Zoning Commissioner*, 225 Md. 102, 169 A.2d 410 (1961), an intensification of a non-conforming use is permissible so long as the nature and character of the use is unchanged and substantially the same facilities are used. 245 Md. at 137, 225 A.2d at 281, see also *Nyburg*, 205 Md. 150, 106 A.2d 483. While physical **expansions** like constructing a new pier and use of the land for services other than what was already present, Md. at 138, 225 A.2d at 282, this Court decided that "[a]ny increase in the number of **nonconforming** use be an intensification of [the] non-conforming use and would not be an extension." 245 Md. at 138, 225 A.2d at 282. The intensification of a non-conforming use, in short, is permissible so long as the nature and character of the use is unchanged and substantially the same facilities are used. 245 Md. at 137, 225 A.2d at 281.

effect is *Feldstein v. LaVale Zoning Board*, 246 Md. 204, 227 A.2d 731 (1967). In that case, the issue was whether the **expansion** of a high rise junkyard owned by the appellant was an extension of a **nonconforming** use or an intensification of a **nonconforming** use. The junkyard, operating since 1939, was surrounded by property that was later rezoned for residential use. The junkyard was recognized as a nonconforming use; however, the zoning ordinance provided that "all presently existing junkyards must be screened within a year by the erection of a fence or wall or by the planting of trees, shrubbery or other planting." 246 Md. at 207-208, 227 A.2d at 732. The appellant had stacked scrap metal higher than it was able to be concealed. The zoning board alleged, on that basis, that the owner had unlawfully **expanded** the **nonconforming** use, and sought an order permanently enjoining the extension of the junkyard beyond the area occupied at the time the zoning ordinance was adopted. 246 Md. at 208, 227 A.2d at 732.

Trip Assoc. Inc. v.
May + Cit. Council B.M.
392 Md 563 (2000)

Stieff v. Collins 237 Md 601, 1
(1965) references statute like BCZ
and says it allows variance
a nonconforming use for an
if not more than 25%

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1502571060

Owner Information

Owner Name: BONOLIS VINCENT J
BONOLIS KAREN M
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1820 BEECHWOOD AVE
BALTIMORE MD 21221-6505
Deed Reference: 1) /12335/ 00169
2)

Location & Structure Information

Premises Address
1820 BEECHWOOD AVE
0-0000
Legal Description
1820 BEECHWOOD AVE
Waterfront EVERGREEN PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0104	0024	0268		000			25	3	Plat Ref: 0007/0174

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	2,020 SF	12,500 SF	34

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	82,620	202,620		
Improvements:	162,950	186,450		
Total:	245,570	389,070	341,237	389,070
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
BOCK DOROTHY A ALT CALVIN J	08/19/1997	\$60,000
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/12335/ 00169	
Seller:	Date:	Price:
BOCK HENRY P BO CK DOROTHY A	02/16/1989	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/08105/ 00406	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class: **Special Tax Recapture:**
* NONE *

RC5
Sent forms
3/7/11

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
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[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 15 Account Number - 1502571060

Owner Information

Owner Name:	BONOLIS VINCENT J BONOLIS KAREN M	Use:	RESIDENTIAL
Mailing Address:	1820 BEECHWOOD AVE BALTIMORE MD 21221-6505	Principal Residence:	YES
		Deed Reference:	1)/12335/ 00169 2)

Location & Structure Information

Premises Address

1820 BEECHWOOD AVE
0-0000

Legal Description

1820 BEECHWOOD AVE
Waterfront EVERGREEN PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0104	0024	0268		0000			25	3	
									Plat Ref: 0007/ 0174

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	2,020 SF	12,500 SF	34

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT SIDING	

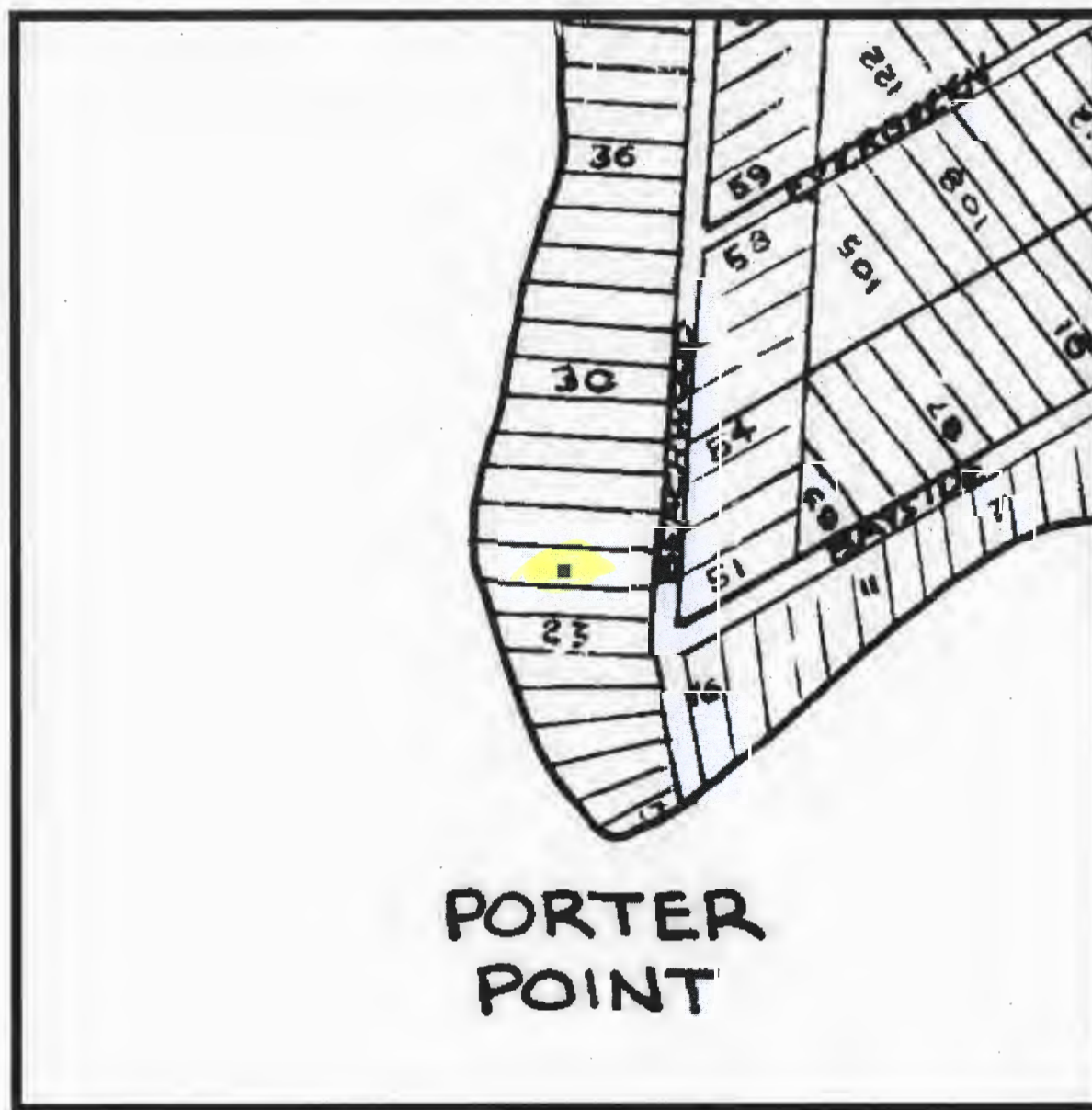
Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	82,620	202,620		
Improvements:	162,950	186,450		
Total:	245,570	389,070	341,237	389,070
Preferential Land:	0			0

Transfer Information

Seller:	BOCK DOROTHY A ALT CALVIN J	Date:	08/19/1997	Price:	\$60,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/12335/ 00169	Deed2:	
Seller:	BOCK HENRY P BO CK DOROTHY A	Date:	02/16/1989	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/08105/ 00406	Deed2:	
Seller:		Date:		Price:	

Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments	Class	07/01/2011 07/01/2012
County		0.00
State		0.00
Municipal		0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	* NONE *	



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the

TK
4-27-11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: April 8, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 1820 Beechwood Avenue

INFORMATION:

Item Number: 11-280

Petitioner: Vencent Bonolis

Zoning: RC 5

Requested Action: Special Hearing and Variance

RECEIVED

APR 12 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

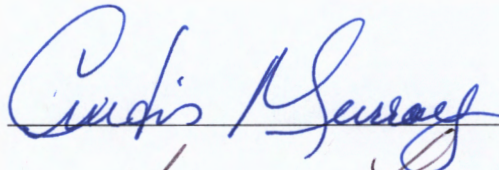
The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning recommends denial of the request to permit two dwelling units on one lot. The RC 5 zone does not permit more than one primary residence on a lot. The dwelling unit in the garage building should be abandoned. The Office of Planning has no objection to the remaining variance requests and construction of a replacement dwelling. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

5. Provide landscaping along the public road, if consistent with the existing streetscape.

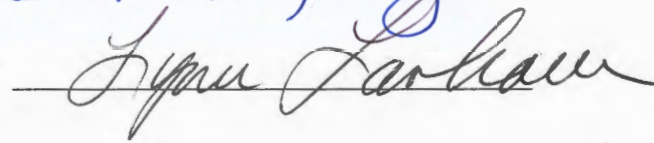
For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM



4/27 10 AM



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 30, 2011

HAND DELIVERED

Lawrence Stahl, Managing Administrative Law Judge/ Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
Vincent and Karen Bonolis, Petitioners,
1820 Beechwood Avenue, Case No: 11-280-SPHA

MAR 31 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Judge Stahl,

The petitioners request two dwellings on one lot in the R.C. 5 Zone, along with a number of variances. The lot is 12,500 square feet, or .287 acres, actually undersized for one dwelling. BCZR Section 1A04.3.B.5 states that "No more than one dwelling is permitted on any lot in an R.C. 5 Zone, but not excluding additional dwellings for bona fide tenant farmers." The petition here obviously does not involve a tenant farmer.

According to the petition, there are two existing houses. The request is apparently to replace one of them. There may be a nonconforming use for the two existing dwellings if they predate the applicable zoning law, which prohibits two dwellings.

But the law of nonconforming uses does not generally allow a replacement dwelling. See Salkin, American Law of Zoning 5th Section 12.46 (2009). This would amount here to a change under BCZR Section 104.1. There is a provision for restoration of damaged or destroyed dwellings under BCZR Section 104.2, but not for the deliberate replacement of dwellings.

Based on the law, the petition requests a use which is not permitted.

Sincerely,

Peter Max Zimmerman
Peter Max Zimmerman

Cc: Vincent and Karen Bonolis
Laurie Hay, Area Planner

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Hearing
4/27/11

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 1, 2011
Item No. 2011-280

DATE: March 31, 2011

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

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

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 11-280-04012011.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, Chief
Fire Department

March 28, 2011

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **March 28, 2011**

Item No.:

Administrative Variance: 2011-0272A, 2011-0275A, 2011-0277A-0278A, 2011-0281A

Special Hearing: 2011-0274-SPH, 2011-0279-SPHX, 2011-0280-SPHA, 2011-0282-SPHX

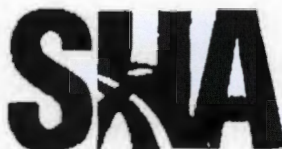
Special Exception: 2011-0279-SPHX, 2011-0282-SPHX

Variance: 2011-0276A, 2011-0280-SPHA

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverly K. Swann-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 3-31-2011

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

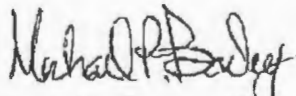
RE: Baltimore County
Item No 2011-0280-SPHA
1820 BEECHWOOD AVE.
BONDIC PROPERTY
VARIANCE -
SPECIAL HEARING -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0280-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1820 Beechwood Avenue; West side of * ZONING COMMISSIONER
Beechwood Avenue 65 ft. North of the *
Centerline of Bayside Drive * FOR
15th Election & 6th Councilmanic District *
Legal Owner(s): Vincent & Karen Bonolis * BALTIMORE COUNTY
Petitioner(s) *
2011-0280-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Vincent & Karen Bonolis, 1820 Beechwood Avenue, Baltimore, Maryland 21221-6505, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: April 8, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 1820 Beechwood Avenue

INFORMATION:

Item Number: 11-280

Petitioner: Vincent Bonolis

Zoning: RC 5

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning recommends denial of the request to permit two dwelling units on one lot. The RC 5 zone does not permit more than one primary residence on a lot. The dwelling unit in the garage building should be abandoned. The Office of Planning has no objection to the remaining variance requests and construction of a replacement dwelling. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:

Curtis M. Guss

Division Chief:

JM/LL: CM

Lynne Larkman

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0280-SPHA

1820 Beechwood Avenue

W/side of Beechwood Avenue, 65 ft. north of the centerline of Bayside Drive

15th Election District - 6th Councilmanic District

Legal Owner(s): Vincent & Karen Bonolis

Variance: to permit 11 foot side yards, in lieu of the required 50 ft., 37 ft. in lieu of the required 50 ft. to bulkhead; to permit lot coverage 37% in lieu of the maximum 15%; to permit 2 houses on a lot with a gross square footage of 12,500 square ft. in lieu of the required 3 acres. **Special**

Hearing: to permit 2 houses (existing) on one RC-5 lot.

Hearing: Wednesday, April 27, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/4/644 April 12

272332

CERTIFICATE OF PUBLICATION

4/14/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 4/12/ 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0280-SPHA

Petitioner/Developer
SITE SITE SURVEYING

Date Of Hearing/Closing: 4/27/11

City Department of
Development Management
Building, Room 111
Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1822 BEECHWOOD AVE.

This sign(s) were posted on

April 11, 2011

Month, Day, Year
Sincerely,

Martin Ogle
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2011-0280-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

Room 205 Jefferson Building 105 West
Chesapeake Avenue, Towson 21204

DATE AND TIME: WEDNESDAY, APRIL 27, 2011
AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT 11 FOOT SIDE YARDS IN LIEU
OF THE REQUIRED 50 FT, 31 FT IN LIEU OF THE REQUIRED
50 FT, TO BACKHEAD, TO PERMIT LOT COVERAGE 37% IN
LIEU OF THE MAXIMUM 15%, TO PERMIT 2 HOUSES ON A
LOT WITH A 6000 SQUARE FOOTAGE OF 12,500 SQUARE FT.
IN LIEU OF THE REQUIRED 34,000. SPECIAL HEARING TO
PERMIT 2 HOUSES (EASTMAN) ON ONE RE-5 LOT

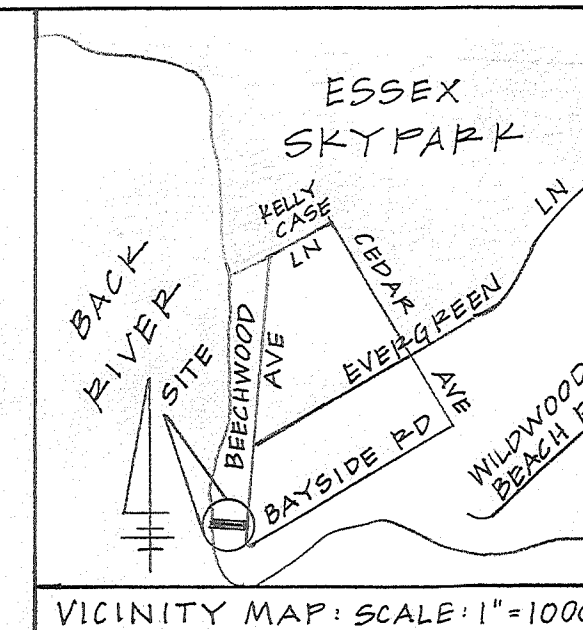
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 807-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

04/11/2011

Michael S. 4/11/11





GENERAL NOTES

1. EXISTING ZONING: RC5 (104 C3)
2. LOT AREA: 12,500 S.F. or 0.287 Ac +/- (Real Property Search)
3. EXISTING USE: 2 Single Family Dwellings with accessory structures
PROPOSED USE: 2 Single Family Dwellings with accessory structures
4. Existing Dwelling along road front was reconstructed in 2007 under Permit No. B678624. Damaged by Isabelle and Zoning Relief waived.
5. Property is serviced by Public Water and Sewer
6. Lot of record on Plat of "Evergreen Park" dated 1924.
7. Property is located in the Chesapeake Bay Critical Area (LDA)
8. Property is located in a 100 Year Flood Plain Area
Community Panel No. 2400100445F (NAVD88) Zone "AE"
Base Flood Elevation: EL8 (7.7 NAVD 77)
9. See Chart for lot coverage calculations this sheet
10. Not located in an Historic Area
11. No prior zoning history
12. Dwelling along the waterfront was damaged by Hurricane Isabelle

GRANDFATHERED LOT WHICH PRE-DATES CENTRAL AREA PROGRAM: AVAILABLE LOT COVERAGE 31.25% (3906.25 S.F.)

EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE
1 Dwelling w/garage: 680 S.F. 1 Dwelling (replacement waterfront): 984 S.F. Accessory Structures: 423.29 S.F. Driveway: 1546 S.F. Sidewalk & Patio: 804.5 S.F. TOTAL: 4438 S.F. 36% LOT COVERAGE	1 Dwelling w/garage: 680 S.F. Proposed Dwelling (waterfront): 1428 S.F. Accessory Structures: 423.29 S.F. Driveway: 1546 S.F. Sidewalk & Patio: 587 S.F. TOTAL: 4664 S.F. 37% LOT COVERAGE 758 S.F. above allowable lot coverage 226 S.F. above existing lot coverage

PLAN TO ACCOMPANY SPECIAL HEARING
"BONOLIS' PROPERTY"
#1820 BEECHWOOD AVENUE
LOT 25
"EVERGREEN PARK" 7/174
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
MARCH 23, 2011
JOB #9960

OWNER: Vincent and Karen Bonolis
1820 Beechwood Avenue
Baltimore MD 21221-6505
TAX MAP: 104 GRID: 24 PARCEL: 268
Deed Ref.: 12335/169 (Dated 1997)
Tax Acct. No.: 1502571060
Phone: (410) 780-9820

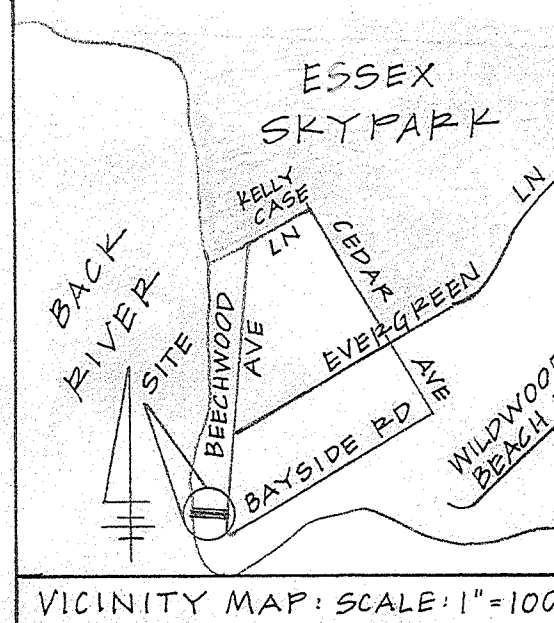


site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066

4/10/2011

TO: EVERGREEN PARK RESIDENTS
FROM: VINCENT + KAREN BONOLIS
SUBJECT: NEW HOME CONSTRUCTION.

PLEASE SIGN YOUR PROPERTY LOT IF YOUR ARE IN
AGREEMENT WITH THE NEW HOME CONSTRUCTION.
LOCATED AT 1820 BEECHWOOD AVE, ESSEX, MD
21221



GENERAL NOTES

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Community Panel No. 2400100445F (NAVD88) Zone "AE"
Base Flood Elevation: EL8 (7.7 NAVD 77)
- See Chart for lot coverage calculations this sheet
- Not located in an Historic Area
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- Dwelling along the waterfront was damaged by Hurricane Isabelle

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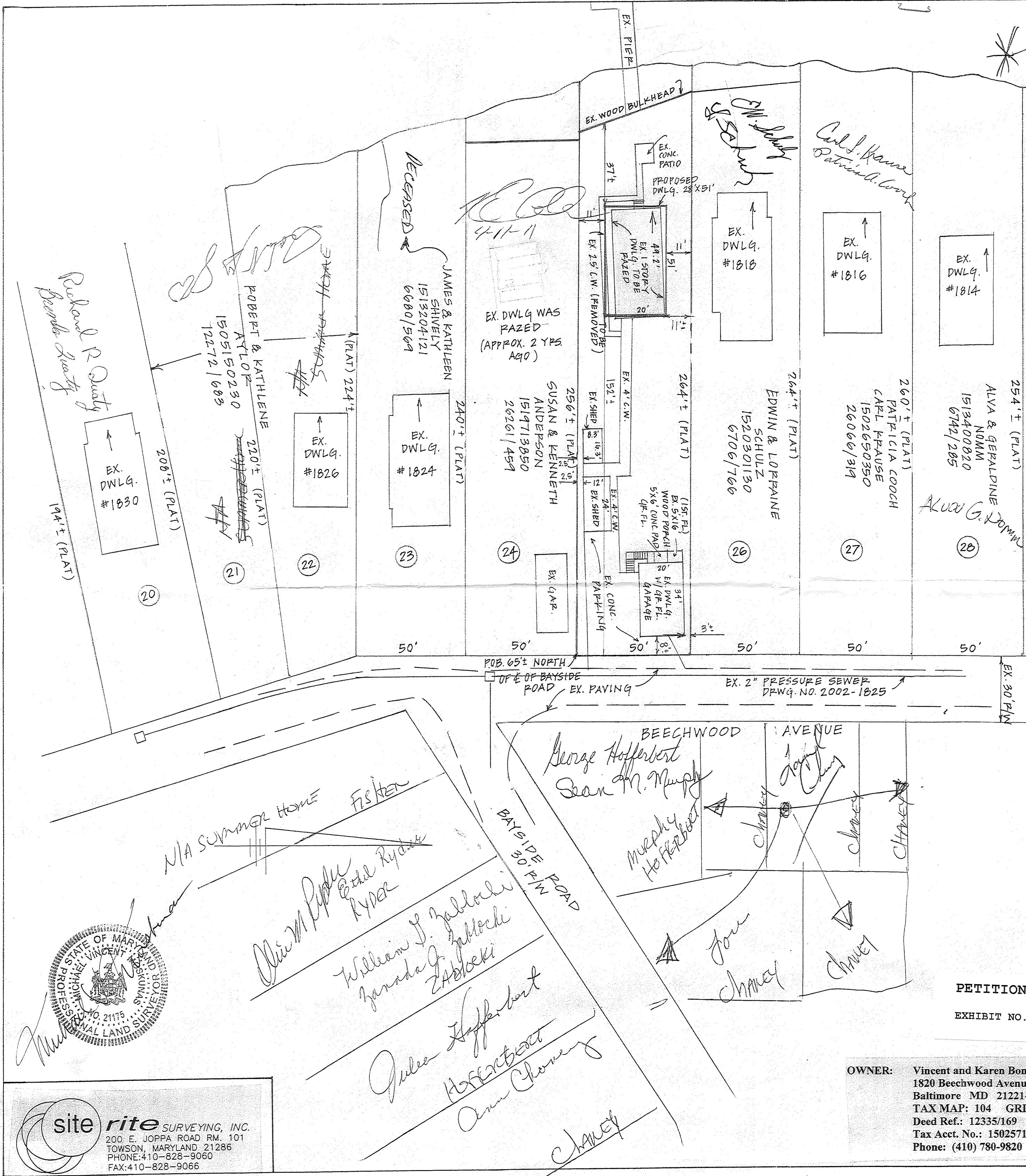
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Driveway: 1546 S.F.	Driveway: 1546 S.F.
Sidewalk & Patio: 804.5 S.F.	Sidewalk & Patio: 587 S.F.
TOTAL: 4438 S.F.	TOTAL: 4664 S.F.
36% LOT COVERAGE	37% LOT COVERAGE
	758 S.F. above allowable lot coverage
	226 S.F. above existing lot coverage

PETITIONER'S

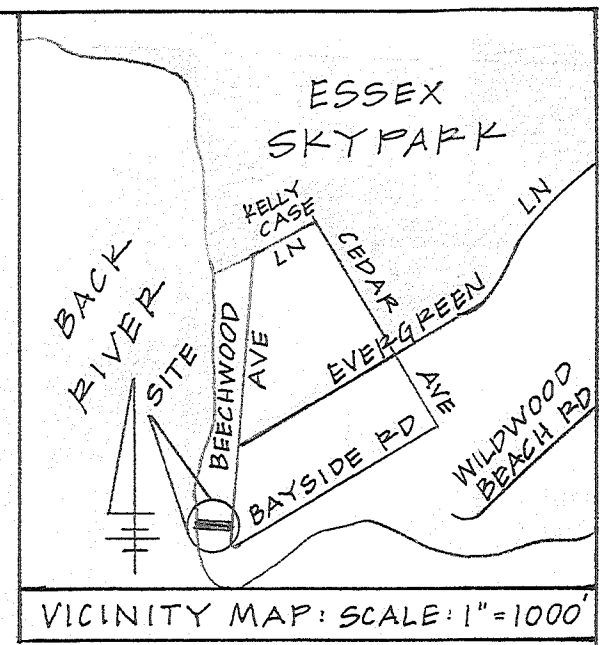
EXHIBIT NO. 3

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Baltimore MD 21221-6505
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LOT 25
"EVERGREEN PARK" 7/174
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
MARCH 23, 2011
JOB #9960



site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066



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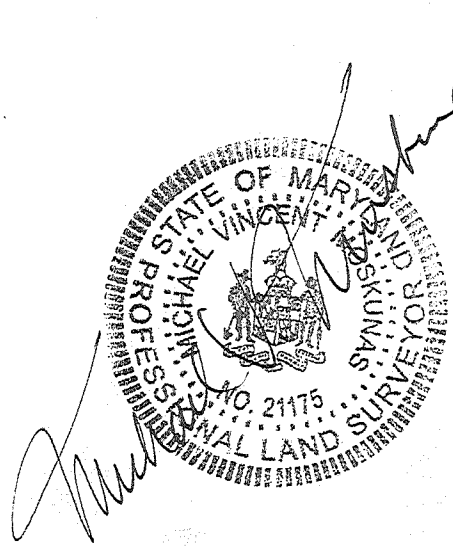
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Ex. 7



site rite SURVEYING, INC.
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TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066



ROAD PERMIT AND GRADES	REVISIONS	DATE	BY
PERMIT REQUESTED	1/16/05	MOVED	DAW
PERMIT NUMBER: 1599-1257 BS	3/30/07	REVISED	DAW
PROFILE NUMBER: 1599-1257 BS	12/02/04	REVISED	DAW
BALTIMORE COUNTY	10/21/03	DATE	10/11/03
ENGINEER: David W. Bay	DESIGNED: MWT	DRAWN: MWT	CHECKED: MWT
DATE: 10/11/03	DATE: 10/11/03	DATE: 10/11/03	DATE: 10/11/03

BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WORKS	BUR. OF ENGINEERING & CONSTRUCTION	APPROVED: [Signature]	DATE: 10/21/03
CONTRACT NO. 03557SX0	JOB ORDER NO. 1-96-15	SCALE: 1" = 50'	APPROVED: [Signature]	DATE: 10/21/03
SHEET 10 OF 15	DWG. NO. 2002-1825	PLAN: 1" = 50'	APPROVED: [Signature]	DATE: 10/21/03
		PROFILE: 1" = 5'	APPROVED: [Signature]	DATE: 10/21/03

Design and Drawing based on Baltimore County Metropolitan Grid System and Datum

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION

SCANNED

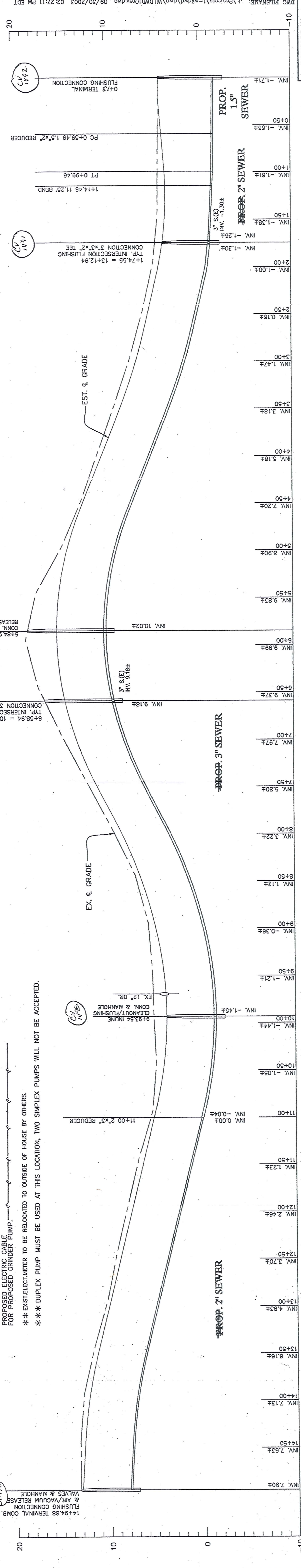
BEECHWOOD AVENUE

PRESSURE SEWER

SUBDIVISION: WILLOW BEACH - EVERGREEN PARK

BL. DISTRICT NO. 1505

FILE: 1



GP#	ADDRESS	EX. GROUND ELEV. (FT.)	GP. STA.	NORTH	EAST
GP#65	1201 BAYSIDE RD.	50.865.4	Simplex	15.813.7	50.865.4
GP#52	1830 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#53	1830 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#54	1824 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#55	1824 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#56	1824 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#57	1818 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#58	1818 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#59	1814 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#60	1814 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#61	1811 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#62	1810 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#63	1810 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#64	1806 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#65	1801 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0

GP#	ADDRESS	EX. GROUND ELEV. (FT.)	GP. STA.	NORTH	EAST
GP#66	1800 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#67	1734 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#68	1734 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#69	1718 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#70	1718 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#71	1718 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#72	1712 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#73	1712 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#74	1711 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#75	1710 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#76	1708 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#77	1706 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#78	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0

GP#	ADDRESS	EX. GROUND ELEV. (FT.)	GP. STA.	NORTH	EAST
GP#79	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#80	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#81	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#82	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#83	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#84	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#85	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#86	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#87	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#88	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#89	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#90	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#91	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#92	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#93	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#94	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#95	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#96	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#97	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#98	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#99	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0
GP#100	1702 BEACHWOOD AVE.	50.865.0	Simplex	15.813.7	50.865.0

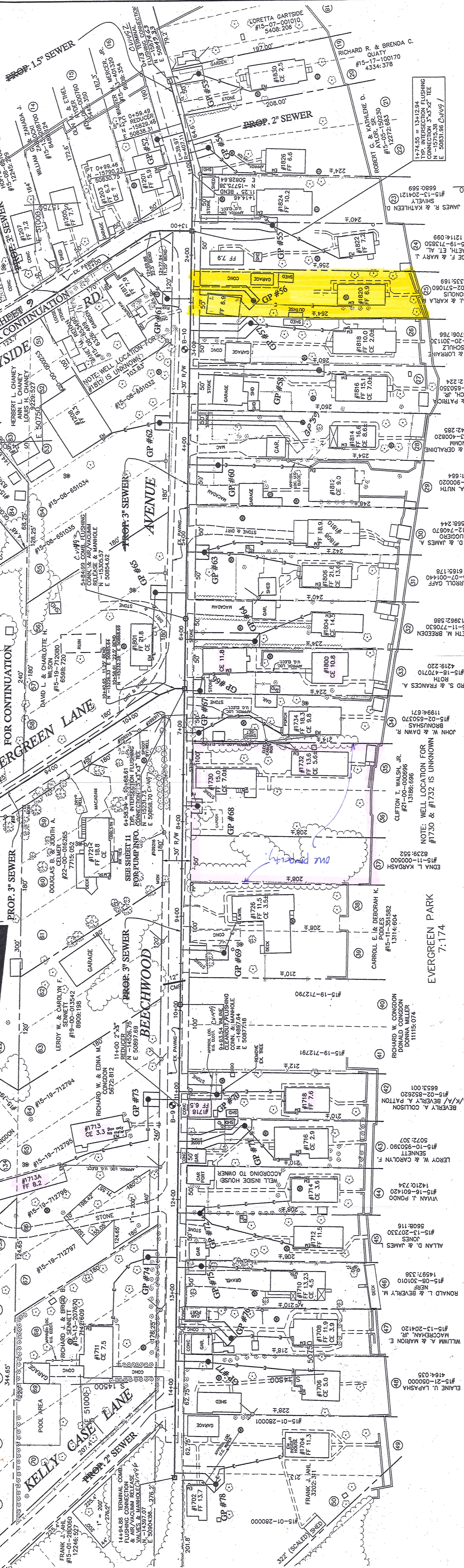
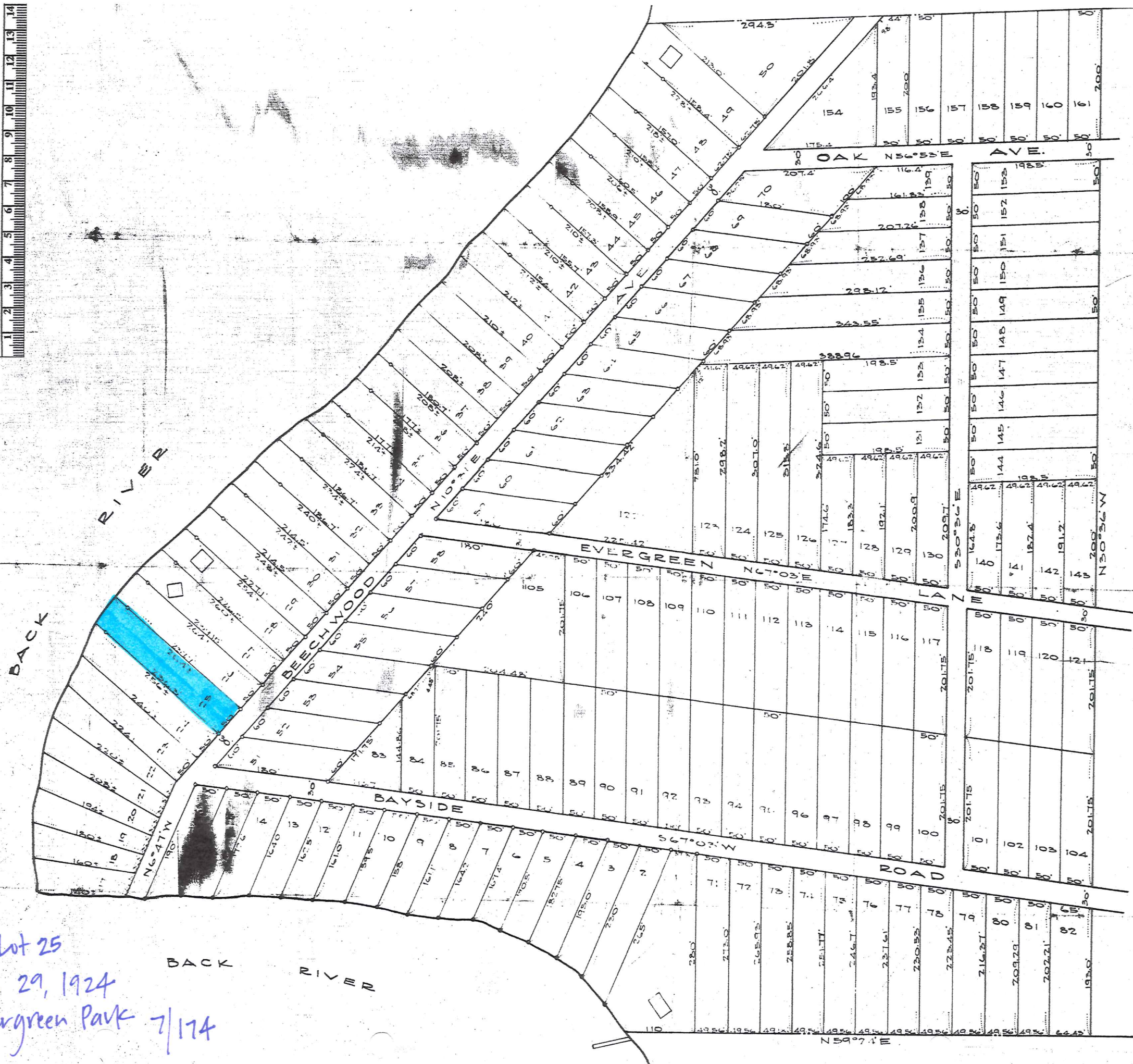


EXHIBIT NO. 6

PETITIONER'S



Lot 25
Oct. 29, 1924
Evergreen Park 7/174

PETITIONER'S
EXHIBIT NO. 1