

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S of Rocky Point Road, 1720'		
S of centerline of Barrison Point Road	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
5 th Councilmanic District	*	OF BALTIMORE COUNTY
(2015 Rocky Point Road)		
	*	CASE NO. 00-045-A
J. Wayne Totaro & Diane P. Totaro		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Wayne & Diane Totaro. The Petitioners are requesting a variance for property they own at 2015 Rocky Point Road. The property is zoned R.C.5 and is located in the Back River Neck Cedar Point area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a residential garage 21 ft. high in lieu of the permitted 15 ft. required. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested administrative variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

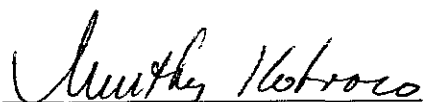
ORDER RECEIVED FOR FILING
 Date 9/2/99
 By [Signature]

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). As of the date of this Order, DEPRM has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the requested administrative variance should be granted.

THEREFORE, IT IS ORDERED this 2nd day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for Administrative Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a residential garage 21 ft. high in lieu of the permitted 15 ft. required, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with any recommendations made by DEPRM to minimize any effect the proposed development might have on the Bay and its tributaries.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 9/2/99
By R. Spinson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 2, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 00-045-A
Property: 2015 Rocky Point Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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 County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. & Mrs. J. Wayne Totaro
2015 Rocky Point Road
Baltimore, Maryland 21221

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



CBCA
Poss Flood

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2015 Rocky Point Road
which is presently zoned RC 5

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) 400.3

To allow a residential garage 21' high in lieu of permitted 15'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Legal Owner(s):

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

J. WAYNE TOTARO
Name - Type or Print _____
Signature J. Wayne Totaro
DIANE P. TOTARO
Name - Type or Print _____
Signature Diane P. Totaro
2015 ROCKY POINT ROAD (410) 686-2093
Address _____ Telephone No. _____
BALTIMORE, MARYLAND 21221
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Representative to be Contacted:

JOHN B. GONTRUM
Name - Type or Print _____
Signature [Signature]
ROMADKA, GONTRUM & MCLAUGHLIN
Company _____
814 EASTERN BOULEVARD (410) 686-8274
Address _____ Telephone No. _____
BALTIMORE, MARYLAND 21221
City _____ State _____ Zip Code _____

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00.045-A

Reviewed By uc

Date 8-2-99

Estimated Posting Date 8-15-99

REV 9/15/98

DROP OFF
No Review

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2015 ROCKY POINT ROAD

Address

BALTIMORE, MARYLAND 21221

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Property is located in critical area with a need to minimize ground coverage. In addition, flood plain requirements would not permit below ground construction. Need for storage of vehicles and for general storage indicate need for structure as shown on accompanying documents. Peaked roof is what generates area above 15' height.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

J. Wayne Totaro
Signature

J. WAYNE TOTARO
Name - Type or Print

Diane P. Totaro
Signature

DIANE P. TOTARO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of JULY, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

J. Wayne Totaro and Diane P. Totaro
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

7/20/1995
Date

[Signature]
Notary Public

My Commission Expires 4/6/2001

RECEIVED

PP-5-8

PP-2-8

778 9090
04

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2015 ROCKY POINT ROAD

Address

BALTIMORE, MARYLAND 21221

City

State

Zip Code

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

J. Wayne Totaro
Signature

J. WAYNE TOTARO
Name - Type or Print

Diane P. Totaro
Signature

DIANE P. TOTARO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of JULY, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

J. Wayne Totaro and Diane P. Totaro
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

7/20/99
Date

[Signature]
Notary Public

My Commission Expires 4/20/2001

REC'D 09/15/98

PP-5-8

PP-21-2

104

A-243-00

770 gms

Wm. S. 04

C (SCA)
Poss Flood



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2015 Rocky Point Road
which is presently zoned RC 5

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) 400.3

To allow a residential garage 21' high in lieu of permitted 15'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

JOHN B. GONTRUM
Name - Type or Print _____
Signature _____
ROMADKA, GONTRUM & MCLAUGHLIN
Company _____
814 EASTERN BOULEVARD (410) 686-8274
Address _____ Telephone No. _____
BALTIMORE, MARYLAND 21221
City _____ State _____ Zip Code _____

Legal Owner(s):

J. WAYNE TOTARO
Name - Type or Print _____
Signature _____
DIANE P. TOTARO
Name - Type or Print _____
Signature _____
2015 ROCKY POINT ROAD (410) 686-2093
Address _____ Telephone No. _____
BALTIMORE, MARYLAND 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-045-A

REV 9/15/98

Drop Off

No Review

Reviewed By UC

Date 8-2-99

Estimated Posting Date

8-15-99

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2015 ROCKY POINT ROAD

Beginning at a point on the east side of Rocky Point Road which is 30 feet wide at the distance of 1,720 feet south of the centerline of the nearest improved intersecting street Barrison Point Road, which is 40 feet wide. Being Lot # 2, Block ---, Section # ---, in the subdivision of Cora L. Porter, as recorded in Baltimore County Plat Book #52, Folio #31, containing 105,206 square feet. Also known as 2015 Rocky Point Road and located in the 15th Election District, 5th Councilmanic District.

00-045A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **069274**

DATE 8/2/99 ACCOUNT 001-6150

AMOUNT \$ 50.00 (WCR)

RECEIVED FROM: Romadka, Gontrum & MCLAughlin

FOR: Administrative Variance Drop-Off

2015 Rocky Point Rd
#00-045-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
8/02/1999 8/02/1999 16:26:10
REG #501 CASHIER JRIC JMR DRAWER 1
Dept 5 528 ZWING VERIFICATION
Receipt # 111674 OFLN
CR NO. 069274
19940002M0101160001JMR 50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE #00-045-A
PETITIONER/DEVELOPER:
(J. Wayne Totaro)
DATE OF Closing
(Aug 30, 1999)

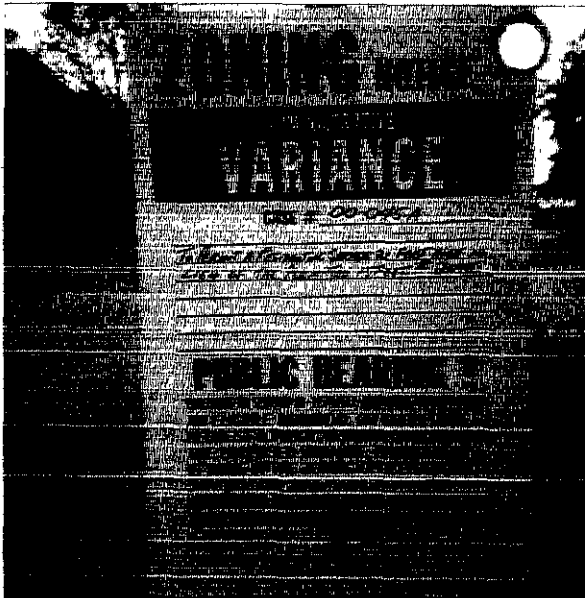
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
2015 Rocky Point Road Baltimore, Maryland 21221_____

The sign(s) were posted on _____ 8-13-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 045 -A Address 2015 Rocky Point Rd.
Contact Person: W. Carl Richards, Jr. Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-2-99 Posting Date: 8-15-99 Closing Date: 8-30-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 045 -A Address 2015 Rocky Point Rd
Petitioner's Name J. Wayne + Diane Totaro Telephone 410-686-2093
Posting Date: 8-15-99 Closing Date: 8-30-99
Wording for Sign: To Permit a residential garage 21
feet high in lieu of the permitted
15 feet

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

4

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: WAYNE J. TOTARO

Address or Location: 2015 ROCKY POINT ROAD, BALTIMORE, MARYLAND 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: WAYNE J. TOTARO

Address: 2015 ROCKY POINT ROAD

BALTIMORE, MARYLAND 21221

Telephone Number: (410) 686-2093

Revised 2/20/98 - SCJ

00-045 A

AY
8/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: August 31, 1999

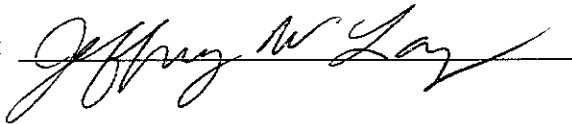
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 045, 052, and 062

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

July 27, 1999

Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

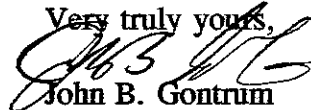
Re: 2015 Rocky Point Road

Dear Mr. Richards:

Enclosed is a Petition for Administrative Variance filed by the property owners Mr. and Mrs. Totaro for their property on Rocky Point Road. The Totaros wish to build a garage that with a peaked roof comes to 21' in height. Consequently, a height variance is being sought. The garage will be used for storing their camper and for general storage only. The garage location is out of the flood plain as shown on the accompanying topo. Although the property is in the Chesapeake Bay critical area, the site contains less than the permitted impervious area, and the garage is located outside the buffer area.

Neighbors of the Totaros are all relatives, part of the Porter family. There are no outstanding violations in this matter and no previous hearings. The plan was not reviewed by your department.

Very truly yours,

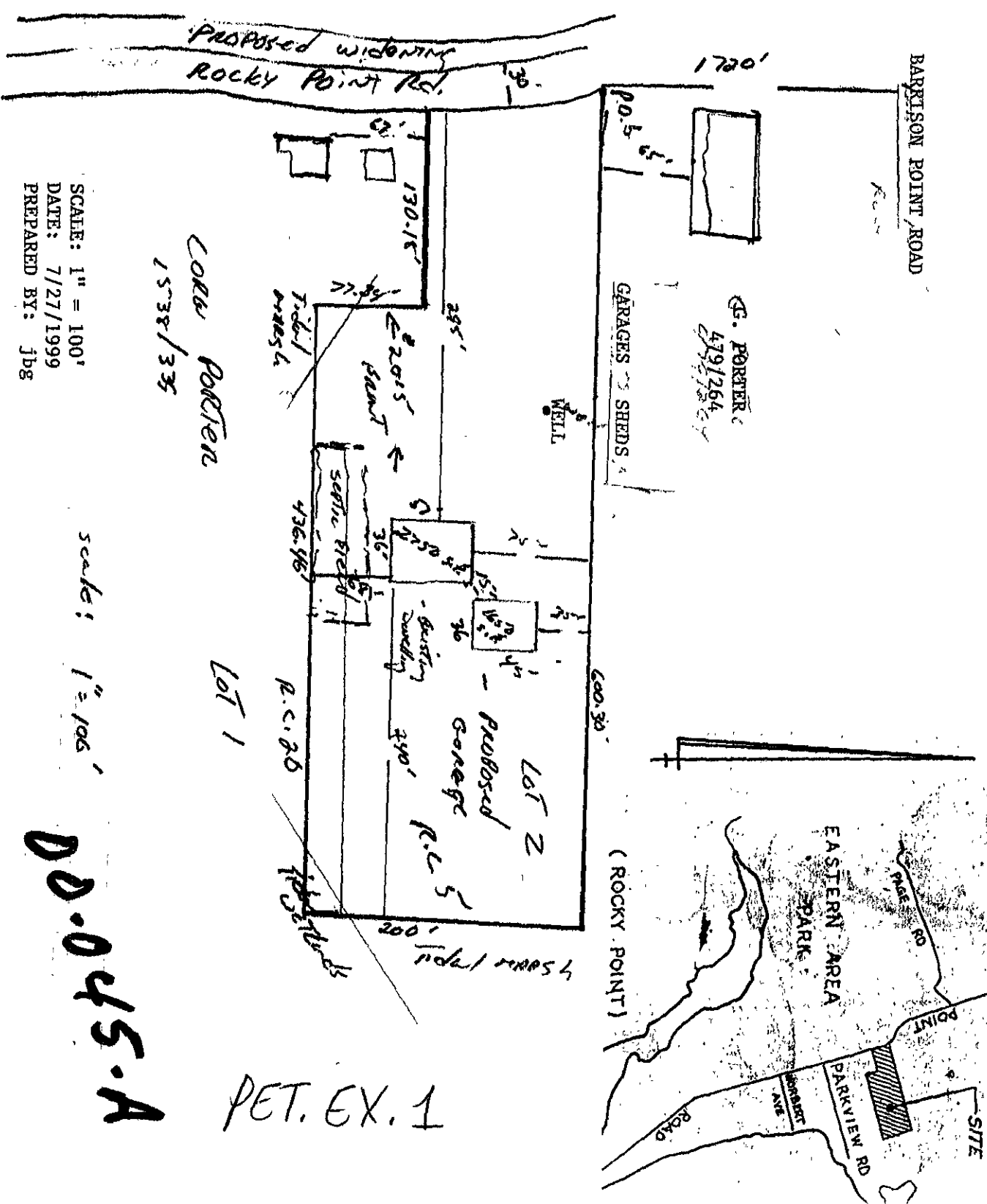

John B. Gontrum

00-045-A

PLAT TO ACCOMPANY PETITION FOR VARIANCE
2015 ROCKY POINT ROAD.

NOTES:

1. OWNERS: J. WAYNE TOTARO
DIANE P. TOTARO
2. SUBDIVISION NAME:
SUBDIVISION OF CORAL. PORTER
LOT #2
PLAT BOOK # 52, FOLIO #31
3. COUNCILMANIC DISTRICT: 15TH
4. ELECTION DISTRICT: 5TH
- 5: 1"=200' SCALE MAP #: SE J-2
- 6: ZONING: RC 5
- 7: LOT SIZE: 2.41 ACRES, 105,206 SQ. FT.
- 8: PROPERTY SERVED BY PRIVATE WELL
PRIVATE SEWER
- 9: PROPERTY IS WITHIN THE CHESAPEAKE
BAY CRITICAL AREA
- 10: NO PREVIOUS ZONING HEARINGS OR VIOLATIONS



SCALE: 1" = 100'
DATE: 7/27/1999
PREPARED BY: jbg

scale: 1" = 100'
00-045-A

PET. EX. 1



00-045-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER NECK CEDAR POINT	S.E. 4-J
DATE OF PHOTOGRAPHY JANUARY 1966		00-045-A

