

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Burke Road, 650 ft. S
centerline of Bowleys Quarters Road
15th Election District
6th Councilmanic District
(1308 Burke Road)

Diana & John Bongiorno
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-691-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Diana and John Bongiorno. The Petitioners are requesting variance relief for property located at 1308 Burke Road in the Bowleys Quarters area of Baltimore County. Variance relief is requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the front yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. permitted height.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 10, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated July 15, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated August 3, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached

ORDER RECEIVED FOR FILING
8/5/05
[Signature]

hereto and made a part hereof. Finally, a ZAC comment was submitted by the Office of Planning dated July 28, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

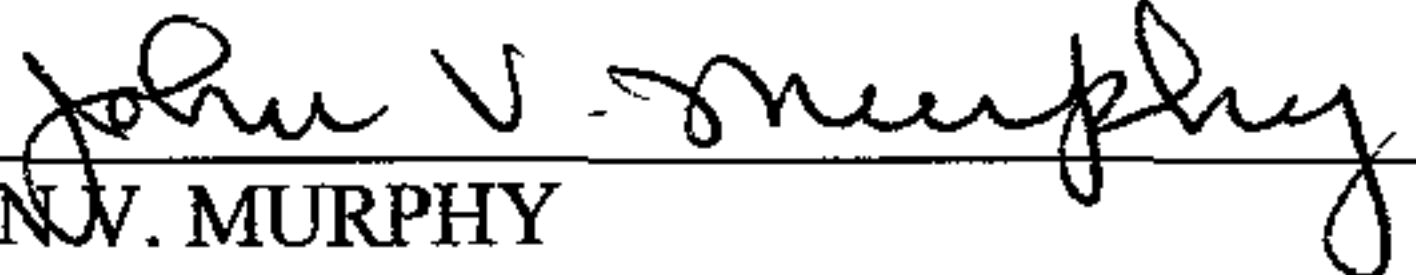
THEREFORE, IT IS ORDERED, this 5 day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 400.1 and 400.3 of the

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8/5/05
Ray

Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the front yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. permitted height, 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 the ZAC comments submitted by Office of Planning dated July 28, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated July 15, 2005, a copy of which is attached hereto and made a part hereof.
4. Compliance with the ZAC comments submitted by DEPRM dated August 3, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof;
5. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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8/5/05
Ray



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1308 Burke Rd
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) 400.1 and 400.3 to permit an accessory structure (garage) be located in the front yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. permitted height.

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:

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

Legal Owner(s):

John Bongiorno
Name - Type or Print _____
Signature _____
Diana Bongiorno
Name - Type or Print _____
Signature _____
1308 Burke Rd 443-992-0834
Address Telephone No.
Baltimore MD 21220
City State Zip Code

Representative to be Contacted:

John Bongiorno
Name _____
1308 Burke Rd 443-992-0834
Address Telephone No.
Baltimore MD 21220
City State Zip Code

At Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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. 05-691-A

Reviewed By BK Date 6/27/05

Estimated Posting Date 7/10/05

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 1308 Burke Rd
Address
Baltimore MD 21220
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):

Reconstruct existing garage that was destroyed by "Isabel" Flood. Add second floor for storage. 8 ft width

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.

Signature

John Bongiorno
Name - Type or Print

Signature

[Signature]
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of JUNE, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN BONGIORNO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 6/1/09

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

1308 Burke Rd
Address
Baltimore MD 21220
City State Zip Code

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Signature

John Bongiorno
Name - Type or Print

Signature

[Signature]
Name - Type or Print

STATE OF MARYLAND, COUNTY OF ^{ANNE ARUNDEL} BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of JUNE, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN BONGIORNO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Robert P. [Signature]
Notary Public

My Commission Expires 6/1/09



451-800

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1308 Burke Rd
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)

400.1 and 400.3 to permit an
accessory structure (garage) be located in the front yard with
a height of 22 ft. in lieu of the required rear yard and
15 ft. permitted height,

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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 05-691-A day of June, 2005 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. 05-691-A

Reviewed By BR Date 6/27/05

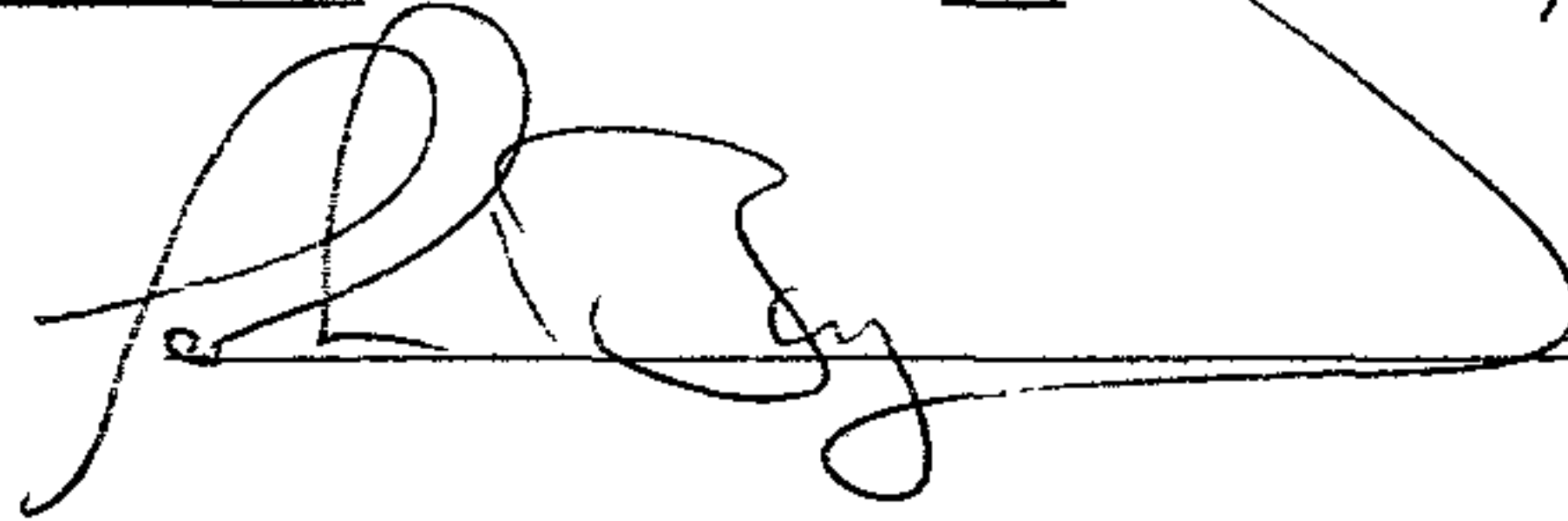
REV 10/25/01

Estimated Posting Date 7/10/05

Zoning Description

ZONING DESCRIPTION FOR 1308 BURKE RD

Beginning at a point on the west side of **BURKE RD** which is **25ft** wide at the distance of 650' ^{South} of the centerline nearest improved intersecting street **BOWLEY'S QUARTER'S RD** which is **50ft** wide. * Being lot # 129 in the subdivision of **BOWLEY'S QUARTER'S (PLAT 1)** as recorded in Baltimore County Plat Book # 7, Folio # 12, containing **30,090 SQUARE FEET OF ACRES**. Also known as **1308 BURKE RD** and located in the 15th election distrit, *6th councilmanic district*

A large, stylized handwritten signature in black ink, appearing to read 'J. R. [unclear]', is written over the bottom portion of the text.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448911

DATE 6/20/83 ACCOUNT 1001-501-6732

AMOUNT \$ 65.00

RECEIVED FROM: _____

FOR: Administrative Services

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 691

PAID RECEIPT

BUSINESS ACTUAL TYPE ORIGIN
4/18/2003 6/27/2003 10:21:00 1
TED (801) MALKIN JRLC JNE
CHECK # 200003 6/27/2003 001A
APT 5 828 ZINING VERIFICATION
R NO. 444911

Respt. Tot. 165.00
P/S, Int. Ch. 1.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 05-691-A

Petitioner/Developer: JOHN
BONGIORNO

Date Of Hearing/Closing: 7/25/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 1308 BURKE ROAD

This sign(s) were posted on July 10, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 7/10/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000348 (576x432x24b jpeg)



Master of 7/10/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 691 -A Address 1308 Burke Rd.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 6/27/05 Posting Date: 7/10/05 Closing Date: 7/25/05

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 05- 691 -A Address 1308 Burke Rd.
Petitioner's Name John & Diana Bongiorno Telephone 443-992-0834
Posting Date: 7/10/05 Closing Date: 7/25/05
Wording for Sign: To Permit an accessory structure (garage) be located in the front yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 05-691-A
Petitioner: John Bongiorno
Address or Location: 1308 Burke Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Bongiorno
Address: 1308 Burke Rd
Bowling Green 21220
Telephone Number: 410-335-7924

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

July 25, 2005

John Bongiorno
Diana Bongiorno
1308 Burke Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Bongiorno:

RE: Case Number: 05-691-A, 1308 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 27, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 15, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for July 18, 2005
Item No. 691

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have comments.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setback shall be modified accordingly.

The flood protection elevation for this site is 11.2 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.

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

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building adopted by the County.

DAK:CEN:cab

cc: File

ZAC-COMMENTS-ITEM NO 691-07152005.doc



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

State Highway Administration
Driven to Excel

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 7.11.05

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

RE: Baltimore County
Item No. 691 BPR

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

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

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

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

July 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 11, 2005

Item No.: 680-693

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Comments:

1. The fire marshal's office has no comments at this time

Insp. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 28, 2005

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

SUBJECT: 1308 Burke Road

INFORMATION:

Item Number:

5-691

Petitioner: John Bongiorno

Zoning: RC 5

Requested Action: Administrative Variance

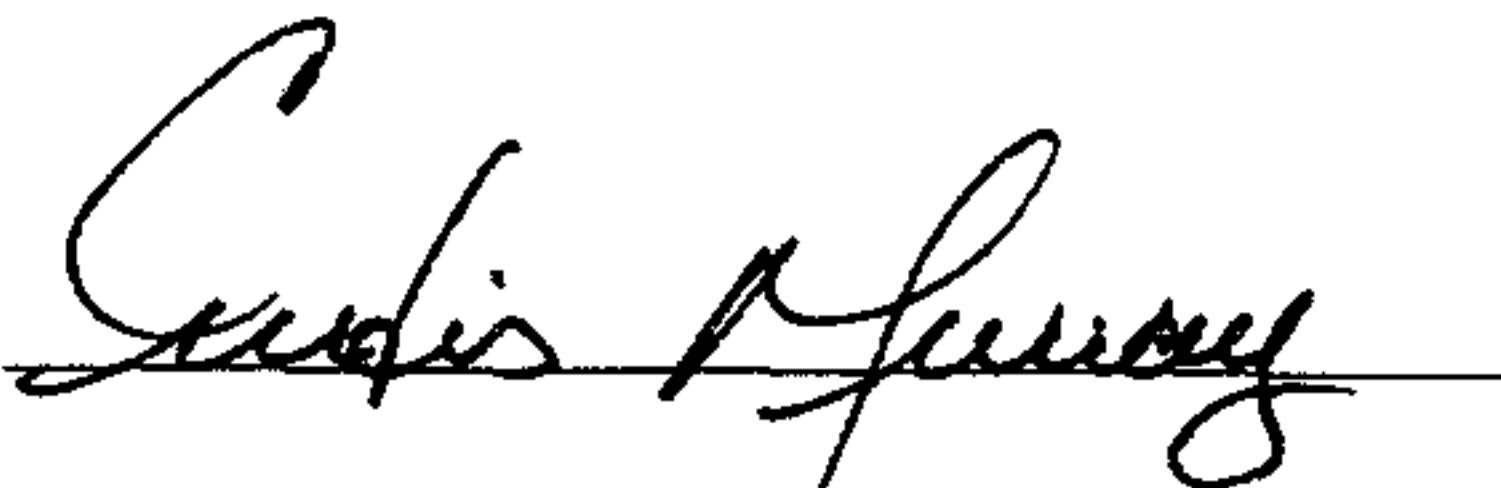
SUMMARY OF RECOMMENDATIONS:

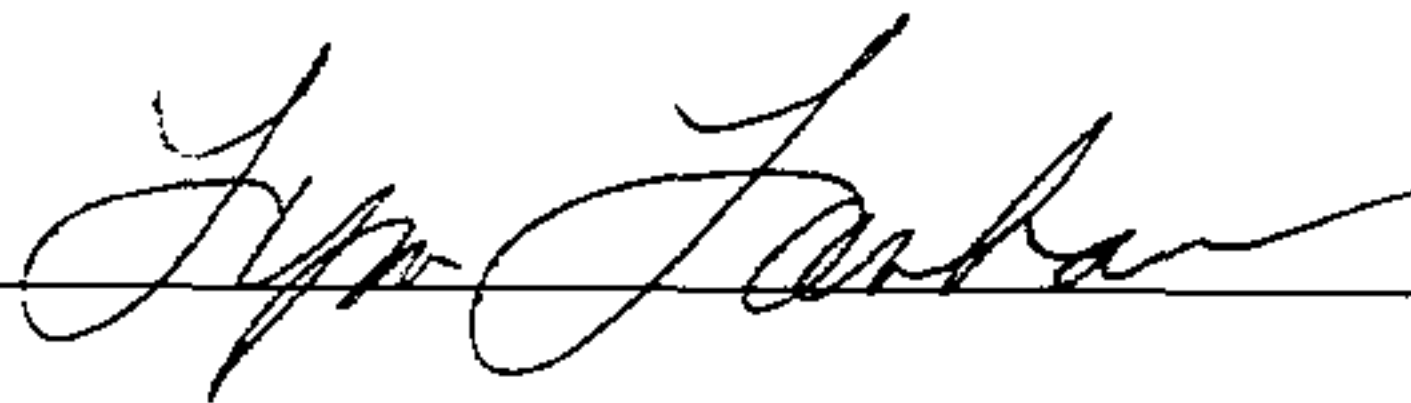
The Office of Planning does not oppose the petitioner's request provided the following items are submitted to this office for review and approval and/or placed as a condition upon the requested relief:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed garage to this office for review and approval. 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 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.
4. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

5. The accessory structure shall not be used for commercial purposes.
6. Show the existing uninhabited dwelling on the plan. The applicant shall label the said structure "to be razed".
7. The uninhabited, damaged home shown on the attached photograph is razed and removed from the site prior to the construction of the garage.

For further questions or additional information concerning the matters stated herein, please contact David Pinning with the Office of Planning at 410-887-3480.

Prepared By: 

Division Chief: 

CM/LL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: Bruce Seeley
DATE: August 3, 2005

RECEIVED

AUG - 3 2005

SUBJECT: Zoning Item # 691
Address 1308 Burke Road
Bongiorno Property

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of 7-11-05

☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Section 33-6-101 through 33-6-122 of the Baltimore County Code).

☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Patricia Farr

Date: August 3, 2005

ORDER RECEIVED FOR FILING
8/5/05
Ray

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 15, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for July 18, 2005
Item No. 691

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have comments.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setback shall be modified accordingly.

The flood protection elevation for this site is 11.2 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.

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

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building adopted by the County.

DAK:CEN:cab

cc: File

ZAC-COMMENTS-ITEM NO 691-07152005.doc

COPIES RECEIVED FOR FILING

8/5/05

gla

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 28, 2005

RECEIVED

JUL 29 2005

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

ZONING COMMISSIONER

SUBJECT: 1308 Burke Road

INFORMATION:

Item Number: 5-691

Petitioner: John Bongiorno

Zoning: RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following items are submitted to this office for review and approval and/or placed as a condition upon the requested relief:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed garage to this office for review and approval. 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 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.
4. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

5. The accessory structure shall not be used for commercial purposes.
6. Show the existing uninhabited dwelling on the plan. The applicant shall label the said structure "to be razed".
7. The uninhabited, damaged home shown on the attached photograph is razed and removed from the site prior to the construction of the garage.

For further questions or additional information concerning the matters stated herein, please contact David Pinning with the Office of Planning at 410-887-3480.

Prepared By:

David Pinning

Division Chief:

John T. Tarkanian

CM/LL

ORDER RECEIVED FOR FILING
8/3/15
Ray

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

August 5, 2005

Mr. & Mrs. John Bongiorno
1308 Burke Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 05-691-A
Property: 1308 Burke Road

Dear Mr. & Mrs. Bongiorno:

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 Department of Permits and Development Management. 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 black ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

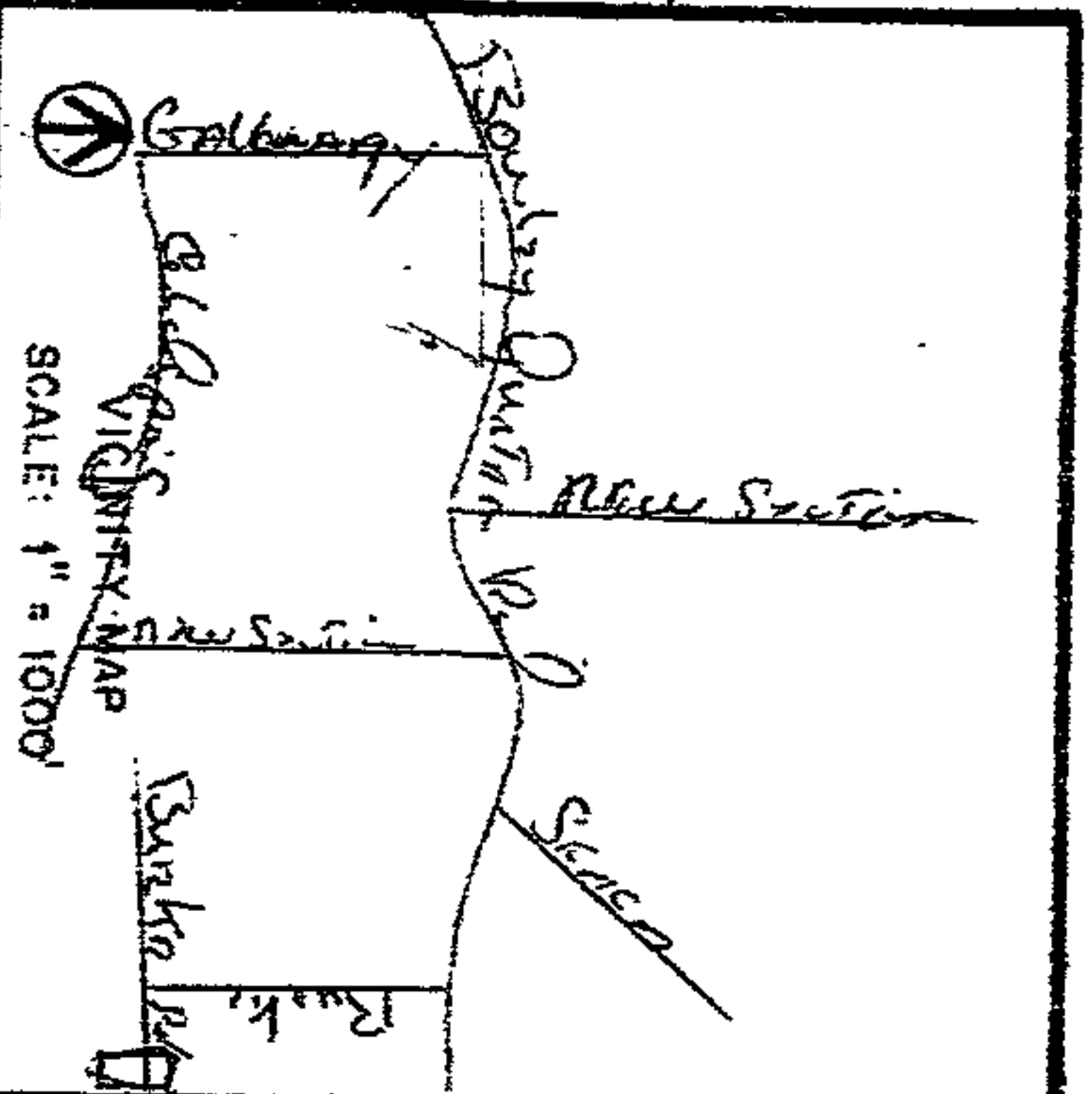
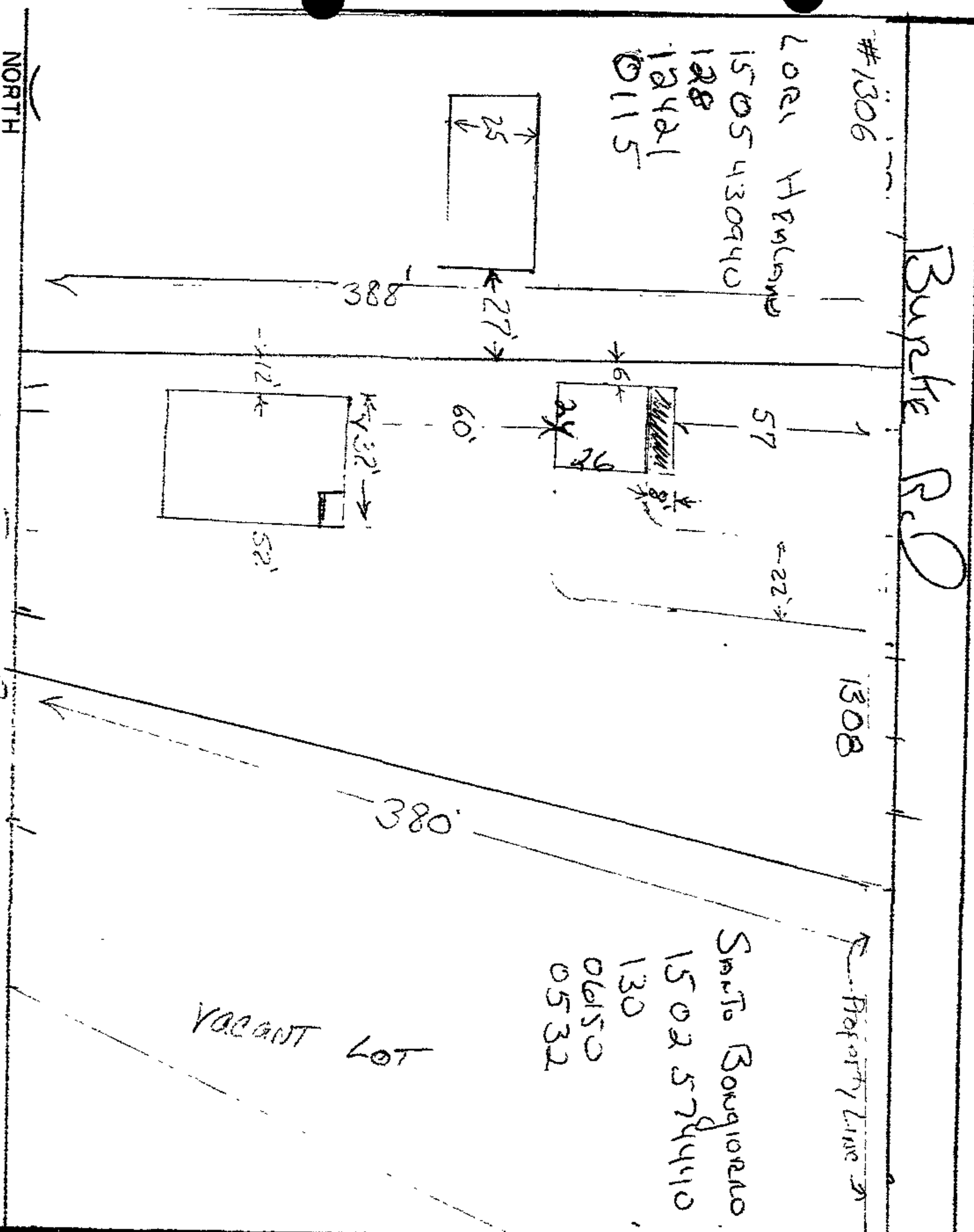
PROPERTY ADDRESS 1308 Burke Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Boulevard Quarters

PLAT BOOK # 7 FOLIO # 12 LOT # 129 SECTION # 1

OWNER John & Alina Bongiorno



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6TH

1" = 200' SCALE MAP # 098c1

ZONING RC.5

LOT SIZE 30,090 ACRES 30,090 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ ☐

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING ☐

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY John Bongiorno
SCALE OF DRAWING: 1" = 50'

Pet Ex #1

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

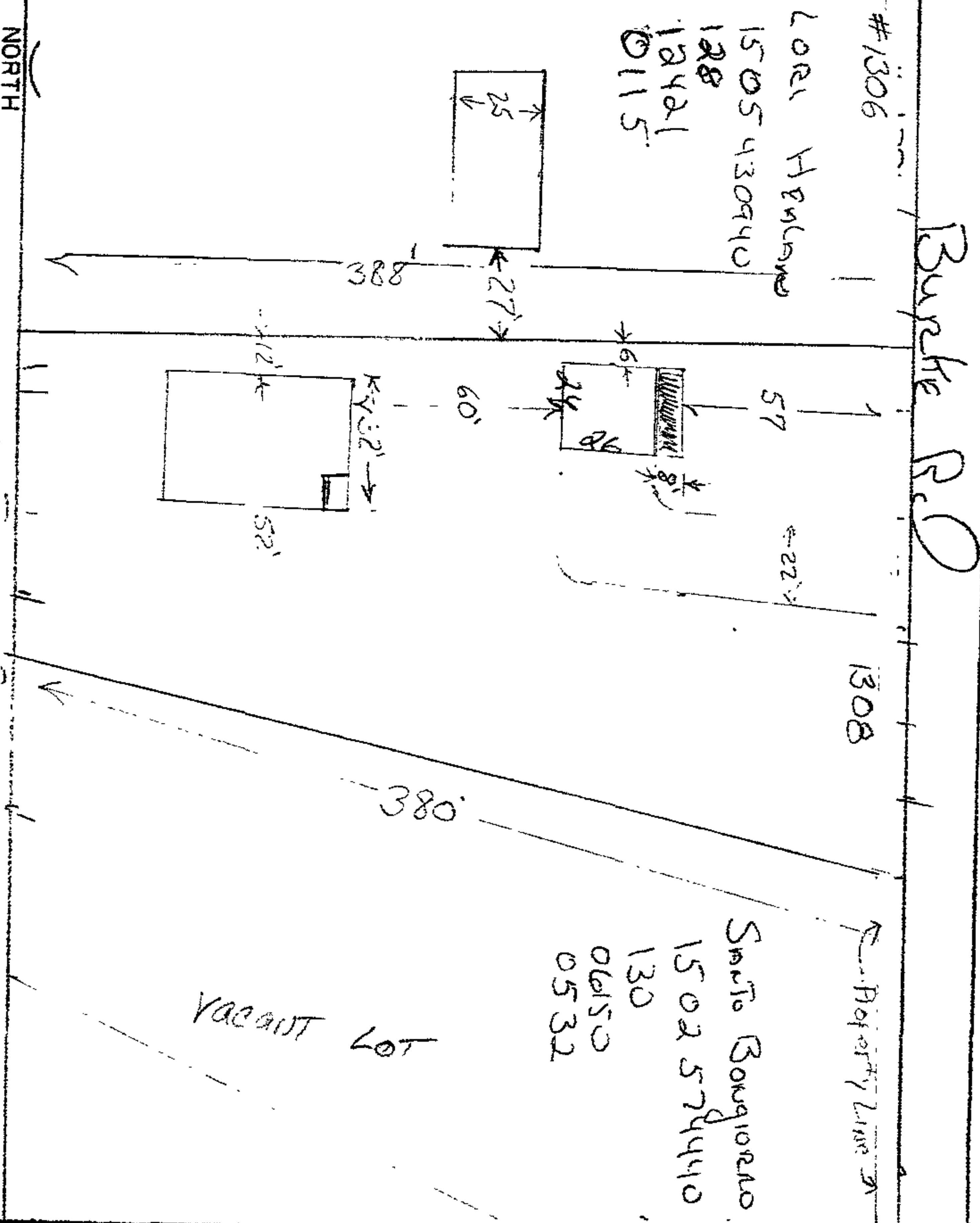
PROPERTY ADDRESS 1308 Burke Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

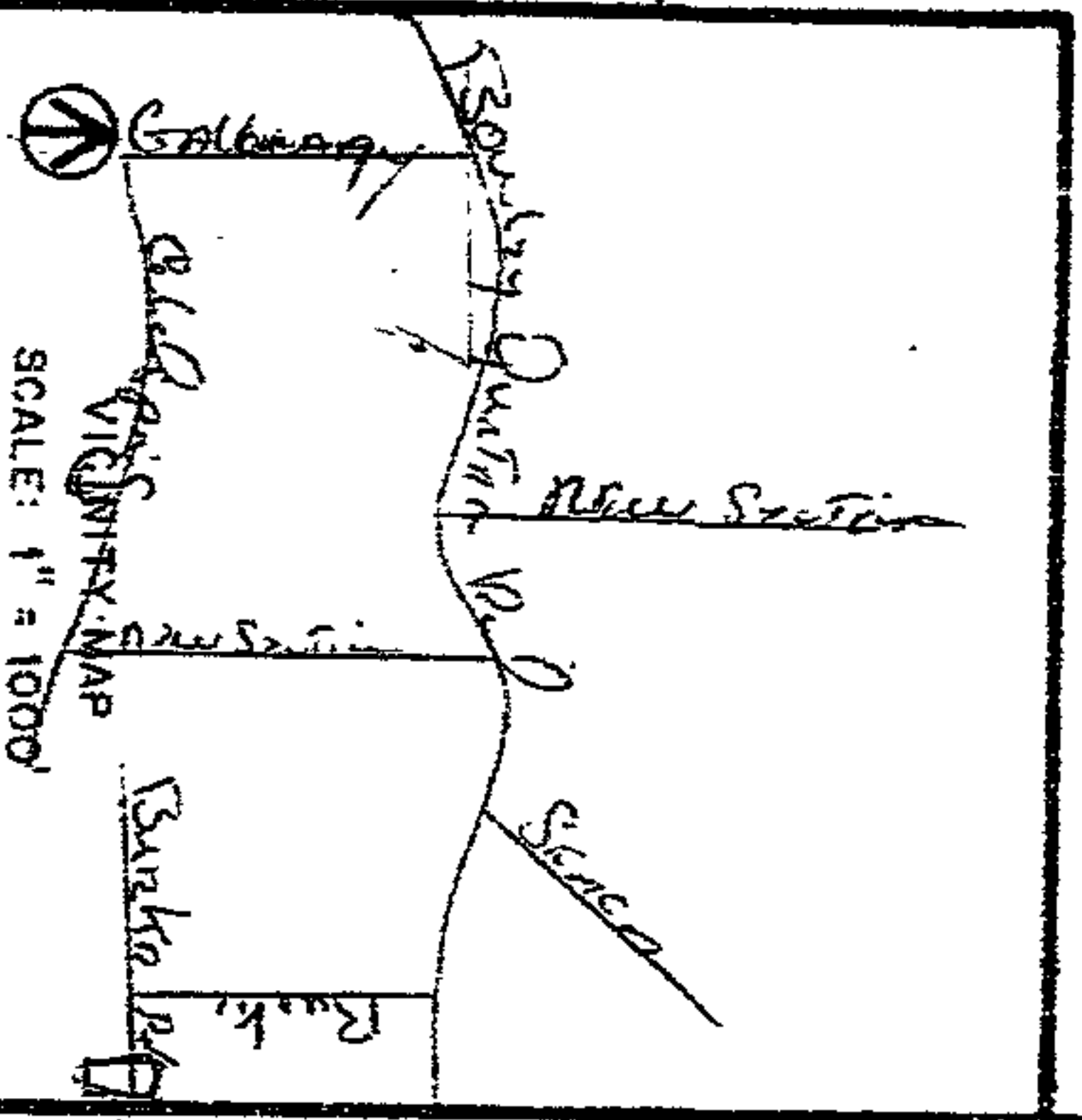
SUBDIVISION NAME Boulevard Quarters

PLAT BOOK # 7 FOLIO # 12 LOT # 129 SECTION # ---

OWNER John & Anna Bongiorno



PREPARED BY John Bongiorno SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 098 c 1

ZONING RC-5

LOT SIZE 30.090 ACRES 30.090 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ ☐

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING ☐ ☒

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # 691 CASE # 05-691-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

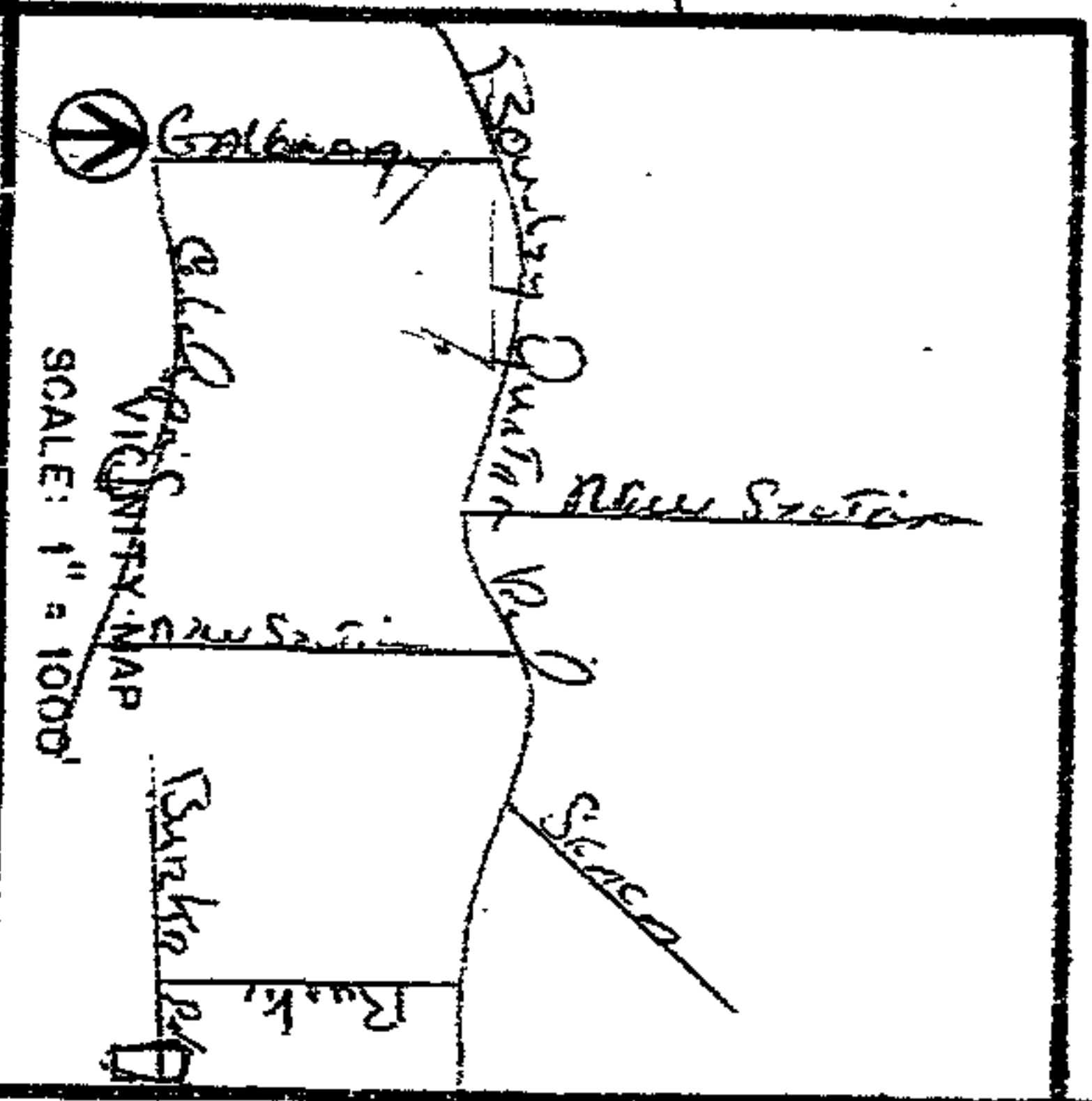
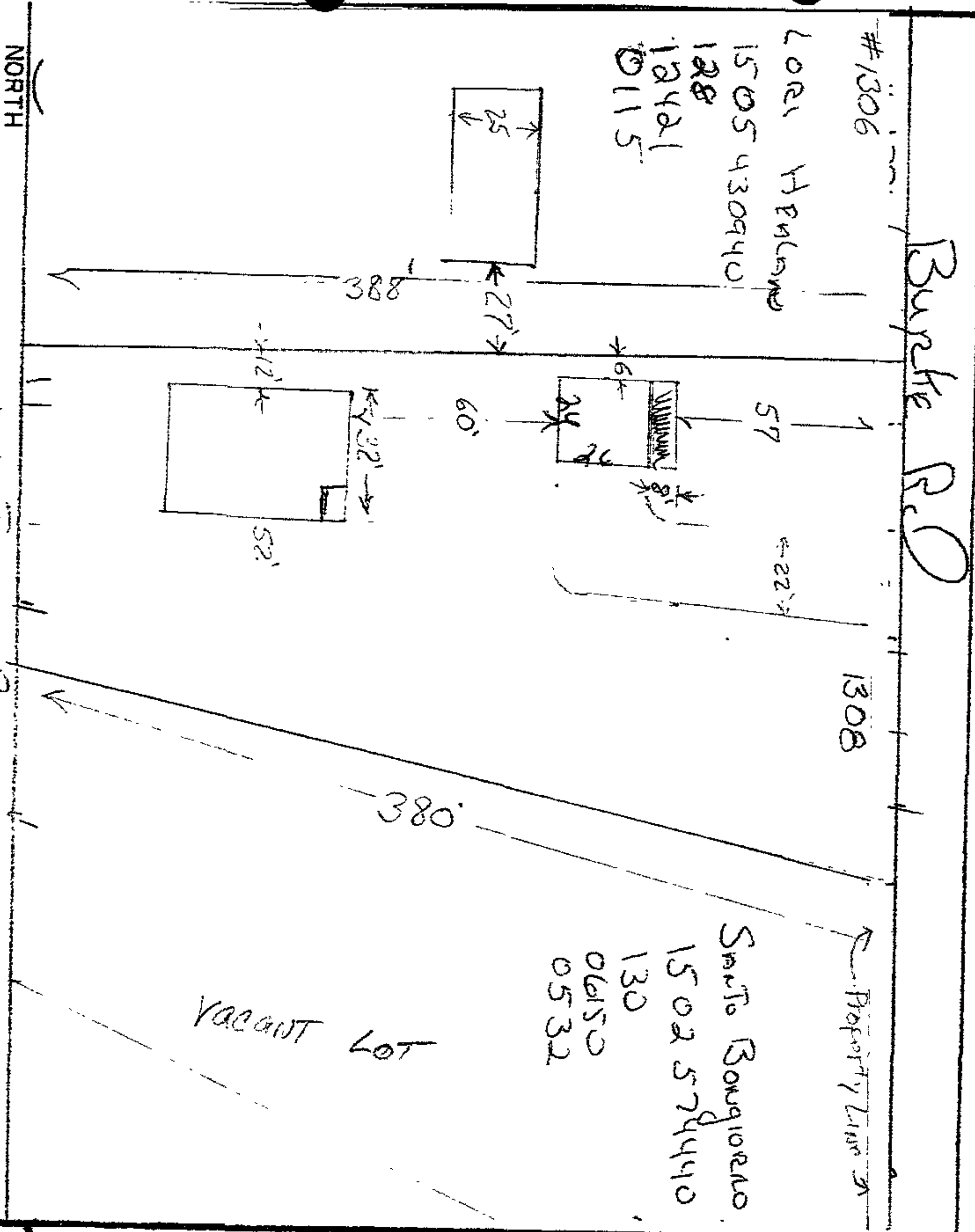
PROPERTY ADDRESS 1308 Burke Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Boulevard Quarters

PLAT BOOK # 7 FOLIO # 12 LOT # 129 SECTION # 1

OWNER John & Diana Bongiorno



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 674

1" = 200' SCALE MAP # 098C1

ZONING RC-5

LOT SIZE

ACREAGE 30.090
SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

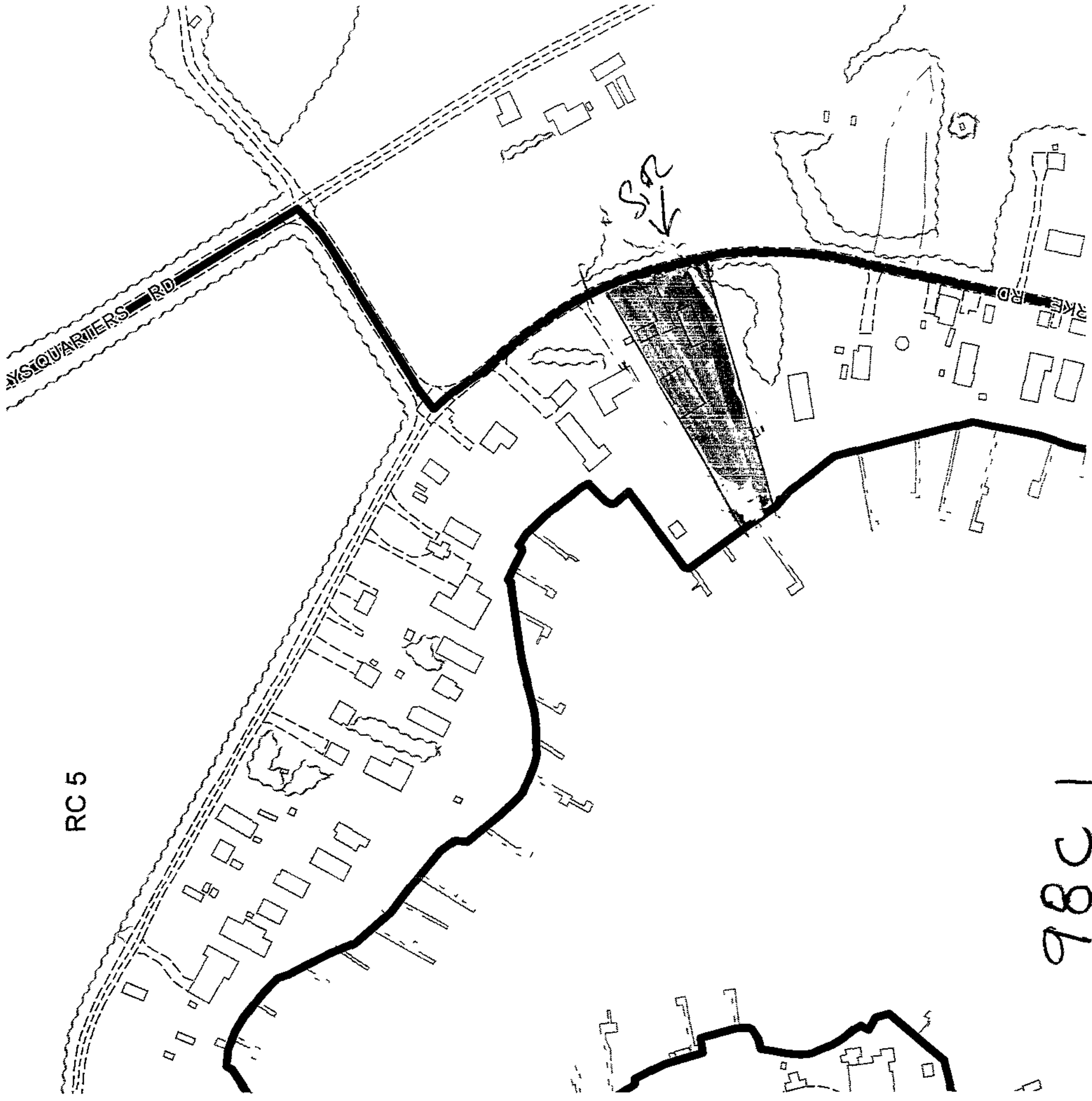
100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

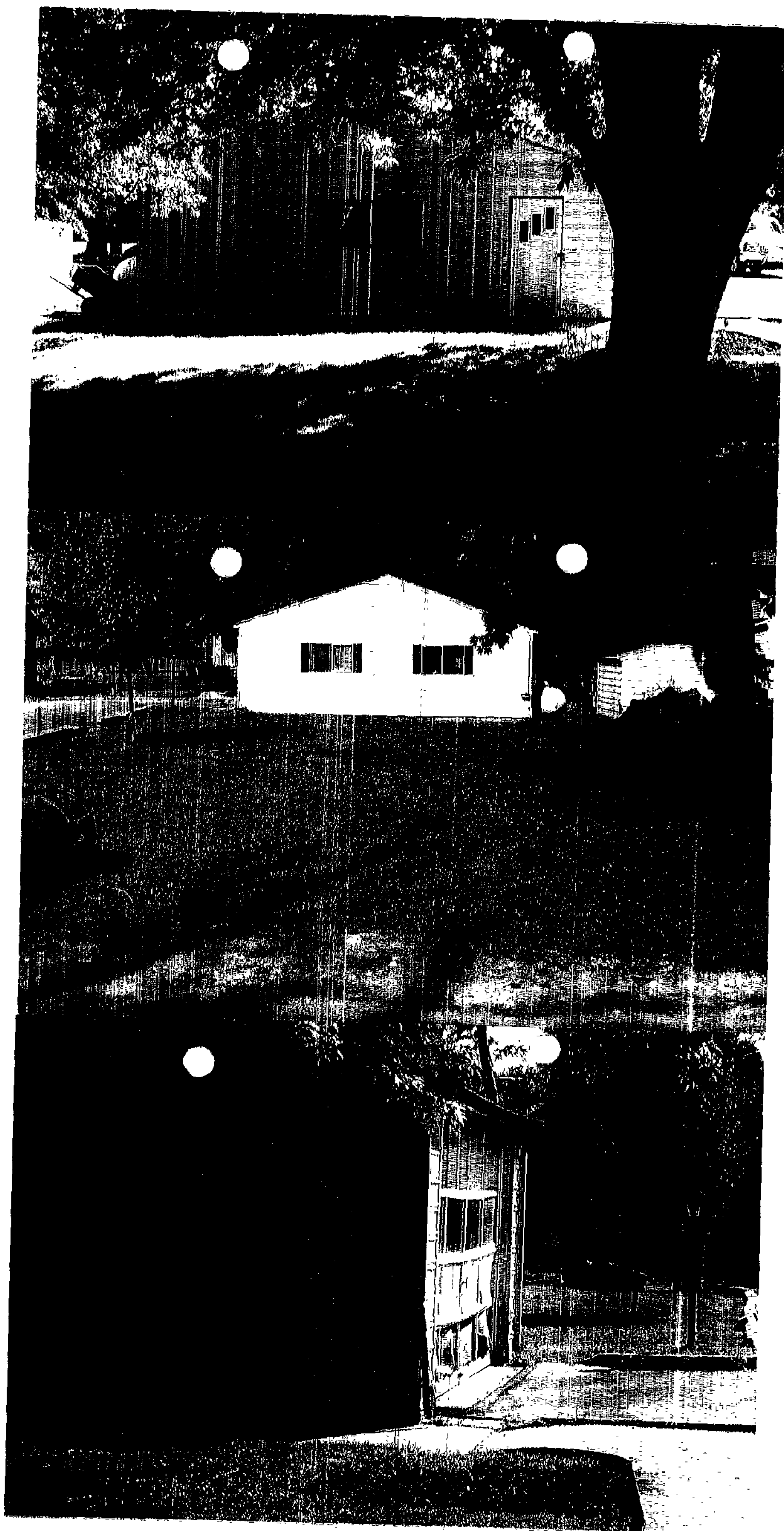
PREPARED BY John Bongiorno SCALE OF DRAWING: 1" = 50'



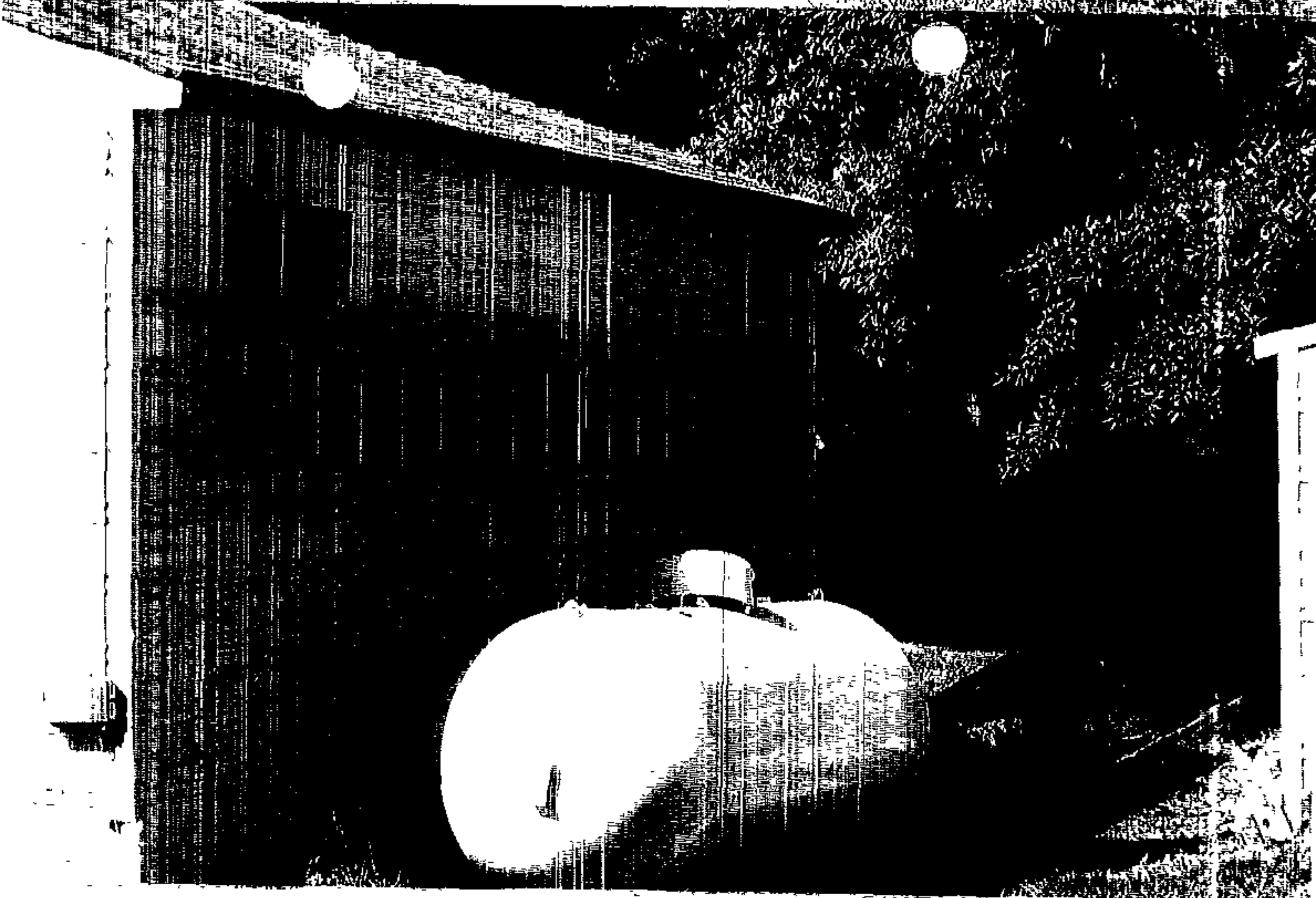
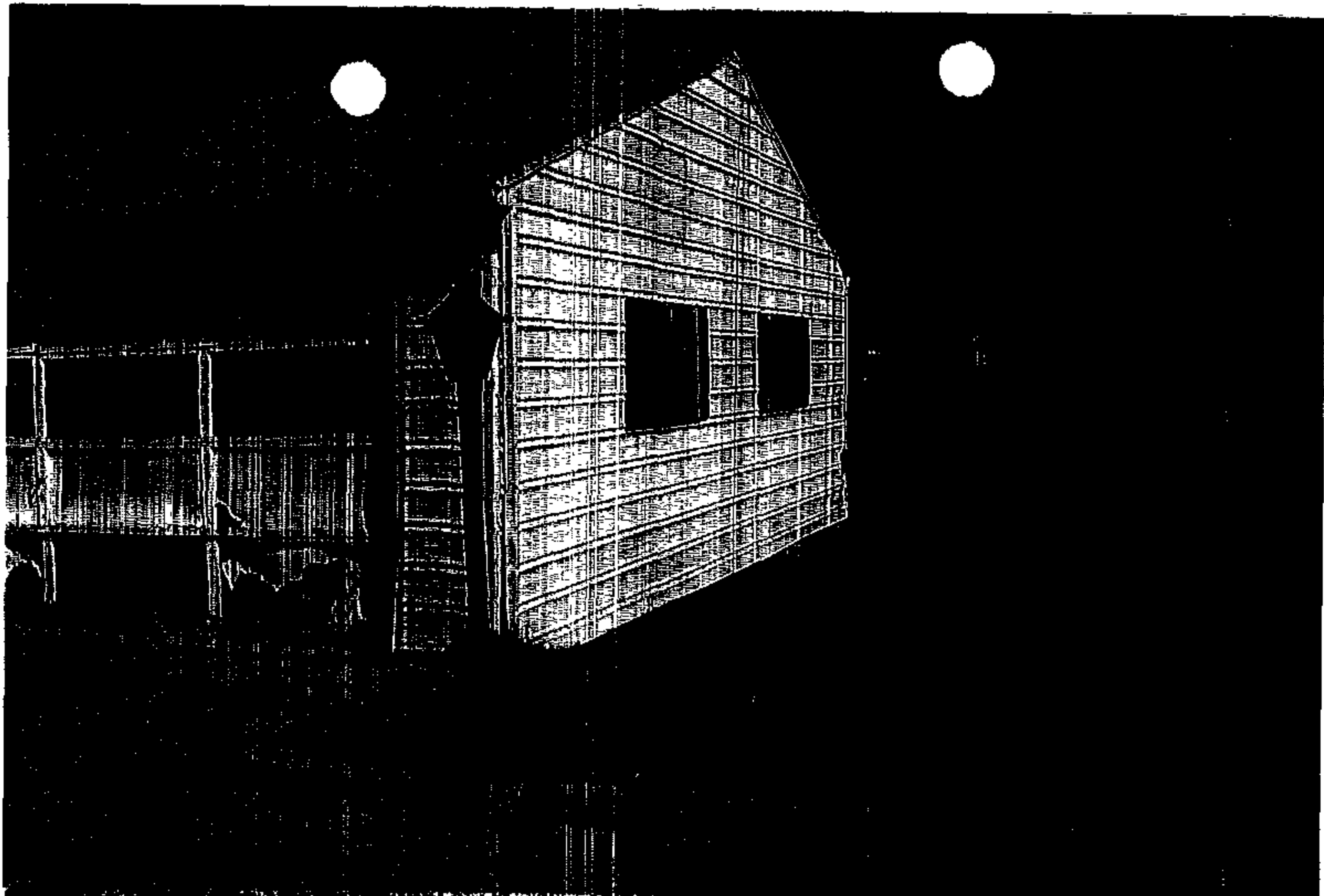
RC 5

98C 1

05-691-A



(2)
Conix



3
cont

