

IN RE: PETITION FOR ADMIN. VARIANCE
North Side of Blackhead Road, 359' West
Of Centerline of Crooks Road
15th Election District
6th Councilmanic District
(6534 Blackhead Road)

Philip A. and Patricia A. DiPietro
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-354-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, Philip A. and Patricia A. DiPietro. The variance request is for property located at 6534 Blackhead Road in the Bird River area of Baltimore County. The variance request is from 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single family dwelling to have property line setbacks of 10 feet 8 inches and 12 feet 0 inches and an existing detached accessory structure in the sideyard in lieu of the required 35 feet and rear yard respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The subject property having been posted on January 28, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee

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 Department of Environmental Protection and Resource Management (DEPRM) dated February 10, 2006 and the

COPIES RECEIVED FOR FILING
Date 3-15-06
By [Signature]

Bureau of Development Plans Review dated February 13, 2006, copies of which are attached hereto and made a part hereof.

Findings of Fact and Conclusions of Law

This case involves rebuilding an existing one story single family cottage with a modern two story home on two 25 foot wide waterfront lots on Bird River. The existing home is in poor repair as indicated by the photographs submitted with the request. The footprint of the new home is somewhat smaller than the existing home but still requires side yard set back variances for side yards of 12 ft and 10 ft 8 inches as the RC 2 regulations require side yard setback of 35 feet. In addition there is an existing shed/garage in the side yard which under the regulations should be located in the rear yard.

In addition to photographs the Petitioner initially submitted letters of support from the two adjacent waterfront property owners. At this Commission's request, the Petitioner submitted an additional letter of support from the waterview property owner across Blackhead Road.

In this case, 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.

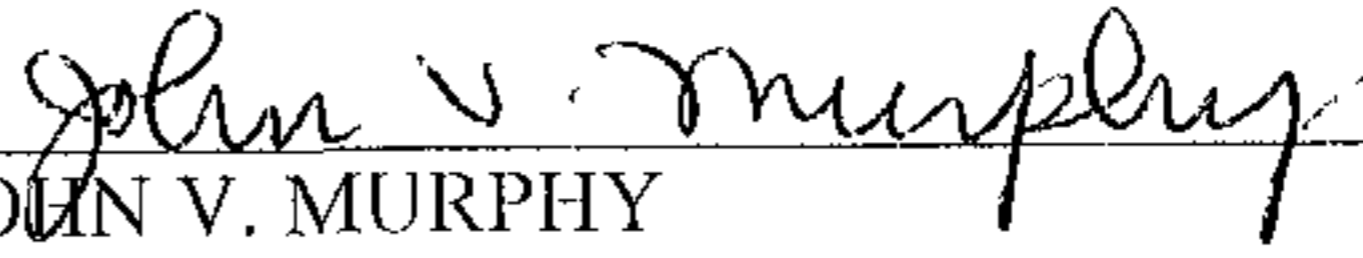
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

Date 3-15-06
By [Signature]

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15 day of March 2006, that a variance from 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single family dwelling to have property line setbacks of 10 feet, 8 inches and 12 feet, 0 inches and an existing detached accessory structure in the sideyard in lieu of the required 35 feet and rear yard respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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. The Petitioners must be in compliance with the ZAC comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated February 10, 2006 and the Bureau of Development Plans Review dated February 13, 2006, copies of which are attached hereto and made a part hereof.
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.

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:dlw

Date 3-15-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 15, 2006

Philip A. DiPietro
Patricia A. DiPietro
6534 Blackhead Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 06-354-A
Property: 6534 Blackhead Road

Dear Mr. and Mrs. DiPietro:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
Mr. and Mrs. Elmer Yingling, 6533 Blackhead Road, Baltimore, MD 21220
Mr. and Mrs. James B. Sullivan, 6536 Blackhead Road, Baltimore, MD 21220
Mr. Paul Myers, 6530 Blackhead Road, Baltimore, MD 21220
People's Counsel; Case File

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 6534 BLACKHEAD 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):

PHOTO'S PROVIDED TO SUPPORT PRACTICAL DIFFICULTY TO UP-DATE HOME TO CURRENT HEALTH AND SAFETY STANDARDS. HOME IS LOCATED IN FLOOD PLAIN.

IF VARIANCE IS NOT GRANTED, IT WILL BE ALMOST IMPOSSIBLE TO UP-GRADE STRUCTURE.

WE DO NOT WANT TO CONTINUE LIVING IN AN UNSAFE AND UNHEALTHY ENVIRONMENT.

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.

Philip A. DiPietro
Signature

PHILIP A DIPIETRO
Name - Type or Print

Patricia A. DiPietro
Signature

PATRICIA A DIPIETRO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Philip Di Pietro, Patricia DiPietro
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Deborah L. Birely
Notary Public

My Commission Expires 3/1/2007



L B C A Flood

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6534 BLACKHEAD RD
 which is presently zoned R.C.2

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)

1A01.3.B.3, 400.1 (BCZR)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE PROPERTY LINE SETBACKS 10'-8" AND 12'-0" AND AN EXISTING DETACHED ACCESSORY STRUCTURE IN THE SIDEYARD IN LIEU OF THE REQUIRED 35' AND REARYARD RESPECTIVELY.

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 _____

Legal Owner(s):

PHILIP A DIPIETRO
 Name - Type or Print _____
Philip A. DiPietro
 Signature _____
PATRICIA A DIPIETRO
 Name - Type or Print _____
Patricia A. DiPietro
 Signature _____

Attorney For Petitioner:

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

6534 BLACKHEAD RD 410 335-4648
 Address _____ Telephone No. _____
BALTIMORE MD 21220
 City _____ State _____ Zip Code _____

Representative to be Contacted:

PHILIP OR PATRICIA DIPIETRO
 Name _____
6534 BLACKHEAD RD 410 335-4648
 Address _____ Telephone No. _____
BALTIMORE MD 21220
 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 3 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. 06-354-A

Reviewed By LIM Date 1/20/06

Estimated Posting Date 1/29/06

DATE 1/20/06

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 6534 BLACKHEAD ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF
BLACKHEAD ROAD WHICH IS 18' WIDE (NO RIGHT-
OF-WAY PER COUNTY LAND ACQUISITION GROUP)
AT A DISTANCE OF 359' WEST OF THE CENTER-
LINE OF THE NEAREST IMPROVED INTERSECTION,
CROOKS ROAD, WHICH IS 18' WIDE, BEING LOT #'S
23 AND 24 IN THE SUBDIVISION OF BIRD RIVER
BEACH AS RECORDED IN BALTIMORE COUNTY
PLAT BOOK #7, FOLIO #70, CONTAINING
13,300 SQ FT (.30 ACRES). ALSO KNOWN AS
6534 BLACKHEAD ROAD AND IS LOCATED IN THE
15TH ELECTION DISTRICT, 6TH COUNCILMATIC
DISTRICT.

#354

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

No. **443103**

DATE _____ ACCOUNT _____

AMOUNT \$ _____

RECEIVED FROM: WALTON

FOR: _____

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Paid Receipt

BUSINESS ADMIN THE DC

1/23/2004 10:20:00 AM 4

505 WALKER PARK KIR

RECEIPT # 45885 1/23/2004 CELA

DEPT 7 520 JAMES WALKER

TR NO. 443103

Receipt for \$ 121.00

105.00 DC 1.00 CA

BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 06-354-A

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE PROPERTY LINE SETBACKS 10'8" AND 12' AND AN EXISTING DETACHED ACCESSORY STRUCTURE IN THE SIDEYARD IN LIEU OF THE REQUIRED 35' AND REAR YARD RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON FEB. 13, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 1/30/06


RE: Case Number: 06-354-A

Petitioner/ Developer: DIPIETRO

Date of Hearing/ Closing: 2/13/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6534 BLACKHEAD ROAD

The sign(s) were posted on 1/29/06
(Month, Day, Year)


(Signature of Sign Poster)

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234
410-665-5562

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-354-A

Date Completed/Initials

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

2/13/06

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

2/14/06

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Need

- Comments

- posting

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/neighbor 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 06-354-A

Petitioner PHILIP & PATRICIA DIPIETRO

Address or Location. 6534 BLACKHEAD RD BALT., MD 21220

PLEASE FORWARD ADVERTISING BILL TO

Name. PHILIP & PATRICIA DIPIETRO

Address 6534 BLACKHEAD ROAD

BALTIMORE, MARYLAND 21220

Telephone Number 410 335-4648

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 354 -A Address 6534 BLACKHEAD RD

Contact Person: LLOYD MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/20/06 Posting Date: 1/29/06 Closing Date: 2/13/06

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

- 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.
- 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.
- 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.
- 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 06- 354 -A Address 6534 BLACKHEAD RD

Petitioner's Name PHILIP A. DIPIETRO ET UX Telephone 410 335-4648

Posting Date: 1/29/06 Closing Date: 2/13/06

Wording for Sign: To Permit A PROPOSED SINGLE FAMILY DWELLING
TO HAVE PROPERTY LINE SETBACKS 10' 8" AND 12' AND AN ^{EXISTING} DETACHED
ACCESSORY STRUCTURE IN THE SIDEYARD IN LIEU OF THE REQUIRED
35' AND REARYARD RESPECTIVELY.

WCR - Revised 6/25/04

I HAVE RECEIVED POSTING INFO



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6534 BLACKHEAD RD
which is presently zoned R.C. 2

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) 1A01.3.B.3, 400.1 (BCZR)
TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE PROPERTY LINE SETBACKS 10'-8" AND 12'-0" AND AN EXISTING DETACHED ACCESSORY STRUCTURE IN THE SIDEYARD IN LIEU OF THE REQUIRED 35' AND REARYARD RESPECTIVELY.

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):

PHILIP A DIPIETRO
Name - Type or Print _____
Philip A DiPietro
Signature _____
PATRICIA A DIPIETRO
Name - Type or Print _____
Patricia A DiPietro
Signature _____

6534 BLACKHEAD RD 410 335-4648
Address Telephone No
BALTIMORE MD 21220
City State Zip Code

Representative to be Contacted:

PHILIP OR PATRICIA DIPIETRO
Name _____
6534 BLACKHEAD RD 410 335-4648
Address Telephone No
BALTIMORE MD 21220
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. 06-354-A

Reviewed By UTM Date 1/20/06

Estimated Posting Date 1/29/06

REV 10/25/01

Date _____
By _____

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 6534 BLACKHEAD 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):

PHOTO'S PROVIDED TO SUPPORT PRACTICAL DIFFICULTY TO UP-DATE HOME TO CURRENT HEALTH AND SAFETY STANDARDS, HOME IS LOCATED IN FLOOD PLAIN.

IF VARIANCE IS NOT GRANTED, IT WILL BE ALMOST IMPOSSIBLE TO UP-GRADE STRUCTURE.

WE DO NOT WANT TO CONTINUE LIVING IN AN UNSAFE AND UNHEALTHY ENVIRONMENT.

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.

Philip A. DiPietro
Signature

Patricia A. DiPietro
Signature

PHILIP A DIPIETRO
Name - Type or Print

PATRICIA A DIPIETRO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Philip DiPietro, Patricia DiPietro
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Reborah L. Birely
Notary Public

My Commission Expires 3/1/2007

**Department of Permits
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*

February 13, 2006

Philip DiPierro
6534 Blackhead Road
Baltimore, Maryland 21220

Dear Mr. DiPierro:

RE: Case Number: 06-354-A, 6534 Blackhead Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 20, 2006.

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.".

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

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: R. Bruce Seeley, DEPRM

DATE: February 10, 2006

SUBJECT: Zoning Item # ZAC 06-354-A
 Address 6534 Blackhead Road
 (Di Pietro Property)

Zoning Advisory Committee Meeting of January 30, 2006

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

X 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 (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X 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:

Property must comply with Limited Development Area regulations of 25% impervious surface limit or up to 31.25% with mitigation. Must also comply with minimum of 15% tree cover.

Prior to building permit approval, an inspection of the septic system is required. Soil evaluations may also be required pending septic system inspection.

S:\Devcoord\ZAC06-354.doc

Date 3-15-06
 By [Signature]

Reviewer: M. Stauss, S. Farinetti

Date: February 14 and 27, 2006

S:\Devcoord\ZAC06-354.doc

CADDER RECEIVED FOR FILING

Date 3-15-06
By Debra Wiley

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 13, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For February 6, 2006
Item No. 354

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 10.2 Baltimore County Datum.

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.

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 requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 354-02132006.doc

COPIES RECEIVED FOR FILING
Date 3-15-06
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2006

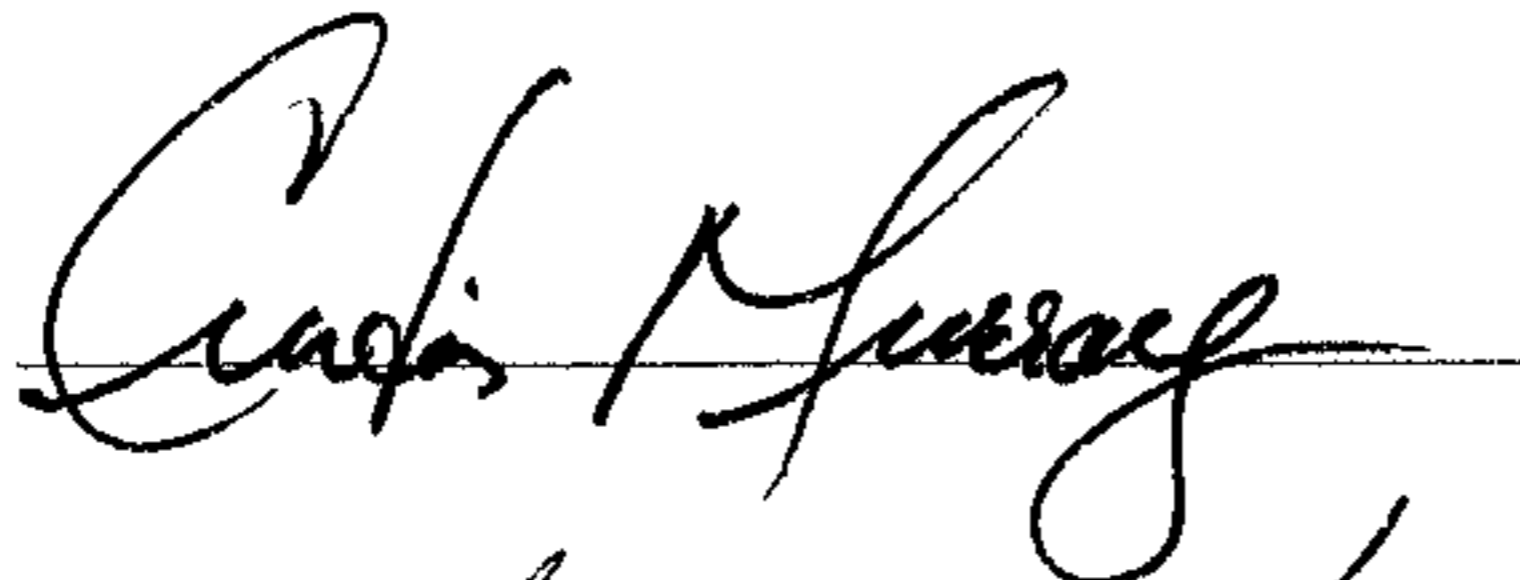
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-354 Administrative Variance**

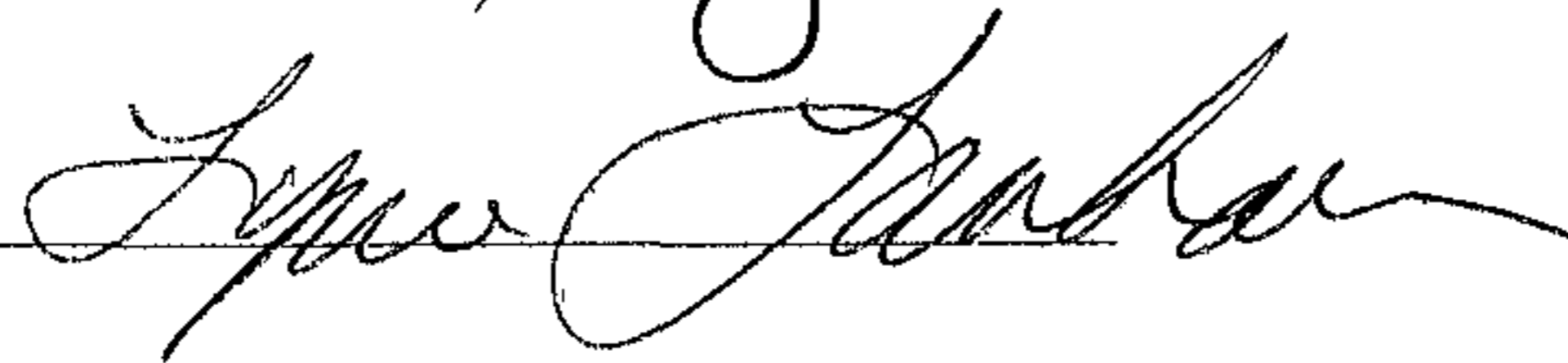
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. However this office suggests that the petitioner shall also seek approval of the subject lot through the undersized lot process.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



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

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

Maryland Department of Transportation

Date: 1.24.06

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

RE: Baltimore County
Item No. 354
6-354-A

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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

January 26, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 30, 2006

Item No.: 346,647,348,349,350,351,352,353,354

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant William F Connolly
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



From: Debra Wiley
To: Livingston, Jeffrey
Date: 2/27/2006 3:09:10 PM
Subject: Comments Needed - Administrative Variances

Hi Jeff,

In reviewing the Administrative Variance files, we are missing the much needed DEPRM comments for the following:

Closing Date 2/14/06

06-349-A (11204 Bird River Grove Rd., 21162) - **CBCA**

06-354-A (6534 Blackhead Rd., 21220) - **CBCA**

Closing Date 2/20/06

06-357-A (12122 Hooper Lane, 21057)

06-358-A (4 Oyster Ct., 21219) - **CBCA**

06-359-A (11 Robinson Ave., 21222)

06-362-A (307 Weatherbee Rd., 21286)

Closing Date 2/27/06

06-369-A (2104 Kennicott Rd., 21244)

06-372-A (1321 Ridge Road, 21228)

06-380-A (11506 Hannibal Road, 21057)

Thanks and have a great day!

DEPRM

Debra Wiley - Re: Comments

From: Jeffrey Livingston
To: Wiley, Debra
Date: 2/15/2006 10:45 AM
Subject: Re: Comments

Debra,

Sorry for the delay. Here are comments for then ones that I've been able to get back and complete:

- 341- no comment
- 343- no comment
- 344 - attached
- 346 - attached

I'll send the others as soon as I can.

Jeff

Jeff Livingston
jlivingston@co.ba.md.us
(410) 887-4488 ext. 339

>>> Debra Wiley 02/14/06 10:15 AM >>>
Good morning Jeff - Happy Valentine's Day!

In reviewing our files, we noticed we don't have comments for the following:

- 06-341-A (hearing tomorrow 2/15 @ 10:00 a.m.)
- 06-355-X (hearing Thurs., 2/16 @ 10:00 a.m.)

Also needed are comments for the following Administrative Variances with a closing date of 2/13:

- 06-343-A
- 06-344-A
- 06-346-A
- 06-348-A
- 06-349-A C B C A
- 06-350-A
- 06-353-A
- 06-354-A

Thanks and have a great day!



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 2, 2006

Philip A. DiPietro
Patricia A. DiPietro
6534 Blackhead Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 06-354-A
Property: 6534 Blackhead Road

Dear Mr. and Mrs. DiPietro:

Your request for Administrative Variance has been given to me for review. I first note that it is very unusual to request a variance to build a new home by administrative variance. This process is ordinarily limited to minor additions and decks which do not meet the current regulations. You are requesting relief that can have community impact.

Ordinarily, I would set this case in for public hearing to be sure we heard from all neighbors, if they chose to attend the hearing. However, I note you presented letters of support from both adjacent neighbors. Can you get a similar letter from the owner of the property across Blackhead Road? We often hear complaints from these waterview properties when new three-story homes are constructed. Perhaps, this is not a problem but I would like to know before I make a decision in this case.

If the waterview owners are opposed or you cannot get them to sign a letter of support, I will set the case in for public hearing.

Please let me hear from you in writing in regard to the above.

P.S. I have attached the comments from the reviewing agencies for your information

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Zoning Office; People's Counsel; Case File
(Lloyd Moxley)

TO ZONING REVIEW BOARD

BEING THE OWNERS OF THE PROPERTY LOCATED AT 6533 BLACKHEAD ROAD, SOUTH SIDE OF DIPIETRO'S, HAVE NO OBJECTION TO THE REQUESTED SIDE YARD SET BACKS OF 12'-0" ON THE WEST SIDE AND 10'-8" ON THE EAST SIDE.

ALSO, WE HAVE NO OBJECTION TO THE TWO-STORY HOME CONSTRUCTION THAT THE DIPIETRO'S ARE PLANNING.

SIDE YARD SET BACKS AND TWO-STORY CONSTRUCTION WOULD BE SIMILAR TO THE MOST RECENT HOME CONSTRUCTIONS AT 6538 BLACKHEAD ROAD (TOPOLSKI) AND 6546 BLACKHEAD ROAD (QUAERNA).

RECEIVED

MAR 1 8 2006

ZONING COMMISSIONER

Elmer Gungling 3/10/06
Eleanor Gungling

DIPIETRO

6534 BLACKHEAD RD

ALL PHOTO'S ARE LABEL ON THE BACKS.

PHOTO'S 1-5 SHOW CONDITION OF HOUSE.

PHOTO #6 SHOW'S SINGLE LEVEL HOME TO THE RIGHT OF DIPIETRO'S FROM ROAD SIDE.

PHOTO #7 SHOW'S SINGLE LEVEL HOME TO THE LEFT OF DIPIETRO'S FROM ROAD SIDE.

PHOTO'S 8 & 9 SHOW TWO LEVEL HOMES BUILT WITHIN THE PAST TWO YEARS AND ALSO HAVING SIMILAR SIDE YARD SET BACKS AS THE ONES BEING REQUESTED

TO: ZONING REVIEW BOARD

BEING THE OWNERS OF THE PROPERTY LOCATED
AT 6536 BLACKHEAD ROAD, EAST SIDE OF
DIPIETRO'S, HAVE NO OBJECTION TO THE
REQUESTED SIDE YARD SET BACK OF 10'8"
FOR THE PROPOSED NEW TWO LEVEL HOME
CONSTRUCTION.

SIDE YARD SET BACKS AND TWO LEVEL
CONSTRUCTION WOULD BE SIMILAR TO
THE MOST RECENT HOME CONSTRUCTION
IN THE BIRD RIVER AREA.

James B Sullivan 01-18-06

Patricia B Sullivan 01/18/06

#354

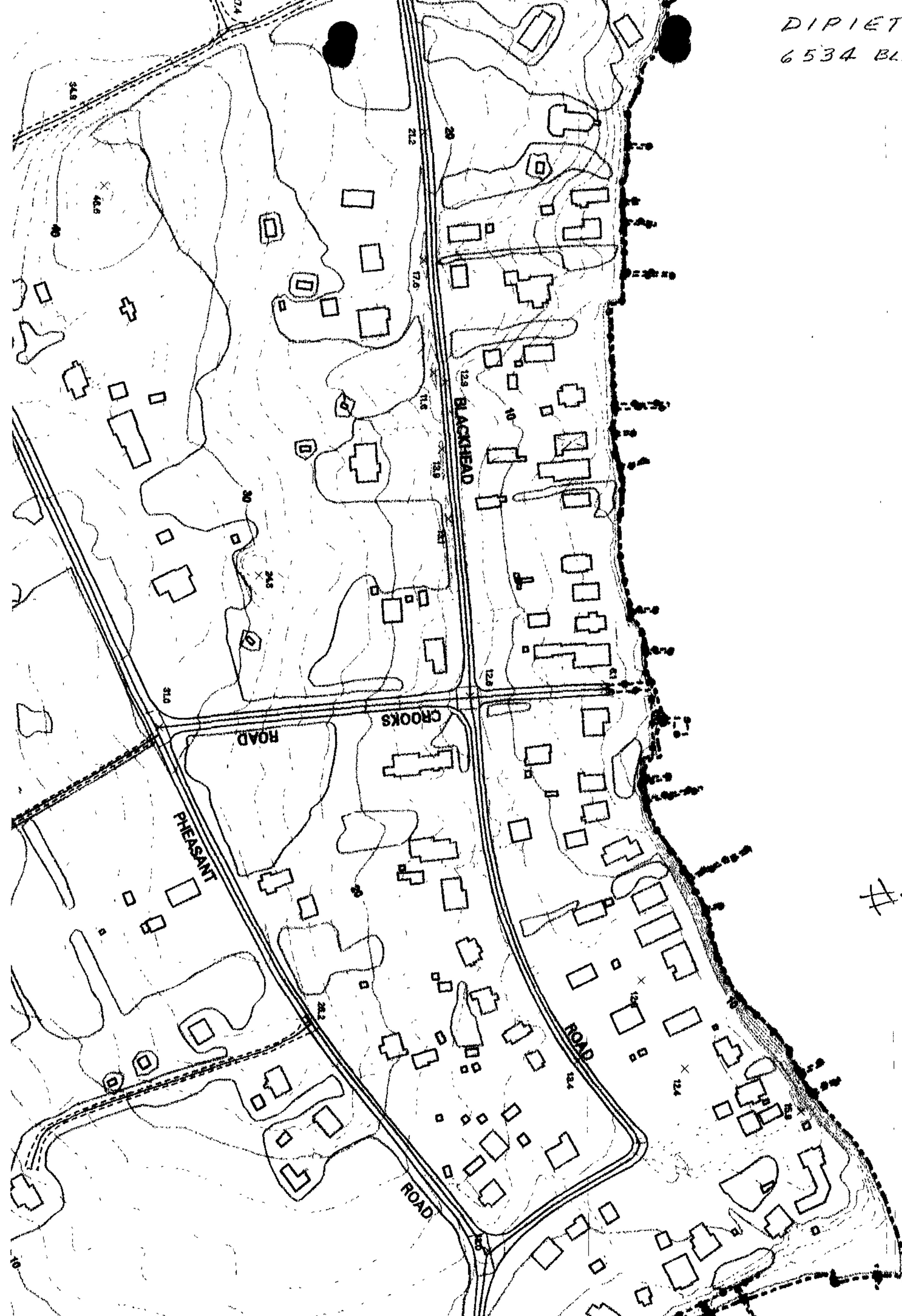
ZONING REVIEW BOARD

BEING THE OWNER OF THE PROPERTY LOCATED
AT 6530 BLACKHEAD ROAD, WEST SIDE OF
DIPNETROIS, HAVE NO OBJECTION TO THE
REQUESTED SIDE YARD SET BACK OF
EXISTING HOME NOR THE TWO LEVEL NEW
HOME CONSTRUCTION THAT IS PROPOSED
BY THE DIPNETROIS.

Paul Murphy
1/18/05

#354

DIPIETRO
6534 BLACKHEAD
ROAD



#354



DIPIETRO

653A BLANCHHEAD RD

SIDE VIEW FROM THE REAR

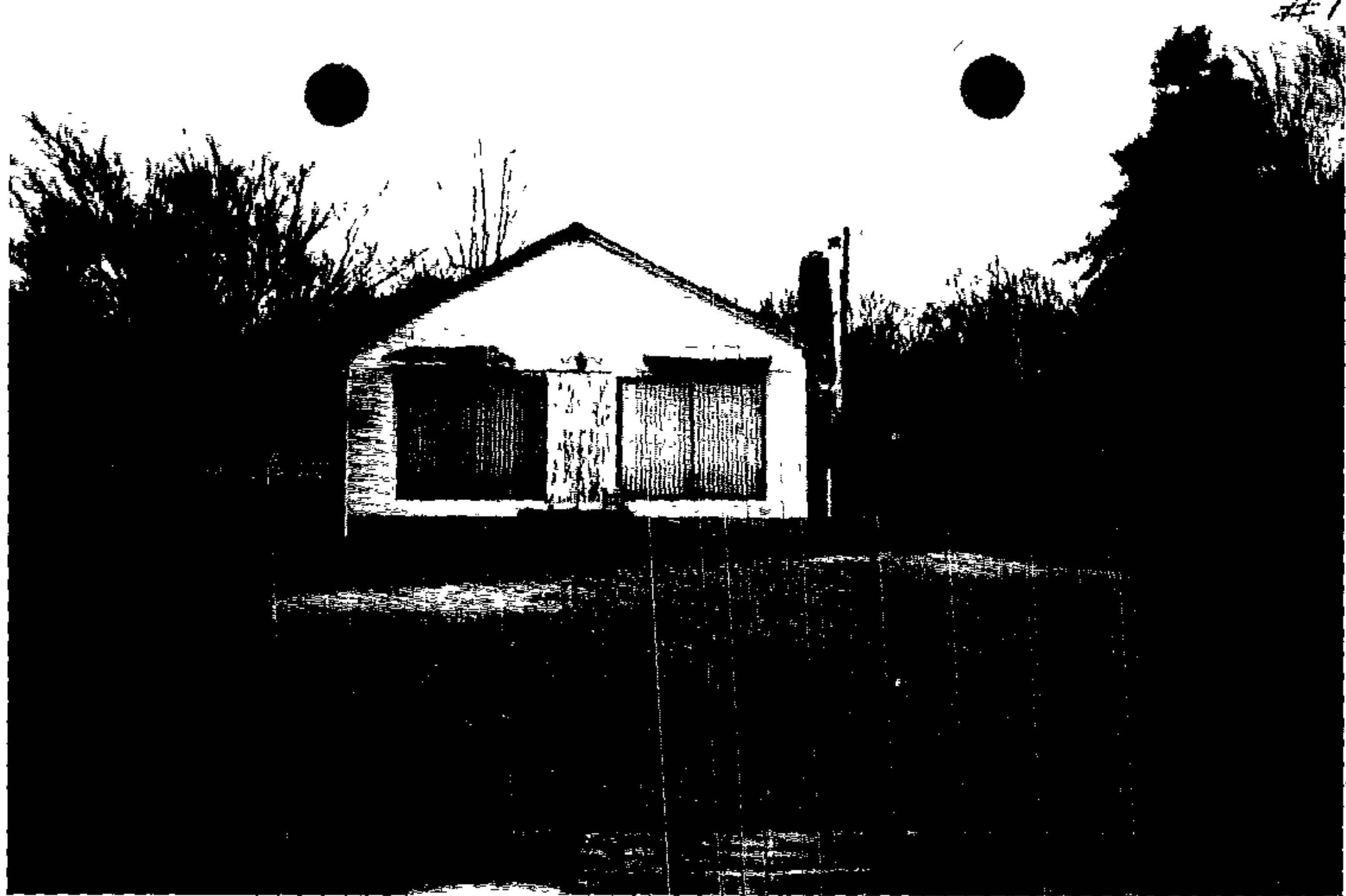
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DIPIETRO

6534 BLA WHEAD RD

FRONT VIEW (RIVER SIDE)

1000 3000 2000 1000



DIPIETRO

6534 BLANCHHEAD RD

SIDE VIEW FROM THE FRONT

1954



DIPIETRO

6534 BLACKHEAD RD

CONCRETE THAT WOULD
BE REMOVED

RECEIVED
MAY 15 1964



SULLIVAN

6536 BLANCHHEAD RD

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6530 BLACKHEAD RD

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TOPOLSKI

6538 BLACKHEAD RD

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