IN RE: PETITION FOR SPECIAL HEARING
NW side of Bay Drive, 124 feet
Southeast of Wye Road
15th Election District
6th Councilmanic District
(Bay Drive)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Gregory E. Portera and Edwina Bonomo

Legal Owners and Petitioners

CASE NO. 07-038-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

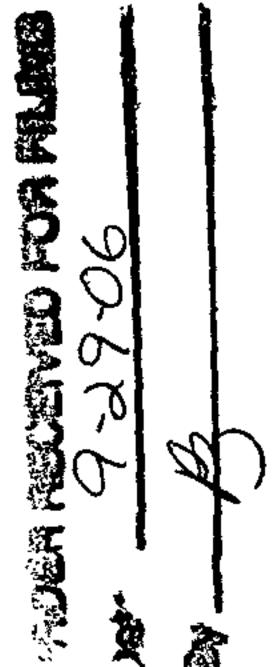
This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Bay Drive. The Petition was filed by Gregory E. Portera and Edwina Bonomo, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed dwelling on a lot less than 1.5 acres in area with 30 foot and 10 foot lot line setbacks in lieu of 50 feet each and to determine that there is no conflict with density regulations.

The property was posted with Notice of Hearing on September 12, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 12, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.



Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comment letters were received from the Planning Office dated September 26. 2006, the Bureau of Development Plans Review dated August 8, 2006 and the Department of Environmental Protection and Resource Management dated September 7, 2006 which contain restrictions; copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were John Mars, Kevin Brooks and Robert Infussi, for the Petitioners. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.689 acres zoned RC 5 and is composed of two 50 foot wide lots designated lot 235A and 236A on Petitioner's exhibit 1. Mr. Mars explained that neither lot is a lot located within a subdivision. The designation comes from the old waterfront Bowley's Quarter subdivision which lies across Bay Drive which has lots 235 and 236. The deed for the subject lots, exhibit 2, uses the prolongation of the Bowley's Quarters lots as a deed starting point. Mr. Books, the Petitioner's son in law, indicated that the lots have never been improved and the only activity which has taken place has been to cut the grass around the wetlands.

Mr. Mars explained that both lots contain significant delineated wetlands as can be seen in exhibit 1. Given the 25 foot setback from the wetlands, the buildable area of lot 235A is quite

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small. Lot 236A is also subject to wetlands and the associated setback toward the rear of the property.

The Petitioners propose to build a 30 x 51 foot single family dwelling within the building envelope shown on exhibit 1. The Planning Office requested the side yard setback from the Butcher lots to the east would be changed from 13 feet to 15 feet. The Petitioner agreed and redlined the exhibit to reflect this change. Also in regard to the comment from the Bureau of Development Plans Review that the right of way of Bay Drove be widened to 40 feet, again the Petitioner agreed and reflected this change by redlining exhibit 1. Mr. Mars noted that this last request did not change the petition as the front yard setback in RC zones is taken from the centerline of the road which was not affect by the changed to the right of way width.

There is a note in the file that questioned the note on exhibit 1, regarding no adjacent ownership within the last five years. The Petitioner presented exhibit 2, the deed to the property which shows the Petitioner acquired these lots in 1985.

Mr. Mars also indicated that the two lots taken together contain 0.7 acres, that there is no land on either side which is available to be closer to the 1.5 acres required, and even if land were available it would take purchase of 3 more lots to meet the area requirement of 1.5 acres, an impossible task. With 100 feet of width, there is no way to meet the 50 foot side yard setback. In regard to the pattern of development of the neighborhood, Mr. Mars noted that the waterfront lots across Bay Drive have one house on each 50 foot wide lot. However development on this side of Bay Drive is one house on each two 50 foot lots which is what the Petitioners propose. Consequently he opined that granting these requests would not change the density of the neighborhood and would be consistent with the pattern of development.

Findings of Fact and Conclusions of Law

I find the subject lots were of record prior to September 2, 2003 and therefore qualify for consideration under the exceptions to minimum lot size specified in Section 1A04.3B1b. Although RC 5 zoned undersized lots are reviewed by special hearing, the essence of the Petitioner's requests are variances which provide criteria for approval.

I find these lots have significant wetlands which greatly limit the size and location of any dwelling. Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. This is the kind of peculiar circumstances that make a property unique from a zoning perspective.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no way to build any dwelling on lots 100 feet wide and meet 50 foot side yard setbacks.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the actual density of the neighborhood is much higher along the waterfront and the same density as proposed on the water view lots such as the subject property.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood.

STATES TO STATES

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29th day of September, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a proposed dwelling on a lot less than 1.5 acres in area with 30 foot and 15 foot lot line setbacks in lieu of 50 feet each and to determine that there is no conflict with density regulations is hereby GRANTED, subject to the following.

- 1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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. Development of this property must comply with the Chesapeake ay Critical Area Regulations (Sections 33-6-101 through 33-2-1004 and other Sections of the Baltimore County Code).
- 3. This property is within the Limited Development Area (LDA) and Resource Conservation Area (RCA) of the CBCA. Impervious surface area is limited to 15% of the lot size and must maintain 15% tree cover. The wetlands on this site require a minimum 25 foot buffer with a 35 foot setback to the primary structure. A Critical Area Variance is required to reduce the 35 foot setback.
- 4. 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.
- 5. 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.
- 6. The building engineer shall require a permit for this project.
- 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 8. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County

- 9. Submit the following to the Office of Planning for their review and approval prior to building permit:
 - a. Building elevations (all sides) of the proposed dwelling for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - b. Orient the front of the proposed dwelling toward Bay Drive and incorporate prominent entries and porches or stoops in the front building façade.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. 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.
 - e. Provide landscaping along the public road.

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:pz



JAMES T. SMITH, JR. County Executive

September 29, 2006

WILLIAM J. WISEMAN III Zoning Commissioner

GREGORY E. PORTERA AND EDWINA BONOMO 4009 BAKER LANE BALTIMORE MD 21236

> Re: Petition for Special Hearing Case No. 07-038-SPH Property: Bay Drive

Dear Mr. Portera and Ms. Bonomo:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits 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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Robert Infussi, PO Box 1043, Belair MD 21014
John Mars, 9 Newport Drive, Forest Hill MD 21015
Kevin Brooks, 7011 Connection Road, Kingsville MD 21087

CBCA FLOOR

RESIDENTED POR Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at BAY DRIVE (TM 98 P. 14)					
which is presently zoned RCS					
· · · · · · · · · · · · · · · · · · ·					

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (PER SECTION 1A04.3, 13.1.b.

County, to determine whether or not the Zoning Commissioner should approve (PER SECTION 1A04.3, B.1. E AND 2.6(BCZR)) A PROPOSED DWELLING ON A LOT LESS THAN 1 YZ ACRES IN AREA WITH 30 FT AND 10 FT. LOT LINE SETBACKS IN LIEU CIF 50 FT. EACH AND TO DETERMINE THAT;
THERE' IS NO CONFLICT WITH DENSITY REGULATIONS

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

•	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	GREGORY R. PORTBRA
Signature	Signature Julian
Address Telephone No.	Name - Type or Brint
City State Zip Code	Signature Signature
Attorney For Petitioner:	4-009 BAKER LANE (410) 529-08 Address Telephone No.
Name - Type or Print	BALTIMORE MD 21236 City State Zip Code
Signature	Representative to be Contacted:
Company	ROBERT INFUSSI
Address Telephone No.	P.O. BOX 1043 (410)812-2230 Address Telephone No.
Zip Code	BELAIR MD 21014 City State Zip Code
V/30-0V	OFFICE USE ONLY
- Modern	ESTIMATED LENGTH OF HEARING HP
Case No. 07 ()38 5174	UNAVAILABLE FOR HEARING
REU 9/15/98	FILLOUL Date 7/31 06

Zoning Description for Bay Drive (Tax Map 98 Parcel 14)

Beginning at a point on the northwest side of Bay drive which is 30 feet wide at the distance of 124 feet southeast of the centerline of the nearest improved intersecting street Wye Road which is 30 feet wide. As recorded in deed Liber 7070, Folio 179 and include the measurements and directions here and on the plat in the correct location.

North 29 degrees 6 minutes West 300 Feet

North 60 degrees 54 minutes East 100feet

South 29 degrees 6 minutes East 300 feet

South 60 degrees 54 minutes West 100 feet

To the place of beginning.

Containing a total area of 0.689 Acres and located in the Fifteenth election district and sixth councilmanic district

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Coppositation no parque ause

BALTIMORE COUNTY, MARYLAN DRUG OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DY 038 No. 76 DATE 13106 ACCOUNT 001 006 6150 AMOUNT \$ 65,00 RECEIVED Experiete 11c for forting FOR: Res SPH	SUBJECTS ADJUNCT TIME DAY SUBJECTS ADJUNCT TIME DAY SUBJECTS TO THE DAY REGULES ADJUNCTED TO THE DAY CAPT S SEE MALKIN HOUN NES CAPT S SE SE MALKIN HOUN NES CAPT S S S S S MALKIN HOUN NES CAPT S S S S S MALKIN HOUN NES CAPT S S S S S MALKIN HOUN NES CAPT S S S S S S S S S MALKIN HOUN NES CAPT S S S S S S S S S S S S S S S S S S S
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NOTICE OF ZONING HEARING

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

Case: # 07-038-SPH

Bay Drive

Northwest side of Bay Drive, 124 feet southeast of Wye Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Gregory E. Portera & Edwina Bonomo
Special Hearing: to approve a proposed dwelling on a
Hot-less than 1:5 acres in area with 30 foot and 10 foot letline setbacks in lieu of 50 feet each and to determine that
there is no conflict with density regulations.

Hearing: Wednesday, September 27, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 9/651 Sept. 12 108950

CERTIFICATE OF PUBLICATION

9/14,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
on 9/12,20 <u>06.</u>
The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-038-5P4

	Petitioner/Developer: GLEOGORY F. PORTELA & EDWINA BONDMO
	F. PORTELA & EDWINA BONDMO
	Date Of Hearing/Closing: 9/27/06
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were posted	enalties of perjury that the necessary deconspicuously on the property 10E 124 FEET SE
of WXE	(1).
	Month, Day, Year) Sincerely, Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220 (443-629 3411)

arrows the street

Kim Butcher

410.261.5213

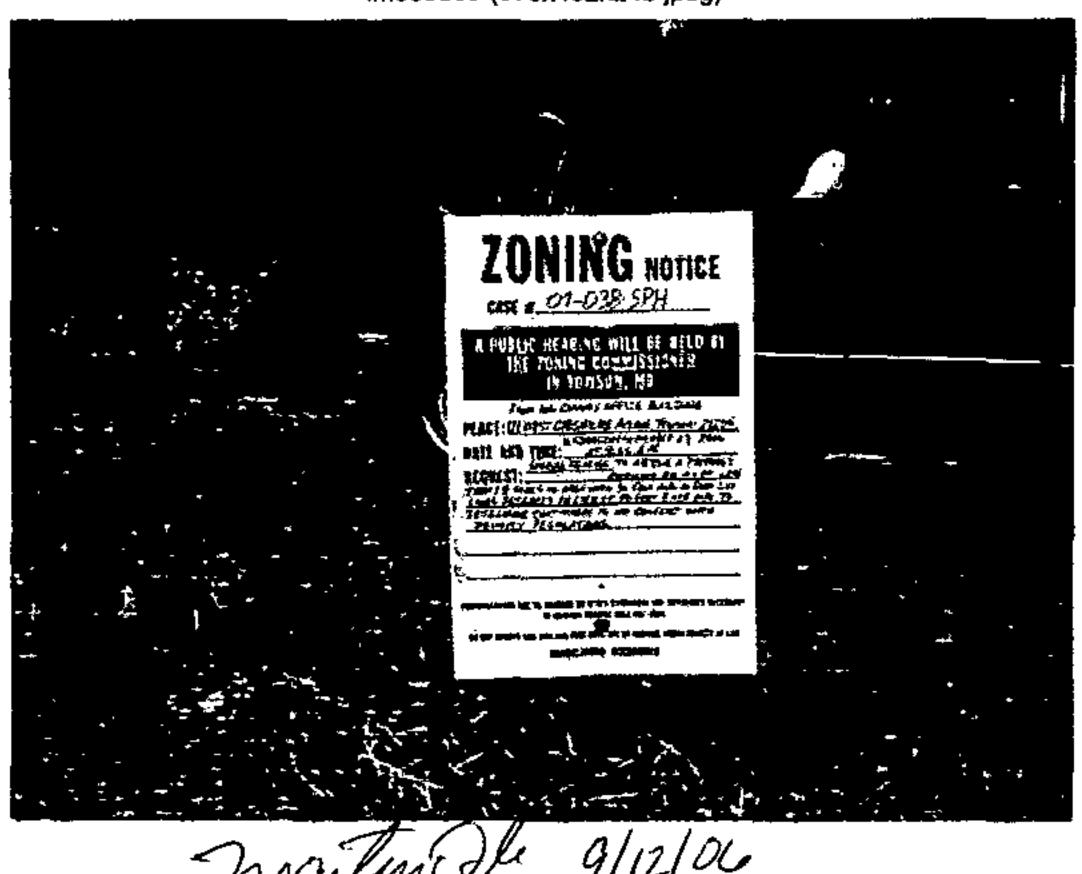
3733 Bay Drive

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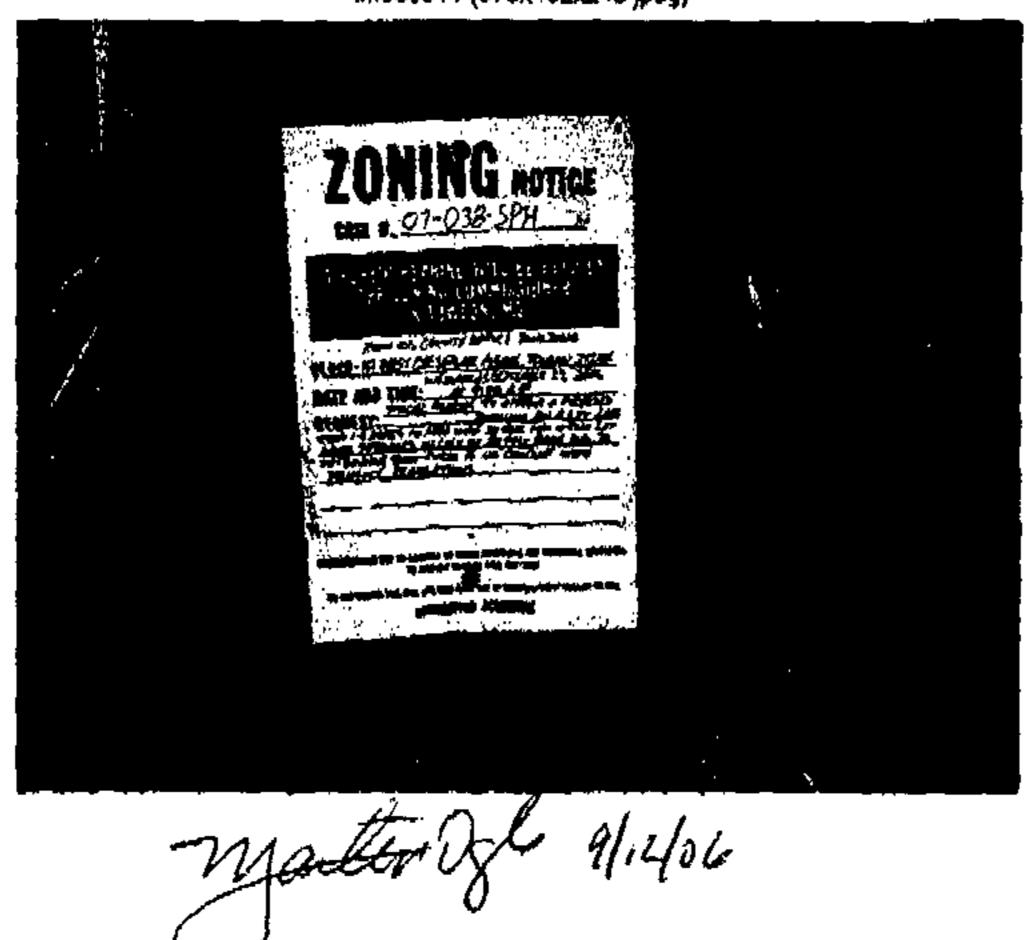
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HERE IS THE PICTURE

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OF THE SIGN

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 07-038-51H	•
Petitioner: PORTERA & Bonomo	-
Address or Location: BAY Da	2/220
PLEASE FORWARD ADVERTISING BILL TO: Name:	
Address: P.O. 1301 1043	
13el Air, vol 2100	
Telephone Number: 4/0-8/2-2236	

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

August 15, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-038-SPH

Bay Drive

Northwest side of Bay Drive, 124 feet southeast of Wye Road

15th Election District – 6th Councilmanic District

Legal Owners: Gregory E. Portera & Edwina Bonomo

Special Hearing to approve a proposed dwelling on a lot less than 1.5 acres in area with 30 foot and 10 foot lot line setbacks in lieu of 50 feet each and to determine that there is no conflict with density regulations.

Hearing: Wednesday, September 27, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. Portera & Ms. Bonomo, 4009 Baker Lane, Baltimore 21236 Robert Infussi, P.O. Box 1043, Bel Air 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 12, 2006
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 12, 2006 Issue - Jeffersonian

Please forward billing to:

Expedite, LLC P.O. Box 1043 Bel Air, MD 21014

410-812-2236

NOTICE OF ZONING HEARING

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

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

Appendent advised of the 6 year adjacent ownership bolicy
Plan states ownership within 5 years. App advised of possible
reger is use concerns (app. Frates) that none existed possible
The note on collector roads location must also
say nor lead to a collector rol.

3/22/05
JILL/19c

App must initial Pet request as their responsibility.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 20, 2006

Gregory R. Portera Edwina Bonomo 4009 Baker Lane Baltimore, MD 21236

Dear Mr. Portera and Ms. Bonomo:

RE: Case Number: 07-038-SPH, Bay Drive (TM 98.P.14)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 31, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

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WCR:amf

Enclosures

c: People's Counsel Robert Infussi P.O. Box 1043 Belair 21014

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 8, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 14, 2006

Item No. 038

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Bay Drive centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 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 038-08082006.doc

Pagobe C

Jm 9/27

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



SEP 1 2 2006

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination > L

DATE:

September 7, 2006

SUBJECT:

Zoning Item

07-38-SPH

Address

NW Bay Drive, SE of Wye Road

Baltimore, MD 21220

Zoning Advisory Committee Meeting of August 7, 2006

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

<u>X</u> 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:

This property is within the Limited Development Area (LDA) and Resource Conservation Area (RCA) of the CBCA. Impervious surface area is limited to 15% of the lot size, and must maintain 15% tree cover. The wetlands on site require a minimum 25 foot buffer with a 35 foot setback to the primary structure. A Critical Area Variance is required to reduce the 35 foot setback.

Reviewer:

Kevin Brittingham

Date:

08/15/2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 26, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Bay Drive (TM 98, P. 14)

INFORMATION:

Item Number:

06-038 SPH

Petitioner:

Gregory Portera, c/o Bob Infussi

Zoning:

THE PARTY

30-80-6

RC 5

Requested Action: Special hearing to allow a proposed dwelling on a lot less than 1.5 acres in area with 30 foot and 10 foot lot line setbacks in lieu of 50 feet each and to determine that there is no conflict with density regulations.

SUMMARY OF RECOMMENDATIONS: The Office of Planning has reviewed the subject request and offers the following comments:

 Decrease the size of the proposed building envelope to allow for at least a 15-foot side yard setback between the subject property and the adjacent parcel (237A) owned by Brian and Kimberly Butcher.

The Office of Planning is required to provide a statement of finding to the Zoning commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size, and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the

proposed building(s) uses the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such s brick, stone or cedar is encouraged.

- 3. Orient the front of the proposed dwelling toward Bay Drive and incorporate prominent entries and porches or stoops in the front building façade.
- 4. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 5. 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.
- 6. Provide landscaping along the public road.

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

Prepared by:

Division Chief:

AFK/LL: CM

はいいできって

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 August 3,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 3,2006

Item No.: 031, 036, 037, 038, 039, 040, 041, 042, 043 and 044

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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 Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F



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



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

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

Maryland Department of Transportation

Date: 8 - 3 - 04

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

RE:

Baltimore County

Item No. 238

JLL

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

1.1. Hall

Engineering Access Permits Division

Street Address: 707 North Calvert Street . Baltimore, Maryland 21202 . Phone 410.545.0300 . www.marylandroads.com

RE: PETITION FOR SPECIAL HEARING

Bay Drive (TM 98. P.14); NW/S Bay Drive,

124' SE of Wye Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Gregory & Edwina Bonomo*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-038-SPH

ENTRY OF APPEARANCE

*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

ACE 0 4 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

79

This Deed, MADE THIS 10th	day of	December	
in the year one thousand ning hundred and	eighty-five	by and between	
in the year one thousand nine hundred and Adele C. Portera and Dorothy S. Bart	kowiak		
of Baltimore County, State of Mar Gregory R. Portera and Edwina Bonomo	yland, parties-	of the first part, and	
gregory R. Portera and Edwina Bonomo	, of said Count	y and State, parties	
of the second part.	· •	AGRICULTURAL TRANSFER TAX B RC/F 14.	00
FOR NO CONSIDERA WITHESSETH, That KXRRKHARMAXXXXXXX	TION CHARKPÉ	AGRICULTURAL TRANSPIR TAX II RC/F 14. NOT APPLICABLE OF EN SIGNATURE DE STATE DE STA	00 3:40 8/86
the said parties of the first part,— AGRICULTURAL TRANSP NOT APPLICABLE SIGNATURE	PATE 12268	Derderd Line 11.05 C	
_		econd part as joint tenants and not as	
ants in common, their assigns, the	survivor of them	m, and the heirs, personal representati	V e 5
and assigns of such survivor		, 	1
permanik zupremenucionalowaneman and anobig	(1)8 (XX	, in fee simple, all that	
lot of groun	d situate in Bal	ltimore County, State of Maryland	
		t side of Bay Drive, 30 feet wide, when	
the unuly he interesected by the Dro	longation north	westerly of the division line between L	يا ب

it would be interesected by the prolongation northwesterly of the division line between Lot No. 234 and Lot No. 235, as shown on the Plat of the Second Addition to the Plat No. 1 of Bowley's Quarter, which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 8, folio 73; and running thence north 29 degrees 6 minutes west at right angles to Bay Drive and continuing the extension of said division line 300 feet; thence north 60 degrees 54 minutes east 50 feet; thence south 29 degrees 6 minutes east 300 feet to the northwest side of Bay Drive; and thence south 60 degrees 54 minutes west binding thereon 50 feet to the place of beginning.

The above description is from the survey made on June 18, 1947, by Edward V. Coonen and Company, Surveyors and Civil Engineers.

BEGINNING FOR THE SECOND on the northwest side of Bay Drive, 30 feet wide, where it would be intersected by the prolongation northwesterly of the division line between Bot No. 236 as shown on the Plat of the Second Addition to Plat No.1 of Bowley's Quarter, which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 8', folio 73; and running thence north 29 degrees 6 minutes west at right angles to Bay Drive and continuing the extension of said division line 300 feet; thence north 60 degrees, 54 minutes east 50 feet; thence south 29 degrees, 6 minutes east 300 feet to the northwest side of Bay Drive; and thence south 60 degrees 54 minutes west binding thereon 50 feet to the place of beginning.

The above description is from the survey made on June 18, 1947, by Edward V.

17

LIBERT O 7 O FOLIO 1 8 Q

Coonan & Company, Surveyors and Civil Engineers.

The improvements thereon are known as

BEING those parcels or lots of ground which by Deed dated August 29, 1959, and recorded among the Land Records of Baltimore County in L iber W.J.R. No. 3595, felio 282 etc., was granted and conveyed by Leroy D. Trager and wife to the said parties of the first part, in fee simple.

Tockrier with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

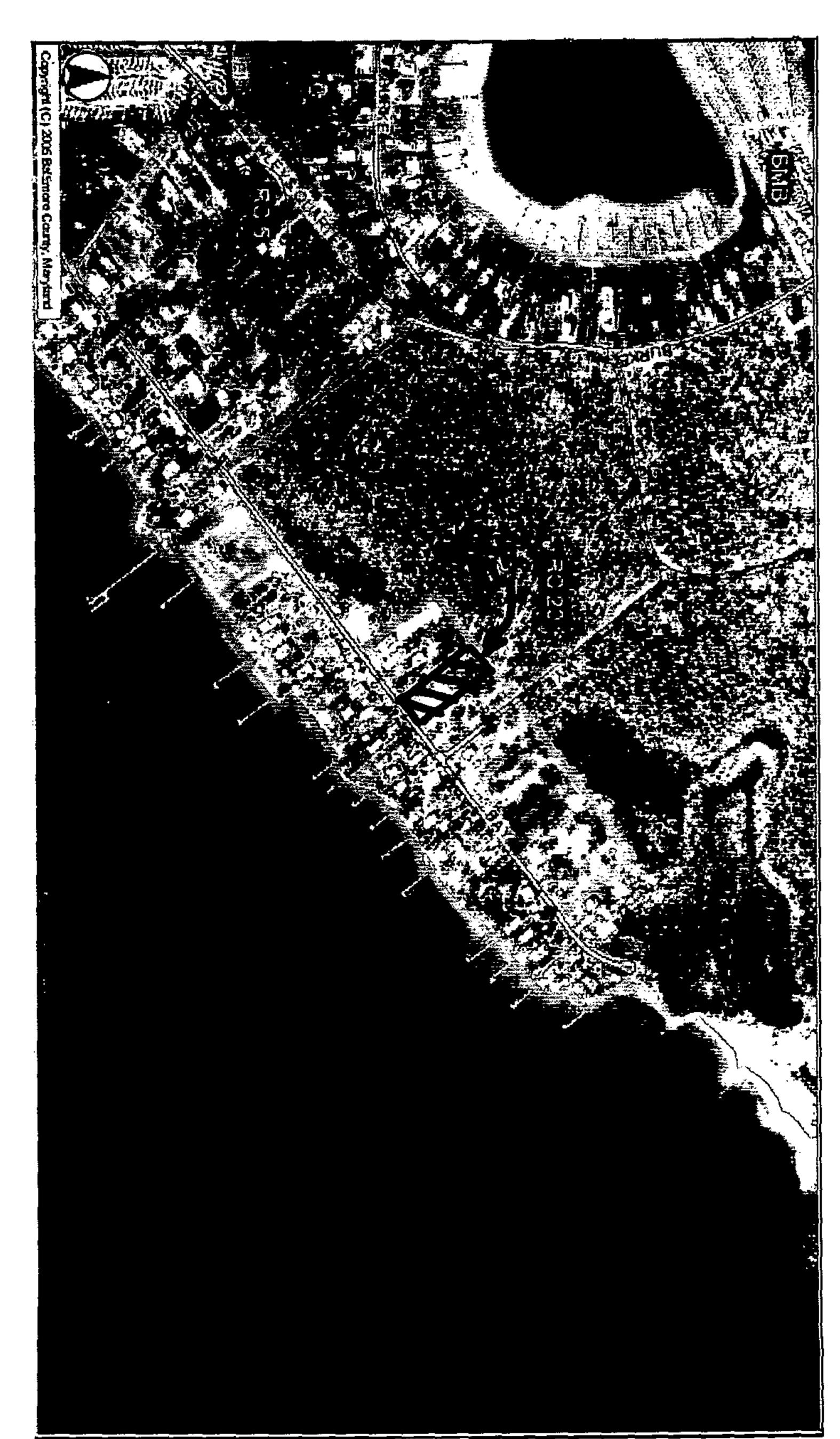
-Li	Pure or are which estimate.
To Have and To Hold the said describe	a. 9 and brottings to rife said
	nt tenants and not as tenants in common, their assigns
the survivor of them, and the heir	rs, personal representatives and assigns of such survivor
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
a <b>xi&gt;mangra</b> x, is	ı fee simple.
And the said parties of the first par	t hereby covenant that they have not done or
suffered to be done any act, matter or this	ing whatsoever, to encumber the property hereby conveyed;
that they will warrant specially the	property hereby granted; and that they will execute
such further assurances of the same as may	be requisite.
Witness the hand a and seals	of said grantor s, the day and year first above written.
Test:	
	Adele C. Portera (SEAL)
•	Sarathy Sarthaurak (SEAL)
	Dorothy S. Bartkowiak
STATE OF MARYLAND, CITY OF BALTINDRE.	to wit:
	THE day of Manufactor DECEMBER,
in the year one thousand nine hundred and	eighty-five , before me,
the subscriber, a Notary Public of the State	
Dorothy S. Bartkowiak	
known to me (or satisfactorily proven) to be a severally be within instrument, and acknowledged the fo	A MANUEL AND
seried the same.	regoing Deed to be their act, and in my presence signed and
In Winness Whereor, I hereunto set my	hand and official seal.
	Richard Francisco
	Alpeny Public
My Commission expires:	
July 1, 1986	
-	
	1822 to Charles He French & South Carl
	second 330 Joseph (M)


# PLEASE PRINT CLEARLY

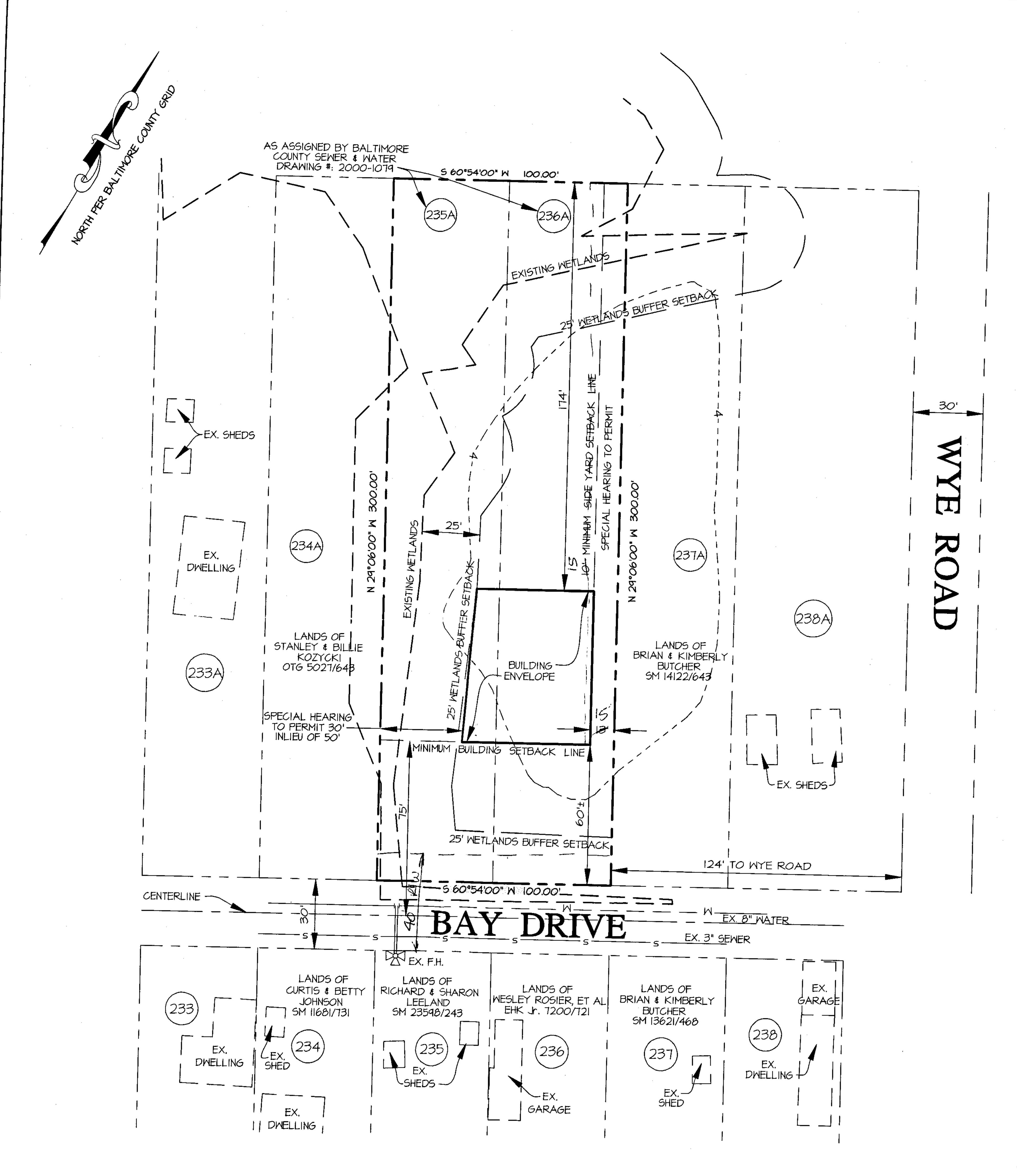
CASE NAME 83.47 DAW CASE NUMBER 606-035 5PV DATE 9/27 06

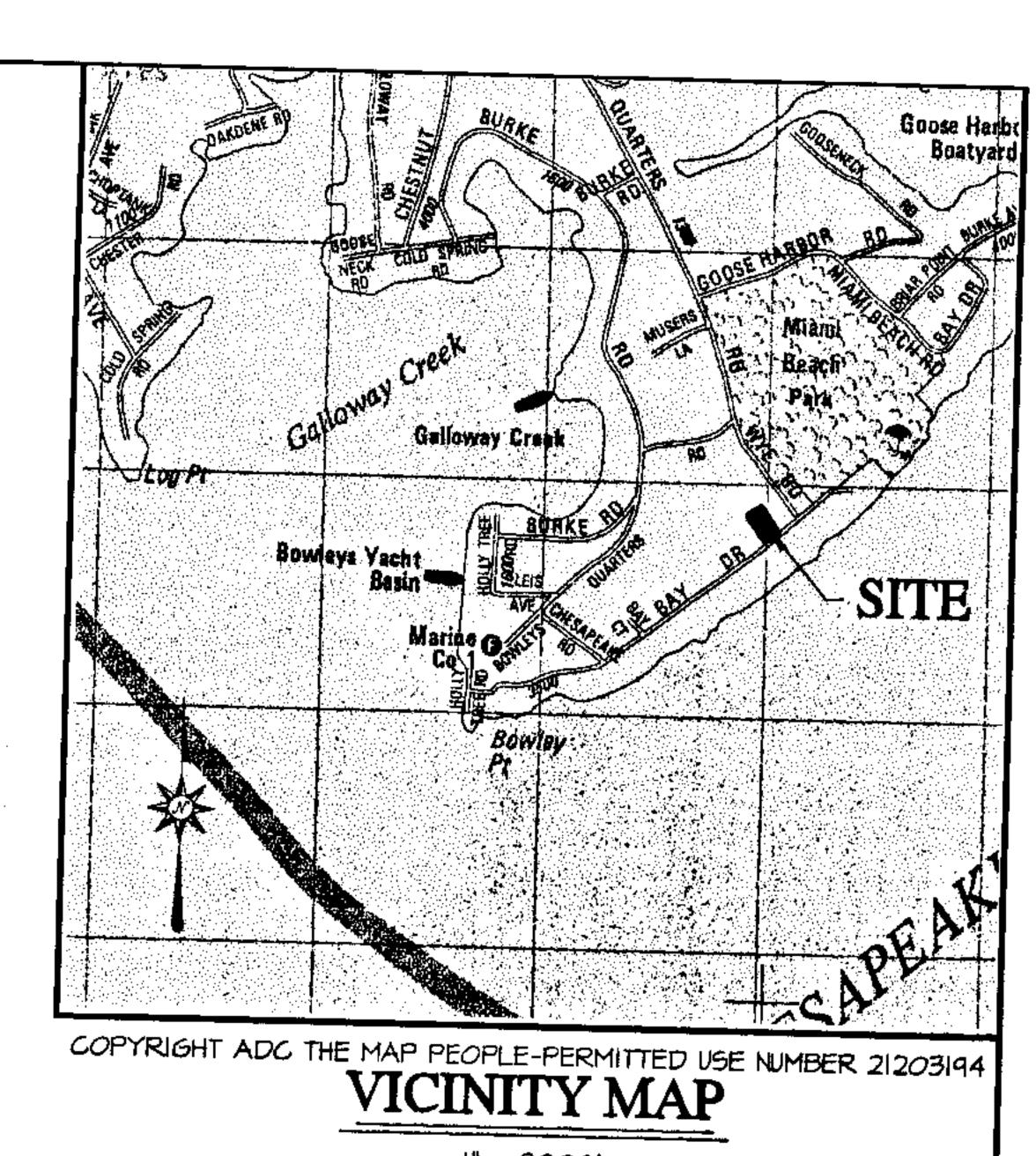
# SIGN-IN SHEE COUNTY REPRESENTATIVE'S

E-MAIL 812-2236 40-879-4747 443-742-6118				
Gel Mir Mas. 21043 Parest Hill Moszlois Kingsville, Moszlois				
ADDRESS P.O. Box 1043 Bet Alliperal 9 Wesspert Ove FE 7011 Connection Rd				
BOS IN 1955; Kevin Brooks				









## SITE DATA

- I. TOTAL ENCLOSED AREA: 0.689 AC.±
- 2. TOTAL LOT AREA: 0.689 AC,±
- 3. TOTAL ROAD IMPROVEMENT RIGHT-OF-WAY AREA: N/A
- 4. PRESENT ZONING: RC-5
- 5. TAX MAP: #98 , PARCEL: #14
- 6. DEED REFERENCE: E.H.K. Jr. 7070/179
- 7. SITE IS SERVICED BY PUBLIC WATER AND SEWER
- 8. NO HISTORIC BUILDING EXIST.
- 9. NO PRIOR ZONING HISTORY
- 10. MAXIMUM BUILDING HEIGHT NOT TO EXCEED 35 FEET
- II. TOTAL % OF BUILDING COVERAGE: 6% (1,750 SQ.FT./ 30,013 SQ.FT. = 6%)
  MAXIMUM ALLOWED: 15%
- 12. THIS LOT IS NOT IN A SUBDIVISION

# NOTES:

-THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
-THIS SITE IS LOCATED ENTIRELY IN ZONE AIO ( AREAS OF 100 YEAR FLOOD:
BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED) AS SHOWN
ON FEMA FIRM MAP # 240010 0465 B & # 240010-0445 C
DATED MARCH 2, 1981 & NOV. 17, 1993

-ALL CONSTRUCTION WILL MEET FLOOD PLAIN BUILDING STANDARDS.
-NO ADJACENT OWNERSHIP WITH ADJOINING LOTS FOR THE PAST FIVE YEARS.
-PETITIONER WILL CONTACT OPCC IN TIMELY FASHION TO RESOLVE ANY PERFORMANCE STANDARDS ISSUES.

-BAY DRIVE IS NOT A COLLECTOR AND/OR SCENIC ROUTE.

# OWNERS:

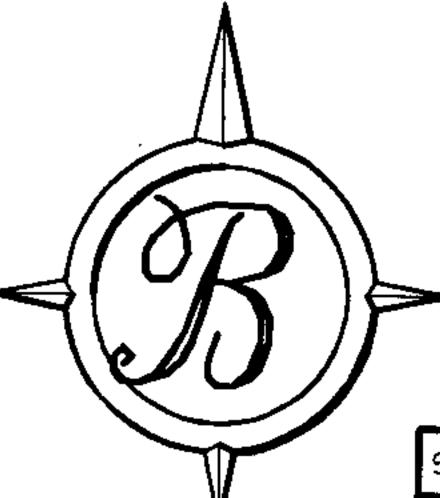
GREGORY R. PORTERA EDWINA BONOMO 4009 BAKER LANE BALTIMORE, MARYLAND 210236

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING

# BAY DRIVE

SIXTH COUNCILMANIC DISTRICT
FIFTEENTH ELECTION DISTRICT
BALTIN

BALTIMORE COUNTY, MARYLAND



# BAYSTATE AND SERVEYORS * LAND PLANNEDS

ENVIRONMENTAL CONSULTANTS

SCALE: 1"=30" DATE: 6/12/06 SHEET 1 OF 1

DRAWN BY: BMF CHK BY: CDC IOB NO ZINGEL-

6000\06091-Bay Drive\06091pre.dwg, Layout1