

IN RE: PETITION FOR VARIANCE
N side of Blackhead Road, 359 feet
W of c/l of Crooks Road
15th Election District
6th Councilmanic District
(6534 Blackhead Road)

Philip A. and Patricia A. DiPietro
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0159-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Philip A. and Patricia A. DiPietro. Petitioners are requesting Variance relief from Sections 1A01.3.B.3 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing open projection (porch) to have a side yard setback of 6 feet in lieu of the required 26¼ feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioners Philip A. and Patricia A. DiPietro. Appearing as interested citizens were next door neighbors James Sullivan of 6536 Blackhead Road and Edna Dotterweich of 6530 Blackhead Road.

Testimony and evidence offered revealed that the subject property is rectangular shaped and consists of approximately 13,300 square feet zoned R.C.2. The property is located on the north side of Blackhead Road as part of the Bird River Beach subdivision situated in the Chase area of eastern Baltimore County. As shown on the site plan, the property is currently improved with an existing two-story single-family dwelling that was built in 2007. According to tax records, Petitioners have owned the property since 1984 and it was once improved with a one-

ORDER RECEIVED FOR FILING

Date 1-7-11

By PJ

story single-family cottage. Over the years, that home came into a state of disrepair and Petitioners filed for an Administrative Variance in order to obtain setback variance relief for the construction of a new home. That variance was granted in Case No. 06-354-A. More recently, Petitioners began construction of a deck, though without having first obtained a building permit and the necessary variance relief from the side yard setback requirements (similar to the setback requirements for their home). At this juncture, having already begun construction of the deck, Petitioners now desire to complete the existing deck that was started as shown in the photographs that were marked and accepted into evidence as Petitioners' Exhibits 4A through 4D.

In support of the variance relief, Petitioners indicated that the portion of the deck that extends into the side yard has the same depth as an existing deck that extends from the main second floor entrance to the home. They merely wish to construct the deck with the same depth as well as on the water side of the home. Petitioners also provided additional photographs of nearby properties with deck or garage or similar structural improvements in the side yard setback areas, which were marked and accepted into evidence as Petitioners' Exhibits 5A through 5G.

Testifying as an interested citizen was Mr. Sullivan. He indicated that he rebuilt the "shoreshack" that was on his property in 1978. He is not necessarily opposed to Petitioner's deck and the necessary variance relief, but he is concerned that Petitioners might place a permanent enclosure or four-season porch where the water side of the deck is located, followed by another deck off that. He does not want to see his views of the water obstructed by potential additional structures. Ms. Dotterweich also testified. Her property is adjacent to the side yard where the deck extends into the setback area. She is concerned about permitting Petitioners' deck to extend into the setback area, especially with the size and height of the overall home and the second floor deck area. Ms. Dotterweich understands Petitioners' desire to tie in the deck on the water side

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Date 1-7-11

By [Signature]

with the existing deck area off the main second floor entrance to the home, but she is also generally opposed to Petitioners' variance request.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated December 22, 2010. DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed porch is entirely within the 100-foot buffer. Relief to the side yard setback will help minimize waterward encroachment but will not eliminate the need to fully address all BMA requirements. A lot coverage limit of 5,277 square feet and mitigation for new lot coverage will minimize adverse impacts on water quality that resulting from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement. No trees will be removed and mitigation will be required for BMA and lot coverage impacts; therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.
4. The proposed porch (bldg. permit) will be reviewed by Groundwater Mgmt., for setbacks; such as to make sure the structure will not block access to the existing septic system there.

Comments were also received from the Bureau of Development Plans Review dated November 29, 2010. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage.

ORDER RECEIVED FOR FILING

Date 1-7-11

3

By [Signature]

Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In my judgment, the second floor water side deck and the decking that extends into the side yard at the same depth as the existing deck off the main second floor entrance to the home fits in aesthetically. I also find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. As was the case with the original administrative variance from five years ago, the side yard setback requirements for the R.C.2 Zone are onerous. It would require a 35 foot setback for a dwelling and three quarters of that length -- or 26¼ feet -- for an open projection. This property is comprised of two lots that are each 25 feet wide for a total of 50 feet. The required 35 foot side yard setbacks would be virtually impossible to meet in any event. With the present location of the home that was predicated on the prior variance relief, the 26¼ foot setback requirement for the deck is equally onerous. Hence, I believe variance relief is appropriate in this instance.

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

THEREFORE, IT IS ORDERED this 7th day of January, 2011 by this Deputy Zoning Commissioner that Petitioners' Variance request from Sections 1A01.3.B.3 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing open projection (porch) to have a side yard setback of 6 feet in lieu of the required 26¼ feet be is hereby **GRANTED**, subject to the following:

ORDER RECEIVED FOR FILING

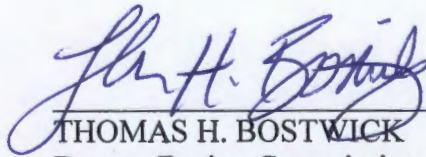
Date 1-7-11

4

By BZ

1. Petitioners may apply for 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 8.5 feet [NAVD 88]. The flood protection elevation for this site is 9.5 feet.
3. 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.
4. 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.
5. 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.
6. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
7. The proposed development must comply with all Limited Development Area and Buffer Management Area requirements including the 15% afforestation requirement. No trees will be removed and mitigation will be required for BMA and lot coverage impacts.
8. Petitioners shall not construct any permanent roof or other enclosure where the water side deck is located. It shall remain in all respects an open projection.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 1-7-11

By 



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 7, 2011

PHILIP A. AND PATRICIA A. DIPIETRO
6534 BLACKHEAD ROAD
BALTIMORE MD 21220

Re: Petition for Special Hearing and Variance
Case No. 2011-0159-A
Property: 6534 Blackhead Road

Dear Mr. and Mrs. DiPietro:

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.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: James Sullivan, 6536 Blackhead Road, Baltimore MD 21220
Edna Dotterweich, 6530 Blackhead Road, Baltimore MD 21220



TAX. ACC. # 1510452420

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 6534 Blackhead Rd
which is presently zoned RC 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 and 301.1 - to permit an

existing open projection (porch) to have a side yard setback of 6 feet in lieu of the required 26 1/4

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

to be discussed at hearing

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

ORDER RECEIVED FOR FILING

Date

By

State

Telephone No.

Zip Code

Case No. 2011-0159-A

REV 9/15/98

Legal Owner(s):

PHILIP A. DIPIETRO

Name - Type or Print

X Philip A. DiPietro

Signature

PATRICIA A. DIPIETRO

Name - Type or Print

X Patricia A. DiPietro

Signature

6534 BLACKHEAD RD

Address

443-465-4781

Telephone No.

BALTO

City

MD

State

21220

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

9/3/10

ZONING DESCRIPTION

Beginning at a point on the north side of Blackhead Road, which is 40 feet wide, at the distance of 375 feet west of the centerline of the nearest improved intersecting street Crooks Road, which is also 40 feet wide. Being Lots 23 and 24, Section 1 in the subdivision of Bird River Beach as recorded in Baltimore County Plat Book #7, Folio #70, containing 13,300 square feet. Also known as 6534 Blackhead Road and located in the 15th Election District, 6th Councilmanic District.

Item # 0159

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **61033**

Date: **11/3/10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
11/03/2010 11/03/2010 11:41:48 2

RES WSDS WALKIN DOOL DMD
>> RECEIPT # 551118 11/03/2010 OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 061033

Recpt Tot \$45.00
\$0.00 CK \$65.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$65.00

Total: **\$65.00**

Rec From: _____
For: **Zoning Hearing - case # 2011-0159-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2011-0159-A

Petitioner/Developer PHILIP
& PATRICIA DIPIETRO

Date Of Hearing/Closing: 1/3/11

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6534 BLACKHEAD RD

This sign(s) were posted on December 17, 2010

Month, Day, Year

Sincerely,

Martin Ogle 12/17/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2011-0159-A

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

ROOM 104 JEFFERSON BUILDING 105 WEST
PLACE: CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: MONDAY, JANUARY 3, 2011
AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT AN EXISTING OPEN
PROTECTION (TODEN) TO HAVE SIDE YARD SETBACK OF
6 FEET IN LIEU OF THE REQUIRED 26 1/4 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 867 3391

DO NOT REMOVE THIS SIGN OR POST UNTIL OUT OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

12/17/2010

Madeline 12/17/10

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 16, 2010 Issue - Jeffersonian

Please forward billing to:
Philip DiPietro
6534 Blackhead Road
Baltimore, MD 21220

443-465-4781

NOTICE OF ZONING HEARING

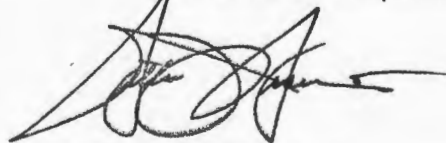
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0159-A

6534 Blackhead Road
N/side of Blackhead Road, 375' west of centerline of Crooks Road
15th Election District – 6th Councilmanic District
Legal Owners: Philip & Patricia Dipietro

Variance to permit an existing open projection (porch) to have side yard setback of 6 feet in lieu of the required 26 ¼ feet.

Hearing: Monday, January 3, 2011 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

November 30, 2010

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: 2011-0159-A

6534 Blackhead Road

N/side of Blackhead Road, 375' west of centerline of Crooks Road

15th Election District – 6th Councilmanic District

Legal Owners: Philip & Patricia DiPietro

Variance to permit an existing open projection (porch) to have side yard setback of 6 feet in lieu of the required 26 ¼ feet.

Hearing: Monday, January 3, 2011 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. DiPietro, 6534 Blackhead Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 18, 2010.**
- (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.

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 2011-0159-A

Petitioner: Philip A. DiPietro

Address or Location: 6534 Blackhead Rd. BALTO. Md. 21220

PLEASE FORWARD ADVERTISING BILL TO

Name: Philip A. DiPietro

Address 6534 Blackhead Rd.
BALTO. Md. 21220

Telephone Number: 443-465-4781 OR 215-520-8266



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 28, 2010

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

Dear Philip & Patricia:

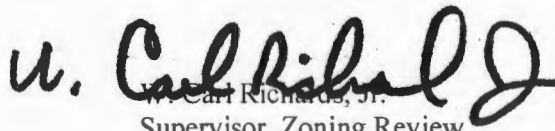
Re: 2011-0159-A Case Number, 6534 Blackhead Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 3, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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

WCR:rjc
Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 29, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2010
Item No. 2011-159

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:cab

cc: File

ZAC-ITEM NO 11-159-11292010.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 24, 2010

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

RE: Baltimore County
Item No. 2011-0153-A
6334 BLACKHEAD RD
DIPEETRO PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0153-A.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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

November 24, 2010

Dept of PDM
Room 111, County Office Building
111 West Chesapeake Ave.
Towson, MD 21204
MS #1105

Attention Kristen Matthews

The Fire Marshal's office has no comment on the following zoning cases:

2011-0159-A, 2011-0160-A, 2011-0161-A, 2011-0162-A, 2011-0163-A, 2011-0163-A,
2011-0165-A, 2011-0166-A, 2011-0167-A, 2011-0168-SPH, 2011-0169-A, 2011-0170-A
2011-0171-XA, 2011-0172-A, 2011-0173-SPH, 2011-0174-A, 2011-0175-A,
2011-0176-SPH, 2011-0177-A, 2011-0178-A, 2011-0179-A.

Thank you,

A handwritten signature in black ink, appearing to read "Steven Judlick", is written over a horizontal line.

Steven Judlick, Fire Marshal
Baltimore County Fire Department
Office of the Fire Marshal
410-887-4880

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 23 2010

ZONING COMMISSIONER

TO: Zoning Commissioner's Office

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 22, 2010

SUBJECT: Zoning Item #11-159-A
Address 6534 Blackhead Road
(DiPietro Property)

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

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed porch is entirely within the 100-foot buffer. Relief to the side yard setback will help minimize waterward encroachment but will not eliminate the need to fully address all BMA requirements. A lot coverage limit of 5,277 square feet and mitigation for new lot coverage will minimize adverse impacts on water quality that resulting from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement. No trees will be removed and mitigation will be required for BMA and lot coverage impacts; therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. – *Regina Esslinger; Environmental Impact Review*
4. The proposed porch (bldg. permit) will be reviewed by Groundwater Mgmt., for setbacks; such as to make sure the structure will not block access to the existing septic system there. – *Dan Esser; Groundwater Management*

RE: PETITION FOR VARIANCE * BEFORE THE
6534 Blackhead Road; N/S Blackhead Road, * ZONING COMMISSIONER
375' W of c/line Crooks Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Philip & Patricia DiPietro * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-159-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

DEC 08 2010

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Philip & Patricia DiPietro, 6534 Blackhead Road, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

FILED RECEIVED FOR FILING

Date

By

Item #0159

CASE NAME _____
CASE NUMBER 2011-0159-A
DATE 1-3-11

[illegible]

CASE NAME _____
CASE NUMBER 2011-0159-A
DATE 1-3-11

[illegible]

Case No.: 2011-0159-A

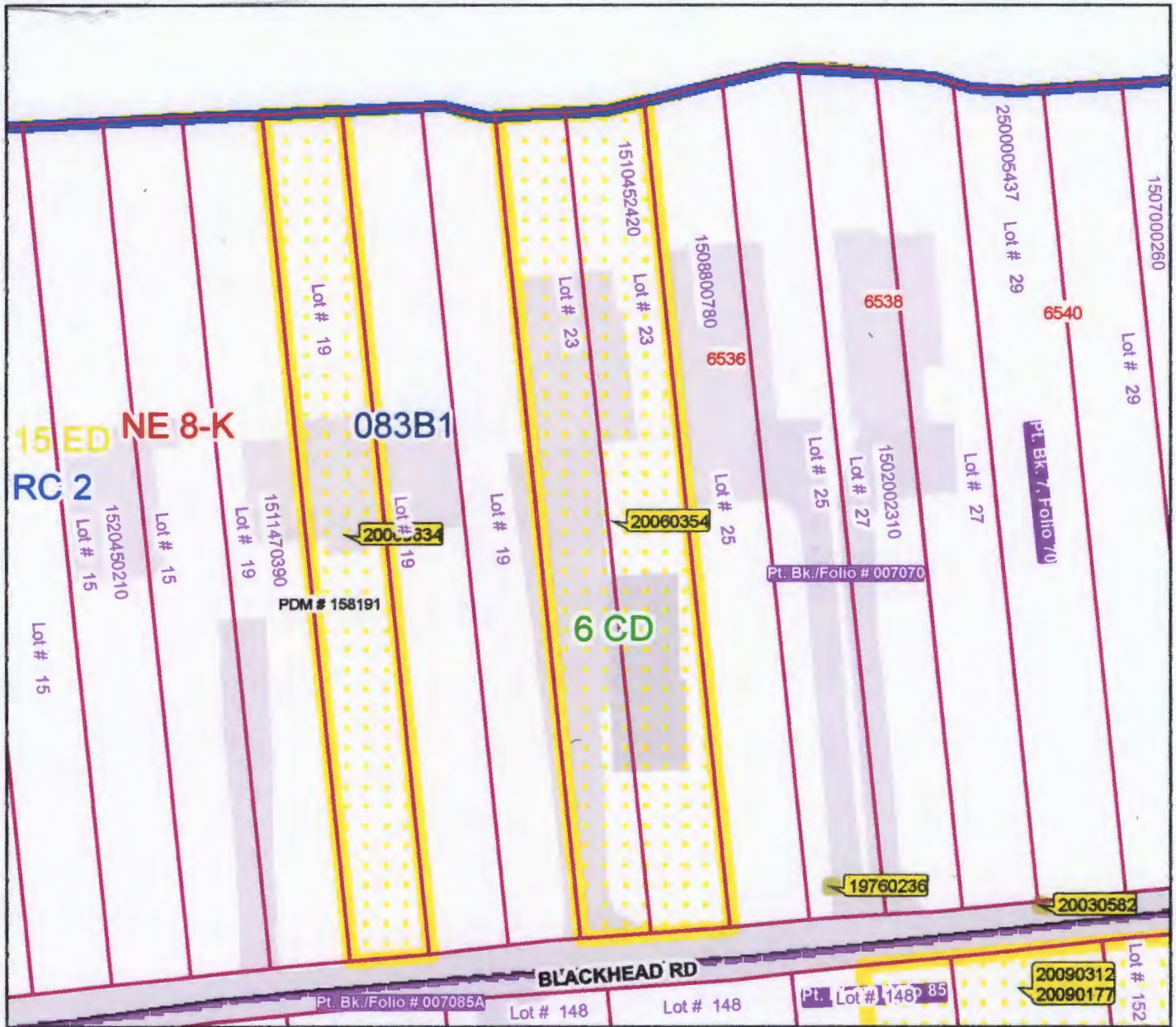
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	zoning map	
No. 3	record plat	
No. 4	photos of deck	
No. 5	photos of nearby properties	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

6534 Blackhead Road



PETITIONER'S

EXHIBIT NO. 2



Publication Date: November 01, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

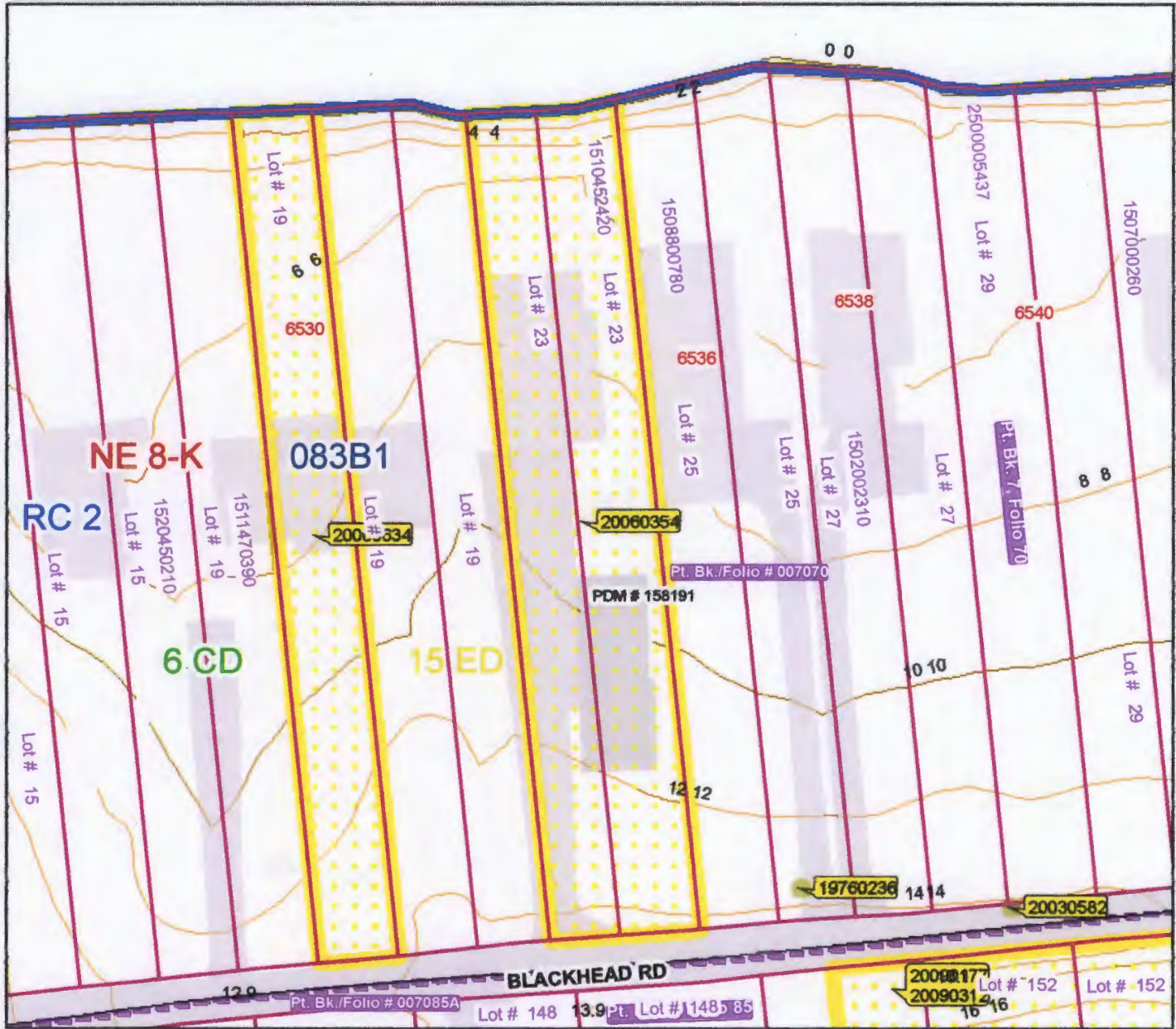


0 50 100
Feet

1 inch = 50 feet

Item #0159

6534 Blackhead Road, Elevations



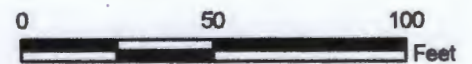
Publication Date: November 03, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

Item #0159

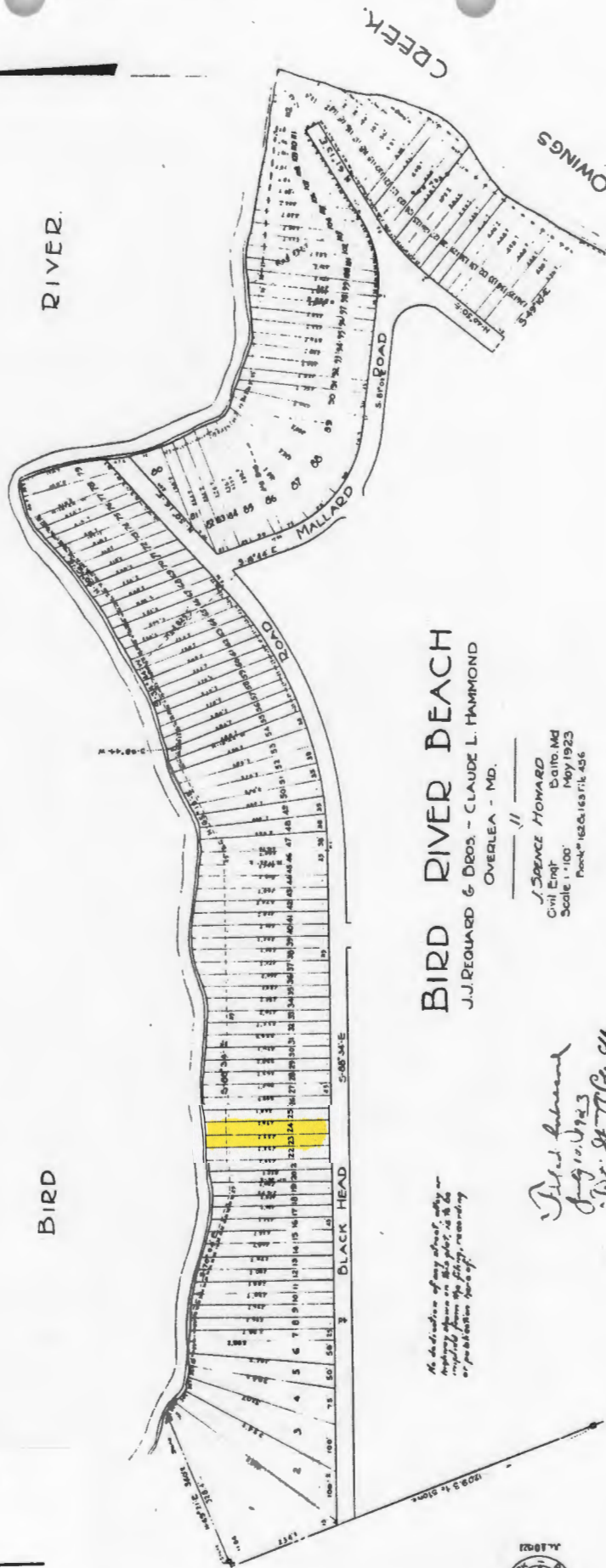
[illegible]

1 inch = 50 feet

Item #0159

PETITIONER'S
EXHIBIT NO. 3

W.P.C. N27 PARTI 70



Item #0159













PROPERTY ADDRESS 6534 BLACKHEAD RD
 SUBDIVISION NAME BIRD RIVER BEACH - BALTIMORE COUNTY
 PLAT BOOK # 7 FOLIO # 70 LOT #'S 23 & 24 SECTION # LIBER O.T.G.
 OWNER PHILIP & PATRICIA DIPIETRO

DIPIETRO SITE PLAN

CASE NO. 06-354-A

SITE OF ZONING VARIANCE

PETITIONER'S

EXHIBIT NO. 1

1 STORY FRAME HOL

SEPTIC UNKNOWN

35'-0"

LOT #'S 19-22

UNIMPROVED DRIVEWAY

6530 MYERS

LOT # 23

GRAVEL DRIVEWAY

LOT # 24

CONC.
BLOCK
GARAGE
&
STORAGE
TO
REMAIN

SHED

6534 DIPIETRO

LOT # 25

WELL

LOT # 26

6536 SULLIVAN

GRAVEL DRIVEWAY

UTILITY POLE

SLOPE APPROX
ROAD TO RIVER

165'-6" EXISTING
157'-6" NEW

62'

WELL

SLOPE

SLOPE

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NOTE: EXISTING HOUSE - 1 STORY - APPROX 1290 SQ FT (FRAME)

NEW - 2 STORY - APPROX 2540 SQ FT (MODULAR)

MAX 35' HIGH

* SWALES WILL BE CREATED TO CONTROL WATER RUN OFF.

SITE

350'

BLACKHEAD RD

CROOKS RD

W
S
N
E

VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUN. DISTRICT 6

1" = 200' SCALE MAP

~~NEBK~~ 08331

ZONING RC2 FLOOD ZONE A

LOT SIZE .3 ACREAGE

13300 SQ FT

PUBLIC PRIVATE

SEWER X

WATER X

CHESAPEAKE BAY CRITICAL AREA YES NO X

100 YEAR FLOOD PLAIN X

HISTORIC PROPERTY/ BUILDING X

2006-0354-A SEE FILE

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY RJD

ITEM #

CASE # 2011-0159-A

SITE PLAN

PREPARED BY

DATE

SCALE OF DRAWING: 1" = 20'-0"