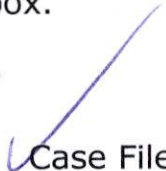


M E M O R A N D U M

DATE: March 1, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0164-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 28, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(1316 Burke Road)

15th Election District

6th Council District

Victor & Rosemary Bongiorno

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0164-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Victor & Rosemary Bongiorno, legal owners of the subject property (“Petitioners”). Petitioners are requesting Variance relief from Sections 1A04.3A, 1A04.3.B.1.a & 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“BCZR”) to permit a building height of 40', a lot area of 0.866 ac ±, a front yard setback of 58' from the center line of any road that leads to or connects with a collector road and side yard setbacks of 30' and 40' in lieu of the maximum permitted 35', 1.5 ac., 100', 50' and 50' respectively for replacement dwelling. A site plan was marked as Petitioners' Exhibit 1.

Victor Bongiorno and David Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”) and the Bureau of Development Plans Review (“DPR”). None of the reviewing agencies opposed the request. The site is approximately 0.866 acres in size and zoned RC-5. The unimproved property is comprised of Lot 131 and—pursuant to a lot line adjustment recently approved—a portion of Lot 130 as shown on the plat of Bowleys Quarters.

ORDER RECEIVED FOR FILING

Date

11/29/19

By

sen

Pets. Ex. 8. Lot 131 was previously improved with a dwelling, although that was razed in 2009 after suffering flood damage. Petitioners propose to construct a single-family dwelling on the lots.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has a triangular shape and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 29th day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 1A04.3A, 1A04.3.B.1.a & 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR"), to permit a building height of 40', a lot area of 0.866 ac. $\pm$, a front yard setback of 58' from the center line of any road that leads to or connects with a collector road and side yard setbacks of 30' and 40' in lieu of the maximum permitted 35', 1.5 ac., 100', 50' and 50' respectively for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this

ORDER RECEIVED FOR FILING

Date

1/29/19

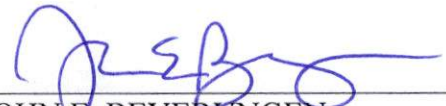
By

sen

Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

- Prior to issuance of permits Petitioners must comply with critical area and flood protection regulations.
- Prior to issuance of permits Petitioners must obtain from the DOP a finding the RC-5 performance standards have been satisfied.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date

1/29/19

By

slr



BCA

Blood

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1316 BURKE ROAD

which is presently zoned RC5

Deed References: L8764 F.250, L.39590 F.112 10 Digit Tax Account # 1502574420, 1502574440

Property Owner(s) Printed Name(s) VICTOR BONGIORNO, ROSEMARY BONGIORNO, JOHN BONGIORNO & DIANA BONGIORNO

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

JOHN BONGIORNO / DIANA BONGIORNO

Name- Type or Print

Signature

1308 BURKE RD. BALTIMORE, MD.

Mailing Address

21220

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

By

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

VICTOR BONGIORNO

Name #1 - Type or Print

Signature #1

2429 MUNFORD DRIVE FALLSTON, MD.

Mailing Address

21041

Zip Code

Telephone #

Email Address

City

State

Name #2 - Type or Print

Signature #2

ROSEMARY BONGIORNO

City

State

City

State

City

State

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHERRYWOOD CT EDGEWOOD MD.

Mailing Address

21040

Zip Code

Telephone #

Email Address

City

State

City

State

City

State

CASE NUMBER 2019-0164-A

Filing Date 11/16/18

Do Not Schedule Dates:

Reviewer JS

1A04.3A, 1A04.3.B.1.a and 1A04.3.B.2.b to permit a building height of 40 feet, a lot area of 0.866 acre +/-, a front yard setback of 58 feet from the center line of any road that leads to or connects with a collector road and side yard setbacks of 30 feet and 40 feet in lieu of the maximum permitted 35 feet, 1.5 acres, 100 feet, 50 feet and 50 feet respectively for replacement dwelling.

ZONING DESCRIPTION

1316 BURKE ROAD

Beginning for the same at a point on the west side of Burke Road (30 feet wide) distant 1685 from its intersection with the center of Bowleys Quarters Road, thence:

(1) N 77° 37' 09" W 260.44 feet, thence:

(2) N 34° 32' 11" W 60.27 feet, thence:

(3) S 87° 36' 09" W 23.23 feet, thence:

(4) N 41° 52' 01" W 17.64 feet, thence:

(5) N 37° 52' 58" W 9.14 feet, thence:

(6) N 80° 37' 22" E 346.24 feet, thence:

(7) 182.45 feet along a curve to the right have a radius 584.53 feet to the place of beginning.

Containing 37,739 square feet or 0.8664 acre, more or less.

Being known as 1316 Burke Road and located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, MD.

Also being part of Lot 130 and all of Lot 131 as shown on the plat entitled Plat 1, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 7 Folio 12.

2019-0164-A

PJ 3-4-19

**PETITIONER'S EXHIBITS
1316 BURKE ROAD
CASE NO. 2019-0164-A**

Sen
1-29-19

1. PLAT TO ACCOMPANY PETITION FOR VARIANCE DATED NOVEMBER 5, 2019 (NO CHANGES)
2. REAL PROPERTY DATA SEARCH FOR 1316 BURKE ROAD
3. DEED OF RECORD FOR 1316 BURKE ROAD LIBER 8764 FOLIO 250 FEB. 20, 1991
4. REAL PROPERTY DATA SEARCH FOR LOT 130
5. DEED OF RECORD FOR LOT 130 LIBER 39590 FOLIO 112 OCTOBER 13, 2017
6. APPROVAL LETTER FOR LOT LINE ADJUSTMENT DRC NO. 120418-LLA
7. APPROVAL LETTER FOR LOT CONSOLIDATION AND RECONFIGURATION
8. PLAT 1, BOWLEYS QUARTERS PB. 7 PAGE 12 RECORDED MAY 27, 1921
9. AERIAL PHOTO
- 10 a-d. PHOTOS
11. ORDER FOR VARIANCE CASE 1991-039-A DATED SEPTEMBER 10, 1990 GRANTING SIDE YARD SETBACKS OF 17.81 FEET AND 22.86 FEET IN LIEU OF THE REQUIRED 50 FEET

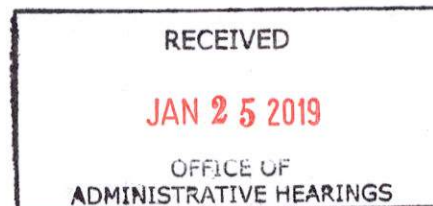
JB 1-28-19
10Xm

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Thursday, January 24, 2019 4:52 PM
To: Administrative Hearings
Cc: Victor
Subject: 1316 BURKE ROAD CASE NO. 2019-0164-A
Attachments: Scan1723.pdf

RECERTIFICATIONS ATTACHED
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL



CERTIFICATE OF POSTING

RECERTIFIED 1/24/19

Date: JANUARY 8, 2019

RE: Project Name: 1316 BURKE ROAD #1
Case Number /PAI Number: 2019-0164-A
Petitioner/Developer: BONGIORNO
Date of Hearing/Closing: JANUARY 28, 2019

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 1316 BURKE RD

The sign(s) were posted on

RECERTIFIED 1/24/19
JANUARY 7, 2019

(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

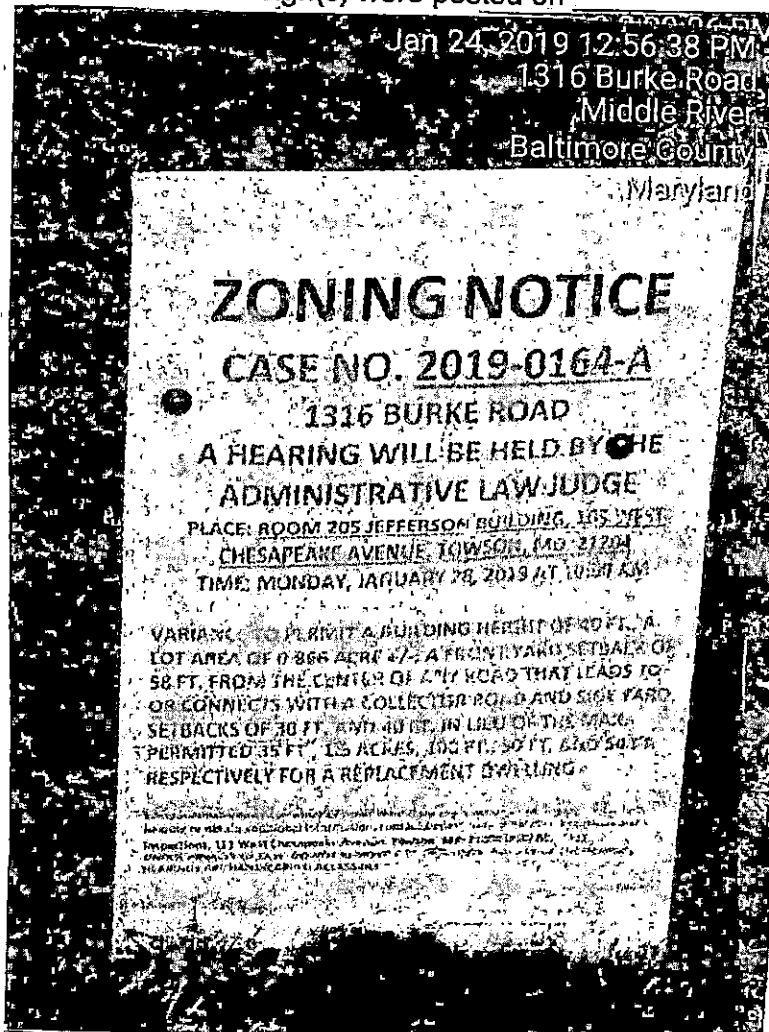
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

RECERTIFIED 1/24/19

Date: JANUARY 8, 2019

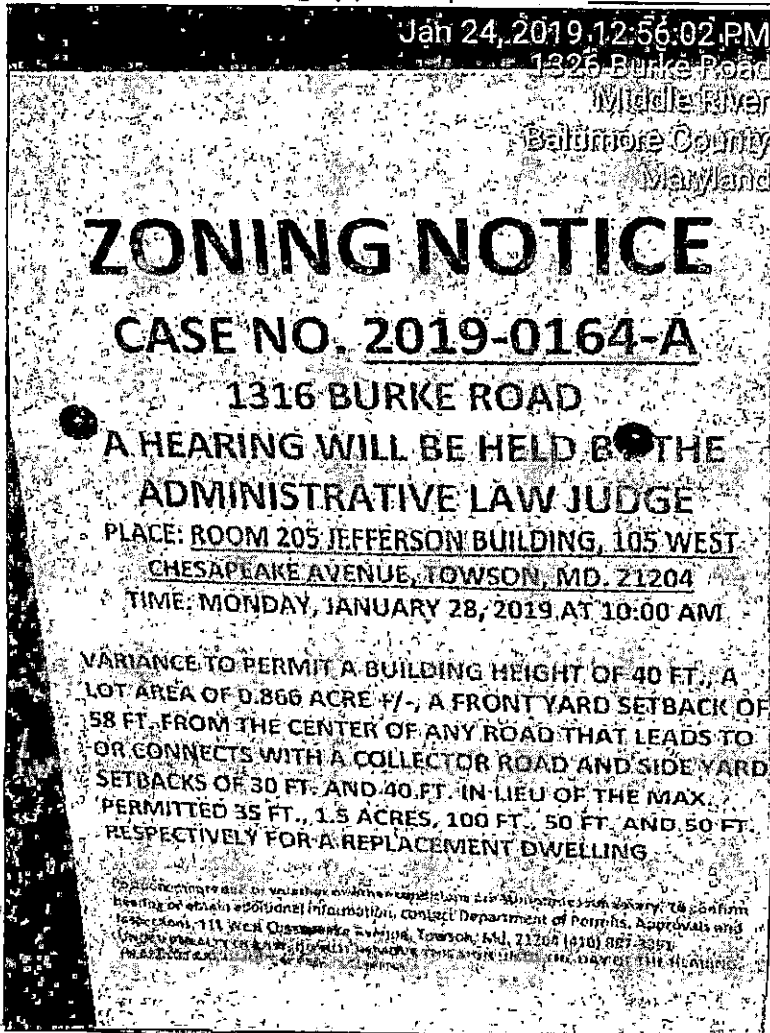
RE: Project Name: 1316 BURKE ROAD #2
Case Number /PAI Number: 2019-0164-A
Petitioner/Developer: BONGIORNO
Date of Hearing/Closing: JANUARY 28, 2019

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 1316 BURKE RD

The sign(s) were posted on

RECERTIFIED 1/24/19
JANUARY 7, 2019

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: JANUARY 8, 2019

RE: Project Name: 1316 BURKE ROAD #2
Case Number /PAI Number: 2019-0164-A
Petitioner/Developer: BONGIORNO
Date of Hearing/Closing: JANUARY 28, 2019

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 1316 BURKE RD

The sign(s) were posted on

JANUARY 7, 2019

(Month, Day, Year)

Jan 7, 2019 2:23:51 PM
1326 Burke Road
Middle River
Baltimore County
Maryland

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE NO. 2019-0164-A

1316 BURKE ROAD

**A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204**

TIME: MONDAY, JANUARY 28, 2019 AT 10:00 AM

**VARIANCE TO PERMIT A BUILDING HEIGHT OF 40 FT., A
LOT AREA OF 0.866 ACRE +/-, A FRONT YARD SETBACK OF
58 FT. FROM THE CENTER OF ANY ROAD THAT LEADS TO
OR CONNECTS WITH A COLLECTOR ROAD AND SIDE YARD
SETBACKS OF 30 FT. AND 40 FT. IN LIEU OF THE MAX.
PERMITTED 35 FT., 1.5 ACRES, 100 FT., 50 FT. AND 50 FT.
RESPECTIVELY FOR A REPLACEMENT DWELLING.**

For placement due to weather or other conditions, a sign will be necessary. To obtain
posting or other additional information, contact the Department of Permitting, Approvals and
Inspections, 311 West Chesapeake Avenue, Towson, MD. 21204-1100, 410-679-3501.
WHOLE, PARTIAL OR REMOVAL OF THIS SIGN VIOLATES THE DAY OF THE HEARING.
HEARINGS ARE HANDICAPPED ACCESSIBLE.

CERTIFICATE OF POSTING

Date: JANUARY 8, 2019

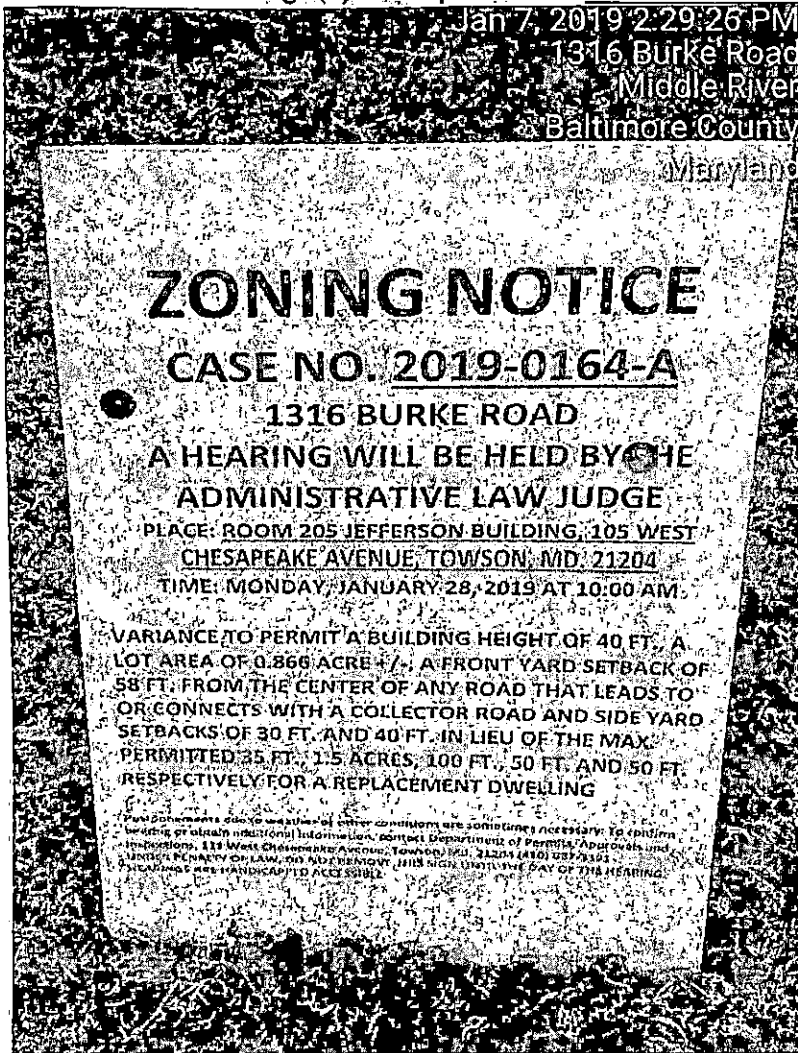
RE: Project Name: 1316 BURKE ROAD #1
Case Number /PAI Number: 2019-0164-A
Petitioner/Developer: BONGIORNO
Date of Hearing/Closing: JANUARY 28, 2019

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 1316 BURKE RD

The sign(s) were posted on

JANUARY 7, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11663721
 Case #: 2019-0164-A
 Description:

CASE NUMBER: 2019-0164-A

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/8/2019



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0164-A

1316 Burke Road

W/s Burke Road, s/w of intersection with Bowleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owners: Victor & Rosemary Bongiorno

Contract Purchaser/Lessee: John & Diana Bongiorno

Variance to permit a building height of 40 ft., a lot area of 0.886 acre +/-, a front yard setback of 68 ft. from the centerline of any road that leads to or connects with a collector road and side yard setbacks of 30 ft. and 40 ft. in lieu of the maximum permitted 35 ft., 1.5 acres, 100 ft., 50 ft. and 50 ft. respectively for replacement dwelling.

Hearing: Monday, January 28, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

JaS

201511
21-10-2015

10.10.2015

201511
21-10-2015

201511
21-10-2015

201511
21-10-2015

201511
21-10-2015

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1316 Burke Road; W/S of Burke Road, 800' *
SW of intersection of Bowleys Quarters Rd * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owners: Victor & Rosemary Bongiorno * HEARINGS FOR
Contract Purchasers: John & Diana Bongiorno *
Petitioner(s) * BALTIMORE COUNTY
* 2019-164-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

NOV 28 2018

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 28th day of November, 2018, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

December 10, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0164-A

1316 Burke Road

W/s Burke Road, s/w of intersection with Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Victor & Rosemary Bongiorno

Contract Purchaser/Lessee: John & Diana Bongiorno

Variance to permit a building height of 40 ft., a lot area of 0.866 acre +/-, a front yard setback of 58 ft. from the centerline of any road that leads to or connects with a collector road and side yard setbacks of 30 ft. and 40 ft. in lieu of the maximum permitted 35 ft., 1.5 acres, 100 ft., 50 ft. and 50 ft. respectively for replacement dwelling.

Hearing: Monday, January 28, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. John Bongiorno, 1308 Burke Road, Baltimore 21220
Mr. & Mrs. Victor Bongiorno, 2429 Munford Drive, Fallston 21047
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 8, 2019.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: THE DAILY RECORD
Tuesday, January 8, 2019 - Issue

Please forward billing to:
David Billingsley
601 Charwood Court
Edgewood, MD 21040

410-679-8719

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0164-A

1316 Burke Road

W/s Burke Road, s/w of intersection with Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Victor & Rosemary Bongiorno

Contract Purchaser/Lessee: John & Diana Bongiorno

Variance to permit a building height of 40 ft., a lot area of 0.866 acre +/-, a front yard setback of 58 ft. from the centerline of any road that leads to or connects with a collector road and side yard setbacks of 30 ft. and 40 ft. in lieu of the maximum permitted 35 ft., 1.5 acres, 100 ft., 50 ft. and 50 ft. respectively for replacement dwelling.

Hearing: Monday, January 28, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2019-0164-A
Property Address: 1316 BURKE ROAD
Property Description: Y1/S BURKE RD. 1685' N. OF
BOWLEY'S QUARTERS ROAD
Legal Owners (Petitioners): VICTOR BONGIORNO
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID BILLINGSLEY
Company/Firm (if applicable): CENTRAL DRAFTING & DESIGN
Address: 601 CHARWOOD CT
EDGEWOOD, MD 21040

Telephone Number: (410) 679-8719



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

January 24, 2019

John & Diana Bongiorno
1308 Burke Road
Baltimore, MD 21220

RE: Case Number: 2019-0164-A, Address: 1316 Burke Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 16, 2018. 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", with a long, sweeping horizontal line extending to the right.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Victor & Rosemary Bongiorno, 2429 Munford Avenue, Fallston 21047
David Billingsley, 601 Charwood Court, Edgewood 21040

Date: 11/26/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

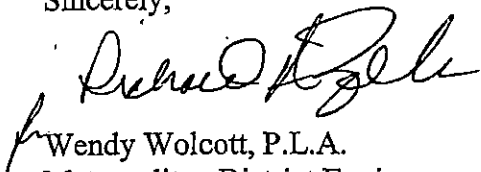
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0164-A

*Variance
Victor Bongiorno & Rosemary Bongiorno
1316 Burke Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For December 03, 2018
Item No. 2019-0164-A

DATE: December 27, 2018

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

Prior to building permit application, the petitioner must contact the Office of the Director of Public Works to determine the Flood Protection Elevation so that the first floor elevation can be established.

*

*

*

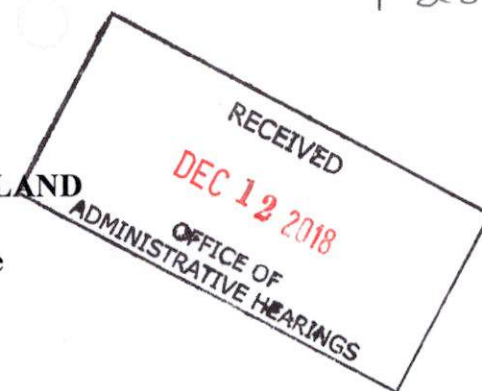
*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 12, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0164-A
Address 1316 Burke Road
(Bongiorno Property)

Zoning Advisory Committee Meeting of **December 03, 2018.**

EPS 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. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to permit a dwelling with less setbacks, greater height, and a smaller lot than permitted. The plan shows a new proposed lot line. The lots are waterfront. A plan addressing COMAR 27.01.02.08, Lot Consolidation and Reconfiguration, has been submitted and is currently under review. MBA and lot coverage regulations appear to be met. No afforestation information was provided. If all COMAR and LDA requirements, including lot coverage limits and afforestation can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

No afforestation information was provided, but it appears lot coverage and MBA regulations will be met. If the afforestation requirement is met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

6152
C
TO 20940
20940 20940 20940

2

3. 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;

Provided that COMAR 27.01.02.08 and all afforestation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 12/13/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-164



INFORMATION:

Property Address: 1316 Burke Road
Petitioner: Victor Bongiorno, Rosemary Bongiorno
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a building height of 40 feet, a lot area of 0.866 acre +/-, a front yard setback of 58 feet from the center line of any road that leads to or connects with a collector road and side yard setbacks of 30 feet and 40 feet in lieu of the maximum permitted 35 feet, 1.5 acres, 100 feet, 50 feet and 50 feet respectively for a replacement dwelling.

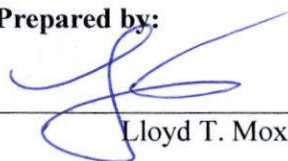
A site visit was conducted on December 3, 2018. The lot is currently vacant.

The Department has no objection to granting the petitioned zoning relief.

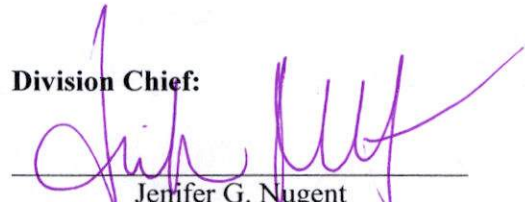
Please be advised this site is subject to the RC 5 performance standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at time of building permit application.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
David Billingsley, Central Drafting & Design
Office of the Administrative Hearings
People's Counsel for Baltimore County

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

No. **177178**

Date: **11/16/18**

CASH RECEIPT

BUSINESS: ACTUAL TIME DRW

11/16/2018 11/16/2018 11:14:59

REC: 177178

RECEIPT: 820321 11/16/2018 OFLN

520 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		650					\$75.00

Rec Tot \$75.00
 177178
 11/16/2018
 Baltimore County, Maryland

Total: **\$75.00**

Rec From: **BONGIORNO**

For: **2019-0164-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CASE NAME 1315 BURKE ROAD
CASE NUMBER 2019-0164-A
DATE 11/28/19

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/27/18

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

12/12/18

DEPS
(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

12/13/18

PLANNING
(if not received, date e-mail sent _____)NO
Objection

11/26/18

STATE HIGHWAY ADMINISTRATION

NO
Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/8/19

SIGN POSTING (1st) Date: 1/7/19SIGN POSTING (2nd) Date: 1/24/19by Billingsley
by BillingsleyPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1502574420			
Owner Information					
Owner Name:		BONGIORNO VICTOR J		Use:	
		BONGIORNO ROSEMARY A		Principal Residence:	
Mailing Address:		2429 MUNFORD DR		Deed Reference:	
		FALLSTON MD 21047-2218		/08764/ 00250	
Location & Structure Information					
Premises Address:		1316 BURKE RD		Legal Description:	
		0-0000			
		Waterfront		BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0004	0004		0000	
					Block:
					131
					Assessment Year:
					2018
					Plat No:
					1
					Plat Ref:
					0007/ 0012
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				26,435 SF	
				County Use	
				34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value		Value	
				As of	
				01/01/2018	
				Phase-In Assessments	
				As of	
				07/01/2018	
				As of	
				07/01/2019	
Land:		226,600		226,600	
Improvements		0		0	
Total:		226,600		226,600	
Preferential Land:		0			226,600
					0
Transfer Information					
Seller: BONGIORNO VICTOR J		Date: 04/19/1991		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08764/ 00250		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
				0.00 0.00	
Tax Exempt:		Special Tax Recapture: /			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1502574440			
Owner Information					
Owner Name:		BONGIORNO VICTOR BONGIORNO ROSEMARY ET AL		Use:	RESIDENTIAL
Mailing Address:		2429 MUNFORD DR FALLSTON MD 21047-		Principal Residence:	NO
				Deed Reference:	/39590/ 00112
Location & Structure Information					
Premises Address:		BURKE RD MIDDLE RIVER 21220- Waterfront		Legal Description:	
				BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0004	0004		0000	
					Block:
					130
					Assessment Year:
					2018
					Plat No:
					1
					Plat Ref:
					0007/ 0012
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				28,050 SF	
				County Use	
				34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value		Value	
				As of	
				01/01/2018	
				Phase-In Assessments	
				As of	
				07/01/2018	
				As of	
				07/01/2019	
Land:		136,000		136,000	
Improvements		0		0	
Total:		136,000		136,000	
Preferential Land:		0			136,000
					0
Transfer Information					
Seller: BONGIORNO SANTO J		Date: 11/03/2017		Price: \$220,000	
Type: ARMS LENGTH VACANT		Deed1: /39590/ 00112		Deed2:	
Seller: BONGIORNO SANTO		Date: 04/01/1980		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08150/ 00532		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
				0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502574420			
Owner Information					
Owner Name:		BONGIORNO VICTOR J BONGIORNO ROSEMARY A		Use:	RESIDENTIAL
Mailing Address:		2429 MUNFORD DR FALLSTON MD 21047-2218		Principal Residence:	NO
				Deed Reference:	/08764/ 00250
Location & Structure Information					
Premises Address:		1316 BURKE RD 0-0000 Waterfront		Legal Description: BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0004	0004		0000	
					Block:
					131
					Lot:
					2018
					Assessment Year:
					Plat No:
					1
					Plat Ref:
					0007/ 0012
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				26,435 SF	
				County Use	
				34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2018	07/01/2017	07/01/2018
Land:		226,600	226,600		
Improvements		0	0		
Total:		226,600	226,600	226,600	226,600
Preferential Land:		0			0
Transfer Information					
Seller: BONGIORNO VICTOR J		Date: 04/19/1991		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08764/ 00250		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2017		07/01/2018
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

PETITIONER'S
EXHIBIT NO. 2

REC 8764 PAGE 250

File #1015

MOORE, CARNEY RYAN & LITANE
4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MD 21236

THIS DEED, Made this 20th day of February
in the year one thousand nine hundred and ninety-one, by
and between VICTOR J. BONGIORNO, party
of the first part, Grantor, and VICTOR J. BONGIORNO and ROSEMARY
A. BONGIORNO, his wife, parties
of the second part, Grantee.

WITNESSETH, That in consideration of the sum of \$ ZERO,
and all the natural love and affection of the parties hereto
and other valuable considerations, the receipt whereof is hereby
acknowledged, the said Grantor does hereby grant, convey and
assign unto the said Grantee(s), as tenants by the entireties, their
assigns, and unto the survivor of them, his or her
personal representatives and
assigns, in fee simple, all that lot(s) of ground situate in
Baltimore County in the State of Maryland, and described
as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 131, as shown on the Plat entitled
"Bowley's Quarter Plat No. 1", which Plat is recorded among the Land Records
of Baltimore County in Plat Book W.P.C. No. 7, folio 12; the improvements
thereon being known as 1316 Burke Road.

BEING the same property which by Deed dated December 15, 1980, and recorded
among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6253, folio
45, was conveyed by Angelo Bongiorno, et al to the Grantor herein.

D RC/F 13.00

DEED 0 #

SM CLERK 13.00

#31121 Doc#2 RO2 T09:53

04/19/91

TRANSFER TAX NOT REQUIRED

Printed Name

Printed Address

Printed Signature

Date 4-9-91 Sec. 11-85A

PETITIONER'S
EXHIBIT NO. 3

LIBER 8764 PAGE 251

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot(s) of ground and premises unto and to the use of the said Grantee(s), as tenants by the entireties their assigns, and unto the survivor of them, his or her

personal representatives and assigns, in fee simple.

AND the said Grantor hereby covenants that the Grantor has not done or suffered to be done any act, matter or thing whatever to encumber the property hereby conveyed; and to warrant specially the property hereby granted and to execute such further assurances of the same as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hand and seal of said Grantor.

WITNESS:

Wittahin J. Park

Victor J. Bongiorno (SEAL)
Victor J. Bongiorno

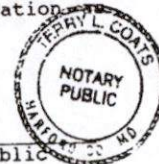
Robert A. Gagliardi (SEAL)
Robert A. Gagliardi

STATE OF MARYLAND, BALTIMORE COUNTY

TO WIT:

I HEREBY CERTIFY, that on this 20th day of February 1991, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared VICTOR J. BONGIORNO known (or satisfactorily proven) to me to be the person(s) whose name(s) is/are subscribed to the within Deed and acknowledged the foregoing Deed to be his act and in my presence signed and sealed the same, and further acknowledged that the consideration stated above is true and correct.

AS WITNESS my hand and Notarial Seal.



Victor J. Bongiorno
Notary Public

My Commission Expires: December 1, 1991

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

Richard E. Lattanzi Attorney

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502574440			
Owner Information					
Owner Name:		BONGIORNO VICTOR BONGIORNO ROSEMARY ET AL		Use:	RESIDENTIAL
Mailing Address:		2429 MUNFORD DR FALLSTON MD 21047-		Principal Residence:	NO
				Deed Reference:	/39590/ 00112
Location & Structure Information					
Premises Address:		BURKE RD MIDDLE RIVER 21220- Waterfront		Legal Description:	
				BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0004	0004		0000	
					Block:
					130
					Lot:
					2018
					Assessment Year:
					Plat No:
					0007/
					Plat Ref:
					0012
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				28,050 SF	
				County Use	
				34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value		Value	
				As of	
				01/01/2018	
Land:		136,000		136,000	
Improvements		0		0	
Total:		136,000		136,000	
Preferential Land:		0		0	
				136,000	
				136,000	
Transfer Information					
Seller: BONGIORNO SANTO J		Date: 11/03/2017		Price: \$220,000	
Type: ARMS LENGTH VACANT		Deed1: /39590/ 00112		Deed2:	
Seller: BONGIORNO SANTO		Date: 04/01/1980		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06150/ 00532		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2017	
				07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
				0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

PETITIONER'S
EXHIBIT NO. 4

Prepared By:
 All Star Title, Inc.
 1421 Clarkview Road, Suite 108
 Baltimore, MD 21209
 File No. AST-17-12727-MD
 Property Address: 0 Burke Road, Middle River, MD 21220
 Tax ID No. 15-1502574440

This Deed, made this 13th day of October 2017, by and between **Marice A. Bongiorno, Grantor(s) and Victor Bongiorno and Rosemary Bongiorno and John Bongiorno and Diana Bongiorno, Grantee(s).**

- Witnesseth -

That in consideration of the sum of **Two Hundred Twenty Thousand Dollars and No Cents (\$220,000.00)**, which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor(s), do/does hereby grant and convey to the said Grantee(s), Victor Bongiorno and Rosemary Bongiorno and John Bongiorno and Diana Bongiorno, as joint tenants with rights of survivorship and not as tenants in common, in FEE SIMPLE, all that lot of ground situate in Baltimore County in the State of Maryland and described as follows, that is to say:

Beginning for the same and known as Lot No. 130 as shown on Plat No. 1 of the property of Bowley's Quarters Company of Baltimore County which plat is recorded among the Plat Records of Baltimore County in Plat Book WPG No. 7 folio 12&c.

Being the same property which, by Deed dated March 31, 1980, and recorded April 28, 2017 among the Land Records of Baltimore County, Maryland in Book 6150, Page 532 was granted and conveyed by Santo J. Bongiorno, Charles J. Novak, Jr. and Eleanor J. Novak, his wife unto Santo J. Bongiorno and Marice A. Bongiorno, his wife. The said Santo J. Bongiorno havnig since departed this life on September 18, 2015, thereby vesting title solely in the name of Marice A. Bongiorno, his wife and surviving tenant by the entirety.

To Have and To Hold the said parcel of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Victor Bongiorno and Rosemary Bongiorno and John Bongiorno and Diana Bongiorno, as joint tenants with rights of survivorship and not as tenants in common, in FEE SIMPLE.

And the Grantor(s), hereby say that he/she/they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that he/she/they will warrant specially the property hereby granted, and that he/she/they will execute such further assurances of the same as may be requisite.

LR - Deed
 Recording
 Name: BOM
 Ref: BOM
 LR - Deed
 Surcharge
 LR - Deed
 Transfer
 LR - NR T
 SubTotal:
 Total:
 11/03/2017
 #9344610
 Baltimore
 County/CC03.01.06 -
 Register 06

PETITIONER'S
 EXHIBIT NO. 5

In Witness Whereof, Grantor(s) have/has caused this Deed to be properly executed and sealed the day and year first above written.

[Signature]
Witness

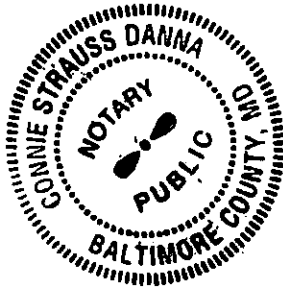
Marice A. Bongiorno (SEAL)
Marice A. Bongiorno

STATE OF MD

CITY/COUNTY OF Baltimore to wit:

I hereby certify that on this 13th day of October, 2017, before me, the subscriber, a Notary Public of the State of MD City/County of Baltimore, personally appeared Marice A. Bongiorno, the Grantor(s) herein, known to me (or satisfactorily proven) to be the person(s) whose is/are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his/her/their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
Notary Public

My Commission Expires: 11/18/19

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]
Connie Strauss Danna

AFTER RECORDING, PLEASE RETURN TO:
All Star Title, Inc.
1421 Clarkview Road, Suite 108
Baltimore, MD 21209



DONALD I. MOHLER III
County Executive

November 29, 2018

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

David Billingsley
Central Drafting & Design
601 Charwood Court
Edgewood, MD 21040

Re: Bongiorno Property, 1316 Burke Road, 21220, Dist. 15C6
DRC Number: 120418-LLA, (2018-167)

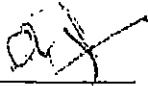
Dear Sir/Madam:

Pursuant to Section 32-4-106(a)(1) of the Baltimore County Code (BCC), this letter constitutes an administrative order and decision on the request you filed with this department.

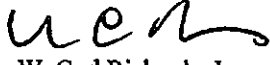
Your request has been submitted for careful review and consideration to the Director and Zoning Office. It has been determined that your proposal:

- ☒ Provisionally meets the requirements of a limited exemption under Section 32-4-106(a)(1)(viii), BCC. This letter not valid until EPS approves and Zoning variance #2019-0164-A is granted.
- ☐ Meets the requirements of a limited exemption under Section 32-4-106(a)(1)(ii) or (a)(1)(v), BCC.
- ☐ Does not meet the requirements of a limited exemption under Section 32-4-106(a)(1), BCC. You will be notified if your project can be scheduled for the next open DRC meeting and any additional requirements for review. (Zoning and Planning needs a revised plan).
- ☐ Needs additional materials/information for review.
- ☐ Does not reach the scope or extent that would require Baltimore County development approval.
- ☒ All or a portion of the property is located within the Chesapeake Bay Critical Area, therefore prior to any County action you are required to apply for and receive approval of Lot Consolidation and Reconfiguration through the Dept. of Environmental Protection and Sustainability (Comar 27.01.02.08). After receiving approval, resubmit your application for LLA with documentation of DEPS approval.

When recording deeds in the land records, please attach this letter and the survey plat as exhibits. Also, if the property(s) are improved or any Baltimore County permits are applied for or anticipated in the future, an existing record plat may be required to be amended and the following approval agencies should be contacted to resolve any possible development issues: Development Plans Review – 410-887-3751, Planning 410-887-3480, Environmental Protection & Sustainability – 410-887-5859


Arnold Jablon Initial

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor



DONALD I. MOHLER III
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

December 21, 2018

Mr. Dave Billingley
Central Drafting & Design
601 Charwood Court
Edgewood, Maryland 21040

Re: Critical Area Findings Plan
Bongiorno Properties-1316 Burke Road
Lots 129, 130 and 131-Plat 1, Bowleys Quarters
Lot Consolidation & Reconfiguration

Dear Mr. Billingsley:

The Environmental Impact Review (EIR) Section of this Department has completed an evaluation of a Critical Area Findings Plan for the three lots referenced in your submittal for compliance with the Lot Consolidation and Reconfiguration process for a proposed lot line adjustment. We concur with the findings provided with your submittal.

Based on the information provided, and the fact the parcels are conforming prior and subsequent to the proposed lot line adjustment, there is no further action (for EIR) required on your, or the property owners' part, pursuant to COMAR 27.01.02.08. Any future development proposals will require further review prior to approval.

If there are any questions regarding this correspondence, please contact me at (410) 887-3980.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas Panzarella", is written over a horizontal line.

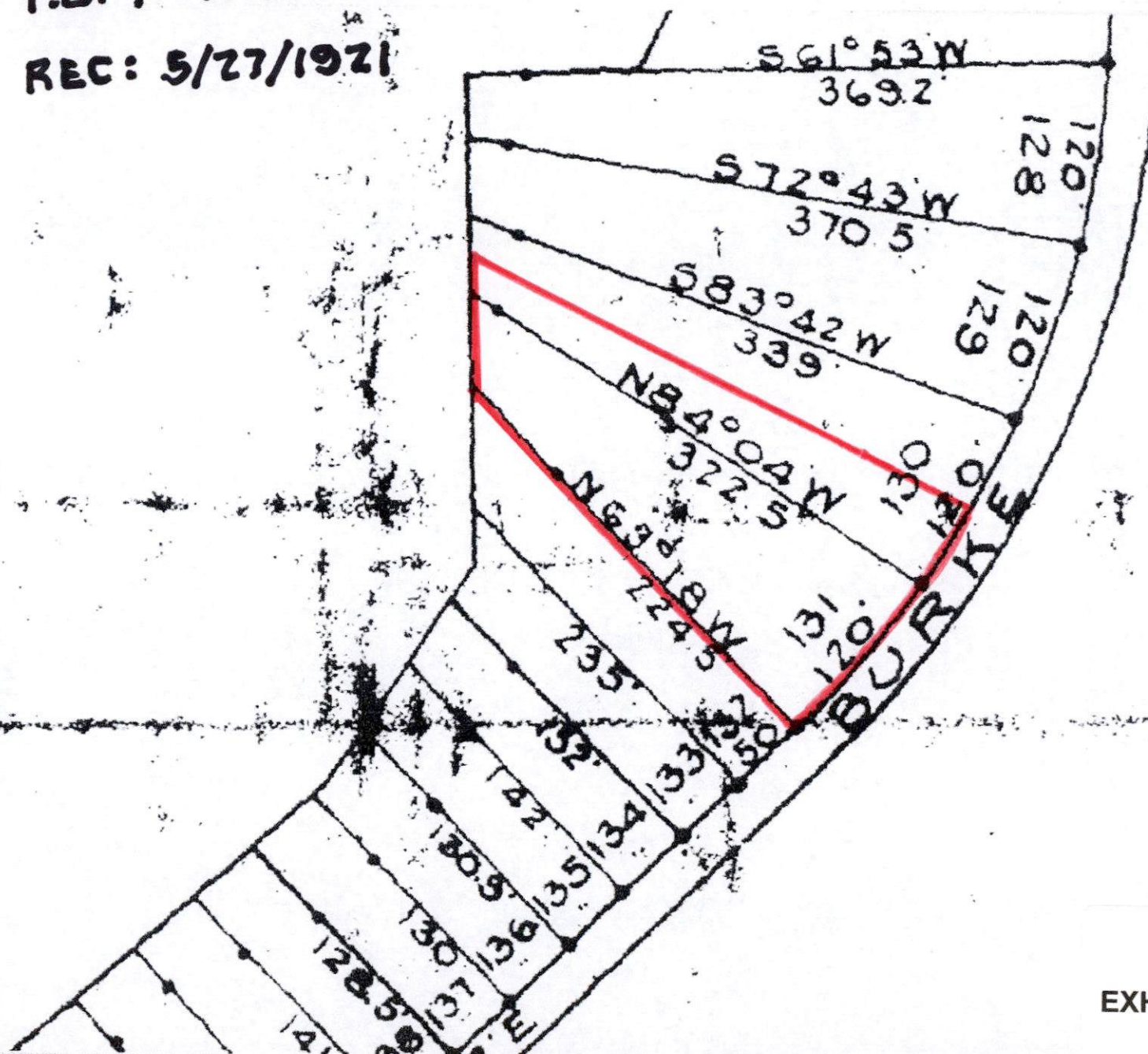
Thomas Panzarella
Environmental Impact Review

c: Jeff Livingston-EPS
Carl Richards-PAI-Zoning Review

Bongiorno1316BurkeRdLotConsolappr12.21.18.doc/sheir/TCP

PLAT 1
BOWLEYS QUARTERS
P.B. 7 P. 12

REC: 5/27/1921



PETITIONER'S
EXHIBIT NO. 8

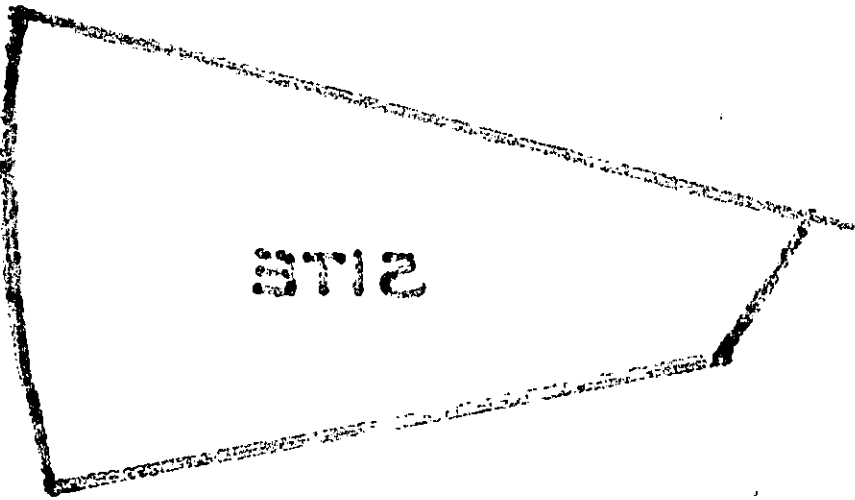
1316 BURKE ROAD



PETITIONER'S
EXHIBIT NO. 9

33448

0202



3712

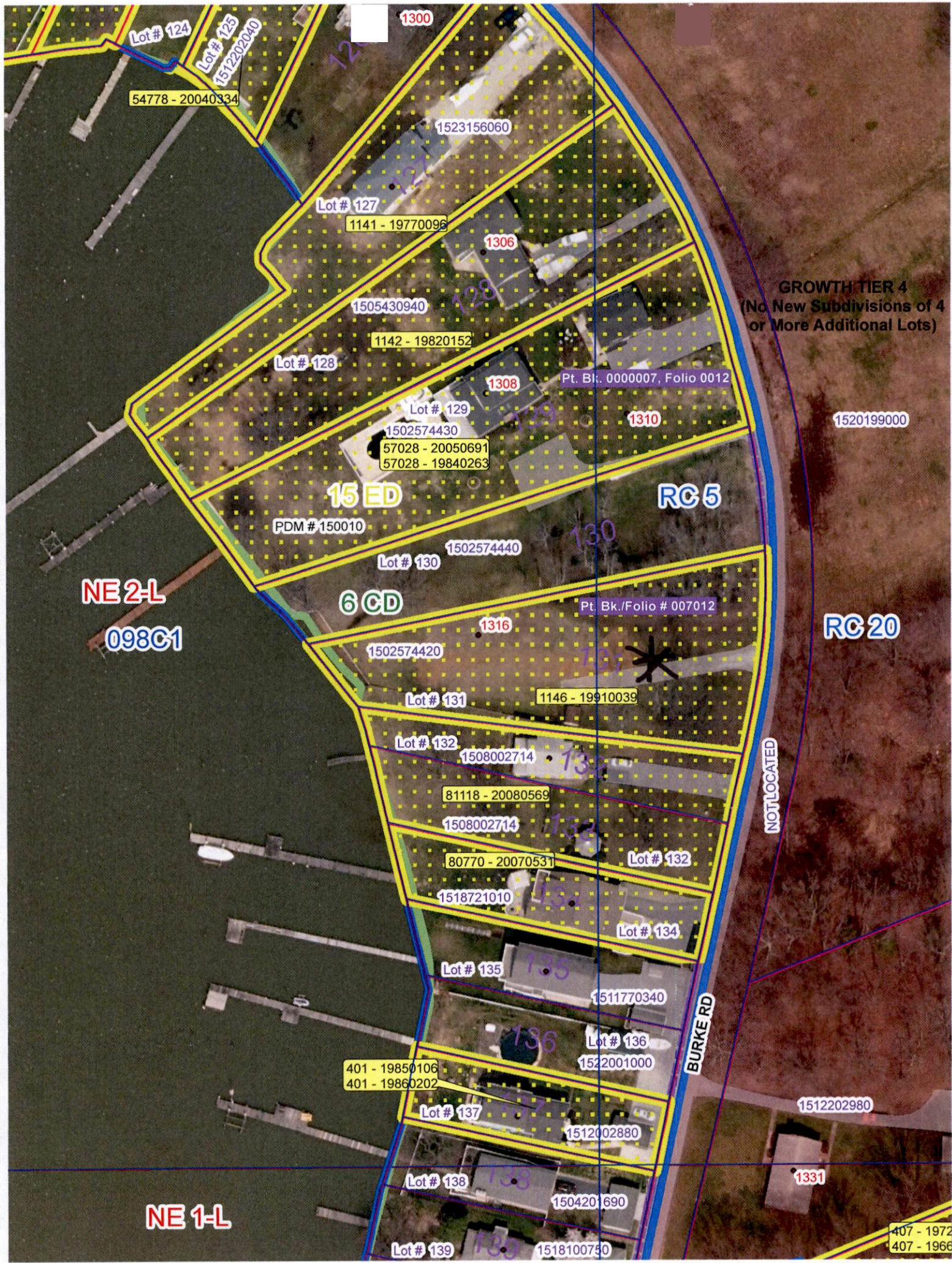


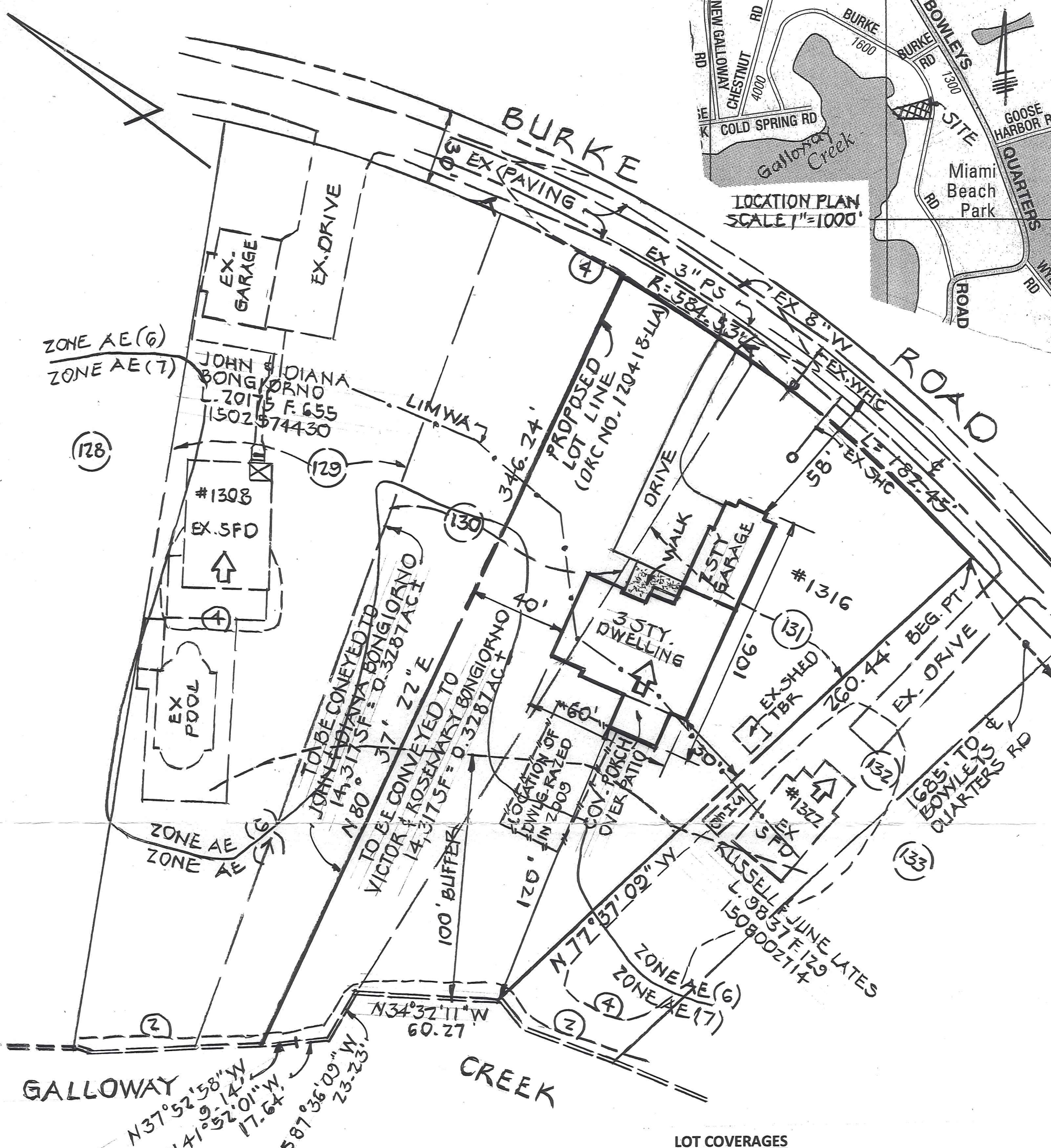






d





OWNERS

- LOT 131 VICTOR J. & ROSEMARY A. BONGIORNO
2429 MUNFORD DRIVE
FALLSTON, MD. 21047
L. 8764 F. 250 ACCT. NO. 1502574420
- LOT 130 VICTOR, ROSEMARY, JOHN, JR. & DIANA BONGIORNO
2429 MUNFORD DRIVE
FALLSTON, MD. 21047
L. 39590 F. 112 ACCT. NO. 1502574440

NOTES

1. ZONING.....RC5 (MAP NO. 098C1)
2. AREA LOT 131.....23,422 S.F. = 0.5377 ACRE +/-
AREA PART LOT 130.....14,317 S.F. = 0.3287 ACRE +/-
TOTAL AREA.....37,739 S.F. = 0.8664 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
5. NO HISTORIC SITES, STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
6. BUILDING COVERAGE.....3850 S.F. / 37,739 S.F. = 10.2 %
7. PREVIOUS ZONING HISTORY.....CASE NO. 1991-039-A (SEPTEMBER 10, 1990)
GRANTED SIDE YARDS OF 17.81 FEET AND 22.26 FEET IN LIEU OF THE REQUIRED 50 FEET

LOT COVERAGES

HOUSE.....	3850 S.F.
WALKS.....	210 S.F.
DRIVE.....	1590 S.F.
TOTAL.....	5650 S.F.

LOT COVERAGE TABLE

LOT AREA.....	37739 S.F.
LOT COVERAGE PERMITTED (15 %).....	5661 S.F.
LOT COVERAGE PROPOSED.....	5650 S.F.
ADDITIONAL LOT COVERAGE PERMITTED.....	11 S.F.

PETITIONER'S
EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION FOR
VARIANCE**

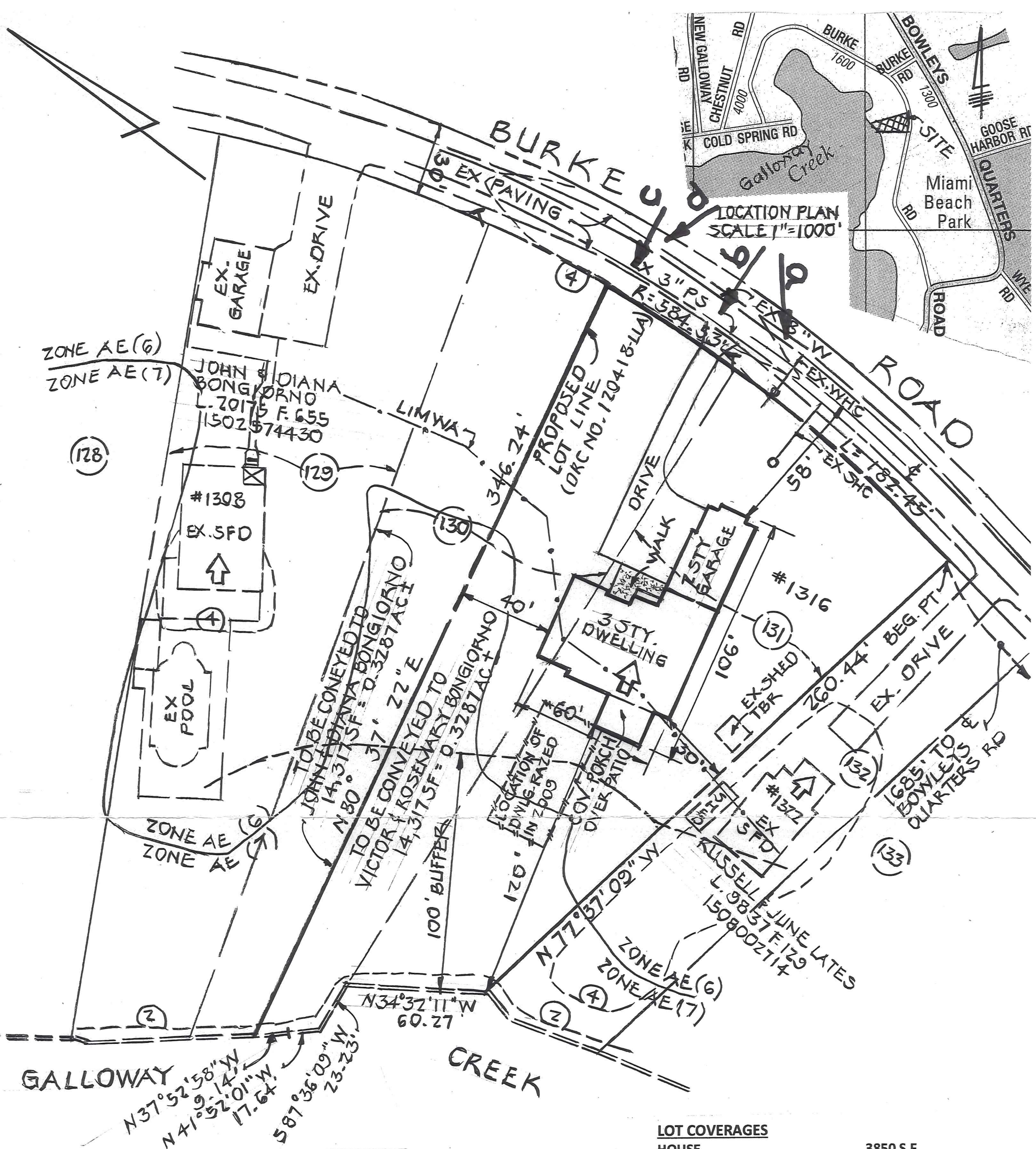
1316 BURKE ROAD

LOT 131 AND PART OF LOT 130

PLAT 1 BOWLEYS QUARTERS PB 7 F 12

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 40 FEET NOVEMBER 5, 2018



OWNERS

- LOT 131 VICTOR J. & ROSEMARY A. BONGIORNO
2429 MUNFORD DRIVE
FALLSTON, MD. 21047
L. 8764 F. 250 ACCT. NO. 1502574420
- LOT 130 VICTOR, ROSEMARY, JOHN, JR. & DIANA BONGIORNO
2429 MUNFORD DRIVE
FALLSTON, MD. 21047
L. 39590 F. 112 ACCT. NO. 1502574440

NOTES

1. ZONING.....RC5 (MAP NO. 098C1)
2. AREA LOT 131.....23,422 S.F. = 0.5377 ACRE +/-
AREA PART LOT 130.....14,317 S.F. = 0.3287 ACRE +/-
TOTAL AREA.....37,739 S.F. = 0.8664 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
5. NO HISTORIC SITES, STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
6. BUILDING COVERAGE.....3850 S.F. / 37,739 S.F. = 10.2 %
7. PREVIOUS ZONING HISTORY.....CASE NO. 1991-039-A (SEPTEMBER 10, 1990)
GRANTED SIDE YARDS OF 17.81 FEET AND 22.26 FEET IN LIEU OF THE REQUIRED 50 FEET

LOT COVERAGES

HOUSE.....	3850 S.F.
WALKS.....	210 S.F.
DRIVE.....	1590 S.F.
TOTAL.....	5650 S.F.

LOT COVERAGE TABLE

LOT AREA.....	37739 S.F.
LOT COVERAGE PERMITTED (15 %).....	5661 S.F.
LOT COVERAGE PROPOSED.....	5650 S.F.
ADDITIONAL LOT COVERAGE PERMITTED.....	11 S.F.

PETITIONER'S
EXHIBIT NO. **10**

PLAT TO ACCOMPANY PETITION FOR VARIANCE

1316 BURKE ROAD

LOT 131 AND PART OF LOT 130

PLAT 1 BOWLEYS QUARTERS PB 7 F.12

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 40 FEET NOVEMBER 5, 2018

ITEM ITEM APPLICABLE TO THIS PLAN

INTER-OFFICE CORRESPONDENCE

DATE: Aug 25 21, 1993

FROM: Mr Robert W Shoresing

SUBJECT: Petition for Joana Santano - Item 2
Banglertre Property
Chocoma Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1318 Burke Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Victor J. Bongiorno

AFFILIATE PROGRAMS

The applicant has requested a variance from section 1 A.2.4.3.B.1. of the Baltimore County Zoning Regulations to allow a single family dwelling with side yard setbacks of 17.81 feet and 72.62 feet in lieu of the required 50 feet each.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have seeped from surrounding lands;
2. Conserve fish, wildlife and plant habitats; and
3. Establish 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." CDPR 14.15.10.01.07

Mem. to Mr. J. Robert Holmes
August 27, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-216(a)).

Finding: This property is located on Galloway Creek in Bowley's Quarters. The existing house is located approximately 10 feet from the shoreline and the proposed house shall be located at least 100 feet back from the shoreline. The existing house shall be razed and planted with trees and shrubs. This proposal will be establishing a 100 foot vegetated buffer.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" (Baltimore County Code Sec. 22-58)

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore no filling of wetlands shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 28% of the lot" COMS 12.15.02.02 C.11).

finding: The sum of the proposed impervious surfaces equals 15% of this lot. This includes the proposed house, garage and macadam driveway. No more structures or impervious surfaces will be allowed, so that the sum of impervious surfaces shall not exceed 15% of the lot.

4. Regulation: "If an forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodlands of at least 15% ~~COMPAR~~ 14.15.02.84 C.151).

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list. 4 items - ball and burlap or
2 gallon container size

Tree list: 1 item - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly increase the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Hand to Mr. J. Robert Hayes
August 28, 1992
Page 1

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher rate than would have resulted from a 100-year frequency storm if the land had remained in its predevelopment state;
 - (2) Infiltration of water is needed throughout the site, rather than directing flow to single discharge points and;
 - (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- (4) There is sufficient stormwater capacity to achieve water quality goals of CORMA 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state - Baltimore County Code, § 10-10.01.

findings: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or drainage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff located at the site.

CONCLUSION

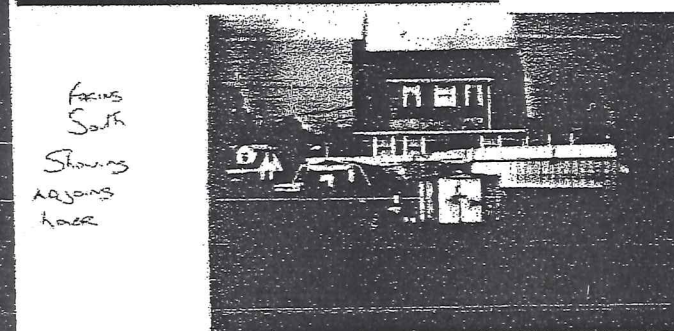
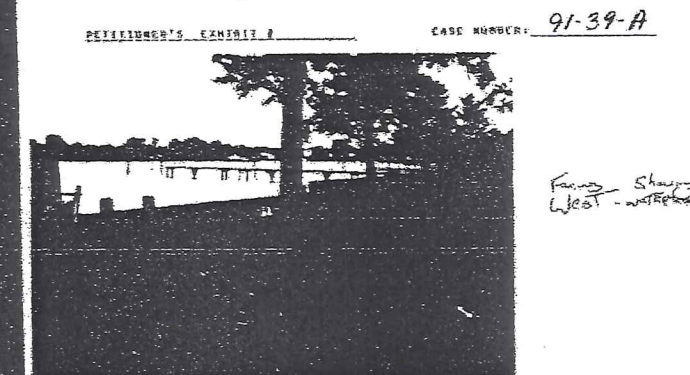
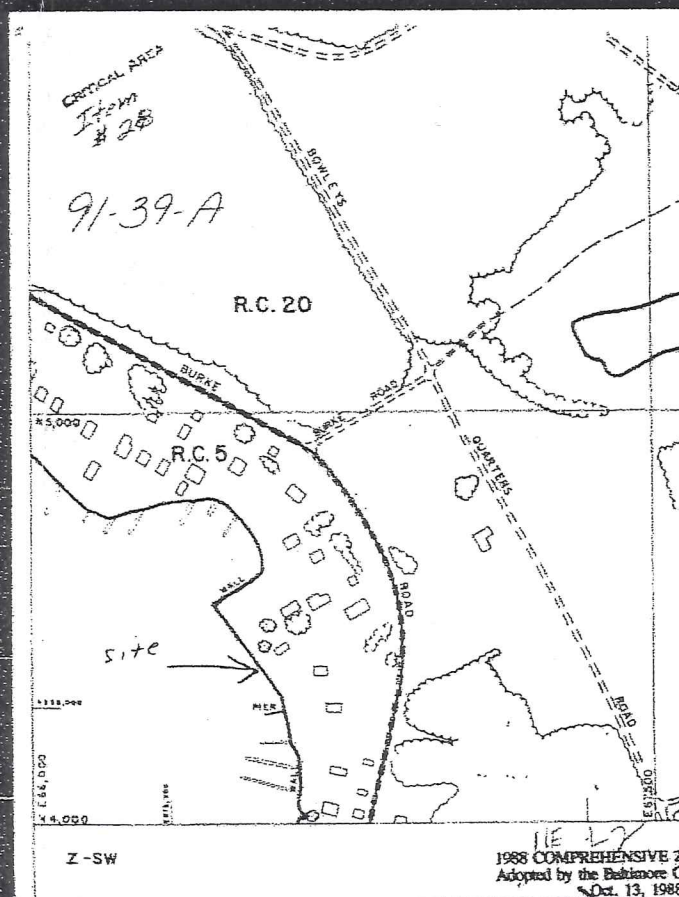
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David L. Flowers at 887-2404.

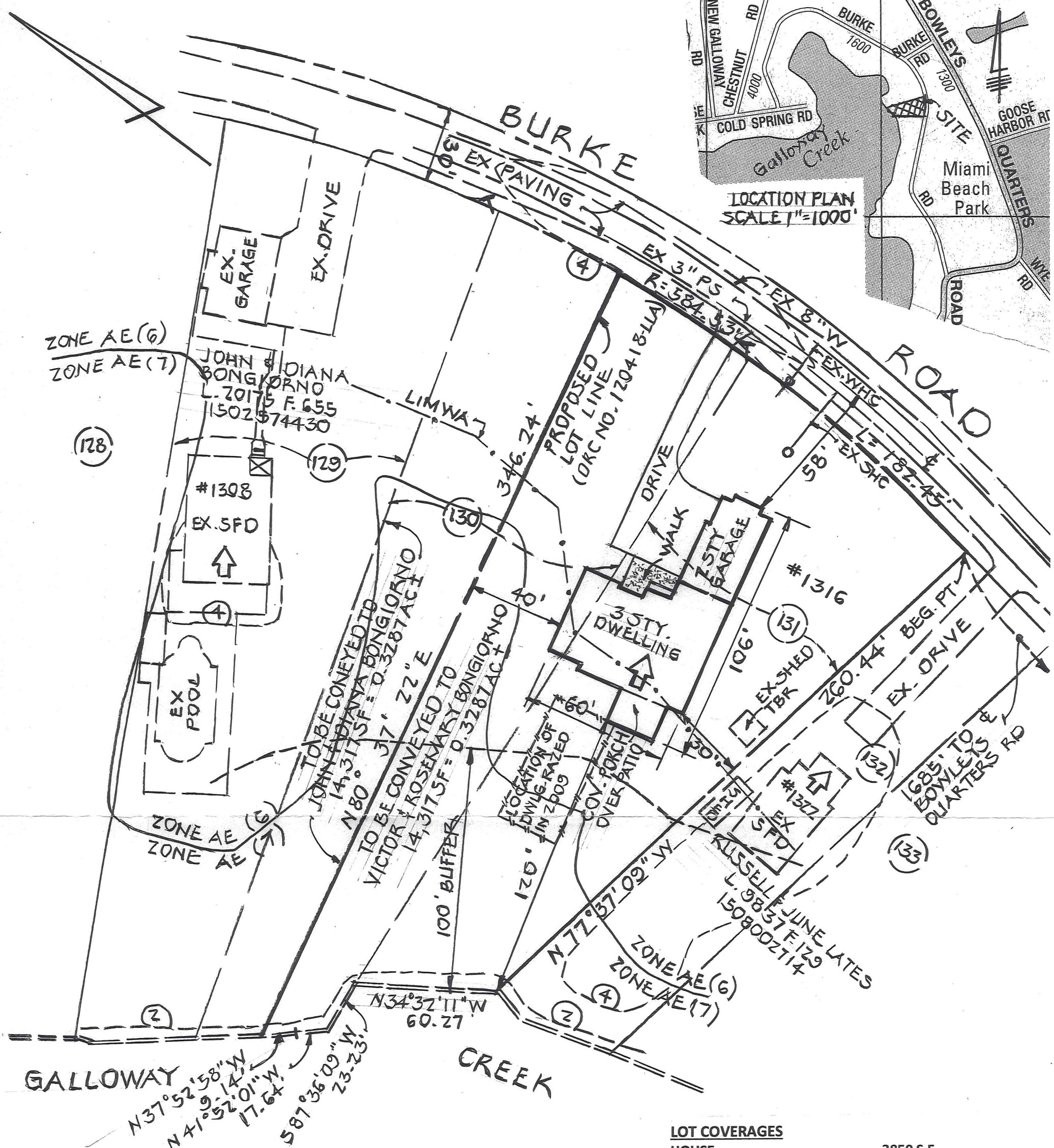
Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

215:455.3
At 12:45:30

cc: The Honorable Ronald B. Hickernell
The Honorable Norman M. Lawensiehl
The Honorable Dale T. Volz
Mrs. Janice B. Gaten



PETITIONER'S
EXHIBIT NO. 11



OWNERS

- LOT 131 VICTOR J. & ROSEMARY A. BONGIORNO
2429 MUNFORD DRIVE
FALLSTON, MD. 21047
L. 8764 F. 250 ACCT. NO. 1502574420
- LOT 130 VICTOR, ROSEMARY, JOHN, JR. & DIANA BONGIORNO
2429 MUNFORD DRIVE
FALLSTON, MD. 21047
L. 39590 F. 112 ACCT. NO. 1502574440

NOTES

1. ZONING.....RC5 (MAP NO. 098C1)
 2. AREA LOT 131.....23,422 S.F. = 0.5377 ACRE +/-
AREA PART LOT 130.....14,317 S.F. = 0.3287 ACRE +/-
TOTAL AREA.....37,739 S.F. = 0.8664 ACRE +/-
 3. PUBLIC WATER AND SEWER
 4. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
 5. NO HISTORIC SITES, STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
 6. BUILDING COVERAGE.....3850 S.F. / 37,739 S.F. = 10.2 %
 7. PREVIOUS ZONING HISTORY.....CASE NO. 1991-039-A (SEPTEMBER 10, 1990)
- GRANTED SIDE YARDS OF 17.81 FEET AND 22.26 FEET IN LIEU OF THE REQUIRED 50 FEET

LOT COVERAGES

HOUSE.....	3850 S.F.
WALKS.....	210 S.F.
DRIVE.....	1590 S.F.
TOTAL.....	5650 S.F.

LOT COVERAGE TABLE

LOT AREA.....	37739 S.F.
LOT COVERAGE PERMITTED (15 %).....	5661 S.F.
LOT COVERAGE PROPOSED.....	5650 S.F.
ADDITIONAL LOT COVERAGE PERMITTED.....	11 S.F.

2019-0164-A

PLAT TO ACCOMPANY PETITION FOR VARIANCE

1316 BURKE ROAD

LOT 131 AND PART OF LOT 130

PLAT 1 BOWLEYS QUARTERS PB 7 F 12

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 40 FEET NOVEMBER 5, 2018