

IN RE: PETITION FOR ADMIN. VARIANCE S/S Burke Road, 880' S of the c/l of Bowleys Quarters Road (1607 Burke Road) 15th Election District 5th Councilmanic District Allen Himes, Sr., et ux Petitioners	* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 96-278-A *
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* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for the subject property known as 1607 Burke Road, located in the vicinity of Bowleys Quarters Road in Bowleys Quarters. The Petition was filed by the owners of the property, Allen Himes, Sr., and his wife, Donna M. Hines. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 70 feet in lieu of the minimum required 75 feet from the street centerline for a proposed family room addition on the front of the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING
 Date 3/21/96
 By [Signature]

MICROFILMED

of the Zoning Commissioner. the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It is to be noted, however, that this property is located within the Chesapeake Bay Critical Areas across the street from Galloway Creek. As such, the proposed improvement must be in compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in order to mitigate any adverse effects upon the Bay. Therefore, the granting of this relief shall be contingent upon the Petitioners' compliance with any recommendations made by DEPRM.

Furthermore, pursuant to the Zoning Plans Advisory Committee (ZAC) comment submitted by Robert W. Bowling, Chief of the Development Plans Review Division, dated February 12, 1996, the first floor or basement floor of the proposed addition must be at least 1 foot over the flood plain elevation in all construction. Thus, the relief requested shall be contingent upon the Petitioners' compliance with this requirement.

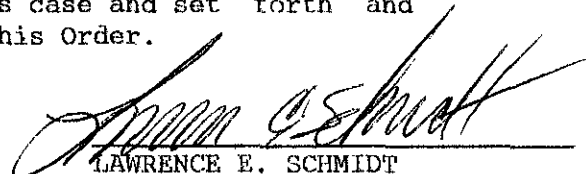
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of March, 1996 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 70 feet in lieu of the minimum required 75 feet from the street centerline for a proposed family room addition on the front of the existing dwelling, in

ORDER RECEIVED FOR FILING
Date 3/4/96
By [Signature]

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with any recommendations made by DEPRM to mitigate any adverse impacts the proposed improvement may have upon the Chesapeake Bay.
- 3) Compliance with the ZAC comment submitted by the Development Plans Review Division dated February 12, 1996, a copy of which is attached hereto.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/14/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 4, 1996

Mr. & Mrs. Allen Himes, Sr.
1607 Burke Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Burke Road, 880' S of the c/l of Bowleys Quarters Road
(1607 Burke Road)
15th Election District - 5th Councilmanic District
Allen Himes, Sr., et ux - Petitioners
Case No. 96-278-A

Dear Mr. & Mrs. Himes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

MICROFILMED





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1607 Burke Rd. which is presently zoned RC5
96-278-A

This Petition shall be filed with the Office of Zoning Administration & 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) BCZR Sec. 1A04.3.B.3

To permit a front yard setback of 70 feet in lieu of the minimum required 75 feet from the centerline of any street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

① short 5 feet for the 75' needed to make it to the center of the road. We have 70' need 75'.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City State Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

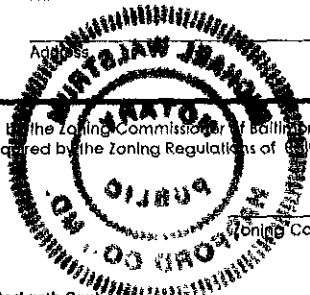
Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

By *[Signature]* Date *1/22/96*

REVIEWED BY: *[Signature]* DATE: *1/22/96*

ESTIMATED POSTING DATE: *2-4-96*



Printed with Soy-based Ink on Recycled Paper

MICROFILMED

ITEM #: *279*

JASTIS
AREA

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1107 Burke Rd.
address
Baltimore Md. 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

We are applying for a petition for a variance to add an addition to the front of our home. The reason for the addition is to add a family room for our children. The front of our home is the only way we can build due to the arrangement of our home on the lots. We can not go out the side of our home due to our property line or out the back of our home due to our septic system and drain fields. We are only 5 ft short of the minimum 75 ft required distance to the center of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Allen L. Himes Sr.
(signature)
Allen L. Himes
(type or print name)



Donna M. Himes
(signature)
Donna Himes
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17TH day of JANUARY, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ALLEN L. HIMES & DONNA M. HIMES

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1/17/96
date

Michael Walstrum
NOTARY PUBLIC
Michael Walstrum, Notary Public
Harford County
State of Maryland
My Commission Expires March 2, 1999



ZONING DESCRIPTION FOR 1607 BURKE ROAD

96-278-A

BEGINNING AT A POINT ON THE SOUTH SIDE OF BURKE ROAD WHICH IS 50 FEET WIDE AT THE DISTANCE OF 860 FEET OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET BEING BOWLEYS QTRS. ROAD WHICH IS 50 FEET. BEING LOT #103 AND #104, IN THE SUBDIVISION OF BOWLEYS QUARTERS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 9, FOLIO # 56, CONTAINING 23,300 SQ. FEET, ALSO KNOWN AS 1607 BURKE ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

279

11/11/11

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-278-A

District 15d Date of Posting 2/2/96
Posted for: Variance
Petitioner: Allen & Donna Himes
Location of property: 1607 Burke Rd.
Location of Sign: Facing road way on property being zoned
Remarks: _____
Posted by M. Himes Date of return: 2/9/96
Signature
Number of Signs: 1



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Num. 012696

DATE 1-22-96 ACCOUNT R-001-615-000
96-278-A
AMOUNT \$ 85.00

RECEIVED FROM: HIMES
010 - Variance (50-) ITEM # 279
080 - Sign (35-) Taken by: JRF

[Handwritten signature]

CASH RECEIVED
BY _____

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
 Department of Permits and
 Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: 279 Petitioner: Allen + Donna Himes

Location: 1607 Burke Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Allen Himes

ADDRESS: 1607 Burke Rd
Balto md. 21220

PHONE NUMBER: 335-8469

MICROFILM



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 1, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-278-A (Item 279)
1607 Burke Road
S/S Burke Road, 860' of c/l Bowleys Quaters Road
15th Election District - 5th Councilmanic
Legal Owner: Allen Himes, Sr. and Donna M. Himes

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 5, 1996. The closing date (February 20, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Allan and Donna Himes

RECEIVED
FEB 1 1996



Baltimore County
Department of Permits and
Development Management

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

February 13, 1996

Mr. and Mrs. Allen Himes, Sr.
1607 Burke Road
Baltimore, MD 21220

RE: Item No.: 279
Case No.: 96-278-A
Petitioner: A. Himes, et ux

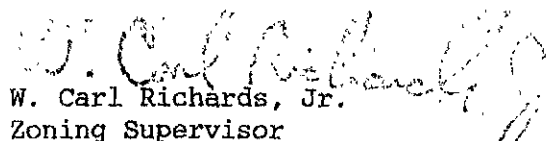
Dear Mr. and Mrs. Himes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 12, 1996
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 12, 1996
Item No. 278

The Development Plans Review Division has reviewed the subject zoning item. In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

RWB:sw

ACROBATE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 2, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274,
275, 277, 278, 279, 281, 282, and 285

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long
Edry L. Kerns

Division Chief:

PK/JL

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/08/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 5, 1996.

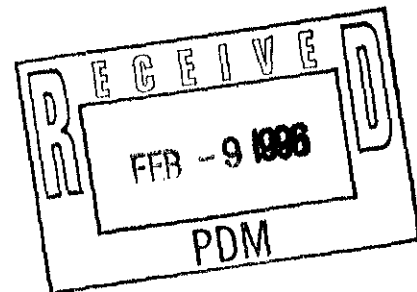
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 279.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-5-96

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

RE: Baltimore County
Item No. 279 (JKF)

Dear Ms. Watson:

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

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

The undersigned hereby grant to BALTIMORE GAS AND ELECTRIC COMPANY, its successors, licensees, and assigns, for value received, the right to construct, operate and maintain electric and telephone lines, including the necessary poles, crossarms, electric, telephone and other wires, anchors, guys, conduits, cables, street lights and equipment over the property of the undersigned situated on the WEST SIDE OF BURKE ROAD NORTH OF BOWLLEYS QUARTER ROAD in 15TH DIST BALTIMORE County and acquired from JAMES J. CARRIGAN & MARGARET C. CARRIGAN (HIS WIFE)

R/F 17867

96-278-A

by deed dated FEBRUARY 4, 1957 and recorded among the Land Records of BALTIMORE County in Liber G.L. B No. 2071 folio 38

WHEREIN LEON JAGODZINSKI WAS REFERRED TO AS LEON J. JAGODZINSKI & LILLIAN JAGODZINSKI WAS REFERRED TO AS LILLIAN M. JAGODZINSKI

Together with the right to have access at all times to the lines; extend them to adjacent properties; string wires between any poles and from the nearest pole to any building; and trim, top, or cut down trees adjacent to the wires to provide ample clearance. No buildings or structures are to be erected under or over the lines.

The lines are or are to be located BEGINNING AT A POINT ON THE WEST SIDE OF BURKE ROAD APPROXIMATELY 150 FEET NORTH OF BOWLLEYS QUARTER ROAD AND EXTENDING IN A WESTERLY DIRECTION APPROXIMATELY 70 FEET

JAGODZINSKI, LEON & LILLIAN 5-6-60

NO STAMP REQUIRED

WITNESS OUR hand and seal this 6 TH day of MAY 1960

A. M. Feathers

Leon Jagodzinski (SEAL)

A. M. Feathers
STATE OF MARYLAND
BALTIMORE
COUNTY } TO WIT:

Lillian Jagodzinski (SEAL)

I HEREBY CERTIFY, that on this 6 TH day of MAY 1960 before me, the subscriber, a Notary Public of the State of Maryland, in and for BALTIMORE COUNTY, personally appeared LEON JAGODZINSKI AND LILLIAN JAGODZINSKI HIS WIFE and acknowledged the foregoing agreement to be THEIR act and deed.

WITNESS my hand and Notarial seal.

Alfred M. Feathers
Notary Public

Rec'd for record MAY 12 1960 at 1:50 P.M.
Per Walter J. Rasmussen, Clerk
Mail to Balto. Gas & Elect Co
Receipt No. 105496 \$ 3.50

EXHIBIT "A"

BEING KNOWN AND DESIGNATED as Lots Number One Hundred Three (103) and Number One Hundred Four (104), Plat Number Three (3), as shown on the Plat of Bowley's Quarter, which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 56.

The improvements thereon being known as No. 1607 Burke Road.

BEING that same lot of ground which by Deed dated March 23, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9185, folio 360 was granted and conveyed by William C. Hook, by Marie L. Hook, his Attorney-In-Fact and Marie L. Hook unto Allen Himes, Sr. and Donna M. Himes the Borrower(s) herein.

THE Borrowers hereby certify that the hereinabove described property is their principal residence and that the indebtedness hereby secured is loaned for the purpose of refinancing existing Purchase Money Deed of Trust dated March 23, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9185, folio 363 from Allen L. Himes, Sr. and Donna M. Himes, husband and wife unto William O. Heffeman, Trustee for ICM Mortgage Corporation, on which remains outstanding the principal amount of \$ _____; and that the Borrowers are the original mortgagors.

279

Plat to accompany Petition for Zoning Variance Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

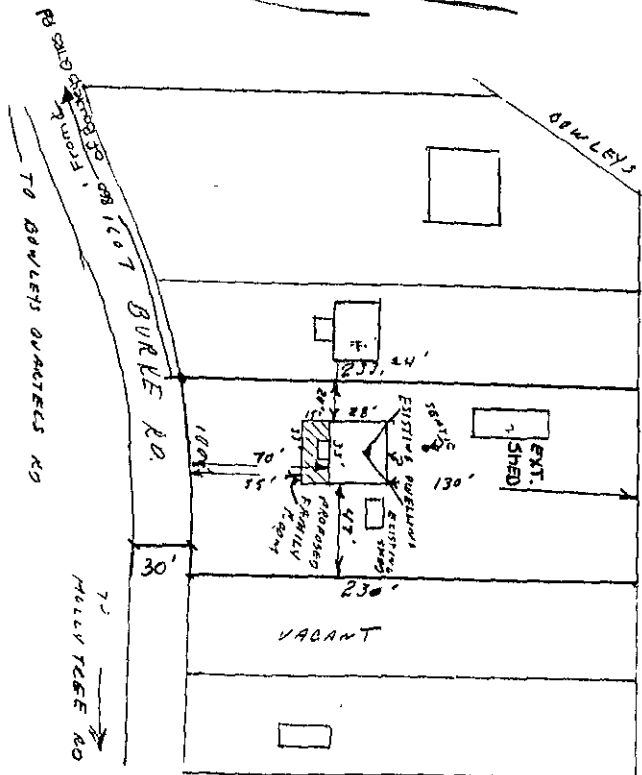
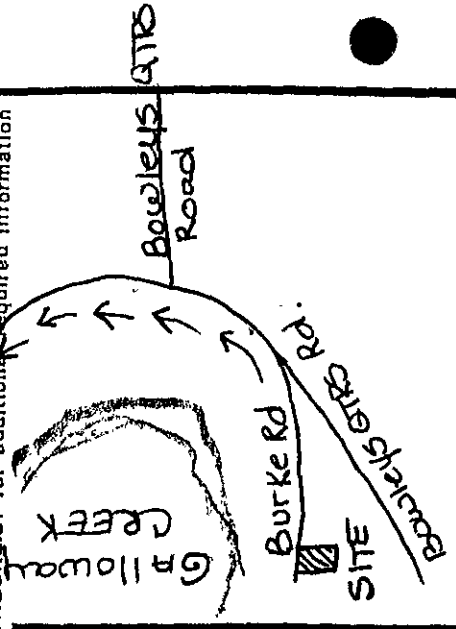
PROPERTY ADDRESS: 1607 Burke Rd

Subdivision name: Bowleys QRS

plat book # 9, folio # 56, lot # 104, section #

OWNER: Allen + Donna Himes

96-278-A



Plat
No 1

North
Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 15
Councilmanic District: 5

1"=200' scale map#: NE 1-L

Zoning: RC5

Lot size: 23,300 acreage square feet

SEWER: public private
WATER: public private
Chesapeake Bay Critical Area: yes no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 279 CASE #:

RECORDED



North

date: 1-19-96

prepared by: DH

N 537,000

N 3,000

96-278-A

(SHEET N.E. 1-K)

N 2,000

N 1,000

CREEK

GALLOWAY

BMB

R.C. 5

BOWLEYS

#279

R.C. 2

SUBJECT SITE

R.C. 5

QUARTERS

BL

BOWLEYS

CHESAPEAKE

BM

BAY ST

DRIVE

PIER

PIER

WALL

WALL

PIERS

PIER

PIERS

PIERS

PIERS

WALL

BURKE

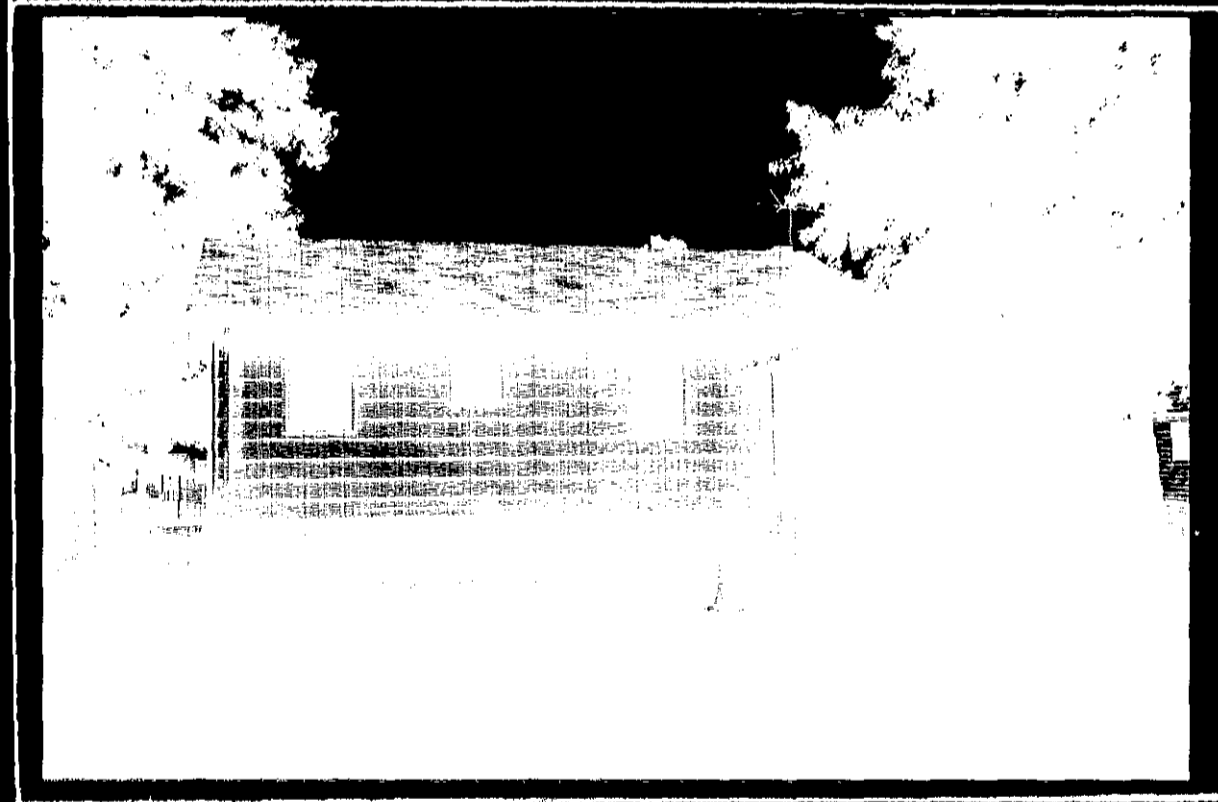
ROAD

ROAD

WALL



FRONT VIEW



REAR VIEW



STREET SCENE

#279

10-11-1963

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
2/5 Burke Road, 880' S of the * ZONING COMMISSIONER
c/1 of Bowleys Quarters Road * OF BALTIMORE COUNTY
(1607 Burke Road) * Case No. 96-278-A
15th Election District
5th Councilmanic District
Allen Himes, Sr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for the subject property known as 1607 Burke Road, located in the vicinity of Bowleys Quarters Road in Bowleys Quarters. The Petition was filed by the owners of the property, Allen Himes, Sr., and his wife, Donna M. Himes. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 70 feet in lieu of the minimum required 75 feet from the street centerline for a proposed family room addition on the front of the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

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of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It is to be noted, however, that this property is located within the Chesapeake Bay Critical Areas across the street from Galloway Creek. As such, the proposed improvement must be in compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in order to mitigate any adverse effects upon the Bay. Therefore, the granting of this relief shall be contingent upon the Petitioners' compliance with any recommendations made by DEPRM.

Furthermore, pursuant to the Zoning Plans Advisory Committee (ZAC) comment submitted by Robert W. Bowling, Chief of the Development Plans Review Division, dated February 12, 1996, the first floor or basement floor of the proposed addition must be at least 1 foot over the flood plain elevation in all construction. Thus, the relief requested shall be contingent upon the Petitioners' compliance with this requirement.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of March, 1996 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 70 feet in lieu of the minimum required 75 feet from the street centerline for a proposed family room addition on the front of the existing dwelling, in

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with any recommendations made by DEPRM to mitigate any adverse impacts the proposed improvement may have upon the Chesapeake Bay.
- 3) Compliance with the ZAC comment submitted by the Development Plans Review Division dated February 12, 1996, a copy of which is attached hereto.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/14/96
By JEP

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 4, 1996

Mr. & Mrs. Allen Himes, Sr.
1607 Burke Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Burke Road, 880' S of the c/1 of Bowleys Quarters Road
(1607 Burke Road)
15th Election District - 5th Councilmanic District
Allen Himes, Sr., et ux - Petitioners
Case No. 96-278-A

Dear Mr. & Mrs. Himes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File



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on Recycled Paper

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 1607 Burke Rd.
96-278-A which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & 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) DCZR Sec. 1A04.3.B.3 to permit a front yard setback of 70 feet in lieu of the minimum required 75 feet from the centerline of any street.

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

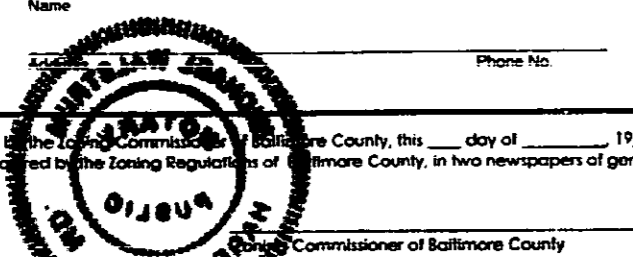
Short 5 feet for the 75' needed to make it to the center of the road. We have to need 75'.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City State Zipcode
Attorney for Petitioner
Type or Print Name
Signature
Address
City State Zipcode
Name
Address
City State Zipcode
Phone No.

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.

Legal Owner(s)
Allen Himes Sr.
Signature
Donna M. Himes
Type or Print Name
Signature
Donna M. Himes
Address
1607 Burke Rd.
City State Zipcode
Baltimore Md 21220
Name
Allen L. Himes
Address
1607 Burke Rd.
City State Zipcode
Baltimore Md 21220
Name
Donna M. Himes
Address
1607 Burke Rd.
City State Zipcode
Baltimore Md 21220
Phone No.



A Public Hearing having been requested and/or found to be required, it is ordered that the subject matter of this petition be set for a public hearing, advertised, and conducted in accordance with the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY JEP DATE 1/22/96
ESTIMATED POSTING DATE 2-4-96

ITEM #: 279

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at 1607 Burke Road
Baltimore Md 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We are applying for a petition for variances to add an addition to the front of our home. The reason for the addition is to add a family room for our children. The front side of our home is the only way we can build due to the arrangement of our home on the lot. We can not go out the side of our home due to the property line and we can not go out the back of our house due to our septic system and drainage field. We are only 5 feet short of the minimum 75 ft required distance to the center of the road.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Allen L. Himes
Donna M. Himes

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 17th day of March, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ALLEN L. HIMES AND DONNA M. HIMES

(the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in this form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.
1/17/96

Michael Walstrum, Notary Public
Harford County
State of Maryland
My Commission Expires March 2, 1999



ZONING DESCRIPTION FOR 1607 BURKE ROAD 96-278-A

BEGINNING AT A POINT ON THE SOUTH SIDE OF BURKE ROAD WHICH IS 50 FEET WIDE AT THE DISTANCE OF 880 FEET OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET BEING BOWLEYS QTRS. ROAD WHICH IS 50 FEET. BEING LOT #103 AND #104, IN THE SUBDIVISION OF BOWLEYS QUARTERS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 9, FOLIO # 56, CONTAINING 23,300 SQ. FEET, ALSO KNOWN AS 1607 BURKE ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

279

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 3/13/96

Posted for: Variance

Petitioner: Allen & Donna Himes Sr.

Location of property: 1607 Burke Rd.

Location of Sign: Temp. road sign on property being zoned.

Remarks:

Posted by: [Signature] Date of return: 3/13/96

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
013696
DATE 1-22-96 ACCOUNT R-001-615-000
96-278-A AMOUNT \$ 85.00
RECEIVED FROM HIMES
010 - Variance (50-) ITEM # 279
050 - Sign (35-) Taken by: JEP
FOR: _____
VALIDATION OR SIGNATURE OF CARRIER
850.00



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 279 Petitioner: Allen + Donna Himes
Location: 1607 Burke Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Allen Himes
ADDRESS: 1607 Burke Rd
Balto Md. 21220
PHONE NUMBER: 355-8769

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Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 1, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-278-A (Item 279)
1607 Burke Road
3/8 Burke Road, 860' of c/1 Bowlers Quarters Road
15th Election District - 5th Councilmanic
Legal Owner: Allen Himes, Sr. and Donna M. Himes

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 5, 1996. The closing date (February 20, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

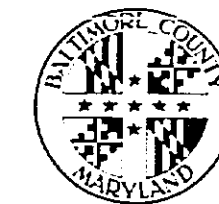
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon

Arnold Jablon
Director

cc: Allan and Donna Himes

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Baltimore County
Department of Permits and
Development Management

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

February 13, 1996

Mr. and Mrs. Allen Himes, Sr.
1607 Burke Road
Baltimore, MD 21220

RE: Item No.: 279
Case No.: 96-278-A
Petitioner: A. Himes, et ux

Dear Mr. and Mrs. Himes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 12, 1996
Zoning Administration and Development Management

FROM: *Robert W. Bowling, P.E., Chief*
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 12, 1996
Item No. 279

The Development Plans Review Division has reviewed the subject zoning item. In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 2, 1996
Permits and Development Management

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274, 275, 277, 278, (279), 281, 282, and 283
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol L. Kerne*

PK/JL

ITEM273/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

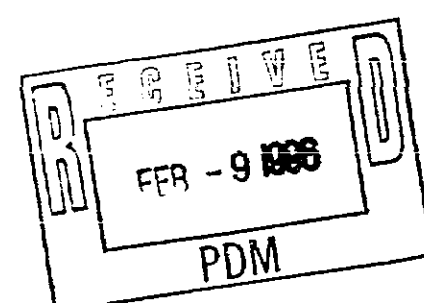
Location: DISTRIBUTION MEETING OF FEB. 5, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 279.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

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

RE: Baltimore County
Item No. 279 (SRF) 2-5-96

Dear Ms. Watson:

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

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

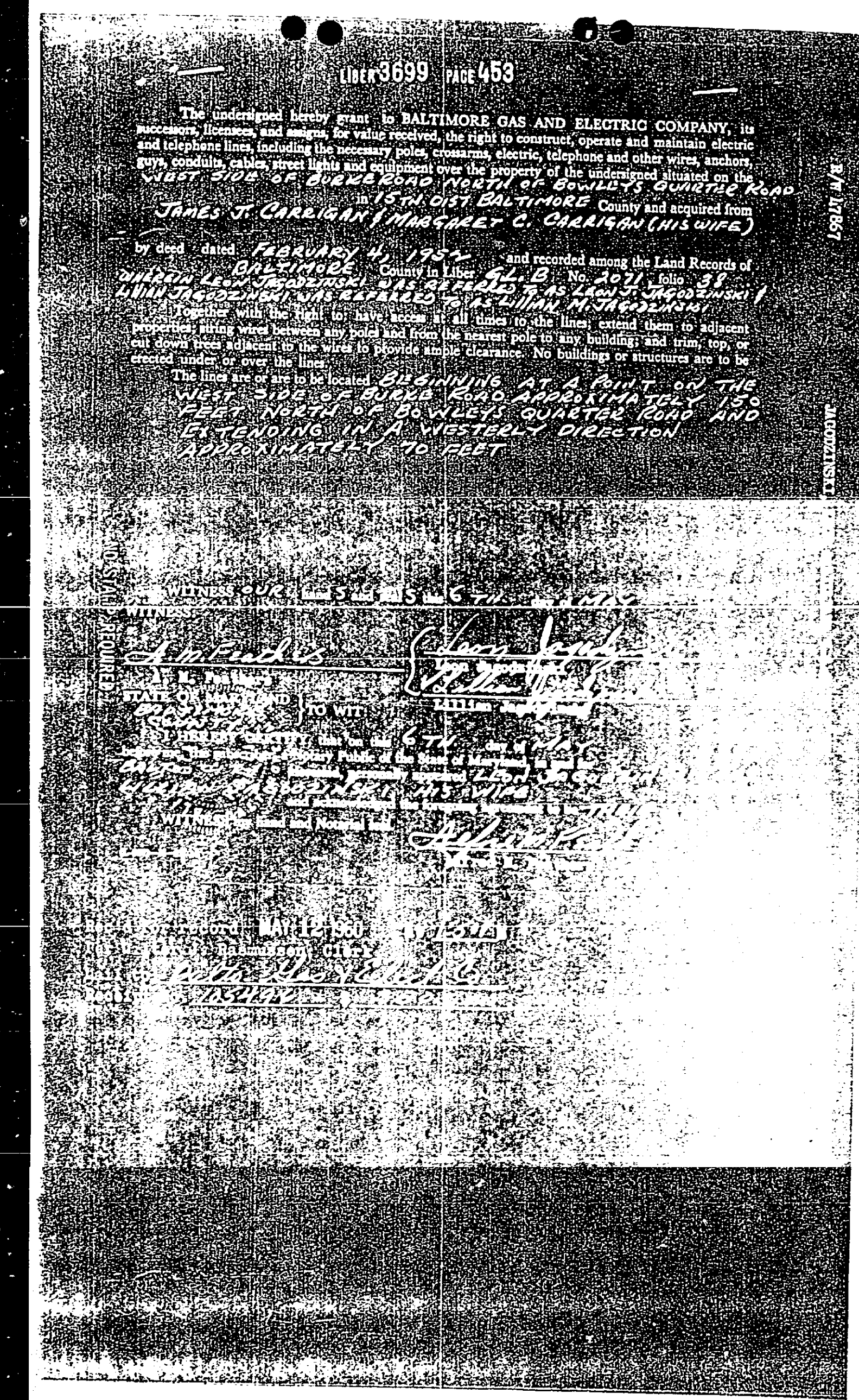


EXHIBIT "A"

BEING KNOWN AND DESIGNATED as Lots Number One Hundred Three (103) and Number One Hundred Four (104), Plat Number Three (3), as shown on the Plat of Bowley's Quarter, which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 56.

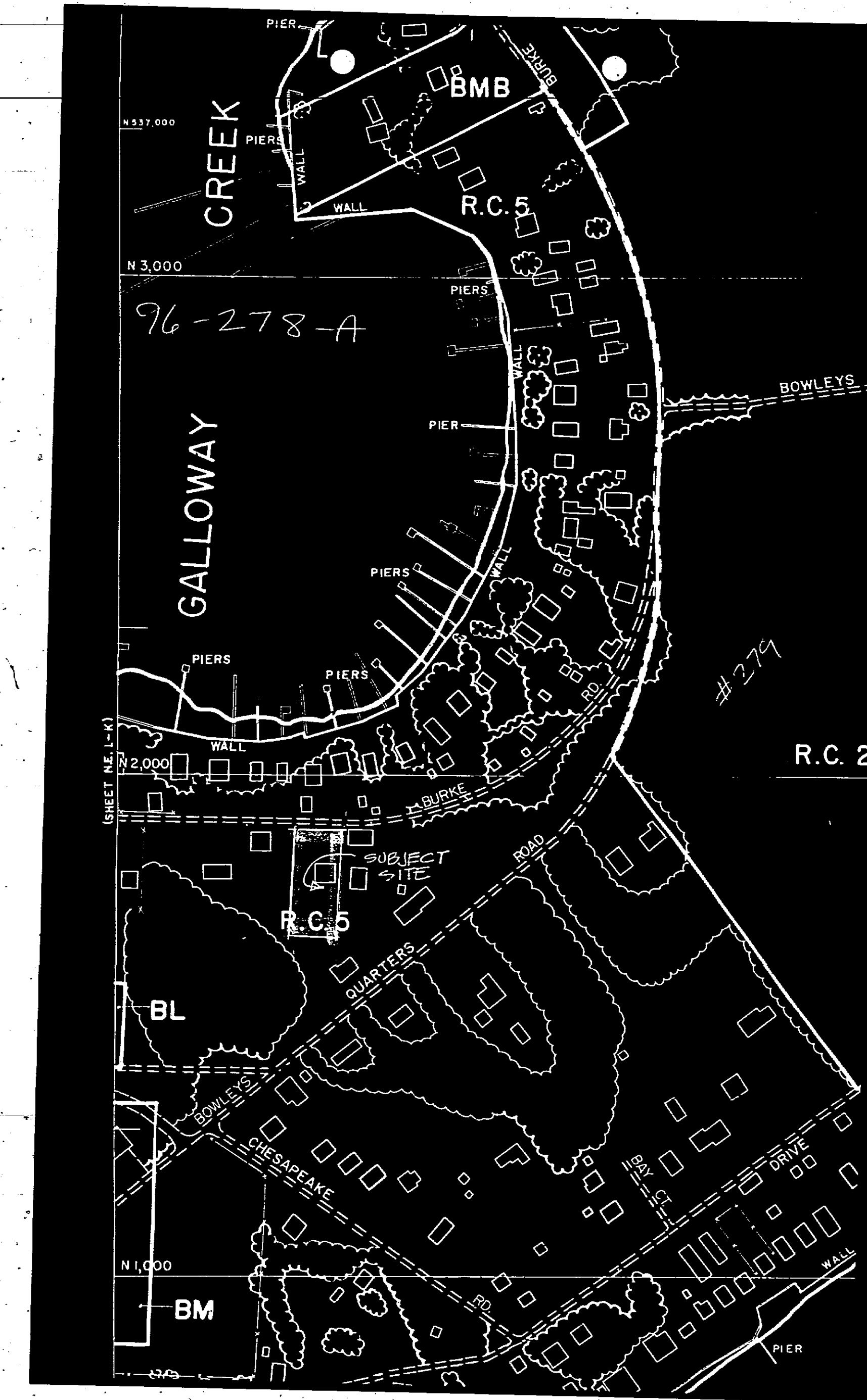
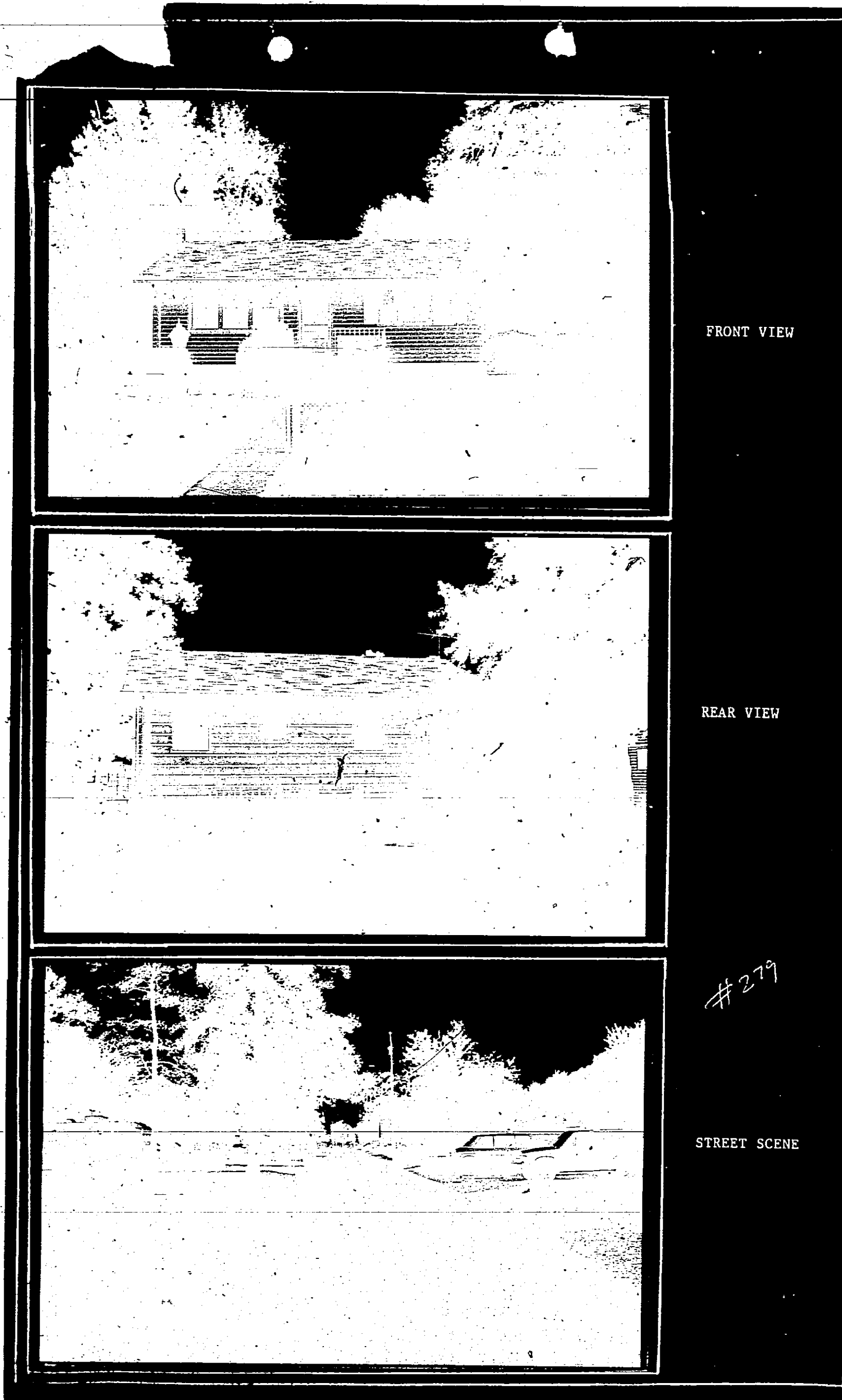
The improvements thereon being known as No. 1607 Burke Road.

BEING that same lot of ground which by Deed dated March 23, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9185, folio 360 was granted and conveyed by William C. Hook, by Marie L. Hook, his Attorney-in-Fact and Marie L. Hook unto Allen Hines, Sr. and Donna M. Hines the Borrower(s) herein.

THE Borrowers hereby certify that the hereinabove described property is their principal residence and that the indebtedness hereby secured is loaned for the purpose of refinancing an existing Purchase Money Deed of Trust dated March 23, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9185, folio 363 from Allen L. Hines, Sr. and Donna M. Hines, husband and wife unto William O. Haffeman, trustee for IOM Mortgage Corporation, on which remains outstanding the principal amount of \$ _____; and that the Borrowers are the original mortgagors.

Case No: 93-1671T

#279



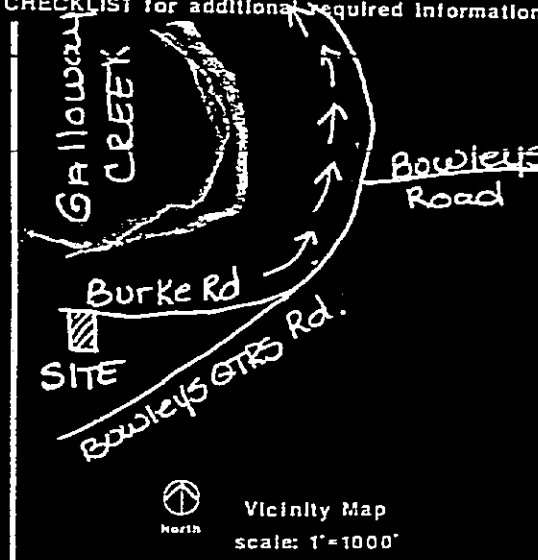
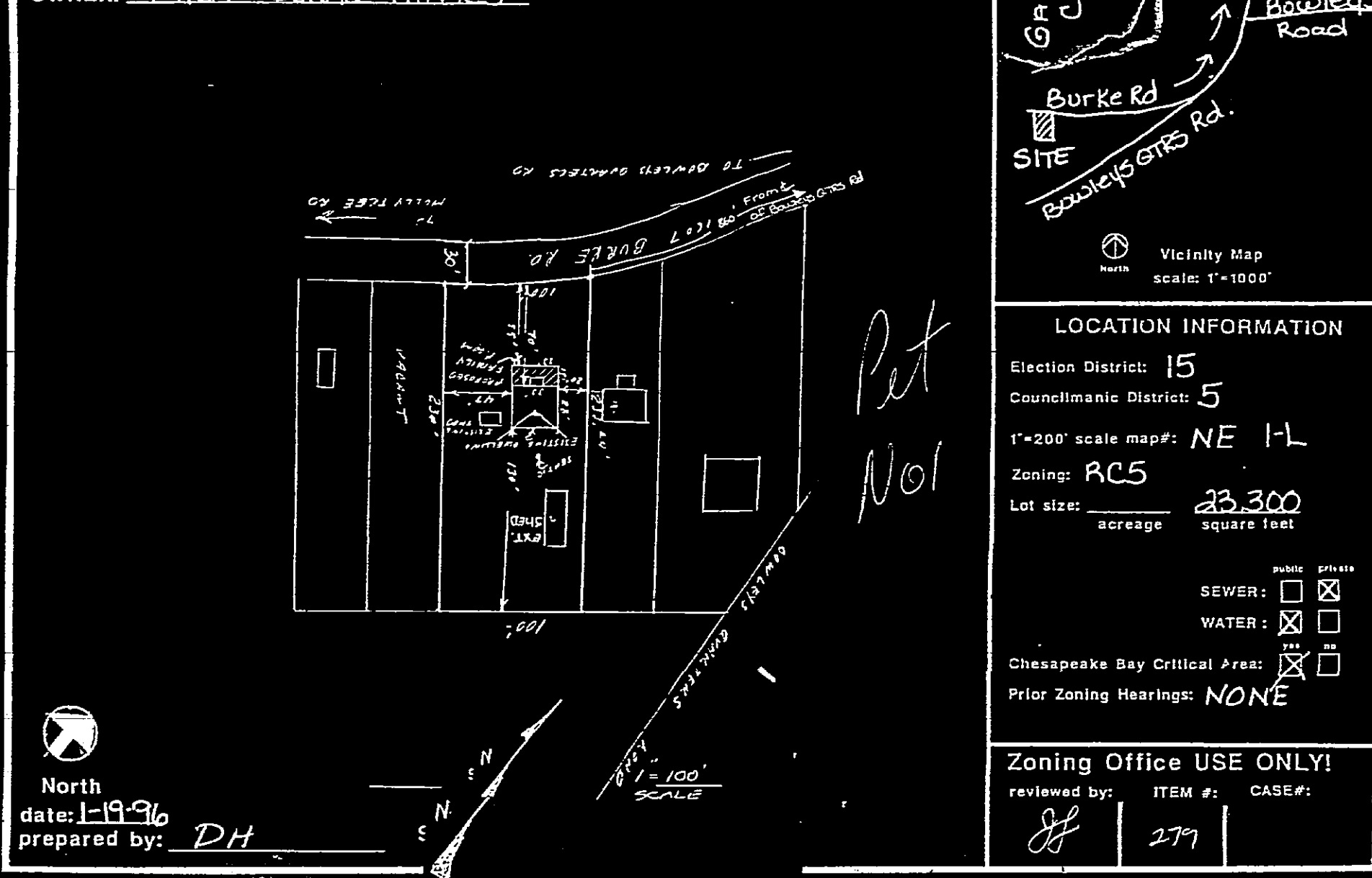
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1607 Burke Rd. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Bowley's QTRS

Plat book # 9, folio 56, lots 103, sections

OWNER: Allen + Donna Hines 96-278-A



LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"=200' scale map: NE 1-L

Zoning: R.C.5

Lot size: 23,300 square feet

SEWER:

WATER:

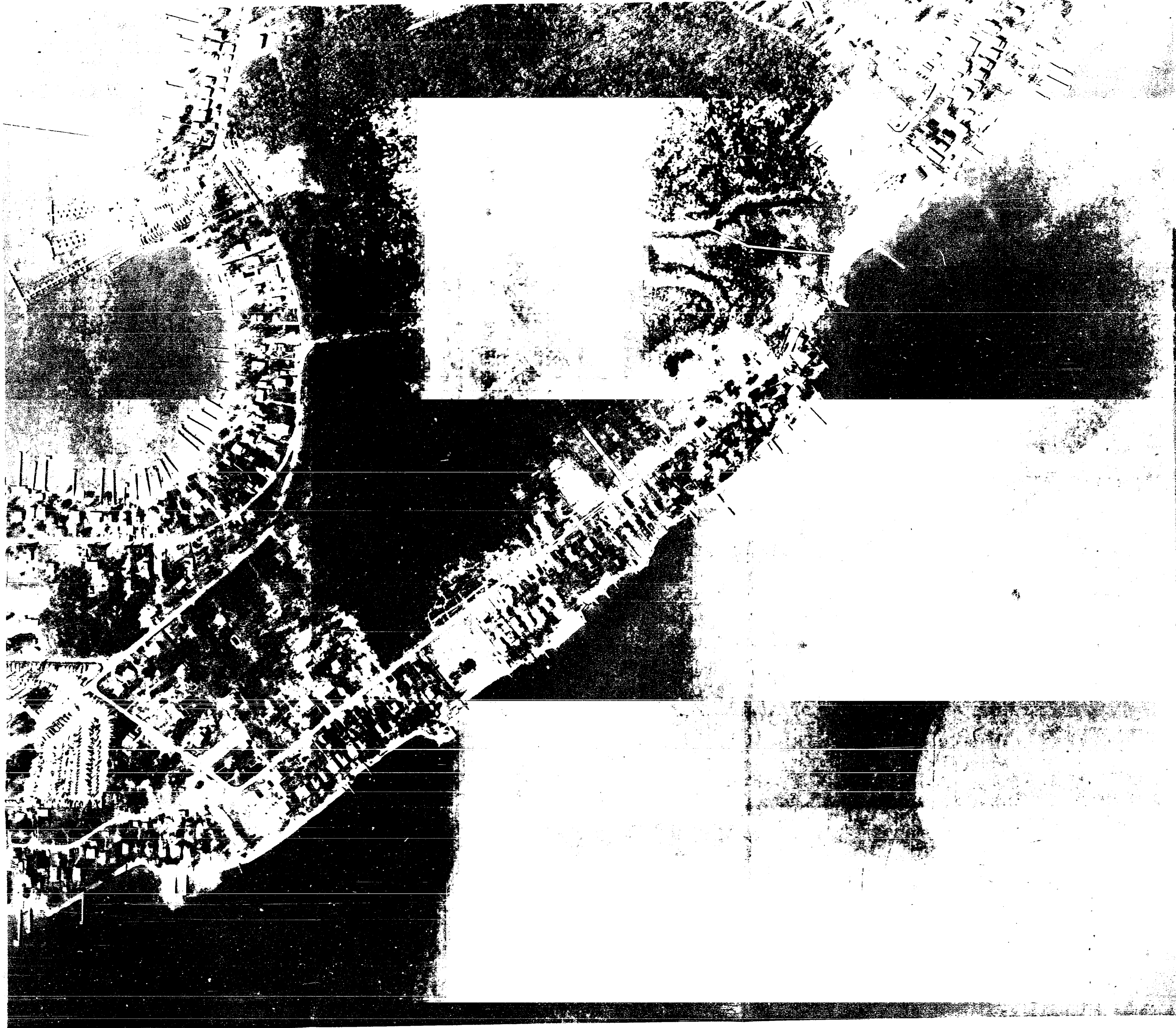
Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 279 CASE#:

96-278-A
522#



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BOWLEY'S
QUARTERS

SHEET
N.E.
1-L