

IN RE: DEVELOPMENT PLAN HEARING and	* BEFORE THE
PETITION FOR VARIANCE -	
E/S Burmont Ave., N/E Liberty Rd.	* ZONING COMMISSIONER
(Burmout Avenue Property)	
2 nd Election District	* OF BALTIMORE COUNTY
2 nd Council District	
	* Case No. II-594 & 00-533-A
Burmout Realty, LLC	
Owner/Developer	*

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1, of the Baltimore County Code, for consideration of a development plan and Petition for Variance filed by the Owner/Developer of the subject property, Burmont Realty, LLC, through their attorneys, G. Scott Barhight, Esquire and Julie A. DiGrigoli, Esquire. The Owner/Developer requests approval of a development plan, prepared by George W. Stephens, Jr. and Associates, Inc., for development of the subject property with 18 single family townhouse dwelling units. In addition to development plan approval, the Owner/Developer requests variance relief from Section 1B01.1.B.1.e(5) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a deck structure to be located within the 75-foot Residential Transition Area (RTA) setback on Lots 1, 2, 3 and 4. The proposed development and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Developer's Exhibit 1.

As to the history of this project, a concept plan of the proposed development was prepared and a conference held thereon on October 18, 1999. A second concept plan conference was held on November 1, 1999. As required by law, a community input meeting was held on November 17, 1999 at the Liberty Family Resource Center. Subsequently, a development plan was submitted and a conference held thereon on August 9, 2000. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of

ORDER RECEIVED FOR FILING

Date

By

9/11/00
[Signature]

Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on August 31, 2000.

Appearing at the public hearing for this project were G. Scott Barhight, Esquire, attorney for the Owner/Developer, and Rick Chadsey, Professional Engineer with George W. Stephens, Jr. & Associates, Inc., who prepared the plan under consideration. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Don Rascoe, Project Manager, and Phil Martin, Development Plans Review, both from the Department of Permits and Development Management (PDM). Also appearing on behalf of the County were R. Bruce Seeley with the Department of Environmental Protection and Resource Management (DEPRM), and Mark Cunningham from the Office of Planning (OP). There were no Protestants, citizens or other interested persons present.

The subject property consists of a gross area of 3.4054 acres, more or less, split zoned D.R. 5.5 (3.2351 acres), B.L. (0.1382 acres), and B.R.-A.S. (0.0321 acres). The property is located on the southeast side of Burmont Avenue, approximately 500 feet northeast of Liberty Road in Randallstown. As noted above, the Owner/Developer proposes a residential subdivision of 18 town-house units. Vehicular access thereto will be by way of a new public road leading to the interior of the property from Burmont Avenue. That road will terminate as a court in the interior of the site and four individual rows of townhouse units will surround that court, as more particularly shown on the plan. As to the vicinity, the property is surrounded by residential uses to the north and east and commercial uses to the south and west.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, Mr. Barhight indicated on behalf of the Developer that there were no open issues or unresolved comments. He submitted the red-lined development plan, which featured amendments that had been added to address comments made at the development plan conference. Messrs. Martin on behalf of PDM, Seeley on behalf of DEPRM, Cunningham on behalf of Planning, and Cook on behalf of Recreation & Parks, all indicated that the plan was

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Date

By

in compliance with their respective agency's regulations and comments, and that there were no open or unresolved issues. Moreover, as indicated above, there were no citizens or other interested persons present to raise any issues.

Although there were no issues raised by testimony at the hearing, the record of this case will reflect discussion at the hearing regarding a development plan comment by John Alexander from the Zoning Review Division of PDM. That comment addresses the impact of Section 1B01.2.A.2 of the B.C.Z.R. and the overall density for this project. A similar comment is contained within the zoning case file. Collectively, these comments raise two issues; whether the Owner/Developer need file a Petition for Special Hearing to resolve the density issue, and whether Section 1B01.2.A.2 prohibits the density proposed in this case; that is, 18 units.

As to the need for a special hearing, I believe that this question arose from the development plan conference and thus, is properly raised in considering the merits of the development plan. Unfortunately, Mr. Alexander was unavailable at the hearing to offer live testimony on the issue. However, the issue was identified and discussed at the hearing and an opportunity for public participation provided. Thus, I do not believe that a separate Petition for Special Hearing needed to be filed in this case. I find no objection as to the process. As to the merits, Section 1B01.2.A.2 discusses the application of the density regulations to a tract divided by a zone boundary. That Section specifically relates to the D.R. zones, and "any non-residential zone which allows residential development..." The B.L. zone, pursuant to Section 230 of the B.C.Z.R., does allow residential development when the zone is abutted, as is the case here, by a residential (D.R.5.5) zone. Section 1.B01.2A.2 provides, in essence, that when differing zones are contained within the same tract, the total number of density units permitted is determined by multiplying the gross acreage of each portion by the maximum density permitted in the B.C.Z.R. Such a calculation was performed in this case and is disclosed in Note #3 on the development plan.

In sum, I am persuaded that sufficient acreage and density, as determined by the regulations, exists to support the proposed 18-unit development. Moreover, I am persuaded that

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Date 9/1/00
By [Signature]

an opportunity for public participation was provided as this issue was raised at the development plan conference. Thus, the plan shall not be denied on this basis. To the contrary, there was no testimony offered at the hearing that the plan fails to meet any requirements and thus, it shall be approved.

Turning to the variance request, same relates to the potential installation of decks to the rear of Lots 1, 2, 3 and 4. Testimony and evidence was offered regarding County comments contained in the file that have addressed this issue. Apparently the Developer has agreed with the Office of Planning that decks to the rear of those units shall not exceed 12 feet in depth. Moreover, the Developer has agreed to comply with the comment submitted by the Developer's Plans Review Division of PDM that decks shall not intrude into the drainage and utility easement that exists behind those units. With those restrictions, I believe that the variance requested can be granted. The variance is justified in this case, due to the unusual configuration of the property. Moreover, the commercial zoning to the south and west of the site requires a clustering of these units which necessitates the requested relief. In sum, I find that the Owner/Developer has met the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted.

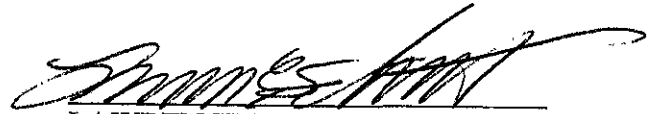
Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 15th day of September, 2000 that the development plan for the Burmont Avenue Property, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.1.B.1.e(5) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a deck structure to be located within the 75-foot Residential Transition Area (RTA) setback on Lots 1, 2, 3 and 4, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The decks for Lots 1, 2, 3 and 4 cannot exceed 12 feet in depth and cannot extend into the drainage and utility easement to the rear of those lots.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/1/00
By [Signature]



Baltimore County
Zoning Commissioner

September 1, 2000

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Julia A. DiGrigoli, Esquire
G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
E/S Burmont Avenue, N/E Liberty Road
(Burmunt Avenue Property)
2nd Election District – 2nd Council District
Burmunt Realty, LLC – Owner/Developer
Cases Nos. II-594 & 00-533-A

Dear Ms. DiGrigoli & Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Burmont Realty, LLC
P.O. Box 20099, Baltimore, Md. 21284
Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
1020 Cromwell Bridge Road, Towson, Md. 21286
Don Rascoe, DPDM; Bob Bowling (DPW); DEPRM; OP; R&P; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Burmout Avenue

which is presently zoned D.R. 5.5, B.L.
B.R. - AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.1.B.1.e(5) to permit a deck structure within the
75 foot Residential Transition Area setback on Lots 1, 2,
3 and 4.

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

To be presented at the hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Julie A. DiGrigoli, Esquire

G. Scott Barhight, Esquire

Name - Type or Print

Signature

Whiteford Taylor & Preston LLP

Company

210 W. Pennsylvania Ave. 410-832-2000

Address #400

Telephone No.

Towson, MD

21204

City

State

Zip Code

Legal Owner(s):

Burmout Realty, LLC

Name - Type or Print

Signature

CARL F. WAGNER

Name - Type or Print

Signature

See attorney

P. O. Box 20099

telephone number

Address

Telephone No.

Baltimore

MD

21284

City

State

Zip Code

Representative to be Contacted:

Julie A. DiGrigoli, Esquire

Name Whiteford, Taylor & Preston LLP

210 W. Pennsylvania Ave. 410-

Address #400

832-2000

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 DAY

UNAVAILABLE FOR HEARING

Reviewed By DL

Date 6/12/00

WITH H.O.H

ORDER RECEIVED FOR FILING

Date
By

Case No. 00-533-A

220 7/15/98

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

533

Description to Accompany Variance Petition
for the Burmont Avenue Property

June 8, 2000
Page (1)

Beginning at a point on the easterly right-of-way of Burmont Avenue, said point being North 41°39'57" East 451.5 feet more or less, from a point formed by the intersection of the centerlines of Liberty Road and Burmont Avenue running thence the following courses:

1. South 51°07'30" East 119.67 feet,
2. South 25°37'54" West 189.32 feet,
3. South 59° 52'40" East 400 feet,
4. North 28°59'20" East 328.62 feet,
5. North 59°26'20" West 455.85 feet to a point on the easterly right-of-way of Burmont Avenue, thence binding on said right-of-way the following course:
6. South 59°37'30" West 143.73 feet, to the point of beginning.

Containing 3.351 Acres of land more or less.

Note: The above description is for Zoning purposes only and is not to be used for contracts, conveyances or agreements.



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

No. 081466

DATE

6/12/00

ACCOUNT

R0016150

AMOUNT

\$ 200.00

RECEIVED
FROM:

FOR:

RV for 4 proposed lots

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT METHOD TIME

6/12/2000 6/12/2000 15:03:40

APP NO.0000 CASHIER NAME: JIM TROMER #

Dept 5 022 ZONING VERIFICATION

Project # 000169 (071)

CP NO. 001466

Receipt Tot 200.00

200.00 CK .00 DA

Baltimore County, Maryland

00-533-A

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

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

Case: #00-533-A
SE/S Burmont Avenue,
451.5' +/- NE of Liberty
Road intersection
2nd Election District
2nd Councilmanic District
Legal Owner(s): Burmont
Realty, LLC

Variance: to permit a deck
structure within the 75-foot
Residential Transition Area
setback on Lots 1, 2, 3 and 4.
Hearing: Thursday, August
31, 2000 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

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

JT/8/656 Aug 15 C411886

CERTIFICATE OF PUBLICATION

TOWSON, MD, 8/18/, 2000

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 8/15/, 2000.


THE JEFFERSONIAN,

LEGAL ADVERTISING

ZONING NOTICE

Case # 00-533-A

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

PLACE REAR LOT 1 BURMONT AVE. 461 BURMONT AVE.
TIME & DATE 9⁰⁰ AM THURS. AUGUST 21, 2008

VARIANCE TO PERMIT A DECK STRUCTURE WITHIN THE
75' FOOT RESIDENTIAL TRANSITION AREA SETBACK ON
LOTS 1, 2, 3, AND 4.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONSIDER HEARING. POSTPONED HEARING DATE
CALL 410-331-2251 THE DAY BEFORE. IF YOU ARE NOT HEARD FOR THE
HEARING ARE HANDICAPPED ACCESSIBLE

Not
HEARING OFF
Fe
BURMONT AVE.
TOWSON, MD
Date and Time: THURS. AUGUST
Room and County: ROOM 407 COUNTY
Location: TOWSON, MARYLAND
Developer: BURMONT LEO
Property Address: 344
Description of Proposed Development:
18 TOWNHOMES.
You may review the plan at the
Department of Planning and Zoning
County Office Building, 4
115 West Chesapeake Avenue, 2nd
Floor, Baltimore, MD 21201
410-331-2251
HANDICAPPED ACCESSIBLE

Posted on Burmont Ave.

CERTIFICATE OF POSTING

**RE: CASE # 00-533-A
PETITIONER/DEVELOPER
(Burmont Property)
DATE OF Hearing
(8-31-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

Posted on Burmont Ave. Randallstown , Maryland 21133_____

THE SIGN(S) WERE POSTED ON_____ 8-14-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

RE: PETITION FOR VARIANCE
Burmout Avenue, SE/S Burmout Ave,
451.5' NE of Liberty Rd intersection
2nd Election District, 2nd Councilmanic

Legal Owner: Burmout Realty, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-533-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

July 10, 2000

NOTICE OF ZONING HEARING

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

HEARING OFFICER HEARING

PROJECT NAME: Burmont Avenue Property

Project Number: 02-594

Location: E/S Burmont Avenue, NE Liberty Road

Acres: 3.3049

Developer: Burmont Realty LLC

Engineer: GWS Geo Wm Stephens Jr. & Assoc

Proposal: 18 Townhouses

***** AND *****

CASE NUMBER: 00-533-A

SE/S Burmont Avenue, 451.5' +/- NE of Liberty Road intersection

2nd Election District – 2nd Councilmanic District

Legal Owner: Burmont Realty, LLC

Variance to permit a deck structure within the 75-foot Residential Transition Area setback on Lots 1, 2, 3 and 4.

HEARING: Thursday, August 31, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the initials "scj" written below it.

Arnold Jablon, Director

c: Julie DiGrigoli, Esquire & G. Scott Barhight, Esquire, Whiteford Taylor & Preston, 210 W. Pennsylvania Ave., #400, Towson 21204
Burmout Realty, LLC, P.O. Box 20099, Baltimore 21284

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 16, 2000.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 15, 2000 Issue – Jeffersonian

Please forward billing to:

Julie DiGrigoli, Esquire
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 00-533-A

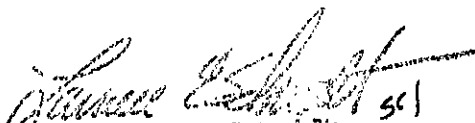
SE/S Burmont Avenue, 451.5' +/- NE of Liberty Road intersection

2nd Election District – 2nd Councilmanic District

Legal Owner: Burmont Realty, LLC

Variance to permit a deck structure within the 75-foot Residential Transition Area setback on Lots 1, 2, 3 and 4.

HEARING: Thursday, August 31, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-533-A

Petitioner: Burmout Realty, LLC

Address or Location: P.O. Box 20099 Baltimore,
MD 21284

PLEASE FORWARD ADVERTISING BILL TO:

Name: Julie DiGrigoli, Esquire

Address: 210 W. Pennsylvania Ave
Towson, MD 21204

Telephone Number: 410-832-2000



Baltimore County
Department of Permits and
Development Management

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

August 23, 2000

Julie DiGrigoli, Esquire
G. Scott Barhight, Esquire
Whiteford Taylor & Preston
210 West Pennsylvania Avenue, Suite 400
Towson, MD 21204

Dear Julie and Scott:

RE: Case Number: 00-533-A, Burmont Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Burmont Realty, LLC, P.O. Box 20099, Baltimore 21284
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 17, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 3, 2000
Item No. 533 i

The Bureau of Development Plans Review has reviewed the subject zoning item. The plan shows a 20-foot-wide public drainage and utility easement parallel to the rear property line of Lots 1 through 4. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The developer must insure that the proposed deck structures remain outside the public 20-foot-wide utility easement.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

June 29, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 26, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

516, 517, 518, 519, 522, 524, 525, 526, 527, 528,
529, 530, 531, ~~533~~, 535, 536, 537, 538, 539, 540,
541, 543,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



15

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: August 15, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of June 26, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
516	209 Church Road
518	6 Stanson Court
526	122 Allegheny Avenue
527	7931 Ellenham Avenue
529	3700 Green Oak Court
530	3 Lancashire Court
532	1026-1028 York Road
533	Burmout Avenue
534	4001 Southwestern Boulevard
535	615 Glenrock Road
536	9737 Matzon Road
537	203 Sandhill Road
540	9419 Oak White Road
541	2044 Putnam Road
542	585 Frederick Road
543	110 Woodholme Avenue

Complete 7-10-00



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 6.26.00

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

RE: Baltimore County
Item No. 533

JLL

Dear Ms. Jackson:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at lgredlein@sha.state.md.us.

Very truly yours,

for

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 11, 2000

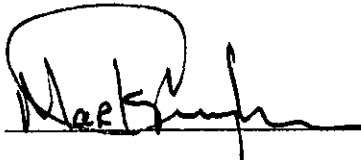
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 493, 533, 535, and 543.**

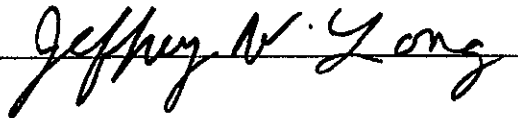
The Office of Planning has reviewed the above referenced case and has no comments to offer.

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

Prepared by:



Section Chief:



AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 12, 2000
TO: Hearing Officer
FROM: John L. Lewis 
Planner II, Zoning Review
SUBJECT: Zoning Case 00-533-A
Zoning Comments Regarding Form and Validity of Request

Section 1B01.2.A.2., BCZR, does not permit accrual of density from the B.L. zone into the D.R.5.5 zone as shown on this plan. The zones must be self-supporting for density and the uses within the border of each zone. As advised to the attorney at the filing appointment, a special hearing could resolve this issue, but has not been requested.

RTA:

Lots 1-4 are being varianced for decks. However, no accessory structures are being varianced and these can't be in RTA either without variances. I informed the applicant and he declined to resolve the potential zoning conflict. The same problem goes for Lots 5-8. Any sort of reasonable deck or accessory structure in the RTA there needs variances. This office recommends disapproval until such time as the homebuyer **variance trap** is resolved by zoning hearing or plan change.

JLL:scj

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

JULIE A. DIGRIGOLI
DIRECT NUMBER
410 832-2084
jdigrigoli@wtplaw.com

June 12, 2000

Via Hand Delivery and Regular Mail

Mr. Arnold Jablon, Director
Permits and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Mail Stop 1105
Towson, Maryland 21204

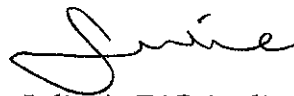
**Re: Burmont Avenue Property
PDM File No. II-594
Development and Zoning Relief (Variance)**

Dear Mr. Jablon:

Please accept this letter as Applicant, Burmont Realty, L.L.C.'s written request, pursuant to Section 26-206.1 of the Baltimore County Code, for a combined Zoning and Development Plan Hearing in the above-referenced matter.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,


Julie A. DiGrigoli

Cc: Burmont Realty, L.L.C.
Ms. Chris Rourke, Permits and Development Management

533

00-533-A

REQUEST FOR HOH

MANAGER

CHRISTINE RORKE

PHONE

02-594

FAXES

3.3049

NAME

BURMONT AVENUE PROPERTY

ADDRESS

E/S BURMONT AV NE LIBERTY RD

DEVELOPER

BURMONT REALTY LLC

ENGINEER

GWS GEO WM STEPHENS JR & ASSOC

PROPOSAL

18 TOWNHOUSES

PLANNER

ALEXANDER

DOES THIS NEED A SPECIAL EXCEPTION OR VARIANCE?

YES

NO

ITEM NUMBER AND/OR DROP-OFF DATE 09-15-06 A FOR
VARIANCE, ET AL.

ESTIMATED LENGTH OF HEARING 1 DAY

ATTORNEY

OPPOSING ATTORNEY

DATES NOT TO SET

RICK CHADSET

SCOTT

OUT 7-24 - 8-9

~~8-14~~ OUT 8-23

8-30

Scott

not workable

also

How is 8/29

00-533-A

THURS 8/31
9AM
RM 407

0. PARTS OF BALTIMORE
COUNTY ZONING MAPS
NW 7-I, NW 8-I,
NW 7-J & NW 8-J

SHOWING THE

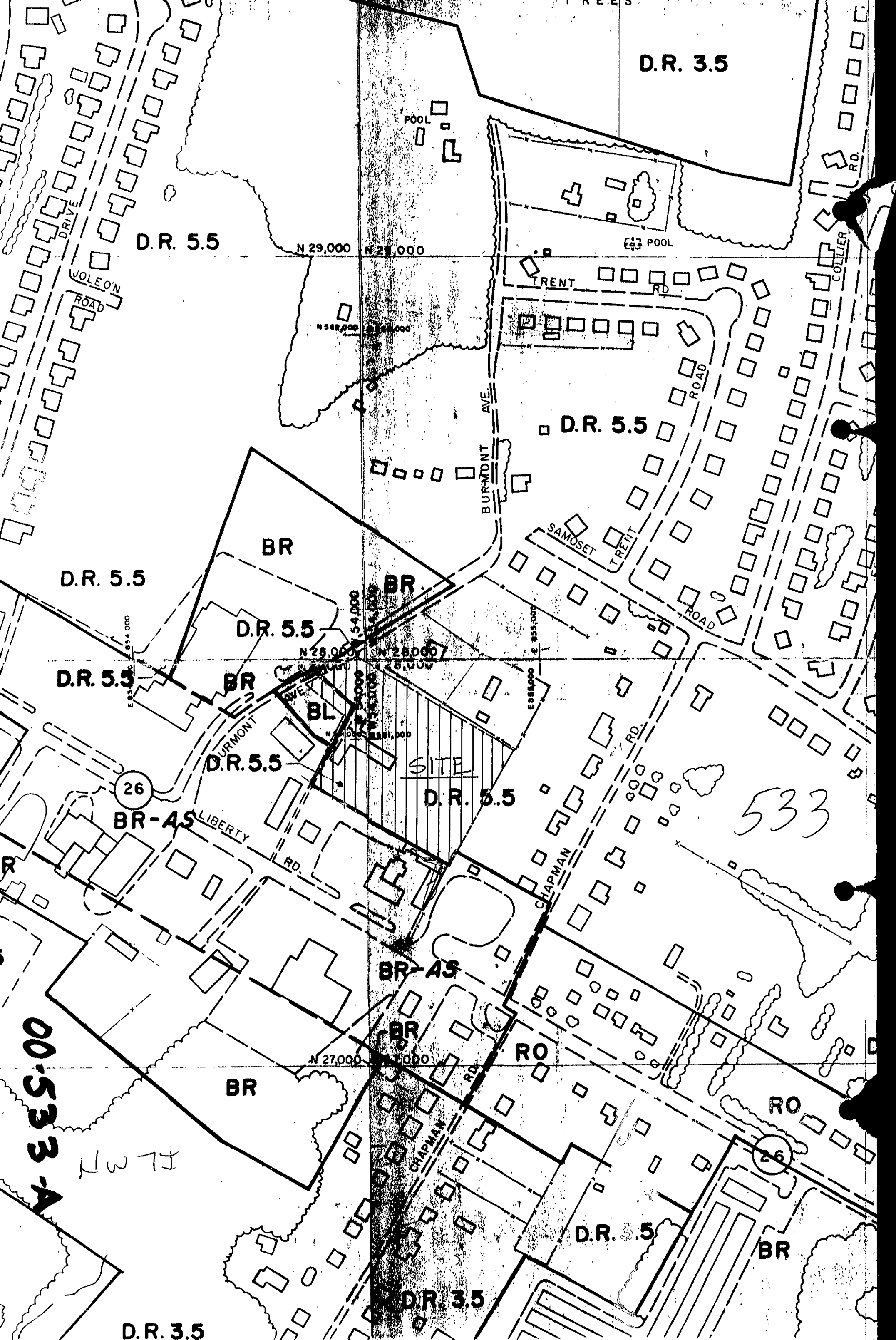
3. VERMONT AVE. PROPERTY

SCALE: 1" = 200'

DATE: MAY 12, 2000

G.W. STEPHENS JR. & ASSOC., INC.

A-EE2-00



D.R. 3.5

D.R. 5.5

N 29,000 N 28,000

POOL

TRENT

RD

N 28,000 E 33,000

D.R. 5.5

BR

BR

D.R. 5.5

D.R. 5.5

N 28,000 N 27,000

D.R. 5.5

BR

BL

D.R. 5.5

SITE

D.R. 5.5

26

BR-AS

LIBERTY

RD

BR-AS

BR

N 27,000 E 34,000

BR

RO

RO

26

D.R. 3.5

BR

D.R. 3.5

D.R. 3.5

00-533-A

NW 71

533

