

IN RE: PETITION FOR SPECIAL HEARING
SE/S Philadelphia Road, 50' opposite
the c/l of Doris Avenue
(8111 Philadelphia Road)
15th Election District
7th Council District

Kevin Burke
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-424-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Kevin Burke. The Petitioner requests a special hearing to approve the placement of an accessory structure (8' x 12' shed) and a recreational vehicle (8' x 30' recreational trailer) on a vacant lot. The Petition was filed as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the use of the property and the shed, which was apparently built without benefit of a permit. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Kevin Burke, property owner. Appearing as Protestants in the matter were numerous residents from the surrounding community, including Ernest and Bonnie Taylor, who reside across from the subject property and initiated the complaint against the Petitioner, J. Lawrence Bohlen, Jr., who owns the adjacent property, and Russ Mirabile, Vice President of the Rosedale Community Association.

Testimony and evidence offered revealed that the subject property is a narrow, rectangular shaped parcel, approximately 70 feet wide by 287 feet deep, located on the southeast side of Philadelphia Road, across from Doris Avenue in Rosedale. The subject parcel is the western most of three adjacent lots owned by the Petitioner, and contains a gross area of .422

ORDER RECEIVED FOR FILING

Date 6/21/01

By [Signature]

acres, more or less, zoned D.R.5.5. There are no improvements on the property, but for the subject shed and trailer. As noted above, the shed is 8' x 12' in dimension and is more particularly shown in photographs submitted at the hearing. As shown in those photographs, the shed appears to be an uncompleted structure, which was apparently started some time ago and has not been painted or finished off with roofing shingles or siding. The trailer is 8' x 30' in dimension and was described as a recreational camper. Photographs of that vehicle were also submitted at the hearing and incorporated into the case file. Mr. Burke characterized this trailer as a construction office. In this regard, he indicated that it was his intention to develop the property with a single family dwelling. He indicated that he has applied for building permits for same; however, the permit process has not been completed and construction has not yet started. He further indicated that neither of the other two lots he owns are improved, but they are for sale.

The Protestants who appeared are generally concerned about the visual aesthetics of the property, and its impact on neighboring homes and lots. Indeed, the photographs submitted show that both structures are in a state of disrepair. Additionally, the lot, although wooded, does not appear to be well-kept. The Protestants unanimously indicated that they are not opposed to the construction of a single family dwelling on the lot; however, they are concerned about the incomplete shed and trailer as they invite vandalism and trespassing in the neighborhood.

It is also to be noted that an adverse Zoning Advisory Committee comment was received from the Office of Planning wherein they recommended a denial of the request. They noted that a detached accessory structure cannot be erected on a lot without a primary structure.

In evaluating the testimony and evidence offered in this case, I do not find Mr. Burke's testimony to be credible. There is no plausible reason why he has not been able to move forward with his plans to develop the property with a single family dwelling. If he desires to do so, so be it in that the construction of a single family dwelling is apparently permitted by right here, and this is a developable lot. However, the requested special hearing relief must be denied. In this regard, neither structure is accessory to any primary purpose, which is a requirement under Section 101 of the B.C.Z.R. Under that Section, an accessory structure is defined as a building which is

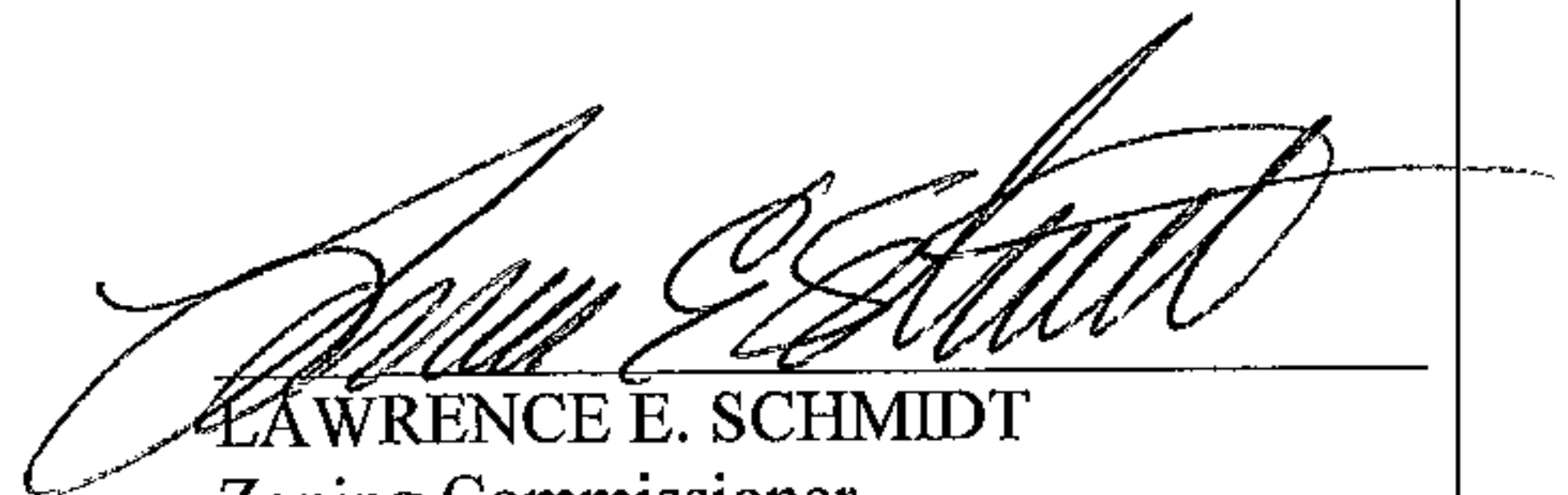
customarily incidental to a principal use or building, such as a farm (use) or dwelling (building). Since there is no principal use or building present, these structures cannot, by definition, be accessory. Moreover, I find that the relief should be denied in that same causes a detrimental impact to the surrounding locale. Mr. Burke's shed and trailer are not well-kept and appear to have no particular purpose on this lot. Thus, the Petition for Special Hearing shall be denied and the structures must be removed with sixty (60) days of the date hereof.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of June, 2001, that the Petition for Special Hearing seeking approval of the placement of an accessory structure (8' x 12' shed) and a recreational vehicle (8' x 30' recreational trailer) on a vacant lot, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the shed and trailer be removed from the property within sixty (60) days of the date of this Order; and,

IT IS FURTHER ORDERED that any appeal of this decision must be filed within thirty (30) days of the date hereof.



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/21/01
By [Signature]

Case No.01-424-SPH

SPH – To permit existing shed and recreation trailer on vacant lot /Code Enforcement Case No. 00-8642.

6/21/01 – DZC's Order in which special hearing request was DENIED.

8/13/01 – Request for Expedited Hearing filed by Bonnie Taylor, Protestant.

9/28/01 –Notice of Assignment sent to following; assigned for hearing on Tuesday, November 13, 2001 at 1 p.m.:

Kevin Burke
Mr. & Mrs. Ernest Taylor
Mr. J. Lawrence Bohlen, Jr.
Mrs. T.M. Grimaldi
Ms. Kathleen Niedzwick
Mr. Rui Fino Garcia
Mr. Russ Mirabile, VP /Rosedale Comm Assn
Mr. Vern Winter
Mr. David Ruans
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, CIE /PDM (**Enf Case #00-8642**)
Arnold Jablon, Director /PDM

11/13/01 – Hearing concluded (Stahl, Marks, Irish); deliberated on record at conclusion of hearing. Petition for Special Hearing to be approved for reasons as stated at deliberation; trailer to be removed by February 28, 2002; house under construction and nearing completion; shed to remain as accessory. Order to be issued; appellate period to run from date of written Order.

IN THE MATTER OF
THE APPLICATION OF
KEVIN BURKE – LEGAL OWNER
FOR A SPECIAL HEARING ON PROPERTY
LOCATED ON THE NE/S PHILADELPHIA
ROAD, 50' OPPOSITE DORIS AVENUE
(8111 PHILADELPHIA ROAD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 01-424-SPH

* * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on an appeal from a decision of the Zoning Commissioner in which a Petition for Special Hearing was denied by an Order issued on June 21, 2001.

The appeal was timely filed. (Reference Zoning Commissioner Lawrence E. Schmidt's letter of July 24, 2001 addressed to Arnold Jablon, Director of Permits and Development Management in the Board's file.) A public hearing was held on November 13, 2001.

Mr. Kevin Burke appeared *pro se*. No Protestants appeared in opposition. People's Counsel advised that their office was not participating in the proceeding.

The Board permitted the Petitioner to testify in the narrative with a number of questions posed by the Board. Mr. Burke opined that he was requesting the Special Hearing to have approved the placement of an accessory structure, an 8-foot by 12-foot shed and a trailer, 8 feet by 30 feet, on a vacant lot. He stated that the shed and trailer were placed on the lot to protect housing materials being used to construct a dwelling on the lot that he was going to inhabit upon completion. He indicated that neighbors in proximity to the lot were fearful that he was going to create some sort of trailer camp and filed a complaint with Baltimore County Code Enforcement officials.

Mr. Burke related that he appeared before the Code Enforcement Official and was cited for maintaining an accessory structure on a vacant lot and parking a recreational vehicle on a vacant lot zoned D.R. 5.5, located at 8113 Philadelphia Road.

The hearing before the Code Enforcement Official concluded with Mr. Burke being fined \$1,000.00, subject to dismissal if he received a proper permit and the trailer was removed after the dwelling was completed. Mr. Burke received a permit on June 25, 2001 to construct his house. However, prior to that, on June 21, 2001, the Zoning Commissioner denied the special hearing. Because of the conflict, Mr. Burke was required to file this appeal with this Board.

Mr. Burke explained that the reason no one was present at this hearing was because the Rosedale Improvement Association and neighbors now understand that he was actually building a home on the site and intended to reside therein. A number of the neighbors were actually assisting him with his construction activities.

He requested that all prior exhibits be incorporated as evidence in the Board's file (Petitioner's Exhibit 1) and also submitted a diagram reflecting the house being constructed (Petitioner's Exhibit 2) and the trailer permit issued on June 25, 2001 and expiring on December 31, 2001 (Petitioner's Exhibit 3). Mr. Burke indicated that he also owns two other adjoining lots, which were not for sale.

Mr. Burke stated that the framework of the house was in place, and he was making headway with actual construction. Again, this was not the case when the Zoning Commissioner heard the matter and denied the special hearing since the shed and trailer did not meet the definition of "accessory structure" under *Baltimore County Zoning Regulations* (BCZR) § 101.

It is obvious to the Board that additional factors now exist which did not exist at the time of the Zoning Commissioner's hearing. The house is well under construction, the permit has been secured, and the neighbors no longer have any objection. Further, the Office of People's Counsel did not participate in these proceedings. The trailer and shed now appear to be "a building which is customarily incidental to a principal use or building such as a farm (use) or dwelling (building)."

Mr. Burke indicated that he house would be fully completed no later than February 28, 2002, and the trailer removed by that date. He was already attempting to find a buyer for it. Mr. Burke rested his case. The Board adjourned for ½ hour and then held a public deliberation.

The Board unanimously granted the special hearing relief provided the trailer was removed on or before February 28, 2002, and the permit expiring on December 31, 2001 was renewed. A copy of this Order must accompany the requested permit noting an expiration date of February 28, 2002.

ORDER

THEREFORE, IT IS THIS 10th day of December, 2001 by
the County Board of Appeals of Baltimore County

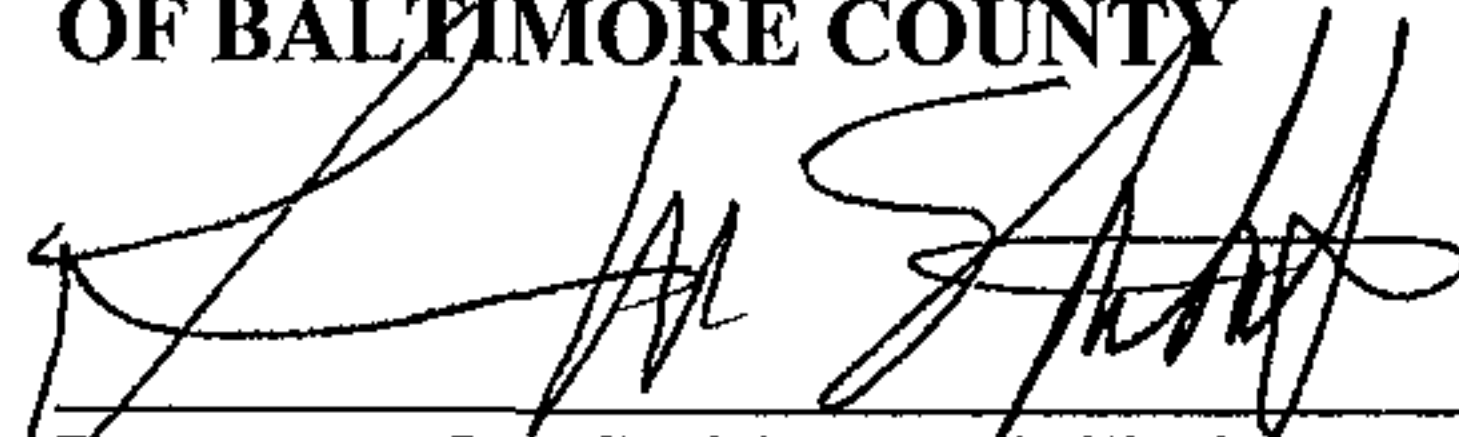
ORDERED that the Petition for Special Hearing to approve the placement of an accessory structure (8-foot by 12-foot shed) and a trailer, 8 feet by 30 feet, on the subject lot at 8111 Philadelphia Road be and the same is hereby **GRANTED**, subject to the following restrictions:

1. The trailer shall be removed on or before February 28, 2002; and
2. The permit, expiring on December 31, 2001, shall be renewed; and

3. A copy of this Order shall accompany the requested permit renewal request, noting an expiration date of February 28, 2002.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Panel Chairman

Richard K. Irish

Charles L. Marks



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 10, 2001

Mr. Kevin Burke
333 Trimble Road
Apt C-2
Joppa, MD 21085

RE: *In the Matter of: Kevin Burke* -Legal Owner /Petitioner
Case No. 01-424-SPH

Dear Mr. Burke:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Mr. & Mrs. Ernest Taylor
Mr. J. Lawrence Bohlen, Jr.
Mrs. T.M. Grimaldi
Ms. Kathleen Niedzwick
Mr. Rui Fino Garcia
Mr. Russ Mirabile, VP /Rosedale Comm Assn
Mr. Vern Winter
Mr. David Ruans
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, CIE /PDM (Enf Case #00-8642)
Arnold Jablon, Director /PDM





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8111 Philladelph Rd
which is presently zoned DR 5.5

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

Placement of detached Accessory structure and a
Recreational vehicle (trailers) on a vacant lot

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Kevin Burke

Signature Kevin Burke

Name - Type or Print _____

Signature Day 410 962 4342

Address 333 Trimble Rd C-2 (APT.) Telephone No. 410 538 354

City Towson MD 21085 State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING -

Case No. 01 424 SPH

REV 9/15/98

Reviewed By JL Date 4/12/01

ZONING DESCRIPTION 8111 PHILADELPHIA ROAD

Beginning at a point on the southeast side of Philadelphia rd., at a distance of ⁵⁰~~105~~ feet ^{OPPOSITE} east of the centerline of the nearest improved intersecting street, Doris Avenue: Being recorded in the Baltimore County Plat book # 68 Folio 42, containing 18408 square feet, also known as lot 1 Seling sub-division, 8111 Philadelphia Rd. and located in the 15th election district, 7 Councilmanic District.

Kevin Burke
333 Trimble rd apt C-2
Joppa, MD 21085
(W) 410 962-4342 X 141
(H) 410 538-3548

424

**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: #01-424-SPH
8111 Philadelphia Road
SE side Philadelphia Road,
opposite Doris Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): Kevin Burke
Special Hearing: for
placement of detached ac-
cessory structure and a rec-
reational vehicle (trailer) on
a vacant lot.
**Hearing: Wednesday, June
6, 2001 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/5/760 May 22 C470561

CERTIFICATE OF PUBLICATION

5/24/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 5/22/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

APPEAL SIGN POSTING REQUEST

CASE NO. 01-424-SPH

KEVIN BURKE. -LO

**NE/s Philadelphia Road, 50' opposite Doris Avenue
(8111 Philadelphia Road)**

15th Election District

Appealed: 7/23/01

**Attachment – (Plan to accompany Petition
Petitioner's Exhibit No. 1)**

CERTIFICATE OF POSTING

RE: Case No.: 01-424-SPH

Petitioner/Developer: KEVIN BURKE

Date of Hearing/Closing: JUNE 6, 2001

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8111 PHILADELPHIA ROAD

The sign(s) were posted on MAY 22, 2001
(Month, Day, Year)

Sincerely,

SSG Robert Black MAY 22, 2001
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

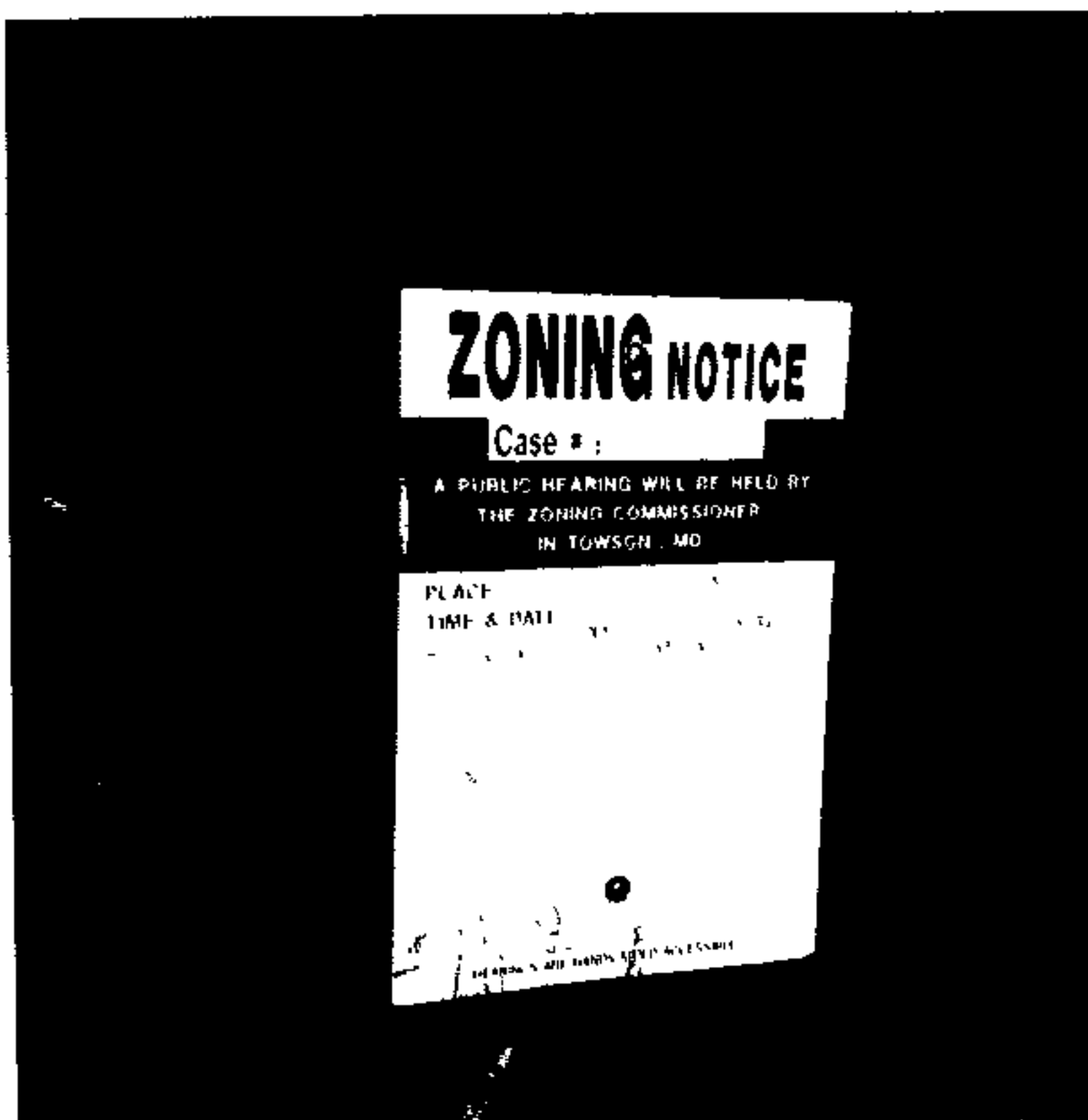
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: _____

424

Petitioner: _____

✓

KEVIN BURKE

Address or Location: _____

✓

8111 Philadelphia Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

✓

Kevin Burke

Address: _____

✓

333 Trimble Rd C-2

APT

✓

Joppa MD 21085

Telephone Number: _____

✓

410 5383548 (EVENING)

410 9624342 X141 (DAY)

Revised 2/20/98 - SCJ

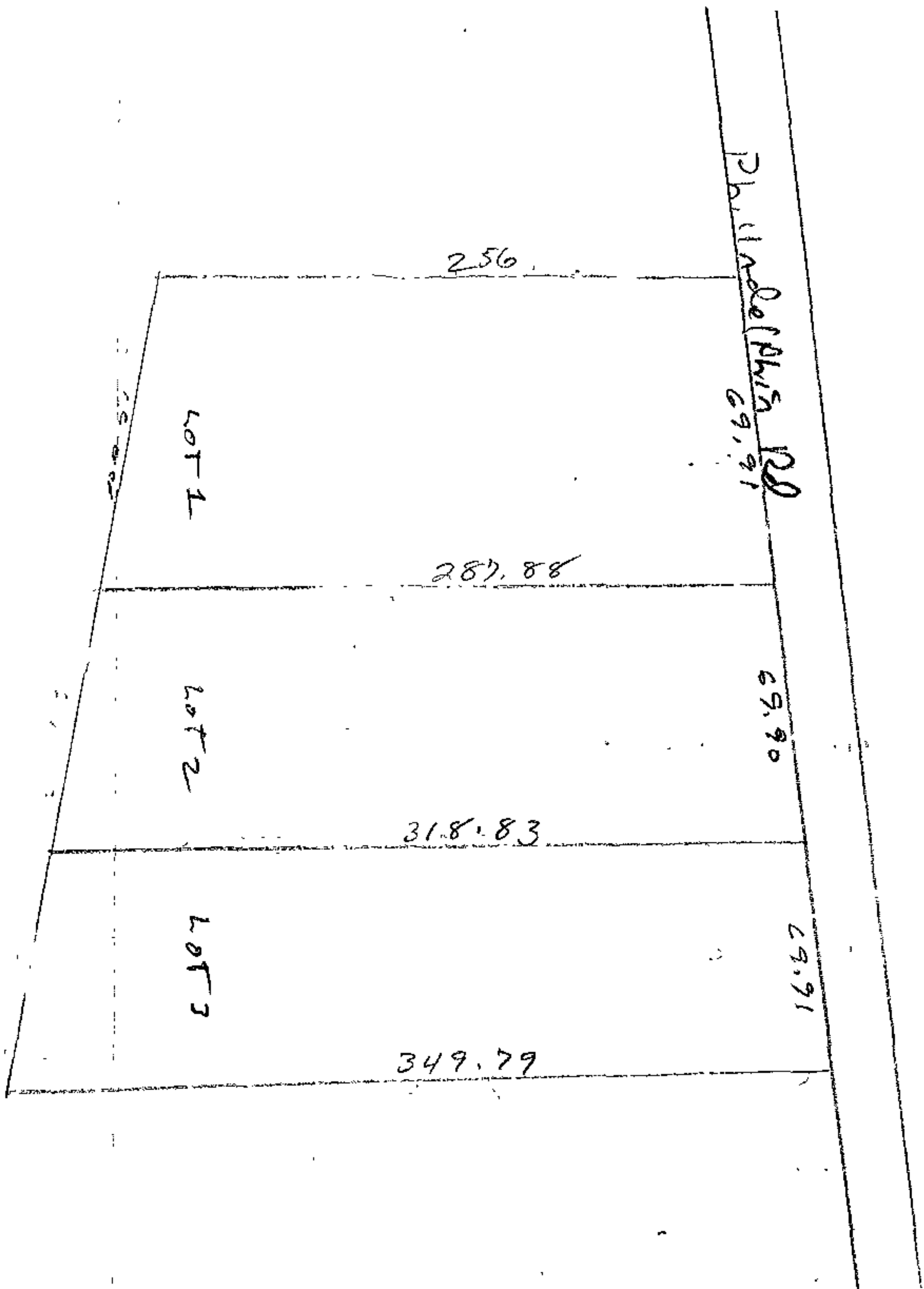
Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 8111 Philladelphin RD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Seliny - 1st Amended Subdivision of Seliny Property

plat book # 68, folio # 42, lot # 123, section #

OWNER: Kevin Burke



North

date: prepared by: Kevin Burke Scale of Drawing: 1" =

 Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 15
Councilmanic District:

1" = 200' scale map: NE 3E or 3F

Zoning: DR 5.5
Lot size: 18408
acres square feet

SEWER: ☒ Public ☐ Private
WATER: ☒ Yes ☐ No

Chesapeake Bay Critical Area: ☐ Yes ☒ No
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

522 Page 10

APPEAL SIGN POSTING REQUEST

CASE NO. 01-424-SPH

KEVIN BURKE-LO

NE/s Philadelphia Road, 50' opposite Doris Avenue
(8111 Philadelphia Road)

15th Election District

Appealed: 7/23/01

Attachment – (Plan to accompany Petition
Petitioner's Exhibit No.1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Charlotte Radcliffe
Appeals Clerk

RE: Case No. 01-424-SPH
Petitioner/Developer:
KEVIN BURKE

This is to certify that the necessary appeal sign(s) was posted conspicuously on

property located at 8111 PHILADELPHIA RD.

The sign(s) was posted on 8/9, 2001.

By Gary C. Freund
(Signature of Sign Poster)
GARY C. FREUND
(Printed Name)

01 AUG -9 PM 3:16

BALTIMORE COUNTY BOARD OF APPEALS



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 28, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-424-SPH

IN THE MATTER OF: *Kevin Burke* -- Legal Owner
8111 Philadelphia Road
15th Election District; 7th Councilmanic District

11/03/2000 - DZC's Order in which special hearing request was
DENIED.

ASSIGNED FOR:

TUESDAY, NOVEMBER 13, 2001 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests
must be in writing and in compliance with Rule 2(b) of the Board's Rules. No
postponements will be granted within 15 days of scheduled hearing date unless in full
compliance with Rule 2(c).

**If you have a disability requiring special accommodations, please contact this office at least one
week prior to hearing date.**

Kathleen C. Bianco
Administrator

c: Appellant /Petitioner

: Kevin Burke

Mr. & Mrs. Ernest Taylor
Mr. J. Lawrence Bohlen, Jr.
Mrs. T.M. Grimaldi
Ms. Kathleen Niedzwick
Mr. Rui Fino Garcia
Mr. Russ Mirabile, VP /Rosedale Comm Assn
Mr. Vern Winter
Mr. David Ruans

People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, CIE /PDM (**Enf Case #00-8642**)
Arnold Jablon, Director /PDM





Baltimore County
Department of Permits and
Development Management

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

June 1, 2001

Kevin Burke
333 Trimble Road
Apartment C-2
Joppa MD 21085

Dear Mr. Burke:

RE: Case Number: 01-424-SPH, 8111 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 2001.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MAY 4 2001

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

DATE: April 27, 2001

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

SUBJECT: 8111 Philadelphia Road

INFORMATION:

Item Number: 01-424

Petitioner: Kevin Burke

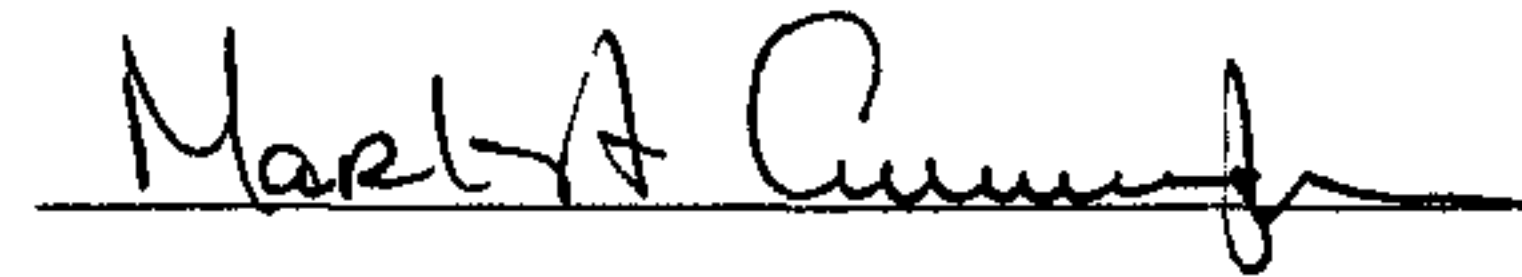
Zoning: DR 5.5

Requested Action: Special Hearing

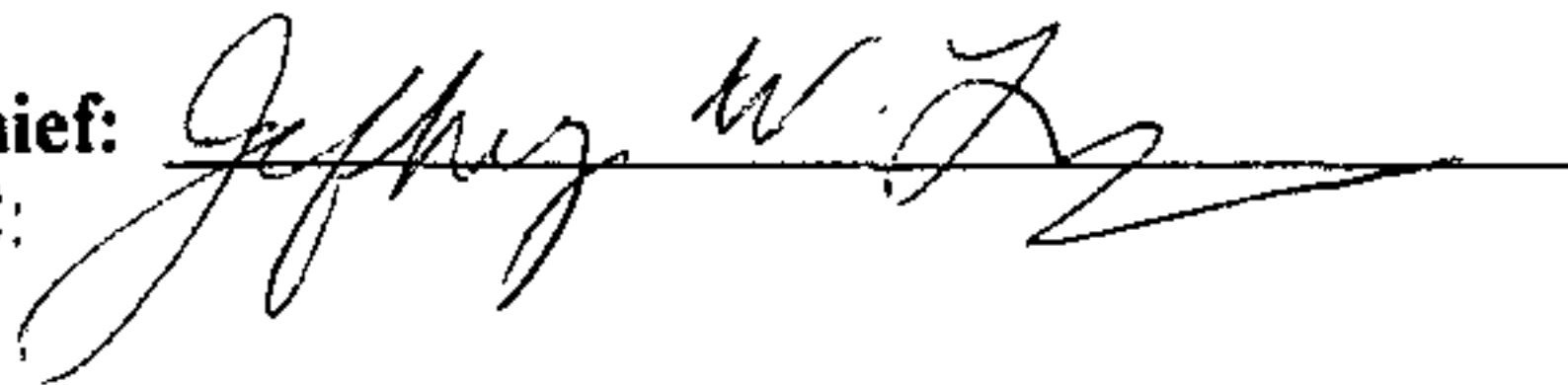
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the subject request is a use variance due to the fact that a detached accessory structure cannot be erected on a lot without a primary structure. As such, this office does not support the request.

Prepared by:



Section Chief:
AFK:MAC:





**Baltimore County
Fire Department**

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

April 25, 2001

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 APRIL 23, 2001

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:

412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422,
423, 424, 425, AND 426

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

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 4, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2001
Item Nos. 412, 413, 414, 415, 416, 417,
418, 419, 420, 421, 422, 424, and 426

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

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

Date: 4.25.01

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

RE: Baltimore County
Item No. 424 JL

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 7, are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,


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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: April 30, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 23, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
<u>412</u>	220 Glyndon Watch La.
<u>415</u>	27 Gray Squirrel Ct.
<u>416</u>	1947 Greenspring Dr.
<u>417</u>	217 Sacred Heart La.
<u>418</u>	1905 Broadwy Rd.
<u>419</u>	15233 Jarrettsville Pike
<u>420</u>	3804 Southern Cross Dr.
<u>424</u>	8111 Philadelphia Rd.
<u>426</u>	9301 Seven Courts Dr.



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 27, 2001

Mr. Lawrence E Schmidt
Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson MD 21204

Dear Mr. Schmidt:

RE: Case No. 01-424-SPH, 8111 Philadelphia Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 20, 2001 by Mr. Kevin Burke. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon GDZ
Director

AJ: gdz

- c: Mr. & Mrs. Ernest Taylor, 8108 Philadelphia Road, Baltimore 21237
Mr. J. Lawrence Bohlen Jr, 6216 Commons Road, Baltimore 21237
Mrs. T. M. Grimaldi, 8125 Philadelphia Road, Baltimore 21237
Ms. Kathleen Niedzwick, 8119 Woodhaven Road, Baltimore 21237
Mr. Rui Fino Garcia, 8117 Philadelphia Road, Baltimore 21237
Mr. Russ Mirabile VP, Rosedale Comm. Assoc., PO box 9680, Baltimore 21237
Mr. Vern Winter, 8119 Philadelphia Road, Baltimore 21237
Mr. David Ruans, 1516 Seling Avenue, Baltimore 21237
Code Enforcement Division, James Kemp
People's Counsel

01 AUG -3 AM 9:45
COUNTY CLERK

APPEAL

Petition For SPECIAL HEARING
8111 Philadelphia Road
NE/S Philadelphia Road, 50' opposite Doris Avenue
15th Election District – 7th Councilmanic District
Kevin Burke - Legal Owner
Case No.: 01-424-SPH

Petition for Special Hearing (Filed 4/12/01)

Zoning Description of Property

Notice of Zoning Hearing (Dated 5/1/01)

Certification of Publication (The Jeffersonian issue Dated 5/22/01)

Certificate of Posting (5/22/01 posted SSG Robert Black)

Entry of Appearance by People's Counsel (4/26/01)

Petitioner(s) Sign-In Sheet (1 Page)

Protestant(s) Sign-In Sheet (1 Page)

Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat To Accompany Petition For Special Hearing

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits):

- ❖ 3 Pages (10 Photographs)
- ❖ Division of Code Inspections and Enforcement / Active Violation Case Document (Case No. 00-8642)

Deputy Zoning Commissioner's/Zoning Commissioner's Order (Dated 6/21/01 - DENIED)

Notice of Appeal received on 7/23/01 from Mr. Kevin Burke

c:

James H. Thompson, Code Enforcement (Enforcement Case No. 00-8642)
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Kevin Burke
Arnold Jablon, Director of PDM

RE: PETITION FOR SPECIAL HEARING
8111 Philadelphia Road, SE/S Philadelphia Rd,
opposite Doris Ave
115th Election District, 7th Councilmanic

Legal Owner: Kevin Burke
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-424-SPH

* * * * *

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 26th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Kevin Burke, 333 Trimble Road, Apt. C-2, Joppa, MD 21085, Petitioner.



PETER MAX ZIMMERMAN

7/25/01
TO SC
8

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

01-2527
JUL 25 2001

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

DATE: July 24, 2001

FROM: Lawrence E. Schmidt
Zoning Commissioner



SUBJECT: PETITION FOR SPECIAL HEARING
NE/S Philadelphia Road, 50' opposite Doris Avenue
(8111 Philadelphia Road)
15th Election District – 7th Council District
Kevin Burke – Legal Owner/Petitioner
Case No. 01-424-SPH

Enclosed please find a letter dated June 20, 2001, received July 23, 2001, from Mr. Kevin Burke, property owner/Petitioner in the above-captioned matter. Although Mr. Burke addressed his correspondence to me, he is requesting an appeal of my decision dated June 21, 2001. Thus, I am forwarding his written request to your office for proper processing. There was no check or money order included in his correspondence to cover the filing fee. In any event, inasmuch as my Order was dated June 21, 2001, Mr. Burke's appeal is timely in that the deadline for filing fell over the weekend (Saturday, July 21, 2001), and thus, would be extended to Monday, July 23, 2001.

Should you have any further questions on the subject, please do not hesitate to call me.

LES:bjs

cc: Mr. Kevin Burke
333 Trimble Road, Apt. C-2, Joppa, Md. 21085
Baltimore County Board of Appeals
People's Counsel; Case File

Petition for
Special
Hearing from
Kevin Burke
went to SL
on 7/25/01.

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 28, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton 
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILE**

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

CASE NUMBER

NAME

LOCATION

01-424-SPH

Kevin Burke

8111 Philadelphia Road

Attachment: SUBJECT FILE(S) ATTACHED

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 25, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 424
Legal Owner/Petitioner: Kevin Burke
Contract Purchaser: N/A
Property Address: 8111 Philadelphia Rd.
Location Description: SE side of Phila. Rd. opposite Doris Ave.

VIOLATION INFORMATION: Case No. 00-8642
Defendants: Kevin Burke

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Ernest Taylor	8108 Philadelphia Rd.

*sent letter
5-3-01
62*

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/jk
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

DATE: 12/27/00 INTAKE BY: JR CASE #: 00-8642 INSPEC: Kemp

COMPLAINT LOCATION: across from 8108 Philadelphia Rd
8113 Philadelphia Rd ZIP CODE: 21237 DIST: 15

COMPLAINANT NAME: Ernest Taylor PHONE #: (H) 410-866-2025 (W) _____

ADDRESS: 8108 Philadelphia Rd ZIP CODE: 21237

PROBLEM: Accessory structure on vacant lot -
half built - been sitting for months

IS THIS A RENTAL UNIT? YES _____ NO ✓
IF YES, IS THIS SECTION 8? YES _____ NO ✓
OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 12/28/00
Site Insp - shed (< 100 sq. ft.) and
@ trailer on property (No primary structure
on property). Sending Correction Notice
via mail RC 1/11/01 Called Mr. Taylor

REINSPECTION: w/ update of Action Taken

1/12/01 -
Zoning Appl. Date 2/27/01
RC 2/28/01

EINSPECTION: 2/12/01
Zoning Appl. date re-scheduled for
3/2/01 RC 3/5/01

2/28/01 Citation sent per A.T. Hearing
4/17/01 RC 4/16/01

EINSPECTION: 4/16/01 Code Enforcement Hearing
Cancelled by me, OK'd by Mr. Shapiro,

Zoning Variance 01-424 SPH, Allow 6 wts,
RC 5/29, Enforcement hearing to be re-scheduled,

Mr. Taylor advised, AK



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

Any? Call me 8-8:30 AM or 3-4 PM, M-F
BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 00-8642	Property No. 22 00 023169	Zoning: DR
------------------------------	------------------------------	---------------

Name(s): Burke, Kevin A.

Address: 333 Trimble Rd Apt. C2 Joppa, Md 21085

Violation Location: 8113 Philadelphia Rd Balto. Md 21237

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Balto. Co. Zoning Regulations

Secs. 1B01.1A; 101

Accessory Structures (shed and
Trailer) on lot w/o benefit of
primary structure. Please,
remove Accessory Structures or
obtain Zoning Variance.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 1/11/01	Date Issued: 12/29/00
--------------------------	--------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Jim Kemp

INSPECTOR: [Signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN.

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR: _____

AGENCY

DATE: 12/28/2000
TIME: 14:43:11

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
22 00 023169 15 3-2 04-00 N NO 10/09/00
BURKE KEVIN A

DESC-1.. .471 AC
DESC-2.. SELING PROPERTY
PREMISE. 08113 PHILADELPHIA

APT C-2
333 TRIMBLE RD
JOPPA

RD 00000-0000

MD 21085-3822 FORMER OWNER: SELING DAVID STANLEY

----- FCV -----			----- PHASED IN -----		
	PRIOR	PROPOSED		CURR	PRIOR
LAND:	26,000	26,000		CURR	
IMPV:	0	0		FCV	
TOTL:	26,000	26,000	TOTAL..	26,000	10,400
PREF:	0	0	PREF...	0	0
CURT:	0	0	CURT...	0	0
DATE:	10/96	06/99	EXEMPT.	0	0

----- TAXABLE BASIS -----		FM DATE
01/02 ASSESS:	26,000	10/06/00
00/01 ASSESS:	10,400	06/01/00
99/00 ASSESS:	10,400	06/04/99

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 12/28/2000

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 14:42:38

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
22 00 023168 15 3-2 04-00 N NO 10/09/00
BURKE KEVIN A

DESC-1.. .422 AC

DESC-2.. SELING PROPERTY

PREMISE. 08111 PHILADELPHIA

C-2

333 TRIMBLE ROAD

JOPPA MD 21085-3822 FORMER OWNER: SELING DAVID STANLEY RD 00000-0000

FCV		PHASED IN	
PRIOR	PROPOSED	CURR	CURR
LAND: 25,470	25,470	FCV	ASSESS
IMPV: 0	0	TOTAL.. 25,470	10,180
TOTL: 25,470	25,470	PREF... 0	0
PREF: 0	0	CURT... 0	0
CURT: 0	0	EXEMPT. 0	0
DATE: 10/96	06/99		

TAXABLE BASIS		FM DATE
01/02 ASSESS:	25,470	10/06/00
00/01 ASSESS:	10,180	06/01/00
99/00 ASSESS:	10,180	06/04/99

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 12/28/2000

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 14:44:13

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
22 00 023170 15 3-2 04-00 N NO
BURKE KEVIN A

DESC-1.. .519 AC

DESC-2.. SELING PROPERTY

PREMISE. 08115 PHILADELPHIA

RD

APT C-2

333 TRIMBLE RD

JOPPA

MD 21085-3822

FORMER OWNER: SELING DAVID STANLEY

00000-0000

FCV

PHASED IN

PRIOR

PROPOSED

CURR

CURR

PRIOR

LAND: 26,520 26,520

IMPV: 0 0

TOTL: 26,520 26,520

PREF: 0 0

CURT: 0 0

DATE: 10/96 06/99

TOTAL..

FCV

ASSESS

ASSESS

PREF...

0

0

0

CURT...

0

0

0

EXEMPT.

0

0

---- TAXABLE BASIS ----

FM DATE

01/02 ASSESS: 26,520

10/06/00

00/01 ASSESS: 10,600

06/01/00

99/00 ASSESS: 10,600

06/04/99

ENTER-INQUIRY2

PA1-PRINT

PF4-MENU

PF5-QUIT

PF7-CROSS REF

DATE: 12/28/2000

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 14:40:03

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
17 00 012506 15 3-2 04-00 N NO D 04/25/00
SELING DAVID STANLEY
SELING RICHARD JOSEPH
8113 PINECREST AV
DESC-1... 1.590 AC SES
DESC-2... 1534 NE CHESACO AV
PREMISE. 00000 PHILADELPHIA
RD-
00000-0000

BALTIMORE

MD 21237-0000 FORMER OWNER: BOHLEN JOHN EDWARD

FCV		PHASED IN	
PRIOR	PROPOSED	CURR	CURR
LAND:	0	0	0
IMPV:	0	0	0
TOTL:	0	0	0
PREF:	0	0	0
CURT:	0	0	0
DATE:	12/91	12/95	0
TAXABLE BASIS		FM DATE	
95/96 ASSESS:	0	08/07/95	0
94/95 ASSESS:	14,630	05/26/94	0
00/01 ASSESS:	0		0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Baltimore County
Department of Permits and
Development Management

Code Inspections Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 00-8642	Property No. 22-00-023169	Zoning: DR-5.5
Name(s): KEVIN A. BURKE		
Address: APT. C-2, 333 Trimble Rd. Joppa MD 21085-3822		
Violation Location: 8113 Philadelphia Road		
Violation Dates: 12-28-00 thru 2-27-01		

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

- 1) **ACCESSORY STRUCTURE ON A RESIDENTIAL LOT WITHOUT BENEFIT OF A PRINCIPAL DWELLING.**
- 2) **STORAGE/PARKING OF A RECREATIONAL VEHICLE ON A RESIDENTIAL LOT WITHOUT A DWELLING BEING PRESENT.**

**101°, 102.1°, 1301.1A°, 400°;
415 A B.C.Z.R**

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: **61 DAYS X \$400.00/100**

\$ **24,400**

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for:

Date: **4-17-01**

Time: **9:00 a.m.**

Citation must be served by:

Date: **3-15-01**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name:

Kimberly Wood

Jim Kamp

Date: **2/28/01**

Inspector's Signature
Kimberly Wood

Jim Kamp

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.:

00-8642

Address:

Date:

Defendant's Signature

AGENCY

Kevin Burke
333 Trimble Rd., Apt C-2
Joppa, MD 21085

June 20, 2001

Baltimore County Zoning Commissioner
Suite 405 Bosley Avenue
Towson, MD 21204

RE: PETITION FOR SPECIAL HEARING

NE/S Philadelphia Road, 50' opposite Doris Avenue
(8111 Philadelphia Road)
15th Election District- 7 Council District
Kevin Burke Petitioner
Case No. 01-424-SPH

APPEAL OF DECISION OF LAWRENCE E. SCHMIDT, DATED JUNE 21,
2001.

This appeal is filed for the following reasons of fact.

1. Code Enforcement Hearing Officer Stanley J. Schapiro entered a order dated June 18, 2001 (3 days prior to this order) which stated in effect the building permit that was issued June 4, 2001 authorizes a shed on the property for the purposes of building the intended (house and garage) structure. He did however order the trailer removed. However, he suspended any fine if a permit for a trailer was obtained. I therefore proceeded immediately to obtain the necessary and required trailer permit .
2. Subsequent to obtaining the required permit, I received the order was issued by MR. Schmidt, that directly conflicts with Mr. Schapiro' order.
3. I have since contacted the officials in Baltimore County including MR. Schmidt to understand why the separate, and conflicting orders are being issued and to try to understand how to be in compliance with the regulations. I have spent a lot of time and money already in this attempt, and am therefore filing this appeal.
4. Therefore I enter this written appeal and am notifying the respondents by first Class mail.


Sincerely Kevin Burke

enclosures : Trailer Permit
Building Permit
June 18 order Stanley Schapiro

PERMIT NO. 60



LICENSE YEAR 12/31/01

TRAILER PERMIT

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

KEVIN BURKE
333 TRIMBLE RD APT G2
JOPPA MD 21085

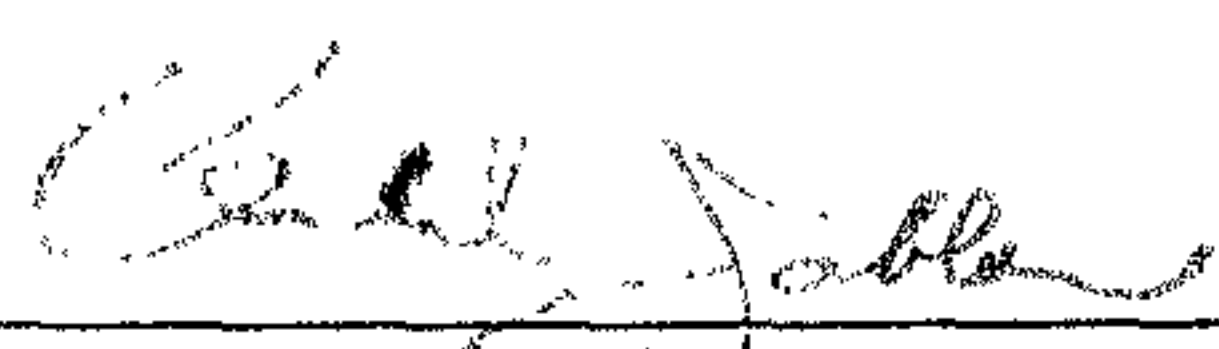
Date Issued June 25, 2001

Type Temporary Occupancy

Use Construction storage

A permit is hereby granted to Kevin Burke to park a
trailer on the property of same located
at 7111-8115 Philadelphia Road.

This Permit Expires: December 31, 2001


Director

REV 1/96



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B444052 CONTROL #: NR DIST: 15 PREC: 02
DATE ISSUED: 06/04/2001 TAX ACCOUNT #: 2200023168 CLASS: 04

PLANS: CONST 2 PLOT 7 R PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 8111 PHILADELPHIA RD
SUBDIVISION: SELING PROPERTY

OWNERS INFORMATION

NAME: DURKE, KEVIN A
ADDR: 333 TRIMBLE RD APT C-2 JOPPA, MD 21085

**THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE**

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONSTRUCT SFD W/3 BEDROOMS, FIREPLACE (OUTSIDE
PROJ NOT TO EXCEED 4'X10') REAR BAY WINDOW, COV
FRY PORCH, 2ND FL DORMERS, TWO CAR SIDE ENTRY
GARAGE. OWNER AFFIRMATION ON FILE. NOT CBCA
ELEV: 60' FLD ZONE: C. (GARAGE & LAUNDRY RM ON
REAR) 45'X66'X30'6"=3,306SF

BLDG. CODE: 1 AND 2 FAM. CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD W/ATTACHED GARAGE
88,000.00 EXISTING USE: SHED

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK

BASEMENT: FULL

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 18408SF

FRONT STREET:

SIDE STREET:

FRONT SETB: 30'

SIDE SETB: 14'/11'

SIDE STR SETB:

REAR SETB: 175'

DEPARTMENT OF PERMITS AND
DEVELOPMENT MANAGEMENT
NOTICE TO BUILDERS
IS PART OF THIS PERMIT

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Kevin A. Burke

Civil Citation No. 00-8642
8113 Philadelphia Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 12 June 2001, for a hearing on a citation for violations under the Baltimore County Zoning Regulations for maintaining an accessory structure on a vacant lot and parking a recreational vehicle on a vacant lot on residential property zoned DR 5.5, located at 8113 Philadelphia Road.

Jim Kemp, code enforcement inspector, stated that the County received a complaint concerning the use of the property. The property was inspected on 28 December 2000 and the inspector found a shed and a recreational vehicle, sometimes referred to as a trailer.

On 29 December 2000, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violations and the manner of correction. The correction notice was marked in evidence as PEx1 and was served on the Respondent.

On 28 February 2001, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked in evidence as PEx2 and was legally served on the Respondent.

The citation described the violations as follows: Baltimore County Zoning Regulations, §101, 102.1; 1B01.1A; 400; 415A; 1) Accessory structure on a residential lot without benefit of a principal dwelling. 2) Storage/parking of a recreational vehicle on a residential lot without a dwelling being present.

Kevin A. Burke, Respondent, appeared for the code enforcement hearing and testified.

Ernest Taylor, a neighbor at 8108 Philadelphia Road, appeared and testified.

Jim Kemp, code enforcement inspector also testified.

Testimony and evidence shows that the Respondent is the owner of several lots on Philadelphia Road. The Respondent has a shed and a trailer on the property without a primary structure. See photographs taken on 28 February 2001, marked PEx3. The Respondent has obtained a building permit on 4 June 2001 to construct a single-family dwelling at 8111 Philadelphia Road, marked Respondent Ex1. The permit was held up waiting on a zoning variance approval. The Respondent was advised that he needs a permit for the trailer

The Complainant is concerned that the trailer the Respondent is using for construction purposes is an old recreational vehicle. There does not appear to be any requirement for what type of trailer can be used for construction purposes

Pursuant to the correction notice and subsequent code enforcement citation issued and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed from 28 December 2000, and the violations are continuing.

THEREFORE IT IS ORDERED by the Code Enforcement Hearing Officer, this 18 day of June 2001, that a civil penalty is imposed in the amount of \$1,000.

IT IS FURTHER ORDERED that if the Respondent obtains a permit for the trailer, then the civil penalty in the amount of \$1,000 shall be suspended.

The Respondent is advised that the trailer must be removed from the lot after the single-family dwelling is completed.

IT IS FURTHER ORDERED that the inspector monitor the property to determine whether the violations have been corrected.

Signed: 
Stanley J. Schapiro
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

8108 Philadelphia Road
Baltimore, Maryland 21237
August 10, 2001

Board of Appeals
Room 49
Old Court House
Towson, Maryland 21204

ATTENTION: Kathleen Bianco

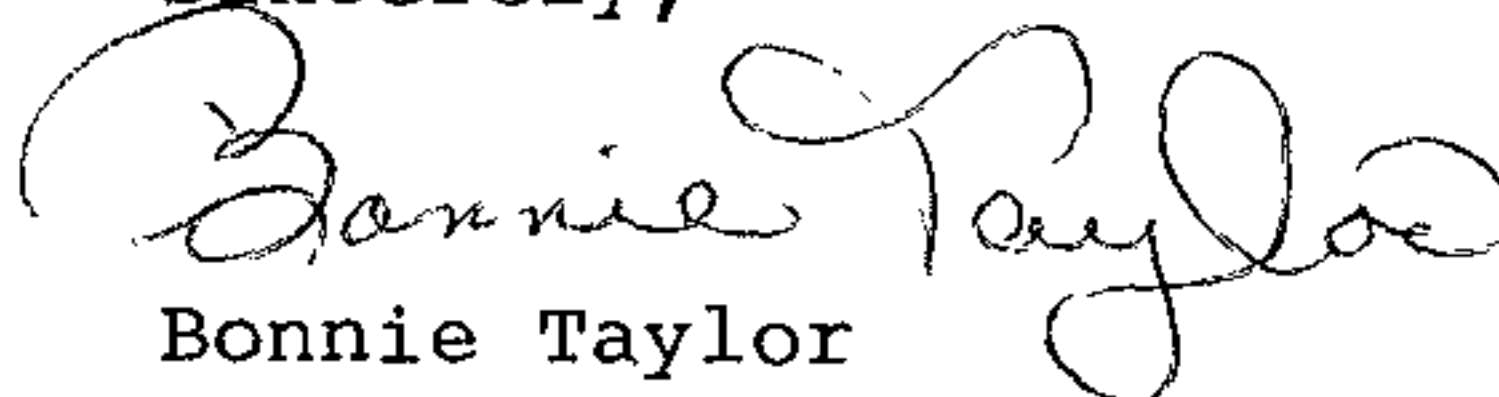
RE: Kevin Burke
8111 - 8115 Philadelphia Road
Case No.: 01-424

Dear Ms. Bianco:

In as much, as the above request was denied by the zoning commissioner (6/21/01 by Lawrence E. Schmidt), prior to a permit being issued (6/25/01). Please expedite the appeal hearing.

Thanking you in advance for your attention. If I can be of any assistance to you, please contact me (410-866-2025.)

Sincerely,


Bonnie Taylor

01 AUG 13 AM 11:40

PETITIONER(S) SIGN-IN SHEET

ADDRESS

Kevin T. Burke

333 Trumbull Rd Apt C2
Tappan NY 07085



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

Revised 4/17/00

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

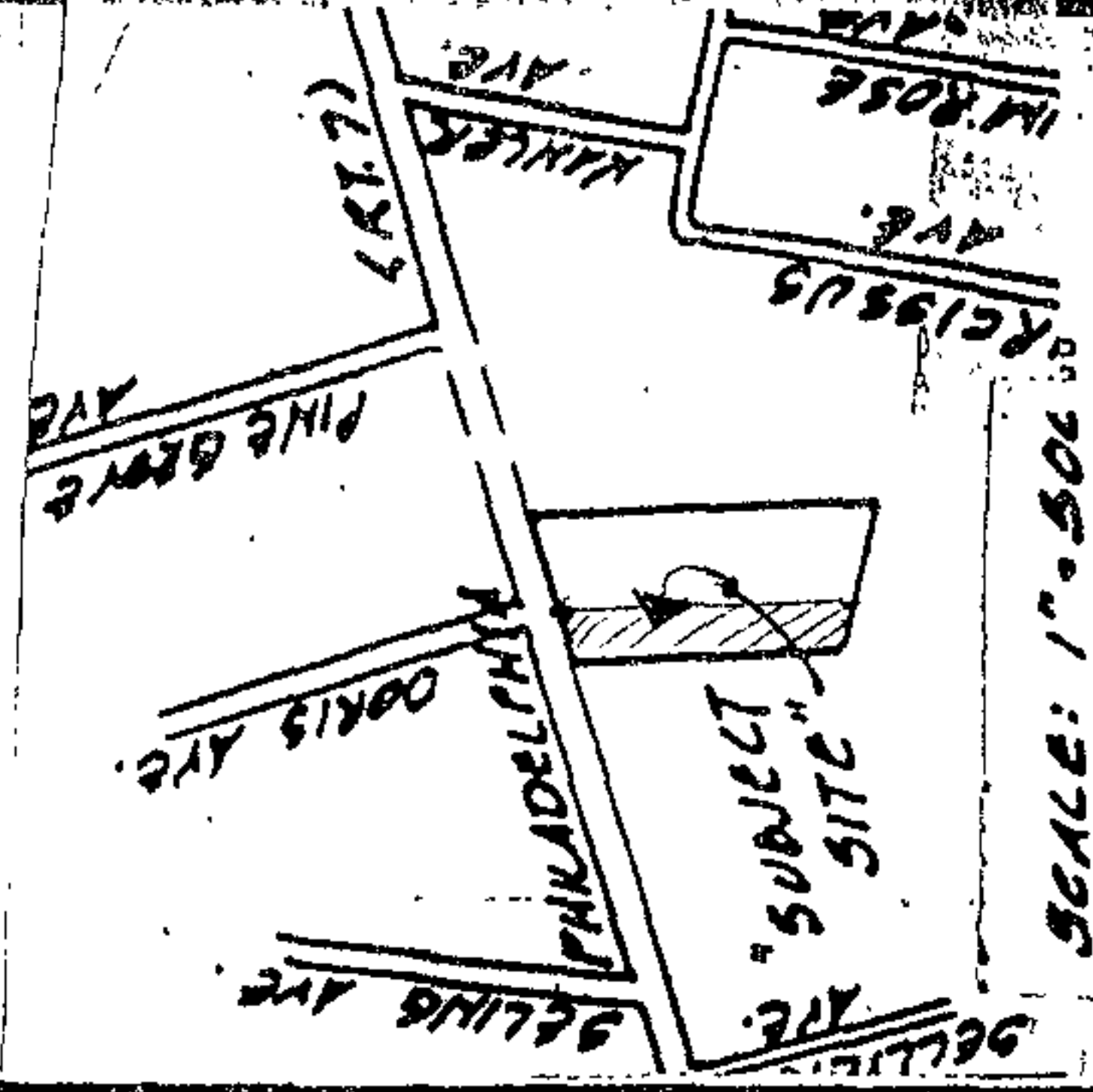
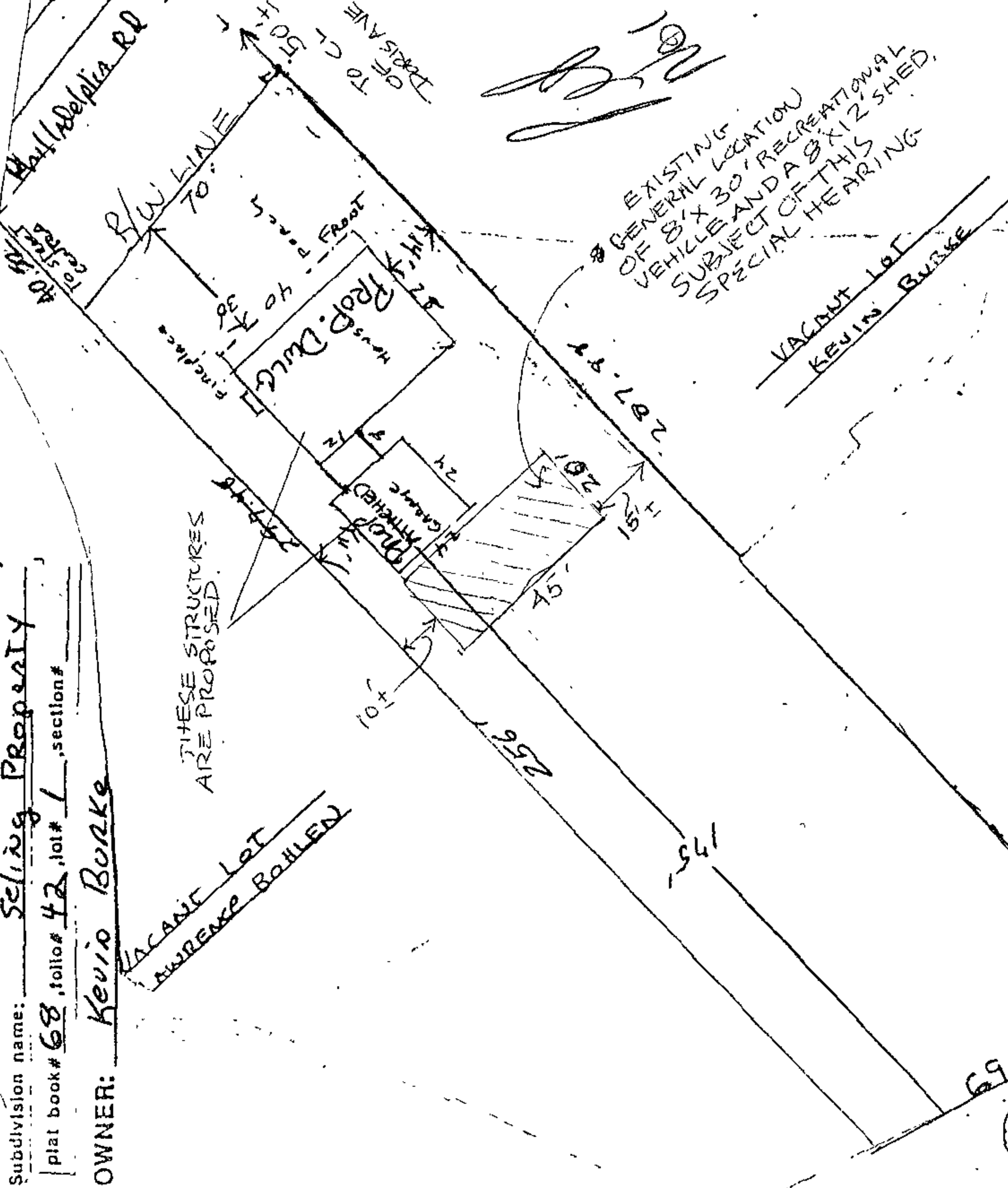
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 8111 Philadelphia Rd

Subdivision name: Selling Property

plat book # 68, folio # 42, lot # 1, section # 1

OWNER: Kevin Burke



LOCATION INFORMATION

Election District: 15
 Councilmanic District: 7
 1"=200' scale map #: NE3E & 3F
 Zoning: DR 5.5
 Lot size: 422 18408
 acreage square feet

SEWER: ☒ public ☐ private
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:
NOT IN 100 YEAR FLOOD PLAIN
NOT HISTORIC

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

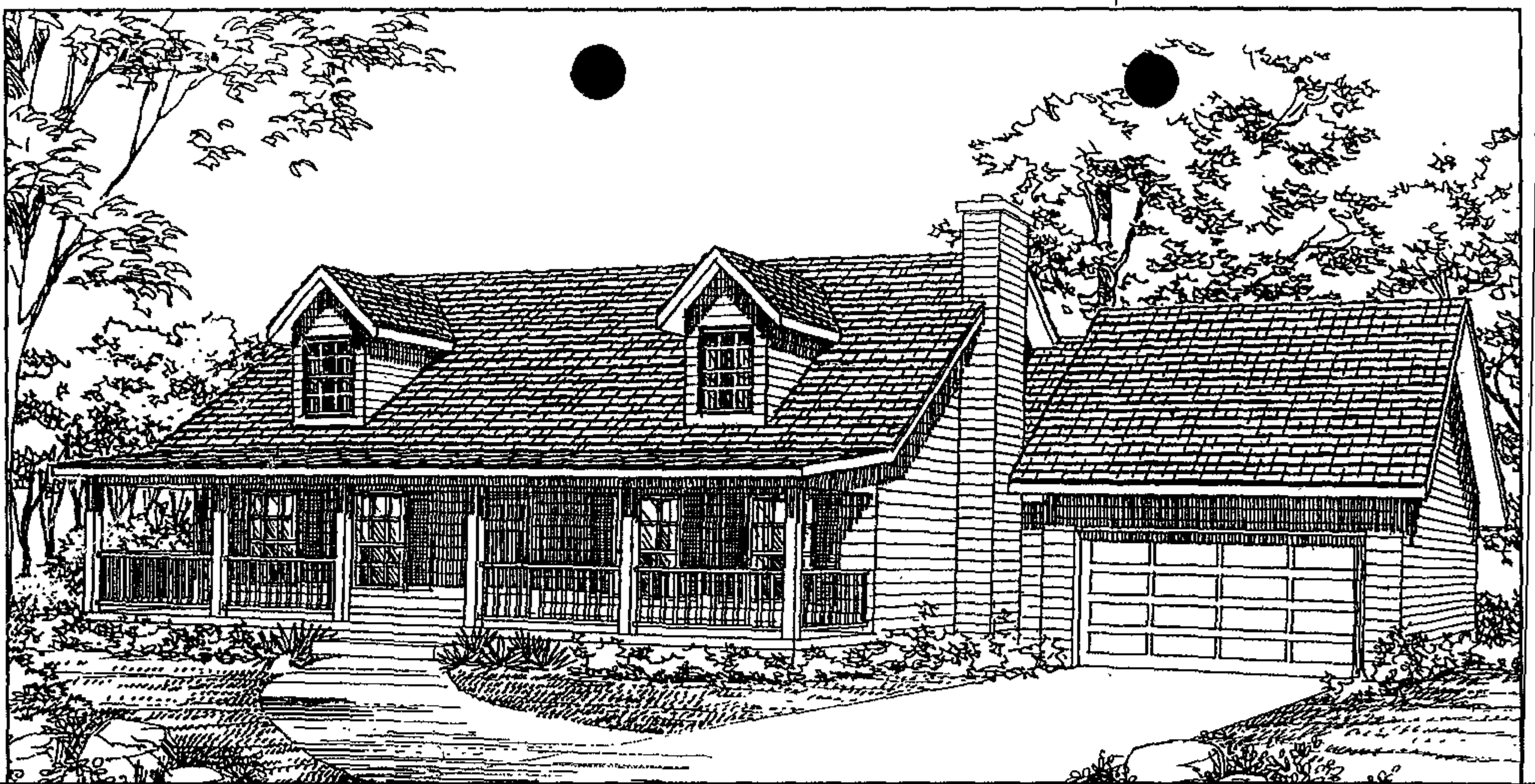
42A

I AM RESPONSIBLE FOR THE
 ACCURACY OF ALL INFORMATION
 DRAWN OR WRITTEN BY BALTO. CO.

Kevin Burke
01/12/2001

Scale of Drawing: 1" = 40

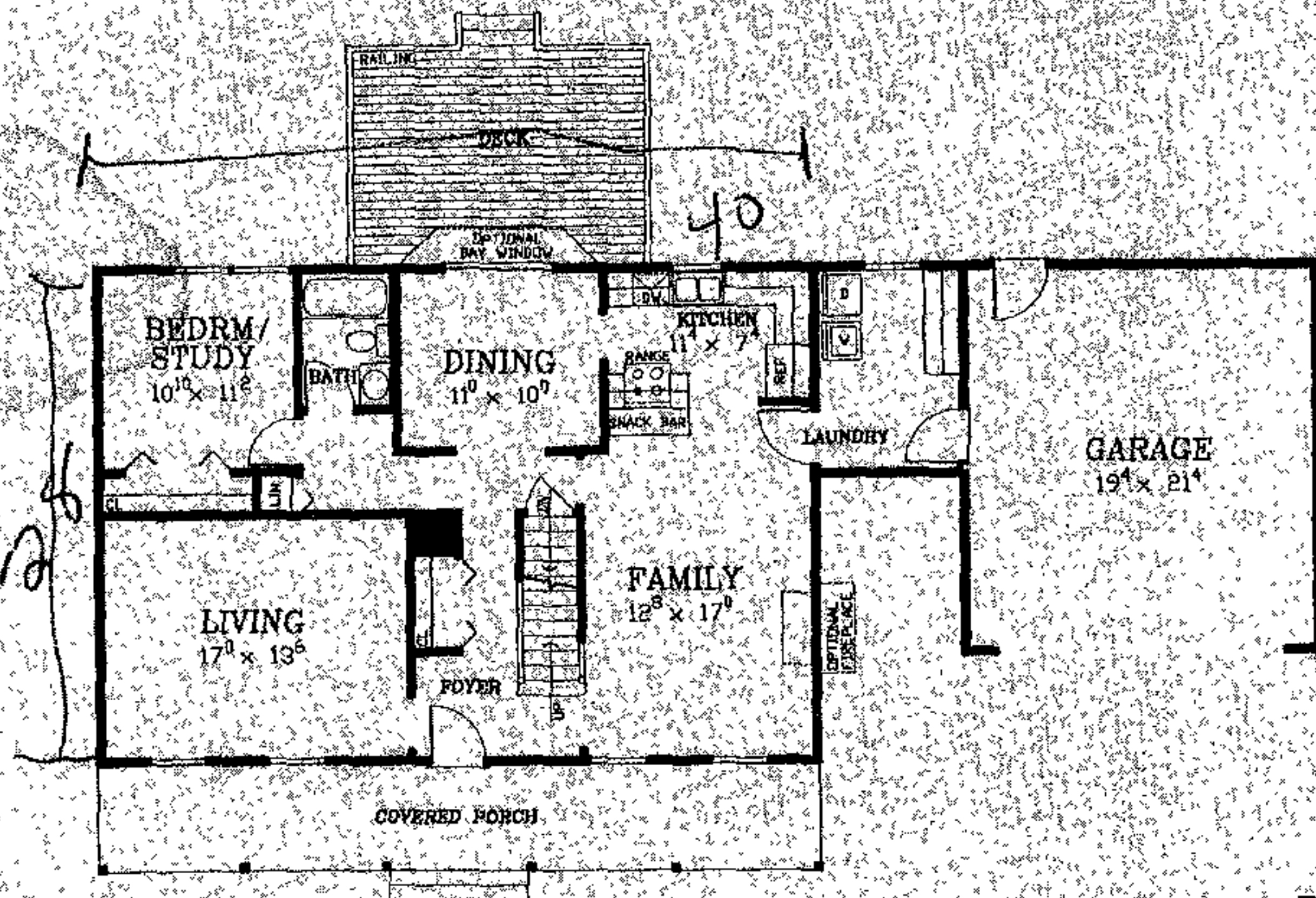
North
 date: 69.98
 prepared by: KCB



TOTAL LIVING AREA:
2,079 SQ. FT.

CAPE MAY II

*The Outstanding Floor Plan in this
1-1/2 Provides the Ultimate in
Living Space and Lasting Value!*



ENHANCED PLAN

Improve the basic value plan with your choice of these options. Consult the floor plan and rear views to see how well these options will fit your lifestyle!

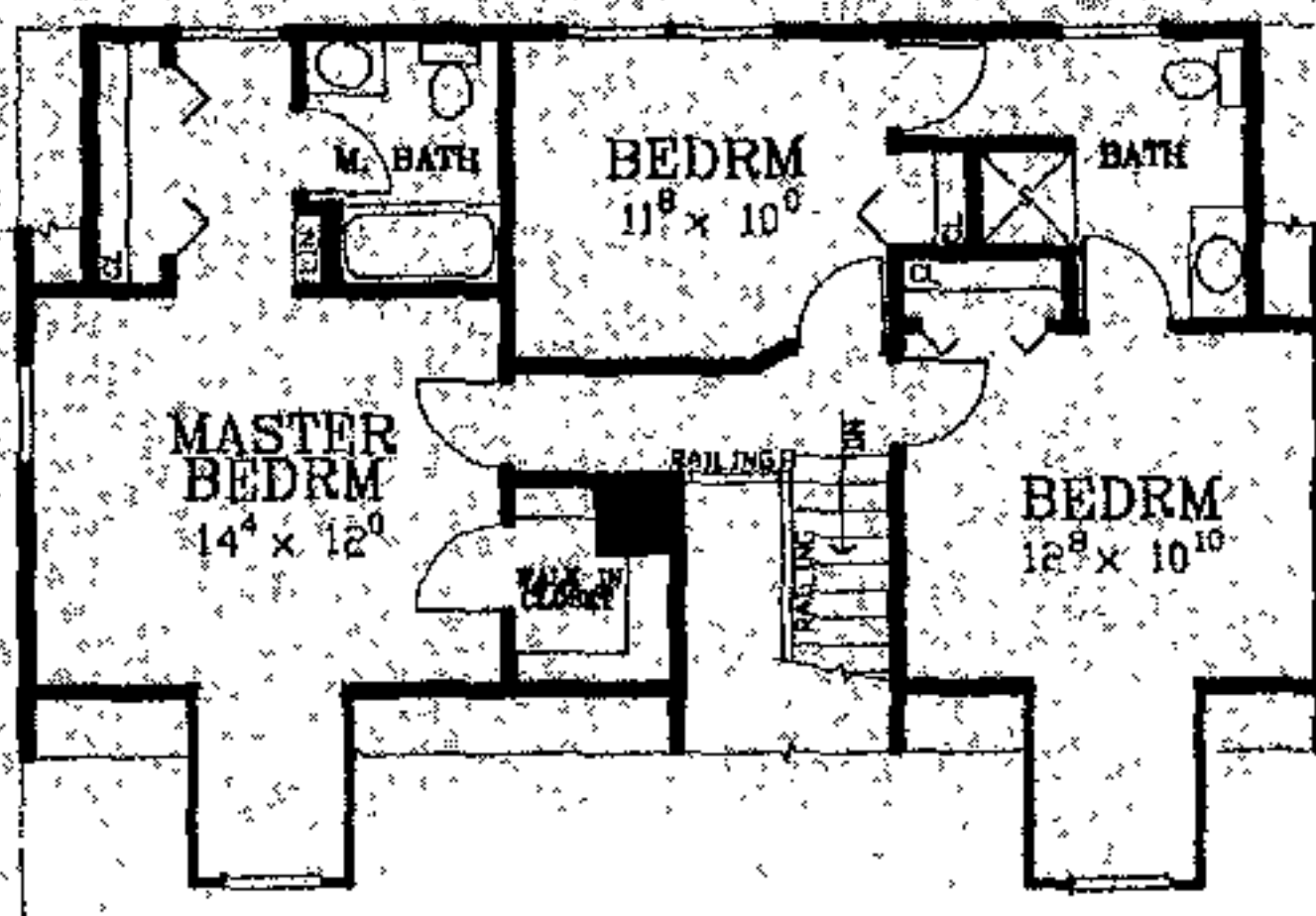
- Two-Car Attached Garage (20' x 22')
Plus Laundry Room (8' x 12')
- Rear Deck (16' x 12')
- Angle Bay in Dining Room
(Adds 18 sq. ft.)
- Fireplace in Family Room
(Zero Clearance)
- Full Porch with Railing (40' x 6')
- Dormers (25 sq. ft. each)

Width: 68' (w/garage & laundry)

Depth: 40' (w/deck)

Enhanced Rear View

Basement option shown



PERMIT NO. 60



LICENSE YEAR 12/31/01

TRAILER PERMIT

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

KEVIN BURKE
333 TRIMBLE RD APT G2
JOPPA MD 21085

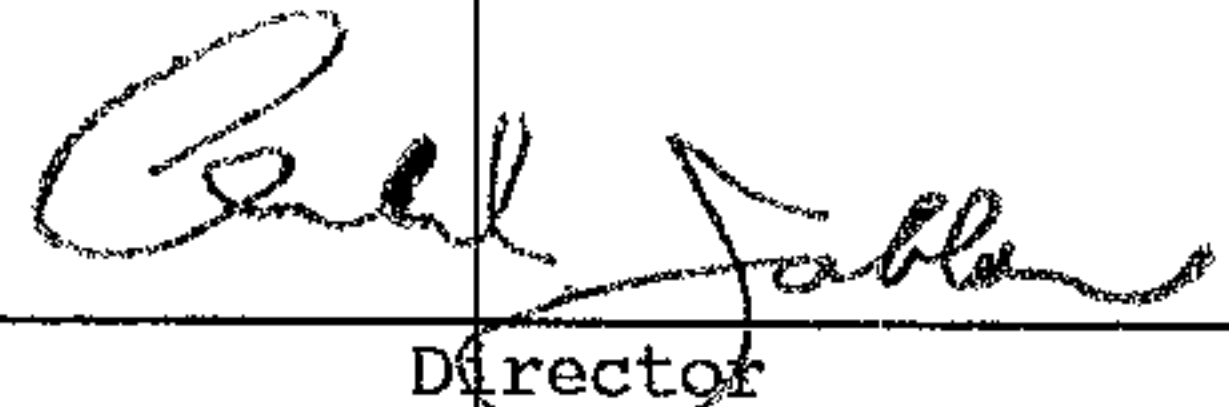
Date Issued June 25, 2001

Type Temporary Occupancy

Use Construction storage

A permit is hereby granted to Kevin Burke to park a
trailer on the property of same located
at 7111-8115 Philadelphia Road.

This Permit Expires: December 31, 2001


Director

REV 1/96

PET # 3 11/13/01







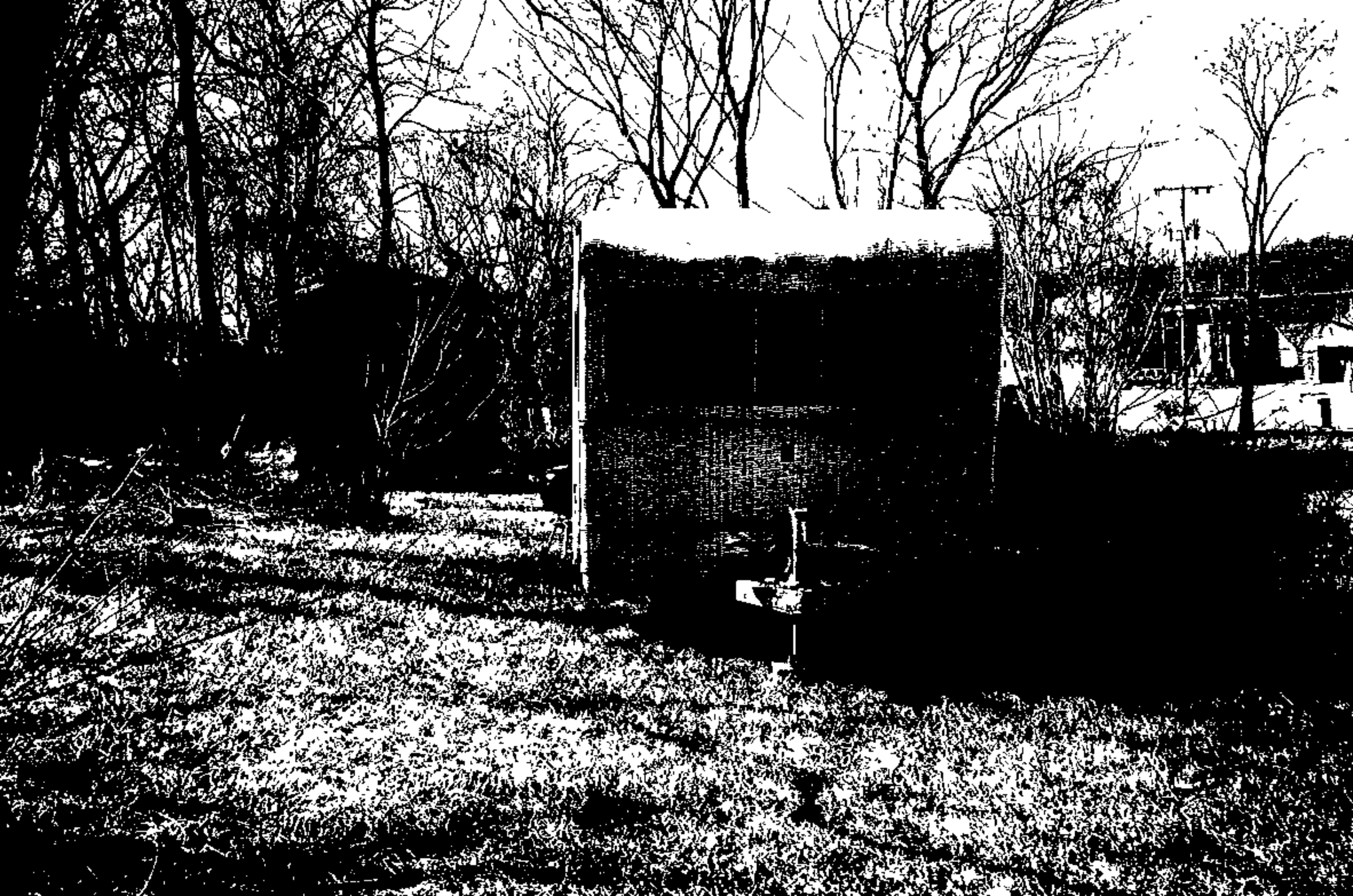




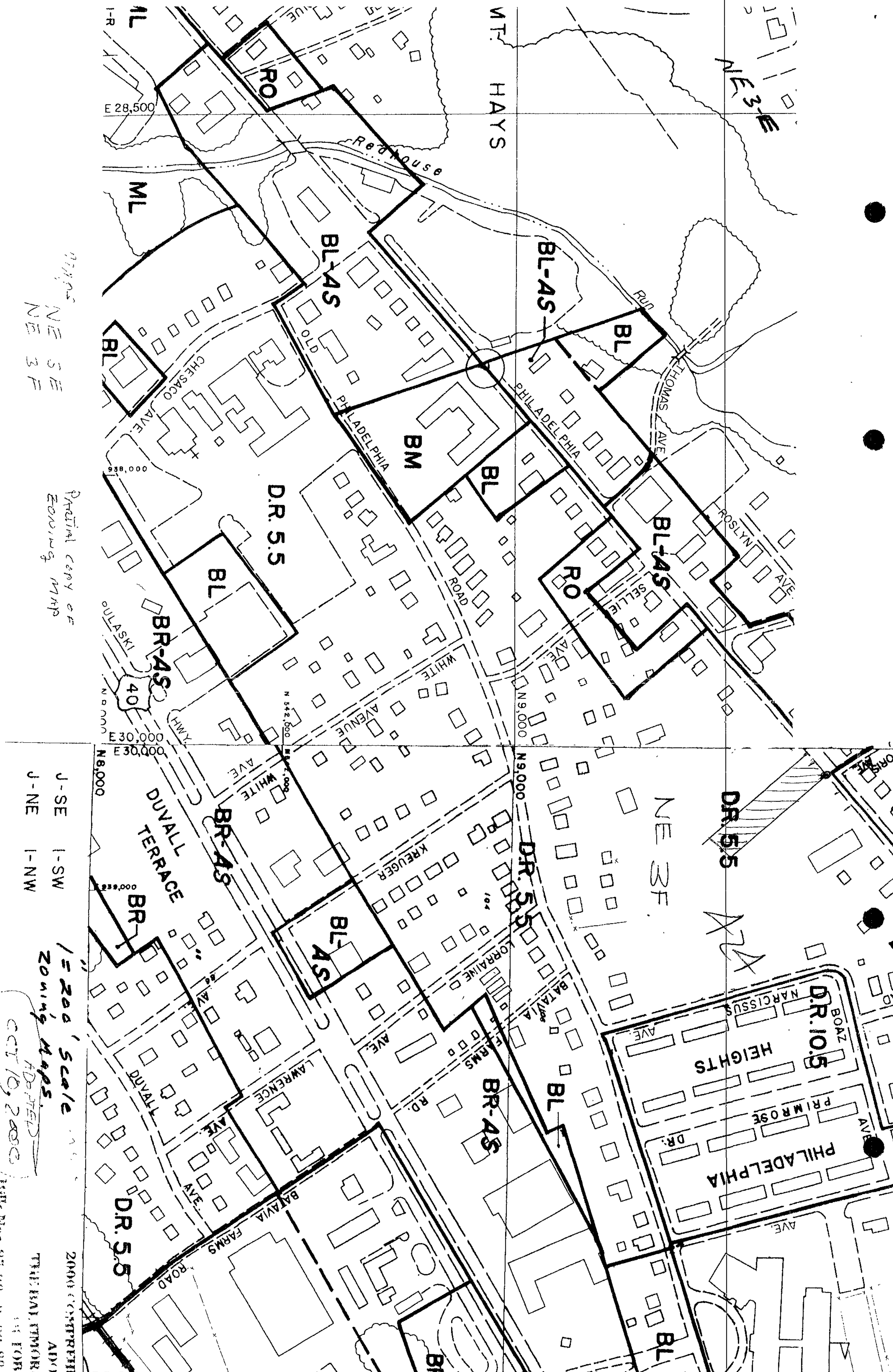












Partial copy of
Zoning map

1 = 200' Scale
Zoning Maps
ADAPTED
CCT 10, 2000
2000 COPYRIGHTED
ADDP
THEMATIC
FORT

2000 COPYRIGHTED
ADDP
THEMATIC
FORT