

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

NW/S Burke Road, 950'
centerline of Bowleys Quarters Road
15th Election District
5th Councilmanic District
(1346 Burke Road)

Michelle & Vincent Diffenbaugh
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-106-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Michelle and Vincent Diffenbaugh. The Petitioners are requesting zoning relief for property they own at 1346 Burke Road, located in the Bowleys Quarters area of Baltimore County. Specifically, the Petitioners are requesting a special hearing for a waiver to permit the existing height of the lowest portion of the first floor elevation to be at a flood zone height of 10.2 ft. in lieu of the flood protection height of 11.2 ft. In addition, variance relief is requested to permit side yard setbacks of 14 ft. and 12 ft. in lieu of the required 50 ft.

Appearing at the hearing on behalf of the requests were Michelle Diffenbaugh, owner of the property and Dave Thomas, appearing on behalf of the Department of Public Works.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 0.197 acres, more or less, zoned RC.5. The subject property is a waterfront lot located along Burke Road in Bowleys Quarters. The Petitioners recently purchased the subject property. The house wherein they reside had an old front porch which was dilapidated and in need of renovation. The Petitioners obtained a permit to remove the front porch and construct in its place a 15 ft. x 24 ft. addition. The addition proposed to be constructed on the front of the

COPIED TO THE ZONING

Date 11/26/01

by R. J. [Signature]

house would provide additional living space to the Diffenbaughs. The Petitioners obtained a valid building permit to construct the addition. However, they learned through the process of constructing the addition that a special hearing for a waiver might be necessary in that the elevation of the property where the house is located is less than that required by law. Therefore, upon the advice of the building inspector, the property owners have requested this special hearing for a waiver, as well as a variance to allow the side yard setbacks of the house to remain at 14 ft. and 12 ft.

After considering the testimony and evidence offered by Mrs. Diffenbaugh, along with the testimony provided by Mr. Dave Thomas, a representative of the Department of Public Works, I find that the special hearing request for a waiver from the floodplain regulations is not necessary. The small addition constructed on the front of this house does not meet the definition of a "substantial improvement" as that term is defined within the Baltimore County Code. Accordingly, no waiver is necessary and the special hearing request shall be dismissed.

As to the variance request, I find it is appropriate to grant side yard variances of 12 ft. and 14 ft. to this property owner. The house, which has existed on the property for many decades, currently maintains these same side yard setbacks. The Petitioners simply constructed an addition off the front of their home which does not come any closer to the side property lines than the existing house. This too calls into question whether the need for a variance is warranted. However, out of an abundance of caution, I shall grant to these property owners side yard variances of 14 ft. and 12 ft. for this addition, as well as their existing home, in order to bring the property into total compliance with all zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208

11/7/01
R. J. G. [Signature]

(1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

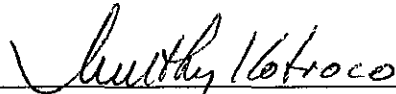
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land, due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of November, 2001, that the Petitioners' Request for Variance from Section 1A04.3.B.2 and 3 of the Baltimore County Zoning Regulations, to permit side yard setbacks of 14 ft. and 12 ft. in lieu of the required 50 ft., be and is hereby GRANTED

IT IS FURTHER ORDERED, that the Petitioners' Request for a Special Hearing for a waiver from the floodplain regulations is not warranted, given that the small improvement made to this house does not constitute a "substantial improvement" on the property and is hereby DISMISSED.

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


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECORDED FOR FILING
Date 11/7/01
BY R. Johnson



Baltimore County
Zoning Commissioner

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

November 7, 2001

Mr. & Mrs. Vincent Diffenbaugh
1346 Burke Road
Middle River, Maryland 21220

Re: Petitions for Special Hearing & Variance
Case No.: 02-106-SPHA
Property: 1346 Burke Road

Dear Mr. & Mrs. Diffenbaugh:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been dismissed and the petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



CBCA FLOOD PLAIN
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 1344 BURKE RD
which is presently zoned RC-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 A WAIVER OF SEC. 510.1⁴¹
OF THE BALTIMORE COUNTY BUILDING CODE TO PERMIT THE
EXISTING HEIGHT OF THE LOWEST PORTION OF THE 1ST FLOOR
ELEVATION TO BE AT THE FLOOD ZONE HEIGHT OF 10.2 FT.
IN LIEU OF THE FLOOD PROTECTION HEIGHT OF 11.2 FT.

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:

Legal Owner(s):

Name - Type or Print

VINCENT L. DIFFENBAUGH
Name - Type or Print

Signature

Vincent L. Diffenbaugh
Signature

Address Telephone No.

Michelle H. Diffenbaugh
Name - Type or Print

City State Zip Code

Michelle A. Diffenbaugh
Signature

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 02-106-SP4A

9/15/98

1344 BURKE RD 410-344-0410
Address Telephone No.

Middle River MD 21220
City State Zip Code

Representative to be Contacted:

Vince & Michelle Diffenbaugh
Name

1344 Burke Rd 410-344-0410
Address Telephone No.

Middle River MD 21220
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRA Date 09-12-01

ORDER RECEIVED FOR FILING



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1346 Burke Rd.
which is presently zoned RC-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 Variance from Section(s) 1 A 04.3.B.2. & 3 to Permit

SIDE YARD SETBACKS OF 14 FT. & 12 FT. IN LIEU OF THE REQUIRED 50 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 'STRUCTURALLY UNSOUND PORTION MUST BE REPLACED - 2. EXTENDING BUILDING 8 FT TO PROVIDE MORE LIVING SPACE FOR A GROWING FAMILY.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

VINCENT L. DITTENBAUGH
Name - Type or Print

Signature

MICHELE L. DITTENBAUGH
Name - Type or Print

MICHELE DITTENBAUGH
Signature

1346 Burke Rd 410-344-0410
Address Telephone No.

MIDDLE RIVER, MD 21220
City State Zip Code

Representative to be Contacted:

VINCENT & MICHELE DITTENBAUGH
Name

1346 Burke Rd 410-344-0410
Address Telephone No.

MIDDLE RIVER MD 21220
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By SPH Date 09-12-01

ORDER RECEIVED FOR FILING

Case No. 02-106-SPH

REV 9/15/98

ZONING DESCRIPTION

Zoning description for 1346 Burke Road beginning at a point on the north west side of Burke Road which is 50 feet wide at the distance of 181.5 feet of the centerline of Bowleys Quarters Road which is 18 feet wide. Being Lot #145 in the subdivision of Bowleys Quarters, Plat #1 as recorded in Baltimore County Plat Book #7, Folio #12, containing 8,600 s.f. Also known as 1346 Burke Road and located in the 15th Election District, 5th Councilmanic District.

02-106-SPH A.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5642

DATE 09.17.01. ACCOUNT R-001-006-6150

AMOUNT \$

100.00

RECEIVED
FROM:

FOR:

VINCENT & MICHELLE DIFFENBAUGH

RES. UIN

RES. SPECIAL HEARING

150.00

150.00

TOTAL

\$100.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

750.00

PAID RECEIPT

PAYMENT ACTUAL TIME
9/13/2001 9/12/2001 16:00:41

SLIP 0004 CASHIER DICK DMD DRAWER 2

RECEIPT # 156102

DFLN

Item 5 528 ZINING VERIFICATION

CR NO. 005642

Receipt To:

100.00

100.00 LK

.00 CA

Baltimore County, Maryland

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: #02-106-SPHA

1346 Burke Road

NW/8 Burke Road, 950' centerline of Bowleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Michele H. & Vincent L. Dittenbaugh

Variance: to permit a side yard setbacks of 14 feet and 12 feet in lieu of the required 50 feet each. **Special Hearing:** for waiver to permit the existing height of the lowest portion of the 1st floor elevation to be at the flood zone height of 10.2 feet in lieu of the flood protection height of 11.2 feet.

Hearing: Monday, November 5, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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 concerning the File and/or Hearing, Contact the Zoning Review Office at: (410) 887-3391.

10/19/01 Oct. 18

C500812

CERTIFICATE OF PUBLICATION

10/19/, 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 10/18/, 2001.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATION OF POSTING

RE: Case No.: 02-106-SPAA

Petitioner/Developer: Michael H.

VINCENT L. DIFFENBAUGH

Date of Hearing/Closing: 11/5/01

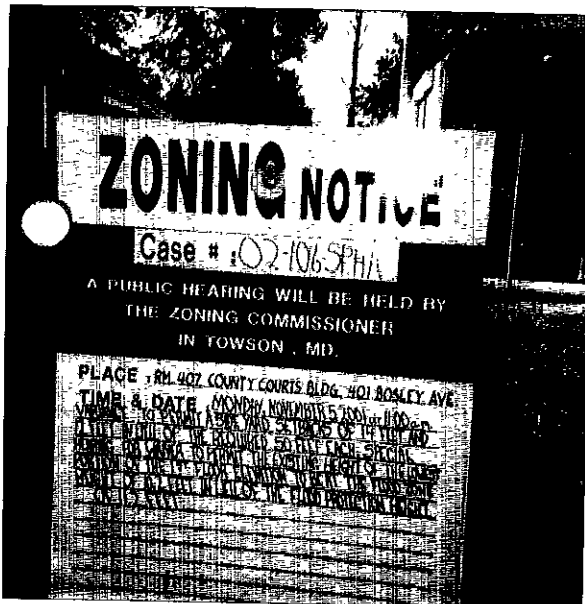
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 1346 BURKE RD

The sign(s) were posted on 10/20/01
(Month, Day, Year)



Sincerely,

[Signature] 10/20/01
(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)



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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: _____

Petitioner: Michele & Vince Diffenbaugh

Location: 1346 Burke Rd, Middle River, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michele & Vince Diffenbaugh

ADDRESS: 1346 Burke Rd
Middle River, MD 21220

PHONE NUMBER: 410-344-0410

AJ:ggs

(Revised 09/24/96)

02-106-SPH A

Application to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

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

PROPERTY ADDRESS: 1346 BURKE RD

Subdivision name: BOWLEYS QUARTERS

plat book # 7, folio # 12, lot # 145, section # W.P.C. 20.77

OWNER: VINCENT L. & Michele H. Dittenbaugh



Vicinity Map
scale: 1"=1000

LOCATION INFORMATION

Election District: 15th

Councilmanic District:

1"=200 scale map #:

Zoning:

Lot size: 200x50 10,000
acreage square feet

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

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:



North

Date: 9-10-01

Prepared by: _____

Scale of Drawing: 1"= _____

12 copies

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 18, 2001 Issue – Jeffersonian

Please forward billing to:
Michele & Vince Diffenbaugh
1346 Burke Road
Middle River MD 21220

410 344-0410

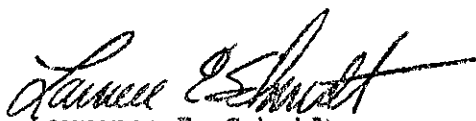
NOTICE OF ZONING HEARING

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: 02-106-SPHA
1346 Burke Road
NW/S Burke Road, 950' centerline of Bowleys Quarters Road
15th Election District – 5th Councilmanic District
Legal Owners: Michele H & Vincent L Diffenbaugh

Variance to permit a side yard setbacks of 14 feet and 12 feet in lieu of the required 50 feet each. Special Hearing for waiver to permit the existing height of the lowest portion of the 1st floor elevation to be at the flood zone height of 10.2 feet in lieu of the flood protection height of 11.2 feet.

HEARING: Monday, November 5, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDC
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
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

October 11, 2001

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: 02-106-SPHA
1346 Burke Road
NW/S Burke Road, 950' centerline of Bowleys Quarters Road
15th Election District – 5th Councilmanic District
Legal Owners: Michele H & Vincent L Diffenbaugh

Variance to permit a side yard setbacks of 14 feet and 12 feet in lieu of the required 50 feet each. Special Hearing for waiver to permit the existing height of the lowest portion of the 1st floor elevation to be at the flood zone height of 10.2 feet in lieu of the flood protection height of 11.2 feet.

HEARING: Monday, November 5, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDL
Director

C: Michele A & Vincent L Diffenbaugh, 1346 Burke Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 20, 2001.**
(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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 2, 2001

Michele & Vincent Diffenbaugh
1346 Burke Road
Middle River MD 21220

Dear Mr. & Mrs. Diffenbaugh:

RE: Case Number: 02-106-SPHA, 1346 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 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
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2001
Item No. 106

DATE: October 16, 2001

The Bureau of Development Plans Review has reviewed the subject zoning item.

Development in the 100-year tidal flood plain area per *Section 26-668* of the *Baltimore County Development Regulations* requires a permit for all development, storage of equipment and materials, or placement of manufactured homes in the flood plain area; and the permit shall be granted only after the necessary permits from the state and federal agencies have been obtained.

Flood resistant construction shall be in accordance with the requirements of the *B.O.C.A. National Building Code* currently adopted by Baltimore County and as modified below hereinafter. The lowest floor elevations of all now or substantially improved structures shall be at or above the flood protection elevation. Basements are not permitted in the flood plain area.

The rear of buildings may not be constructed within 20 feet of the flood plain as established for a 100-year flood level with a 1-foot freeboard. *See Plate D19 in the Baltimore County Design Manual.*

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

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

October 15, 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 October 1, 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:

082, 102, 103, 104, 105, 106, 107, 109, 110, 111,
112, 113, 114, 115, 116, 117, and 118

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley
DATE: October 16, 2001
SUBJECT: Zoning Item 106
Address 1346 Burke Road

Zoning Advisory Committee Meeting of 10/1/01

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Kieth Kelley

Date: 10/16/01

Jim
11/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2001

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

0012

SUBJECT: 1346 Burke Road

INFORMATION:

Item Number: 02-106

Petitioner: Vincent L. Diffenbaugh

Zoning: RD 5

Requested Action: Special Hearing & Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit side yard setbacks of 14 feet and 12 feet respectively in lieu of the required 50 feet.

Prepared by: Maria A. Cunniff

Section Chief: Jeffrey W. Long

AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.5.01

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

RE: Baltimore County
Item No. 1076

JRA

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,

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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
1346 Burke Road, NW/S Burke Rd, 950' c/l
Bowleys Quarters Rd
15th Election District, 5th Councilmanic

Legal Owners: Vincent & Michele Diffenbaugh
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-106-SPHA

* * * * *

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 31st day of October, 2001 a copy of the foregoing Entry of Appearance was mailed to Vincent L. & Michele H. Diffenbaugh, 1346 Burke Road, Baltimore, MD 21220, Petitioners.



PETER MAX ZIMMERMAN

NE 1 L

R.C. 20

CREEK

GALLOWAY

R.C. 5

BMB

R.C. 5

BOWLEYS

R.C. 20

02-106-SP1A7

SHEET 13 OF 15

N 537,000

N 3,000

N 2,000

BURKE

ROAD

50

11

PIE

PIE

10

PIER

PIER

PIER:

WALL

WAL

PIERS

PIER

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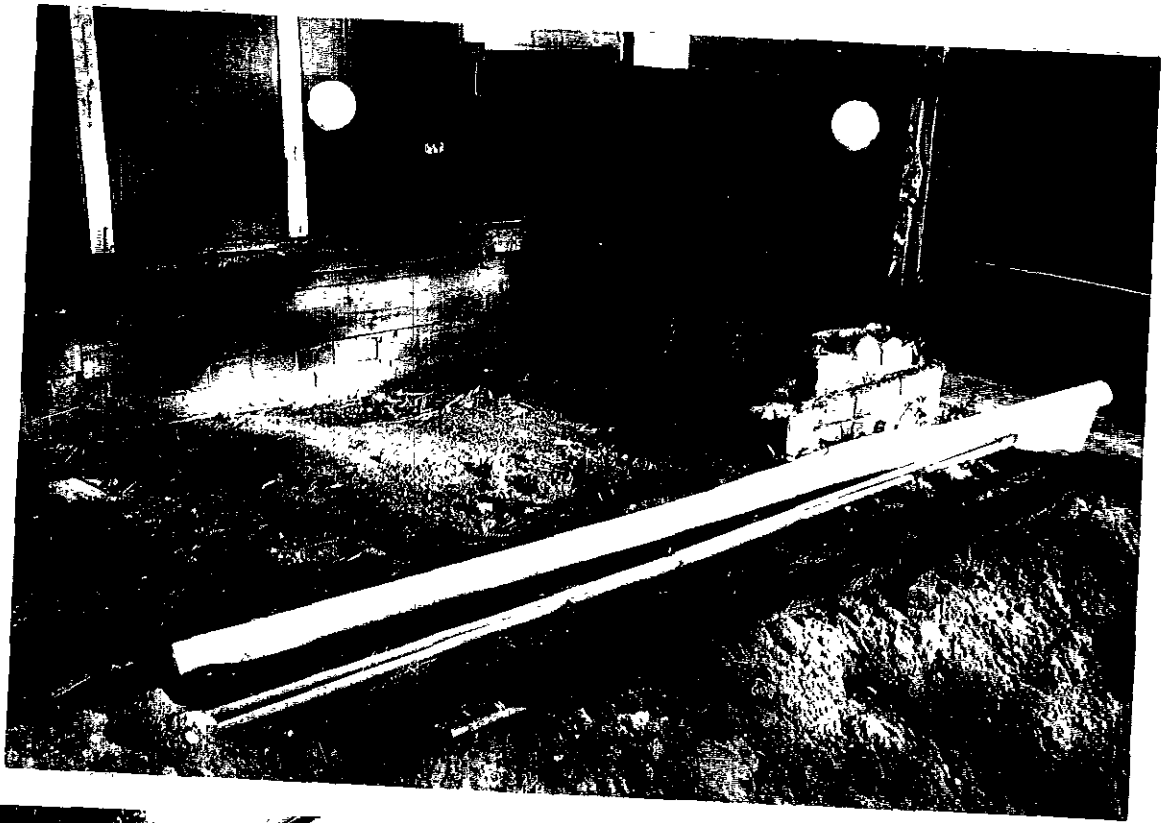
WALL

BURKE

242-

50

11



Variance ☒ Special Pleading

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

W.P.C. 2017

OWNER: VINCENT L. & Michele H. Dittenbaugh



LOCATION INFORMATION

Election District: 15th

Councilmanic District: 5th

1"-200' scale map#: *N.E. 1-L*

Zoning: *RL-5*

Lot size: 197 8600
acres square feet

SEWER: ☐ public ☒ private

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings:

None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

507-

07 106. SPH

Pet. Ex. #1

12 cases

27052



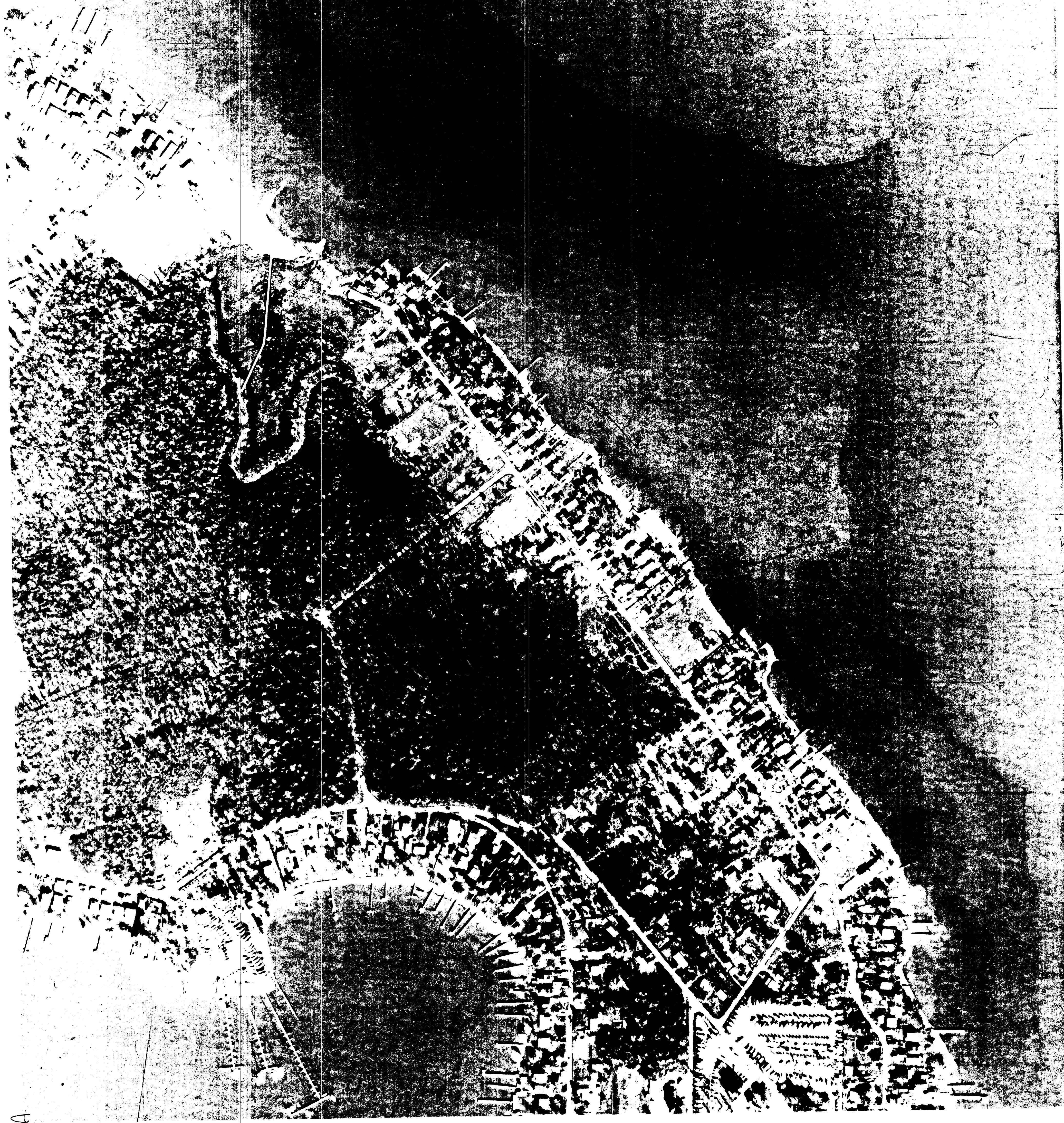
North

Re: 9-10-01

prepared by:

Scale of Drawing: 1" = 30'

THIS PROPERTY DOES
LIE IN A HUD. IDENTIFIED
SPECIAL FLOOD HAZARD AREA,
DESIGNATED ZONE "A-10",
(100 YEAR) AS SHOWN ON
FIRM, PANEL #14290007
0445-B. FLOOD MAP
THOUGH BELIEVED ACCURATE,
IS NOT GUARANTEED.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BOWLEY'S QUARTERS	N.E. 1-L
DATE OF PHOTOGRAPHY JANUARY 1966		

MC 90-100 0-550



ZZ - NW
ZZ - SW

SCALE
1" = 200'

DATE OF PHOTOGRAPH
DEC. 1954

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH.

MICROFILMED