

IN RE: PETITION FOR VARIANCE
S/S Burke Avenue, 680' N of
Cold Spring Road
(1206 Burke Road)
15th Election District
7th Council District

John H. Shackelford
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-287-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John H. Shackelford. The Petitioner requests a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 11 feet on each side in lieu of the required 50 feet for a proposed dwelling. 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 were John H. Shackelford and his son-in-law, Ray Henschcliffe. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located on the south side of Burke Road, between Cold Spring Road and Bowleys Quarters Road in eastern Baltimore County. The property is located with frontage on Galloway Creek and contains a gross area of 8,700 sq.ft., more or less, zoned R.C.5. The Petitioner has owned and resided on the property for the past 20 years. The original dwelling was located immediately adjacent to Burke Road; however, was recently destroyed as a result of Hurricane Isabel and has since been razed. The Petitioner proposes a redevelopment of the site with a modular home, 28' x 44' in dimension. As shown on the site plan, the new house will be setback a distance of 61 feet from the water, which is consistent with improvements on the adjacent lot, and provide 11-foot setbacks on each side. An existing driveway and parking area will

ORDER RECEIVED FOR FILING

Date

By

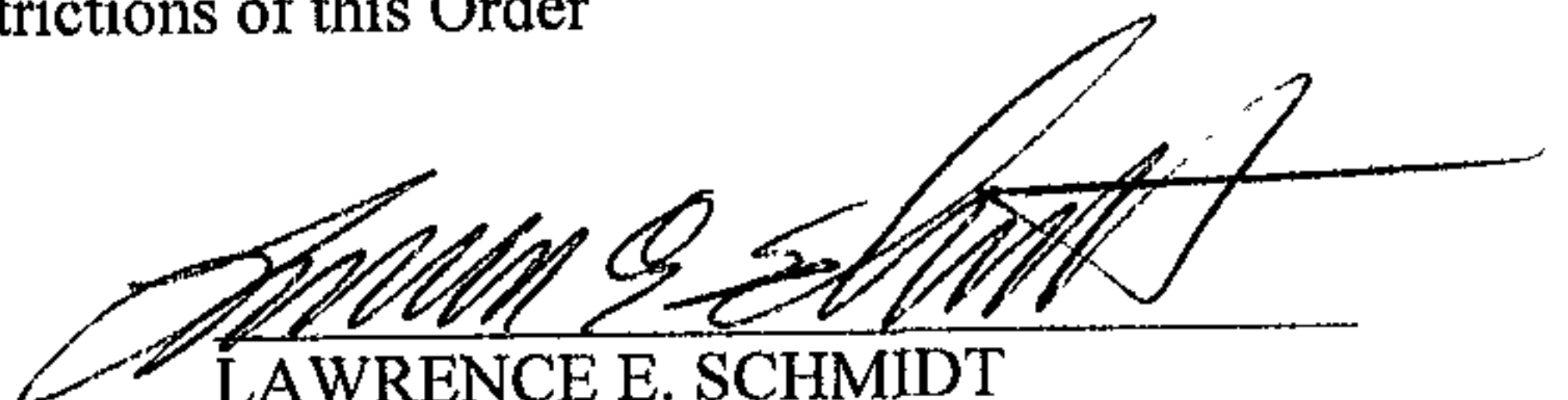
be retained. Testimony indicated that the new house will be built in accordance with all floodplain regulations.

Based upon the testimony and evidence presented, I am easily persuaded to grant the requested relief. No one appeared in opposition to the request and there were no adverse Zoning Advisory Committee (ZAC) comments received from any County reviewing agency. The proposed redevelopment of the site is appropriate in this instance and will not be detrimental to the health, safety or general welfare of the surrounding locale. However, in addition to all applicable floodplain regulations, the proposed construction must comply with Chesapeake Bay Critical Areas regulations due to the property's waterfront location.

Pursuant to the advertisement, posting of the property and public hearing on this opinion held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February 2004 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 11 feet on each side in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed improvements shall be in compliance with Chesapeake Bay Critical Areas regulations and all applicable floodplain requirements.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

February 25, 2004

Mr. John H. Shackelford
Mr. Ray Henschliffe
7132 Greenbank Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
S/S Burke Road, 680' N of the c/l Cold Spring Road
(1206 Burke Road)
15th Election District – 7th Council District
John H. Shackelford - Petitioner
Case No. 04-287-A

Dear Mr. Shackelford:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1206 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) 1A04, 3.B. 2, TO PERMIT SIDE YARD

SETBACKS OF 11 FT. (EACH SIDE) IN LIEU OF 50 FT. (EACH SIDE) FOR A
NEW DWELLING,

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

HOME DESTROYED BY HURRICANE ISABEL

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.

State

Zip Code

Legal Owner(s):

JOHN H. SHACKELFORD

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

JOHN H. SHACKELFORD OR RAY HINCHLIFFE

Name

7132 GREEN BANK RD

Address

BALTO.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING -

Reviewed By JL Date 12/11/03

Case No. 04-287-A

RECEIVED 9/25/98

ORDER RECEIVED FOR FILING
Date 12/11/03
BY [Signature]

JOHN M. SHACKEL FORD
1206 BURKE RD
BALTO. MD 21220

287

1206 BURKE ROAD IS LOCATED 680 FEET
NORTH OF COLD SPRING ROAD. THE
PROPERTY IS SOUTH OF BURKE RD.

BEING KNOWN AS LOT NUMBER ONE
HUNDRED EIGHT (108) PLAT NUMBER ONE (1)
AS SHOWN ON THE PLAT OF BOWLEY'S
QUARTERS, WHICH PLAT IS RECORDED
AMONG THE PLAT RECORDS OF BALTIMORE
COUNTY IN PLAT BOOK LIBER W.P.C. NO. 7
FOLIO 12.

RECORDED AMONG THE LAND RECORDS OF
BALTIMORE COUNTY IN LIBER 4572
FOLIO 310

**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: #04-287-A
1206 Burke Avenue
S/side of Burke Avenue, 680 feet north of Cold Spring Road

15th Election District
7th Councilmanic District

Legal Owner(s): John Shackleford

Variance: to permit side yard setbacks of 11 feet each side, in lieu of the required 50 feet.

Hearing: Wednesday, February 4, 2004 at 2:00 p.m. in Room 108, County Office Building, 111 W. Chesapeake 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) 887-4388.

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

JT/1/709 Jan 20 0845722

CERTIFICATE OF PUBLICATION

1/21/2004

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 1/20/2004.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-287-A

Petitioner/Developer: JOHN

SHACKLEFORD

Date of Hearing/Closing: FEB 4, 04

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

ATTN: Becky Hart ((410) 887-3394)

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:

1206 BURKE AVE

The sign(s) were posted on

4/17/04
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster)

4/17/04
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

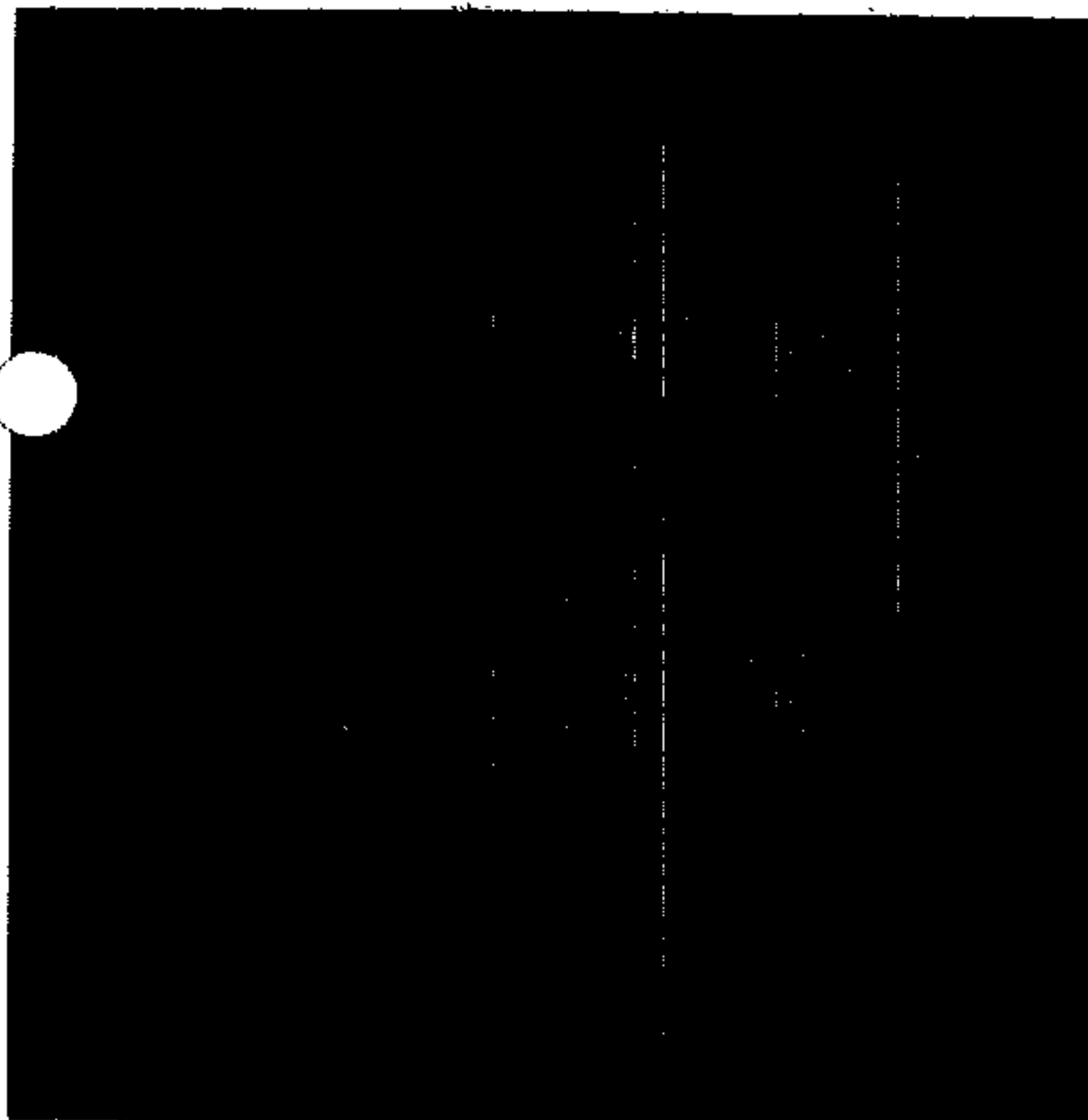
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR VARIANCE
1206 Burke Road; S/side Burke Road,
680' N of Cold Spring Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): John H. Shackelford
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 04-287-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 5th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to, John H Shackelford, 7132 Greenbank Road, Baltimore MD 21220, Petitioner(s).

RECEIVED

JAN 05 2004

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 20, 2004 Issue - Jeffersonian

Please forward billing to:
John Shackleford
7132 Greenbank Road
Baltimore, MD 21220

410-335-6373

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: 04-287-A

1206 Burke Avenue

S/side of Burke Avenue, 680 feet north of Cold Spring Road

15th Election District – 7th Councilmanic District

Legal Owner: John Shackleford

Variance to permit side yard setbacks of 11 feet, each side, in lieu of the required 50 feet.

Hearing: Wednesday, February 4, 2004 at 2:00 p.m. in Room 106, County Office Building,
111 W. Chesapeake 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**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 5, 2004

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: 04-287-A

1206 Burke Avenue
S/side of Burke Avenue, 680 feet north of Cold Spring Road
15th Election District – 7th Councilmanic District
Legal Owner: John Shackleford

Variance to permit side yard setbacks of 11 feet, each side, in lieu of the required 50 feet.

Hearing: Wednesday, February 4, 2004 at 2:00 p.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John Shackleford, 7132 Greenbank Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 20, 2004.**
- (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.

Visit the County's Website at www.baltimorecountyonline.info

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: OA-287-A
Petitioner: JOHN SHAKELFORD
Address or Location: 1206 BURKE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN H. SHACKELFORD
Address: 7132 GREENBANK RD.
BALTO. MD 21220
Telephone Number: (410) 335-6373

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 30, 2004

Mr. John Shackelford
1206 Burke Road
Baltimore, Maryland 21220

Dear Mr. Shackelford:

RE: Case Number: 04-287-A, 1206 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 11, 2003.

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel
Ray Hinchliffe 7132 Greenbank Road Baltimore 21220

Visit the County's Website at www.baltimorecountyonline.info





**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

Item No.: 280-285, (287)-299

6. The Fire Marshal's Office has no comments at this time.

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

cc: File



JD 2/4

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley *AMS*
DATE: January 6, 2004
SUBJECT: Zoning Item # 04-287
Address 1206 Burke Road
Shackelford Property

RECEIVED
JAN 06 2004
ZONING COMMISSIONER

Zoning Advisory Committee Meeting of December 29, 2003

 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

A Preliminary Assessment of the property was done in October, 2003. DEPRM is familiar with the site and has tentatively approved plans.

Reviewer: Keith Kelley

Date: January 2, 2004

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For January 5, 2004
Item No. 287

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

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

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 6, 2004

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

SUBJECT: Zoning Advisory Petition(s): Case 04-281 and 04-287

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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: Mark A. Cunningham

Section Chief: [Signature]

AFK/LL



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Driven to Excel
State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-7-04

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

RE: Baltimore County
Item No. 287 JLL

Dear Ms. Hart:

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/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone 410.545.0300 www.marylandroads.com

#287

Re: John Bessinger
No fees. (waived)

Hurricane replacement.
Variance

J. B. Lewis

12/11/03

BECKY + ROSE

PLEASE FAST TRACK

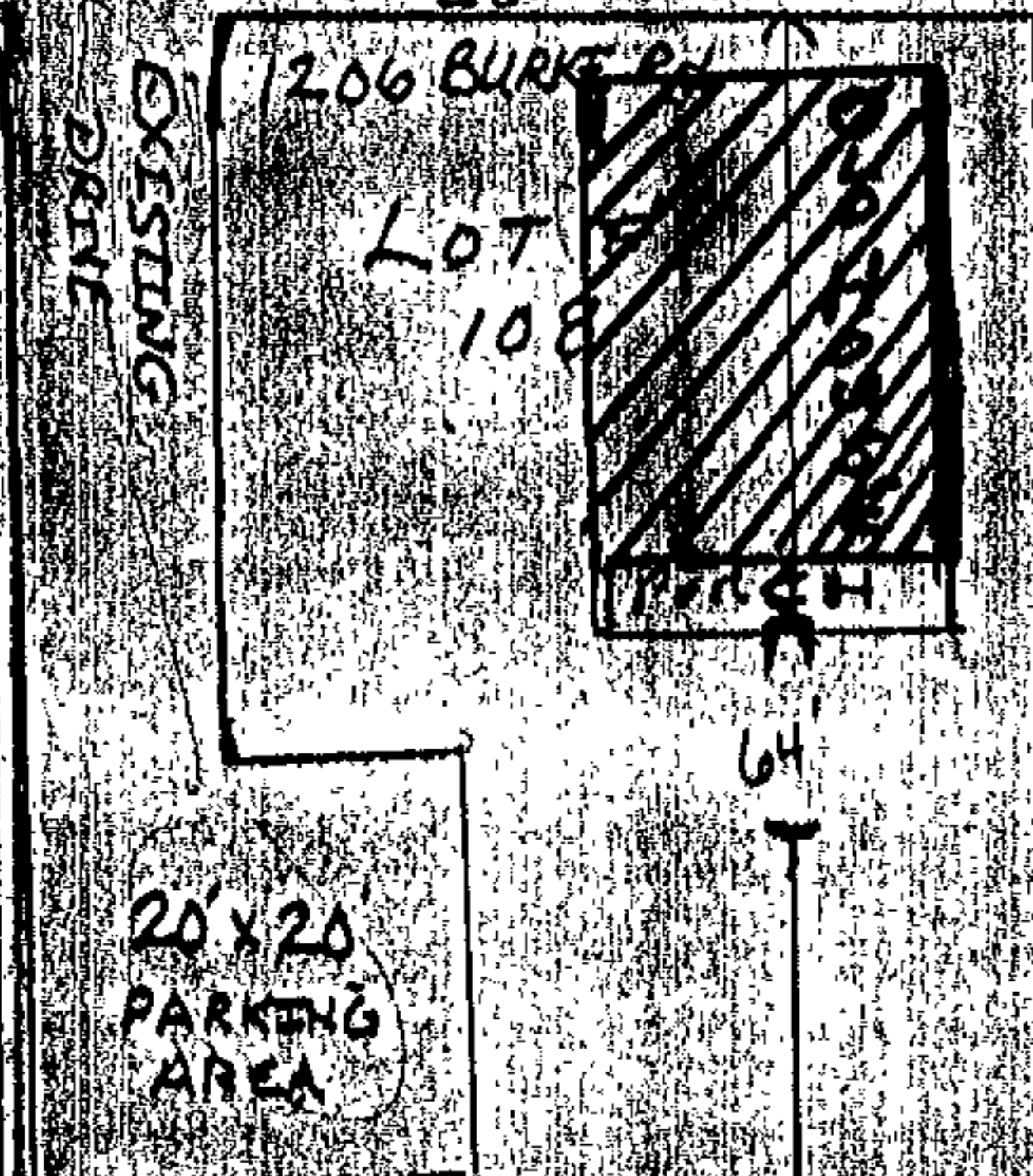
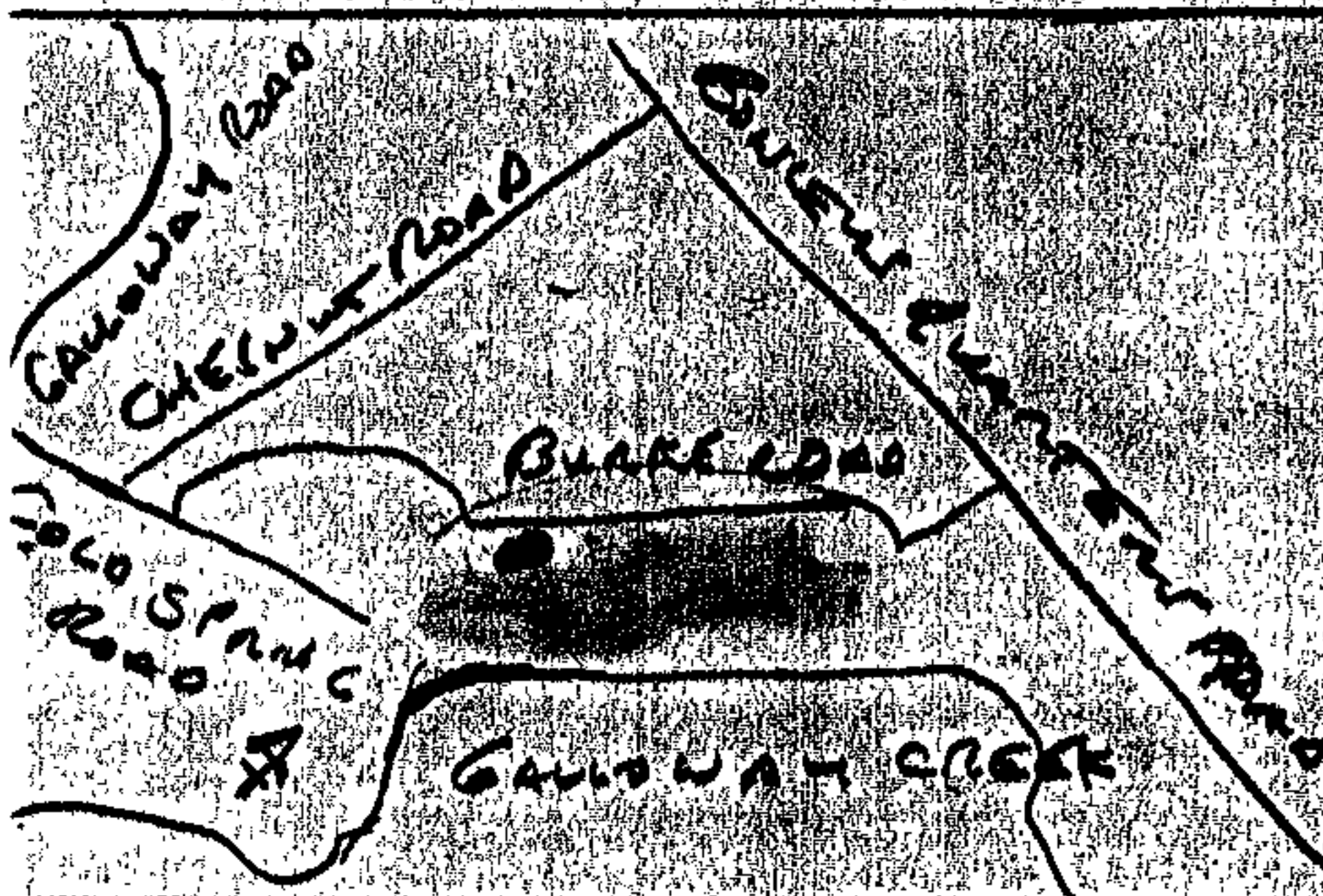
THIS PETITION.

ZONING VARIANCE SITE PLAN

↑
N

1206 BURKE RD
BURKE ROAD 30' R/W
GALTD NO 21220

OLD HOUSE HAS
BEEN RAZED



LOT # 107

281

SCALE 1" = 20'
MAP 98
GRID 4
PARCEL 4

← VACANT LOT →

JOHN H. SHACKELFORD
1206 BURKE RD
GALTD NO 21220

PET. EX

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 06
ZONING R.C.5
LOT SIZE 8700 SQ. FT. 0.19 ACRES
Public Sewer Water
CHESAPEAKE BAY
CRITICAL AREA 0106
COVERAGE 14%
100 YEAR FLOOD PLAN
Historic Property - NO
Prior Zoning Hearing - NONE

SETH S. JOHNSON'S SHED

NEIGHBORS GARDEN ATTACHED TO
TO HOUSE

FRONT

12/4/03

GALLOWAY CREEK

DATE 11/11/77

SCALE
1" = 200'

DATE	SCALE
1" = 200'	LOCATION
	BOWLEYS
	QUARTERS

