

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Eder Road, 300 ft. S
of New Battle Grove Road
15th Election District
7th Councilmanic District
(4109 Eder Road)

Rebecca A. & Michael E. Burke
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 04-381

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Rebecca A. and Michael E. Burke. The variance request is for property located at 4109 Eder Road in the Dundalk area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed detached garage with a height of 19 ft. in lieu of the maximum allowed 15 ft. height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 29, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

FILED
Date 3/18/04
By [Signature]

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18 day of March, 2004, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed detached garage with a height of 19 ft. in lieu of the maximum allowed 15 ft. height, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

3/18/04

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

March 18, 2004

Mr. & Mrs. Michael E. Burke
4109 Eder Road
Dundalk, Maryland 21222

Re: Petition for Administrative Variance
Case No. 04-381-A
Property: 4109 Eder Road

Dear Mr. & Mrs. Burke

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Printed on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4109 EDER 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 Variance from Section(s)

400.3 BCZR TO PERMIT A
PROPOSED DETACHED GARAGE WITH A 19 FT. HEIGHT IN LIEU
OF THE MAXIMUM 15 FT. HEIGHT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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):

MR. MICHAEL E BURKE

Name - Type or Print

Signature

MRS REBECCA A. BURKE

Name - Type or Print

Signature

4109 EDER RD

410.477.4954

Address

Telephone No.

BALTIMORE

MD

21222

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JL

Date 2/19/04

Estimated Posting Date 2/29/04

ORDER RECEIVED FOR FILING
3/1/04
RECEIVED
10/15/01

CASE NO. 04 381 A

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

4109 EDER RD
Address
BALTIMORE MD 21222
City State Zip Code

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

PURPOSE:

~~INCREASE~~ HEIGHT OF GARAGE FROM 15' TO 19'
PROPOSED

REASONS:

1. INCREASED ~~SPACE~~ HEIGHT OF INTERIOR OF GARAGE, (10' CEILING) TO ALLOW FOR STORAGE CAPACITY BOTH BENEATH + ABOVE CEILING.
2. HIGHER SPACE BENEATH CEILING FOR LARGE VEHICLE STORAGE I.E. FORD EXPEDITION W/ LUGGAGE RACK ON TOP

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

[Signature]

Signature

MICHAEL E. BURKE

Name - Type or Print

[Signature]

Signature

Rebecca A. Burke

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael E. Burke and Rebecca A. Burke

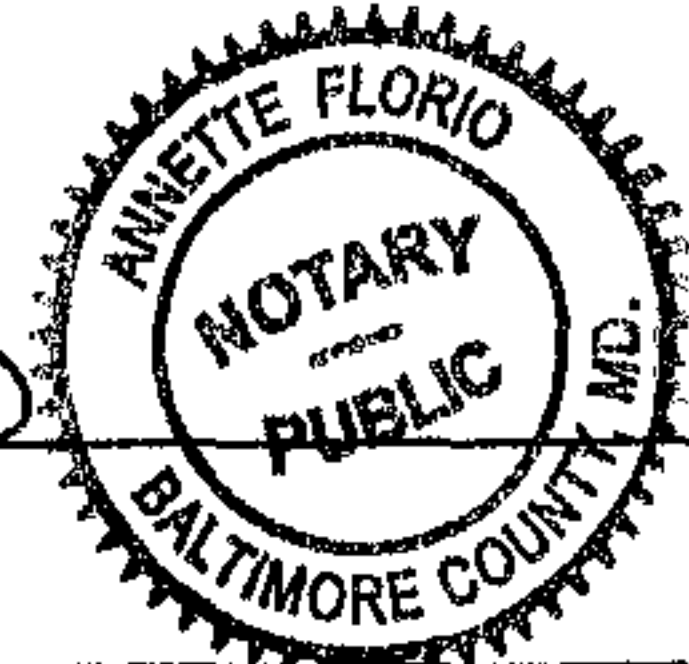
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]

Notary Public Annette Florio

My Commission Expires 8/1/04



Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 4109 EDER RD
City BALTIMORE State MD Zip Code 21222

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

PURPOSE:

PROPOSED HEIGHT OF GARAGE FROM 15 FT TO 19 FT.

REASONS:

1. INCREASED HEIGHT OF INTERIOR OF GARAGE, 10 FT CEILING TO ALLOW FOR STORAGE CAPACITY BOTH ABOVE + BENEATH CEILING.
2. HIGHER SPACE BENEATH CEILING FOR LARGE VEHICLE STORAGE I.E. FORD EXPEDITION WITH LUGGAGE RACK ON TOP.

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

[Signature]
Signature

MICHAEL E. BURKE
Name - Type or Print

[Signature]
Signature

Rebecca A. Burke
Name - Type or Print

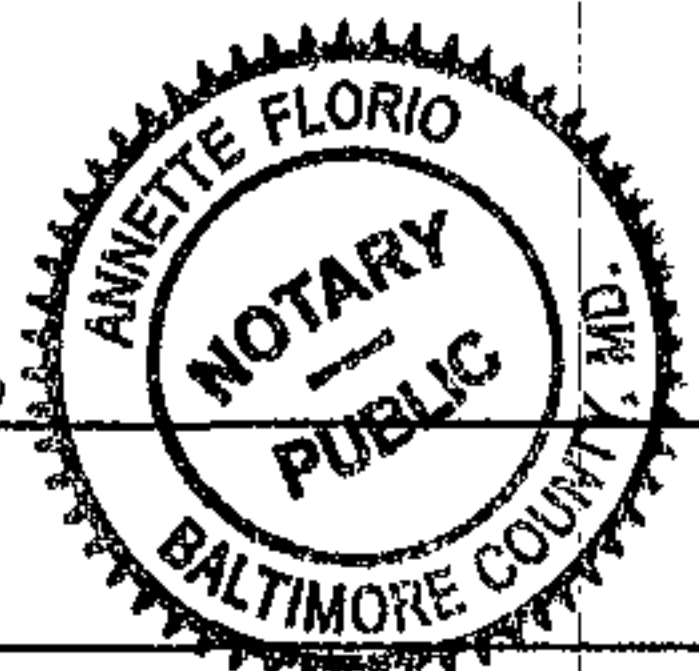
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael E. Burke and Rebecca A. Burke
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public Annette Florio
My Commission Expires 8/1/04





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4109 EDER 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 Variance from Section(s) 400.3 BC2R TO PERMIT A

PROPOSED DETACHED GARAGE WITH A 19 FT. HEIGHT IN LIEU
OF THE MAXIMUM 15 FT HEIGHT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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):

MR. MICHAEL E. BURKE
Name - Type or Print _____
Signature [Signature] _____
MRS. REBECCA A. BURKE
Name - Type or Print _____
Signature [Signature] _____
4109 EDER RD 410.477.4954
Address _____ Telephone No. _____
BALTIMORE MD 21222
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 04 381 A

REV 10/25/01

Reviewed By JL

Date 2/19/04

Estimated Posting Date 2/29/04

381

ZONING DESCRIPTION FOR

4109 EDER ROAD, BALTIMORE, MARYLAND 21222

LOCATED ON THE WEST SIDE OF EDER RD, A 50 FT. R/W
AT A DISTANCE OF 300 FT. ± SOUTH OF NEW BATTLE GROVE RD.

BEGINNING FOR THE SAME and being known and designated as Lot No. 5, Section
B, as shown on the Plat of Battle Grove Manor, which Plat is duly recorded among the Land
Records of Baltimore County in Plat Book G.L.B. No. 18, folio 66. The improvements thereon
being known as No. 4109 Eder Road. ~~SECTION~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 19069

DATE 2/19/04 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED
FROM: Barke

FOR: 4109 EDER RD. VARIANNE

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

DATE 2/19/04 TIME 10:10

BY W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

PAID TO W. H. H. JR.

FOR 5.00

CASHER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-381-A

Petitioner/Developer: MIKE &

REBECCA BURKE

Date of Hearing/Closing: 3/15/04

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

ATTN: Kristen Matthews {(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: _____

4109 EDER ROAD

The sign(s) were posted on _____

2/29/04
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

2/29/04
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

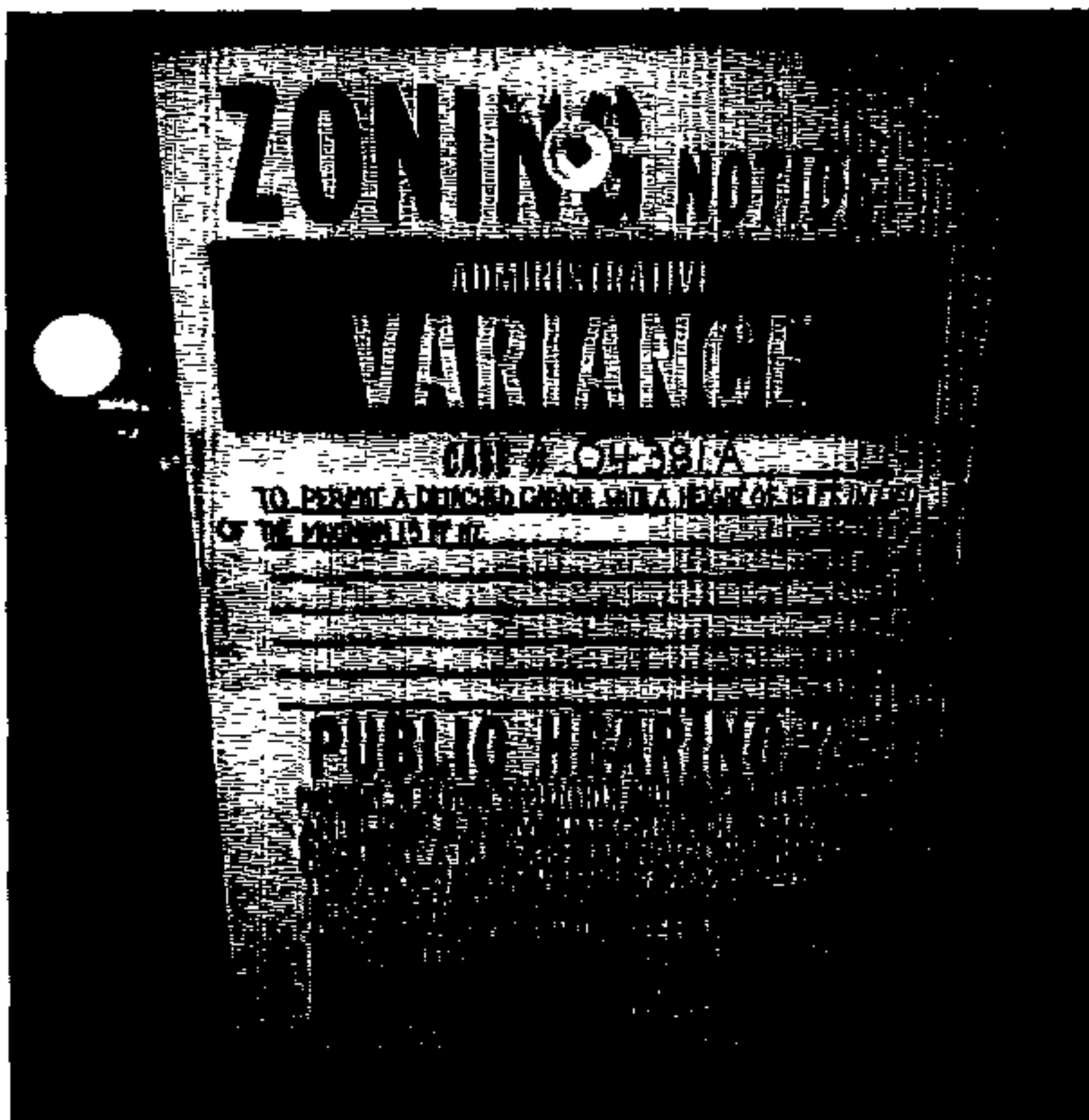
(410) 282-7940

(Telephone Number)

RECEIVED

MAR 5 2004

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



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: 04 - 381 - A
Petitioner: BURKE
Address or Location: 4109 EDER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MIKE BURKE
Address: 4109 EDER RD
BALTIMORE MD 21222
Telephone Number: 410.477.4954

APP HAS POSTERS LIST & THIS FORM;

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 ⁴ 381 -A

Address 4109 EDER RD.

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2/19/04

Posting Date: 2/29/04

Closing Date: 3/15/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04 ⁴ 381 -A

Address 4109 EDER RD

Petitioner's Name MIKE + REBECCA BURKE

Telephone 410-477-4954

Posting Date: 2/29/04

Closing Date: 3/15/04

Wording for Sign: To Permit A DETACHED GARAGE WITH A HEIGHT OF 19 FT.
IN LIEU OF THE MAXIMUM 15 FT. HT.

**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*

March 15, 2004

Mr. and Mrs. Michael E. Burke
4109 Eder Road
Baltimore, Maryland 21222

Dear Mr. and Mrs. Burke:

RE: Case Number: 04-381A, 4109 Eder Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 29, 2004.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel

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





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

Driven to Excel
State Highway
Administration

Robert L. Flanagan, Secretary
Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.27.04

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

RE: Baltimore County
Item No. 381 JLL

Dear Ms. Matthews:

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/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

Granted
3/18/04

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley *AMS*
DATE: March 25, 2004
SUBJECT: Zoning Item # 04-381
Address 4109 Elder Road
Burke Property

Zoning Advisory Committee Meeting of March 1, 2004

_____ 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:

_____ Development of the property must 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: Keith Kelley

Date: March 18, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-381 and 4-383**
Administrative Variance

RECEIVED

MAR 4 2004

ZONING COMMISSIONER

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 25, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 8, 2004
Item Nos. 349, 376, 377, 378, 379, 380,
381 382, 384, 385, 388, and 389

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

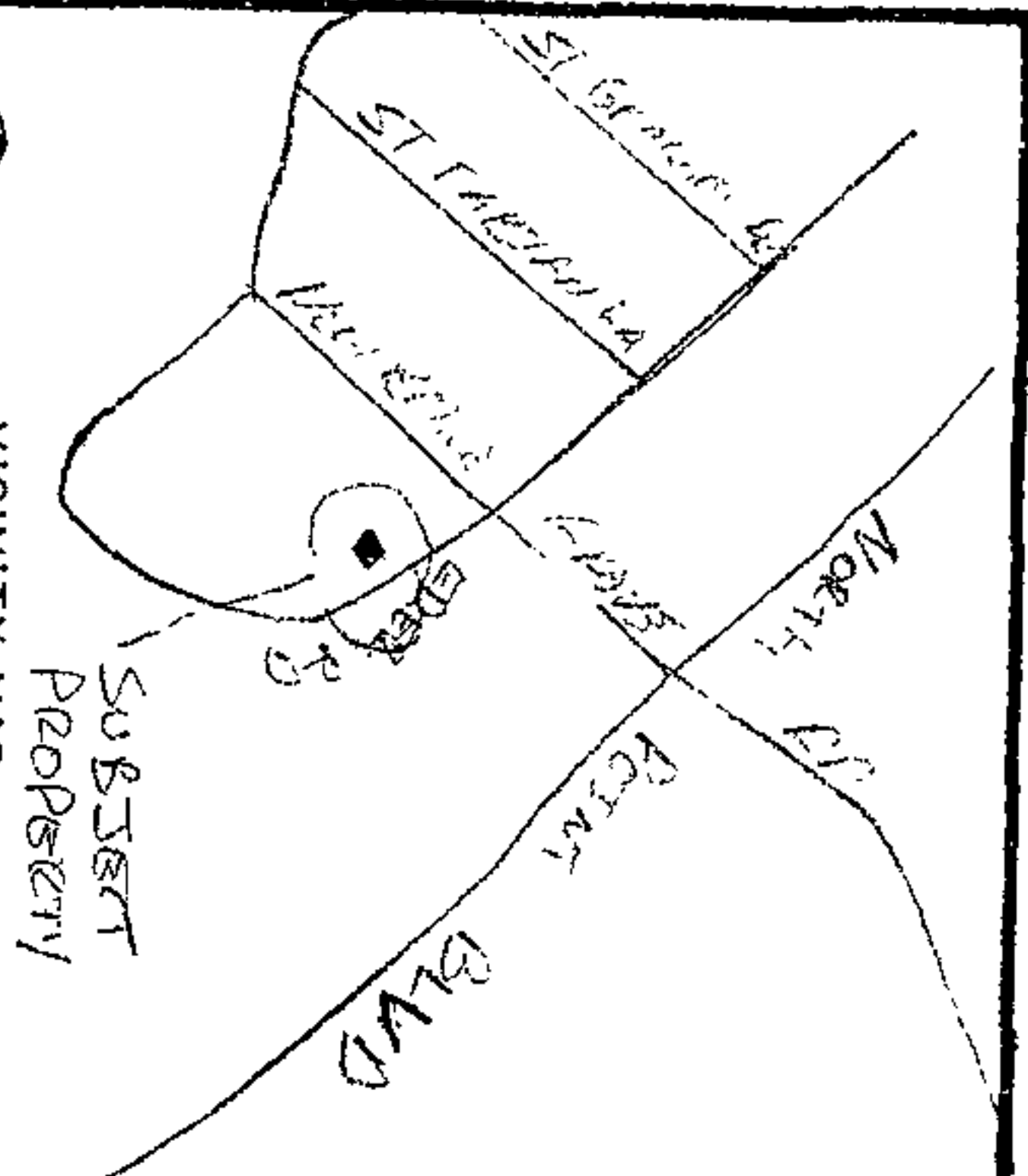
RWB:CEN:jrb

cc: File

☒ VARIANCE ☐ SPECIAL HEARING

11

AND REBECCA



VICINITY MAP
SCALE: 1" = 1000'

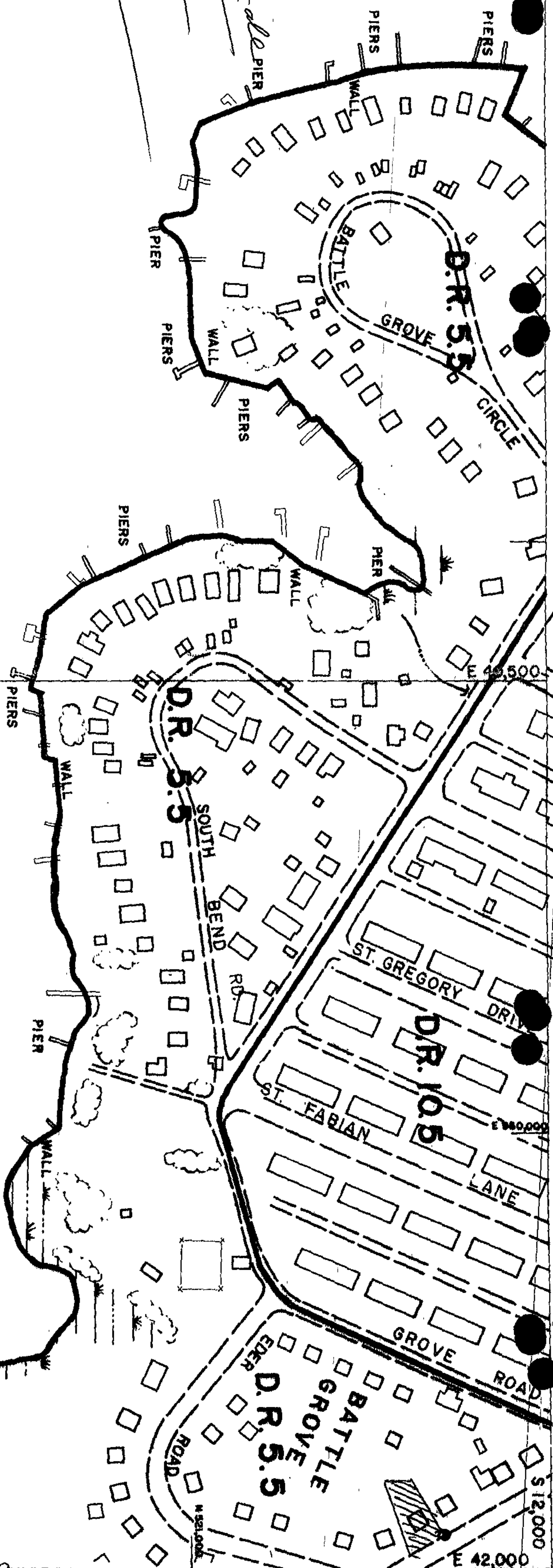
2
—
DA-381-A

SCALE OF DRAWINGS: 1" = 40 FT.



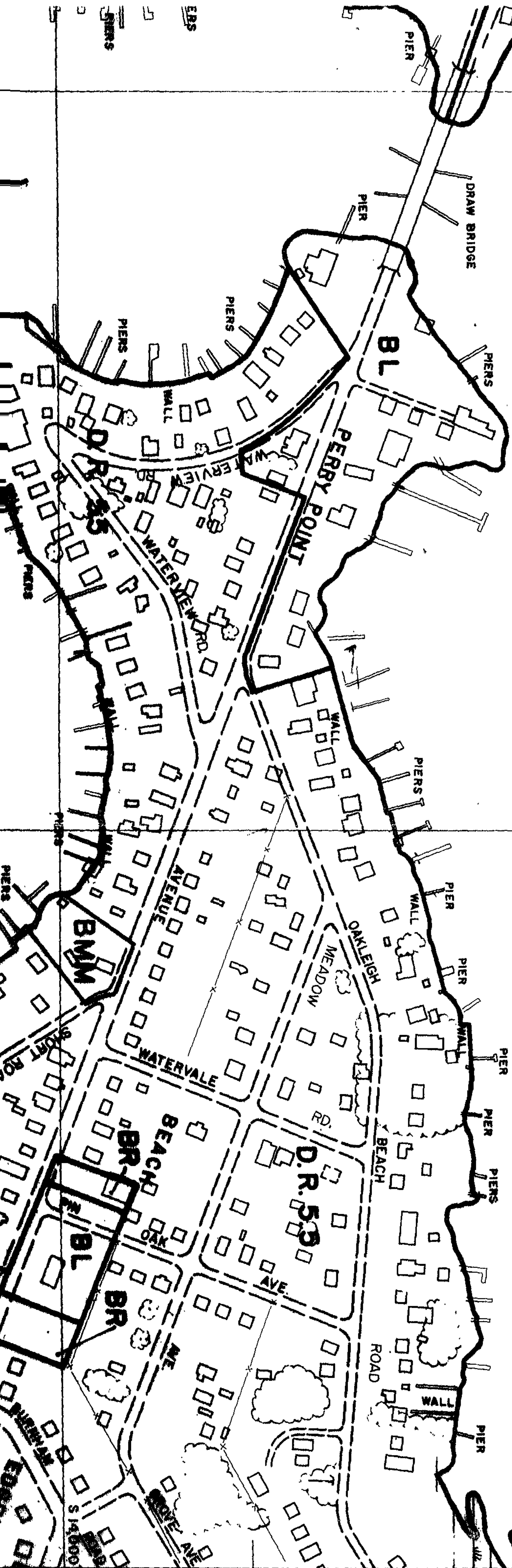
E 39,000

11 = 200' scale pier
20' x 14' x 4' x 8'
*SE 4-G



SCHOOLHOUSE

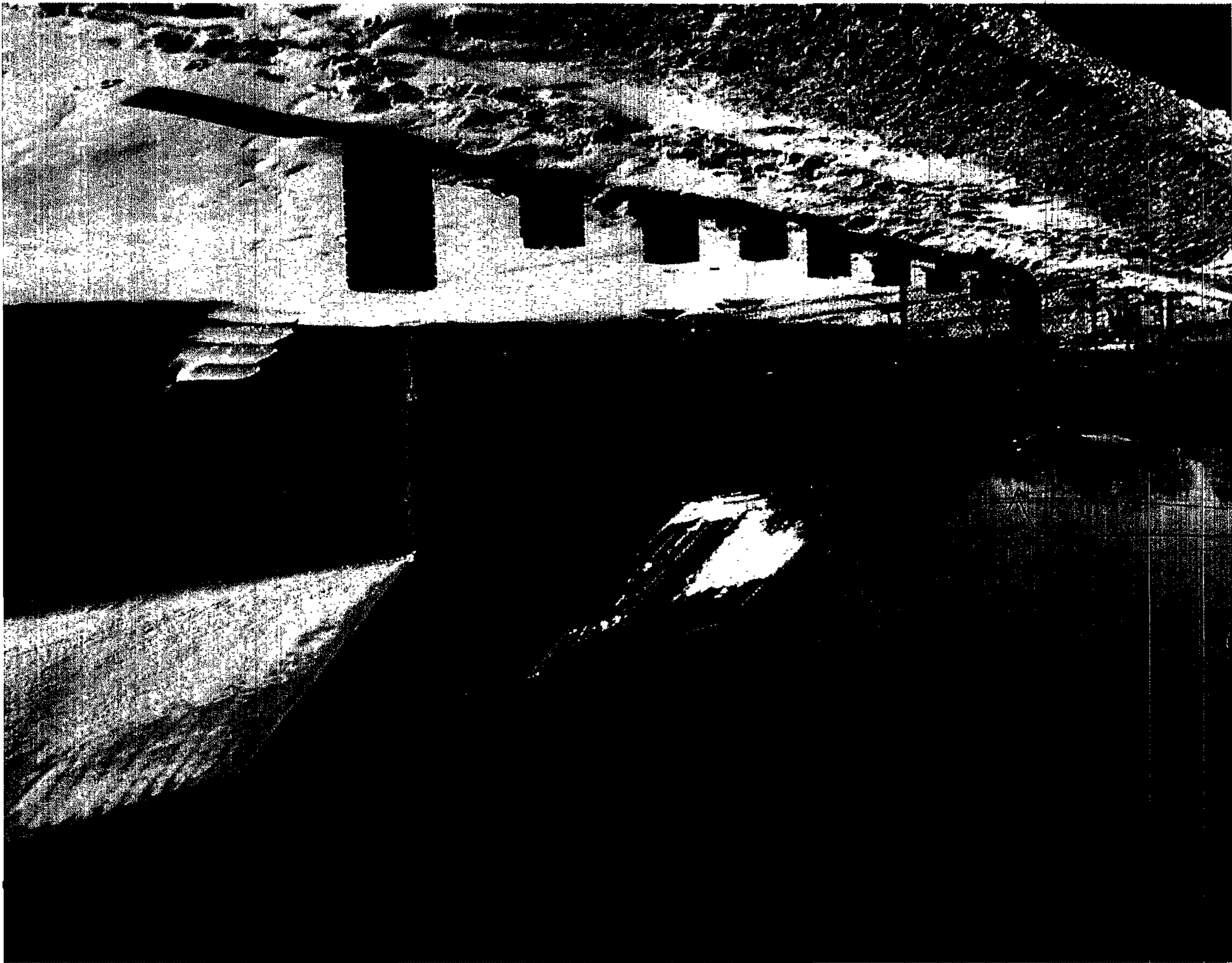
COVE



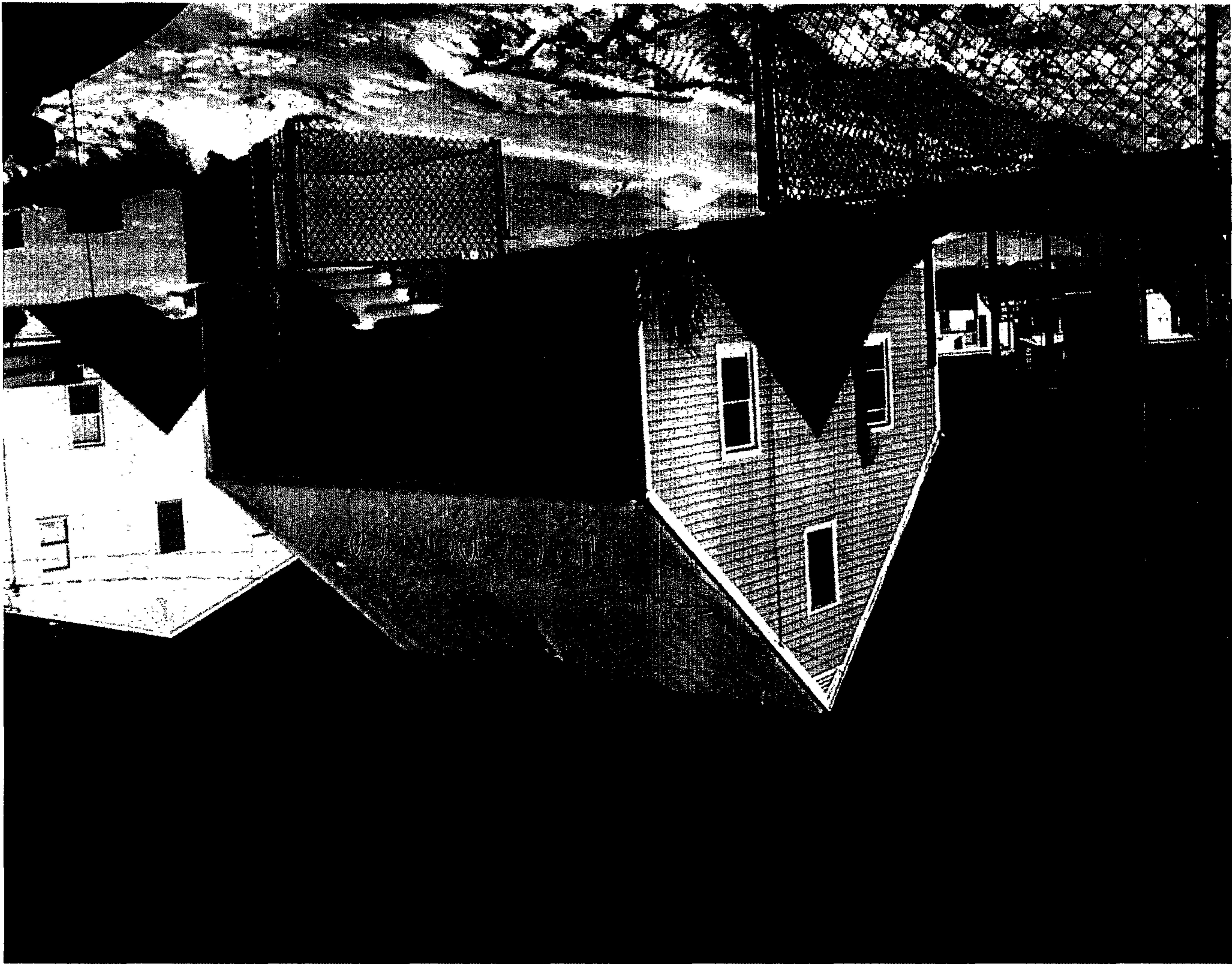




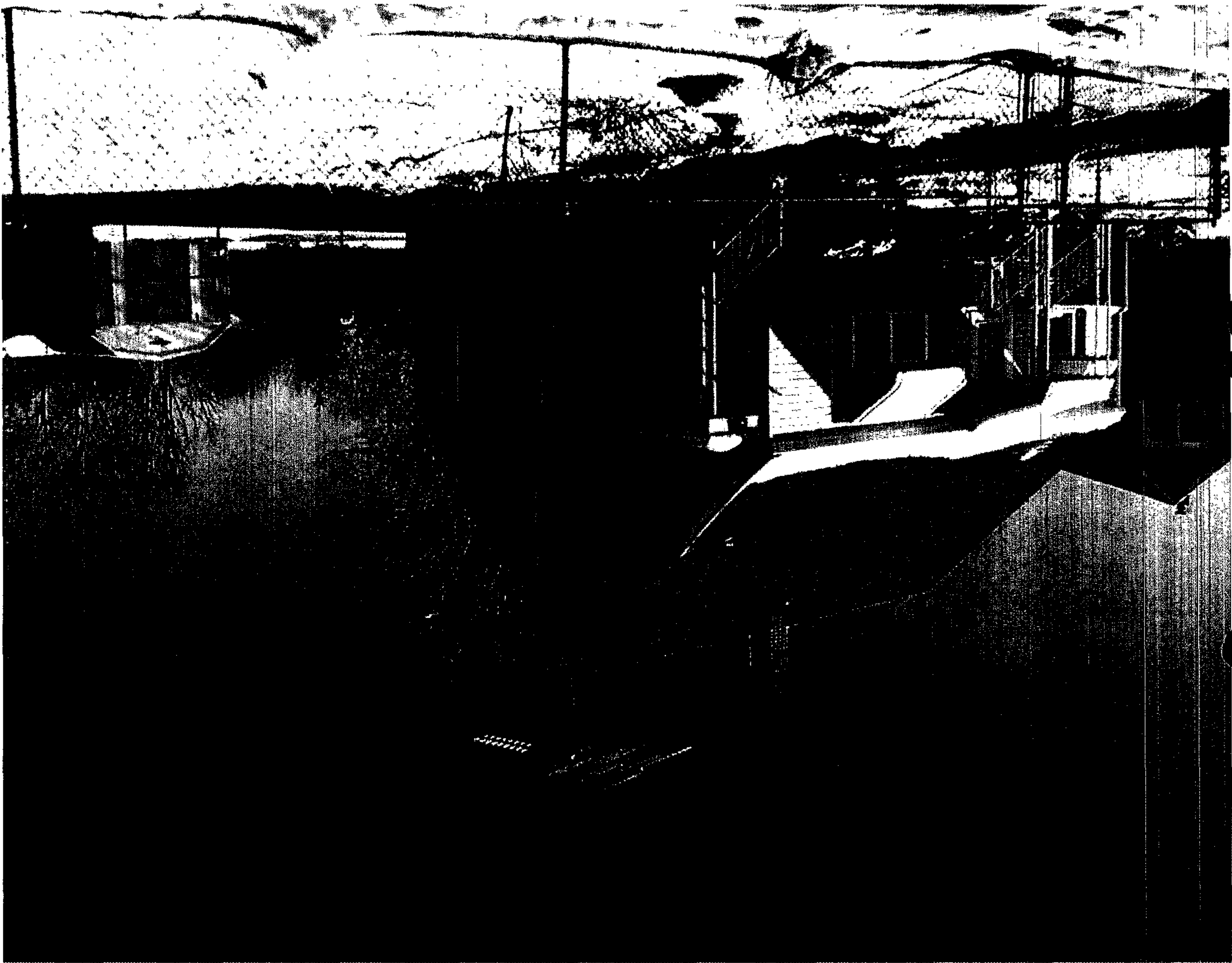
106



301



309



30/



381