

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Burke Road, 300 ft. E
centerline of Holly Tree Road
15th Election District
6th Councilmanic District
(1610 Burke Road)

Mildred C. & Michael L. Rist
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-409-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mildred C. and Michael L. Rist. The variance request is for property located at 1610 Burke Road in the Middle River area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow a (water)front setback of 46 ft., side yard setbacks of 10 ½ ft. and 12 ft., a setback to the street centerline of 57 ft. in lieu of the minimum required 50 ft. front and each side and a 75 ft. rear for a proposed replacement dwelling. 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 March 21, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated April 6, 2004, a copy of which is attached hereto and made a part hereof.

COPIES RECEIVED FOR FILING

Date

4/23/04

By

R. J. [Signature]

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Notice is taken that the property, which is the subject of this variance request, consists of 7,500 sq. ft., and is zoned R.C.5.

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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

ORDER RECEIVED FOR FILING
Date 4/23/04
By R. O. [Signature]

THEREFORE, IT IS ORDERED, this 23rd day of April, 2004, by this Zoning Commissioner, that the Petitioners' request for variances from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow a (water)front setback of 46 ft., side yard setbacks of 10 ½ ft. and 12 ft., a setback to the street centerline of 57 ft. in lieu of the minimum required 50 ft. front and each side and a 75 ft. rear for a proposed replacement dwelling, be and is hereby APPROVED, subject, however, to the following restrictions which are conditions 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;
2. Compliance with the ZAC comments submitted by DEPRM on April 6, 2004, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, 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:raj

ORDER RECEIVED FOR FILING
Date 4/23/04
By R. J. [Signature]

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

April 23, 2004

Mr. & Mrs. Michael L. Rist
1610 Burke Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 04-409-A
Property: 1610 Burke Road

Dear Mr. & Mrs. Rist:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been approved 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 black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES: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 1610 BURKE ROAD
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 allow a (water) front setback of 46 ft., side yard setbacks of 10 1/2' & 12', a setback to the street centerline of 57 ft. in lieu of the minimum required 50 ft front & each side and a 75 ft. rear for a proposed replacement dwelling.

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 bound 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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4/23/04 day of April 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.

Legal Owner(s):

MICHAEL L. RIST
Name - Type or Print

Signature

MILDRED C. RIST
Name - Type or Print

Signature

1610 BURKE RD. 410 638 3545
Address Telephone No.

BALTO. MD. 21220
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 3-08-04

Estimated Posting Date 3/21/04

CASE NO. 04-409-A

REV 10/25/01

ORDER RECEIVED FOR FILING

DATE 4/23/04
BY [Signature]

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 1610 BURKE ROAD
Address
BALTIMORE MD 21220
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):

DUE TO HURRICANE ISABEL THE EXISTING HOUSE WAS FLOODED AND SUBSTANTIALLY DAMAGED. TO ELIMINATE THIS POSSIBILITY IN THE FUTURE THE HOUSE MUST BE ELEVATED ABOVE THE 100 YEAR FLOOD ELEVATION TO MEET COUNTY ORDINANCE. CONTRACTORS HAVE INDICATED THAT ELEVATING AND REPAIRING THE STRUCTURE WHICH IS VERY OLD AND SMALL IS NOT PRACTICAL THEREFORE A NEW HOUSE WILL BE CONSTRUCTED. THE WIDTH OF THE LOT REQUIRES A NARROW HOUSE AND THE DEPTH OF THE LOT WHICH IS ONE OF THE SHORTEST IN BOWLEYS QUARTERS REQUIRES A VARIANCE. DUE TO THE FLOODED CONDITION THE HOUSE CANNOT BE LIVED IN SINCE IT IS A HEALTH HAZARD AND WAS MAKING ME SICK.

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.

Michael L. Rist
Signature

Mildred C. Rist
Signature

Michael L. Rist
Name - Type or Print

Mildred C. Rist
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of March, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael L. Rist & Mildred C. Rist
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Michael S. McFadden
Notary Public

My Commission Expires 12/1/2007

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 1610 BURKE ROAD
City BALTIMORE State MD. Zip Code 21220

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):

DUE TO HURRICANE ISABEL THE EXISTING HOUSE WAS FLOODED AND SUBSTANTIALLY DAMAGED. TO ELIMINATE THIS POSSIBILITY IN THE FUTURE THE HOUSE MUST BE ELEVATED ABOVE THE 100 YEAR FLOOD ELEVATION TO MEET COUNTY ORDINANCES. CONTRACTORS HAVE INDICATED THAT ELEVATING AND REPAIRING THE STRUCTURE WHICH IS VERY OLD AND SMALL IS NOT PRACTICAL THEREFORE A NEW HOUSE WILL BE CONSTRUCTED. THE WIDTH OF THE LOT (50') REQUIRES A NARROW HOUSE AND THE DEPTH OF THE LOT WHICH IS ONE OF THE SHORTEST IN BOWLEYS QUARTERS REQUIRES A VARIANCE. DUE TO THE FLOODED CONDITION THE HOUSE CANNOT BE LIVED IN SINCE IT IS A HEALTH HAZARD AND WAS MAKING ME SICK.

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.

Michael L. Rist
Signature

MICHAEL L. RIST
Name - Type or Print

Mildred C. Rist
Signature

MILDRED C. RIST
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of March, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael L. Rist & Mildred C. Rist
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
My Commission Expires 6/1/07
Carole J. Dell

State of MD County: Baltimore



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1610 BURKE ROAD

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 A04.3.B.2 To allow a (water) front setback of 46 ft., side yard setbacks of 10 1/2 ft. & 12 ft. & a setback to the street centerline of 54 ft. in lieu of the minimum required 50 ft. front, & each side and a 75 ft. rear for a proposed replacement dwelling.

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):

MICHAEL L. RIST

Name - Type or Print

Michael L. Rist

Signature

MILDRED C. RIST

Name - Type or Print

Mildred C Rist

Signature

1610 BURKE ROAD

Address

410-638-3545

Telephone No.

BALTIMORE MD.

City

State

21220

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 04 day of April, 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. 04-409-A

Reviewed By JPR

Date 3-08-04

REV 10/25/01

Estimated Posting Date 3-21-04

ZONING DESCRIPTION FOR 1610 BURKE ROAD

Beginning at a point on the north side of Burke Road which is 30 feet wide at the distance of 330 feet east of the centerline of the nearest improved intersecting street Holly Tree Road which is 30 feet wide. Being Lot #174 Plat No 1 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book WPC No. 7, Folio #12, containing 7500 square feet. Also known as 1610 Burke Road and located in the 15th Election District, 6th Councilmanic District.

409

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

33636

Check No. 04-409-A

DATE 3-08-04 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM:

for Mrs. R. St.

FOR:

Residential (apartment) Variance - 1/1/04
for 1610 Burke Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME 1901

5/08/2004 3/08/2004 14:47:46

REC 1902 MAIL JEN JE

5/08/2004 3/08/2004 14:47:46

DEPT 5 523 ZINING VERIFICATION

CR NL 032636

REPT 101

\$65.00

\$65.00 CR

\$65.00

Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-409-APetitioner/Developer: _____
MICHAEL RISTDate of Hearing/Closing: 4/5/04

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

Attention:

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
at _____

1610 BURKE RD
BALTO. MD 21220

This sign(s) were posted on 3 21 04
(Month, Day, Year)

Sincerely,

Martin Ogle
(Signature of Sign Poster and Date)

MARTIN OGLE

(Printed Name)

5014 CASTLESTONE DR

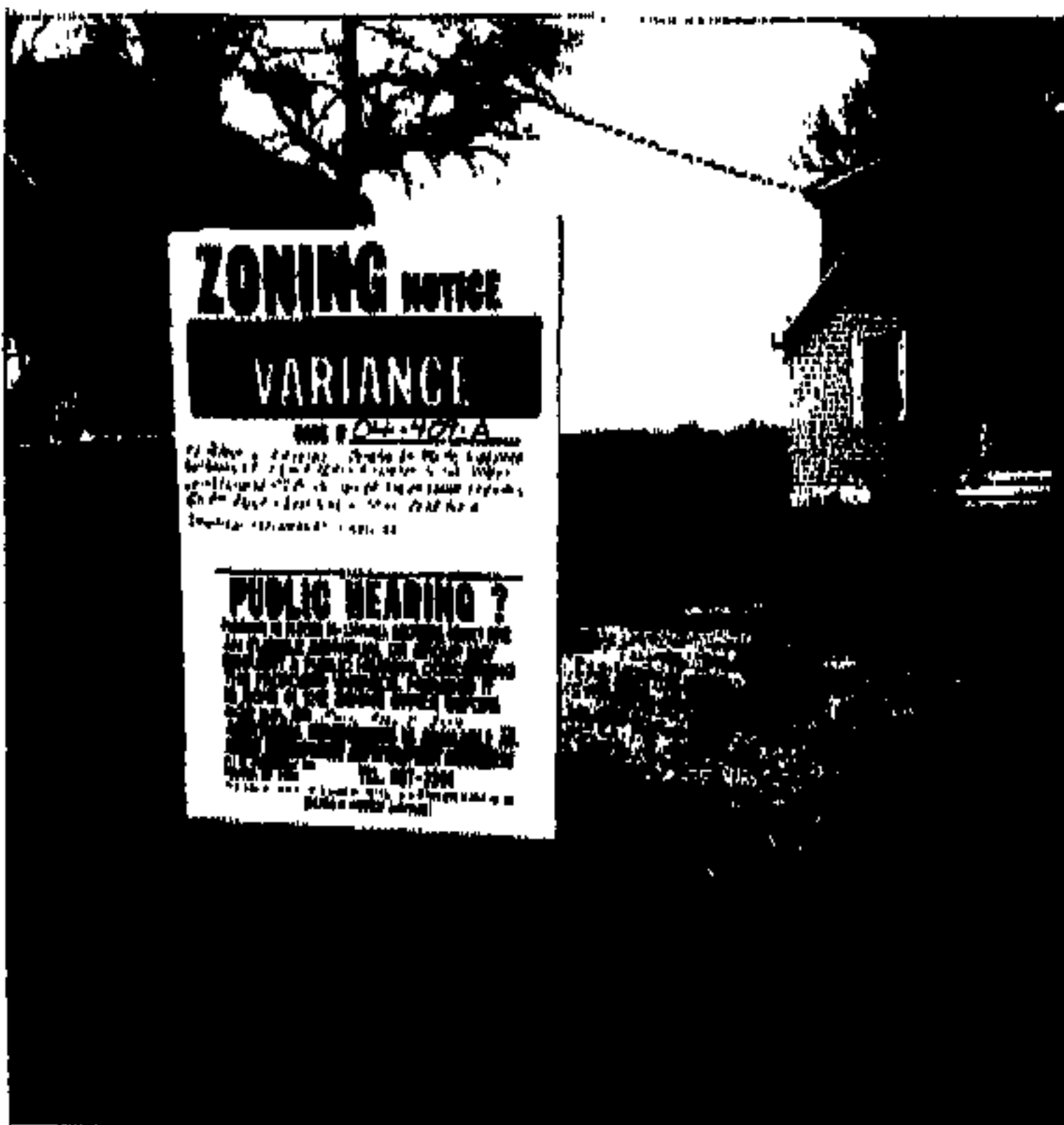
(Address)

BALTO. MD. 21237

(City, State, Zip Code)

410-933-9470

(Telephone Number)



Martin Ogle
3/21/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-409 -A

Address 1610 Burke Rd.

Contact Person: DT/ John Sullivan
Planner: Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3-08-04

Posting Date: 3-21-04

Closing Date: 4-05-04

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 04-409 -A

Address 1610 Burke Rd.

Petitioner's Name Rist

Telephone 410-638-3545

Posting Date: 3-21-04

Closing Date: 4-05-04

Wording for Sign To Permit a (Water) front setback of 46 ft., side yard setbacks of 10 1/2 ft. & 12 ft. & a setback to the street centerline of 57 ft. in lieu of the minimum required 50 ft. front & each side & 75 ft. rear for a proposed replacement dwelling.

WCR - Revised 6/28/00

**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: 409
Petitioner: Mr & Mrs. Michael Rist
Address or Location: 1610 Burke Rd Balto, Md, 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sam P
Address: _____

Telephone Number: 410 - 638-3545

**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*

April 5, 2004

Michael L. Rist
Mildred C. Rist
1610 Burke Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Rist:

RE: Case Number:04-409-A, 1610 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 8, 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.: 341, 399-412⁴⁰⁹

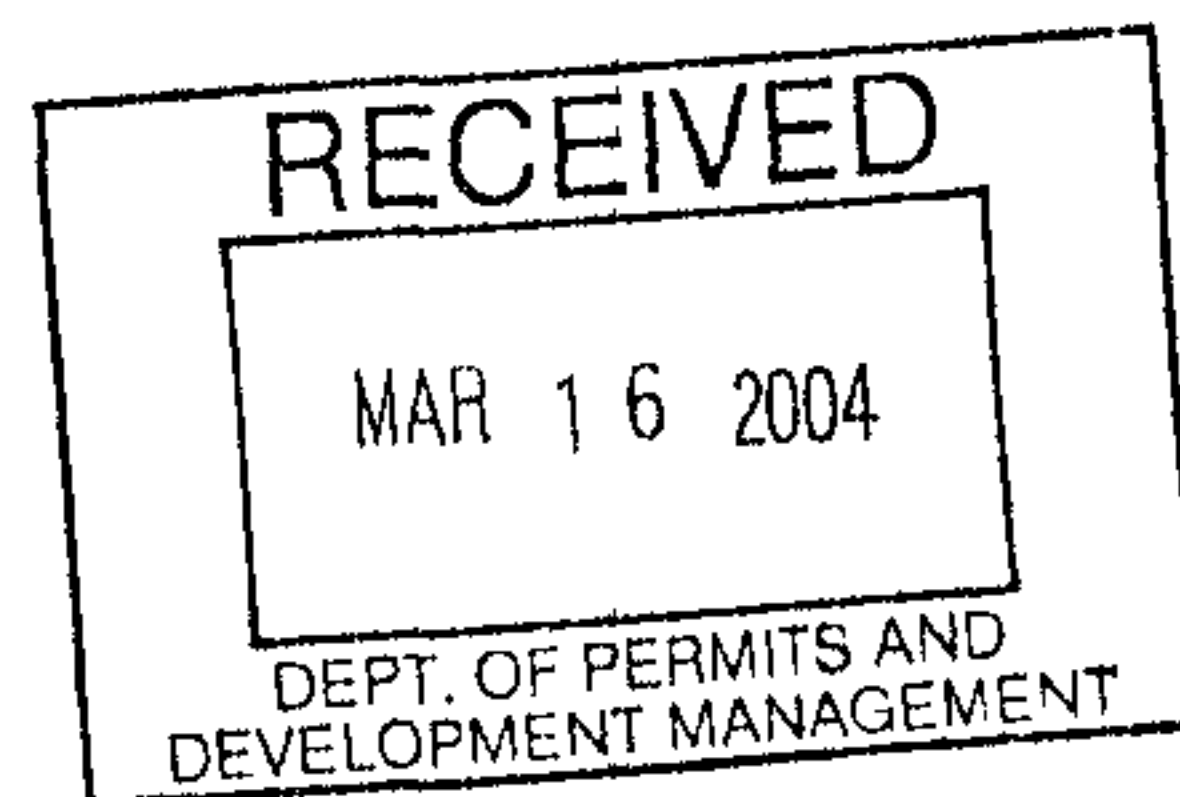
Dear Ms. Hart:

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.

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



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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 5, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
~~For March 22, 2004~~
Item No. 409

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

The flood protection elevation for this site is 11.2 feet.

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.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley *RBS/jdo*
DATE: April 6, 2004
SUBJECT: Zoning Item # 409
Address 1610 Burke Road

Zoning Advisory Committee Meeting of March 15, 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: Kieth Kelley

Date: March 19, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 24, 2004

RECEIVED

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

MAY 19 4 2004

ZONING COMMISSIONED

SUBJECT: Zoning Advisory Petition(s): Case 4-409 – Administrative Variance

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

Division Chief:

John Farhan

AFK/LL



State Highway
Administration

Driven to Excel

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.16.04

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

RE: Baltimore County
Item No. 409 JJS

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,

1 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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: March 22, 2004

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

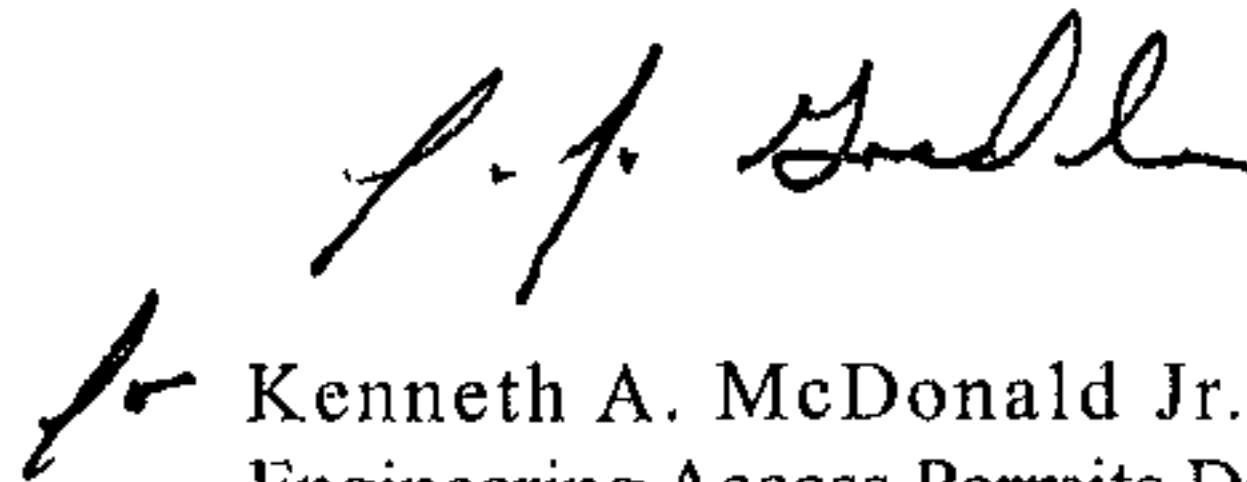
RE: Baltimore County
Item No. 409 (JJS)
18323 York RD
MD 45
Mile Post 19.21

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Special Hearing. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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: 410.545.0900 www.marylandroads.com



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

April 23, 2004

Mr. & Mrs. Michael L. Rist
1610 Burke Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 04-409-A
Property: 1610 Burke Road

Dear Mr. & Mrs. Rist:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been approved 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 black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

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



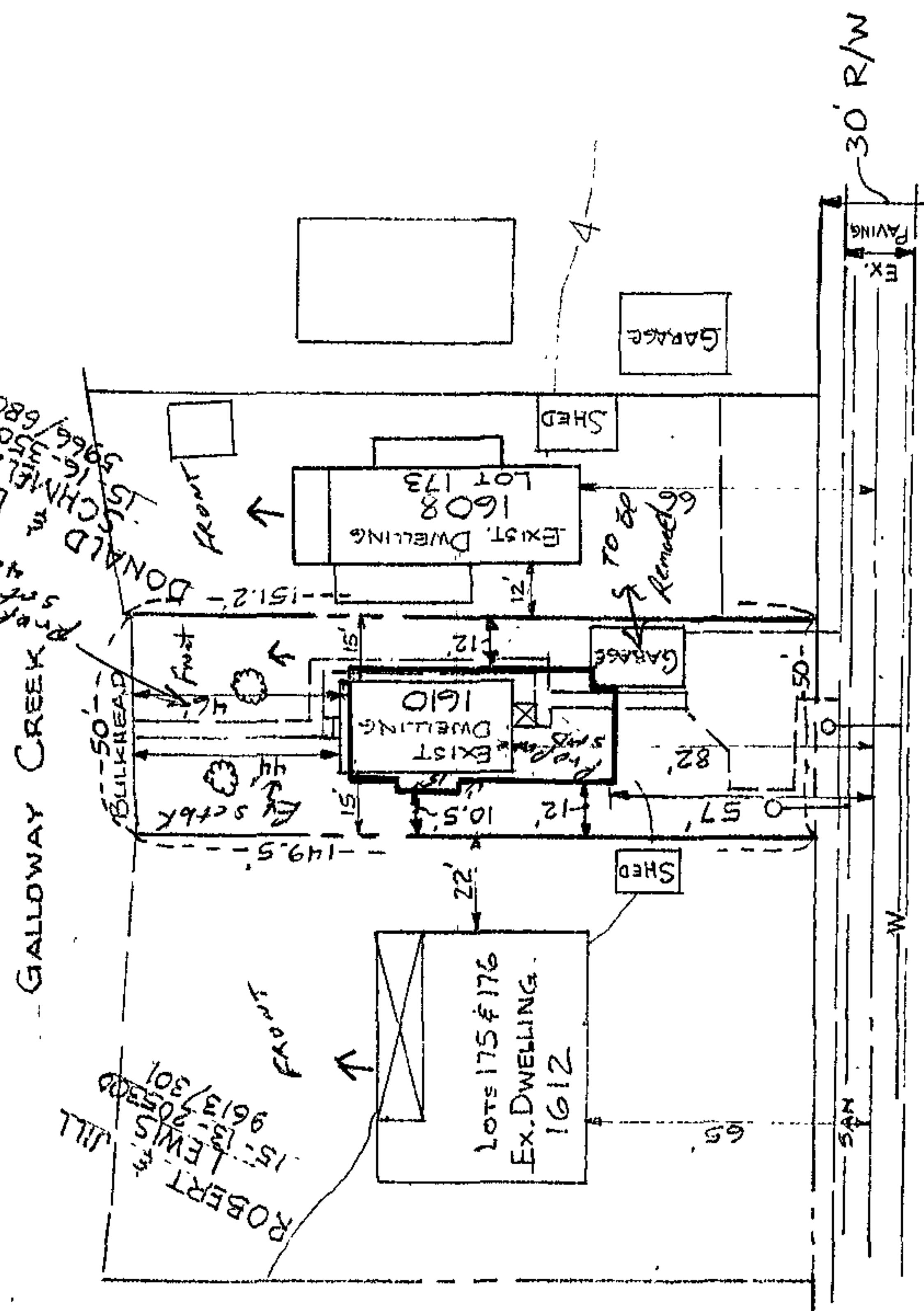
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1610 BURKE ROAD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

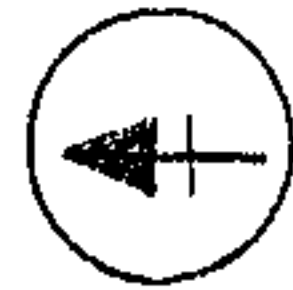
SUBDIVISION NAME BOWLEYS QUARTERS

PLAT BOOK # 7 FOLIO # 12 LOT # 174 SECTION # 1

OWNER MICHAEL L. AND MILDRED C. RIST



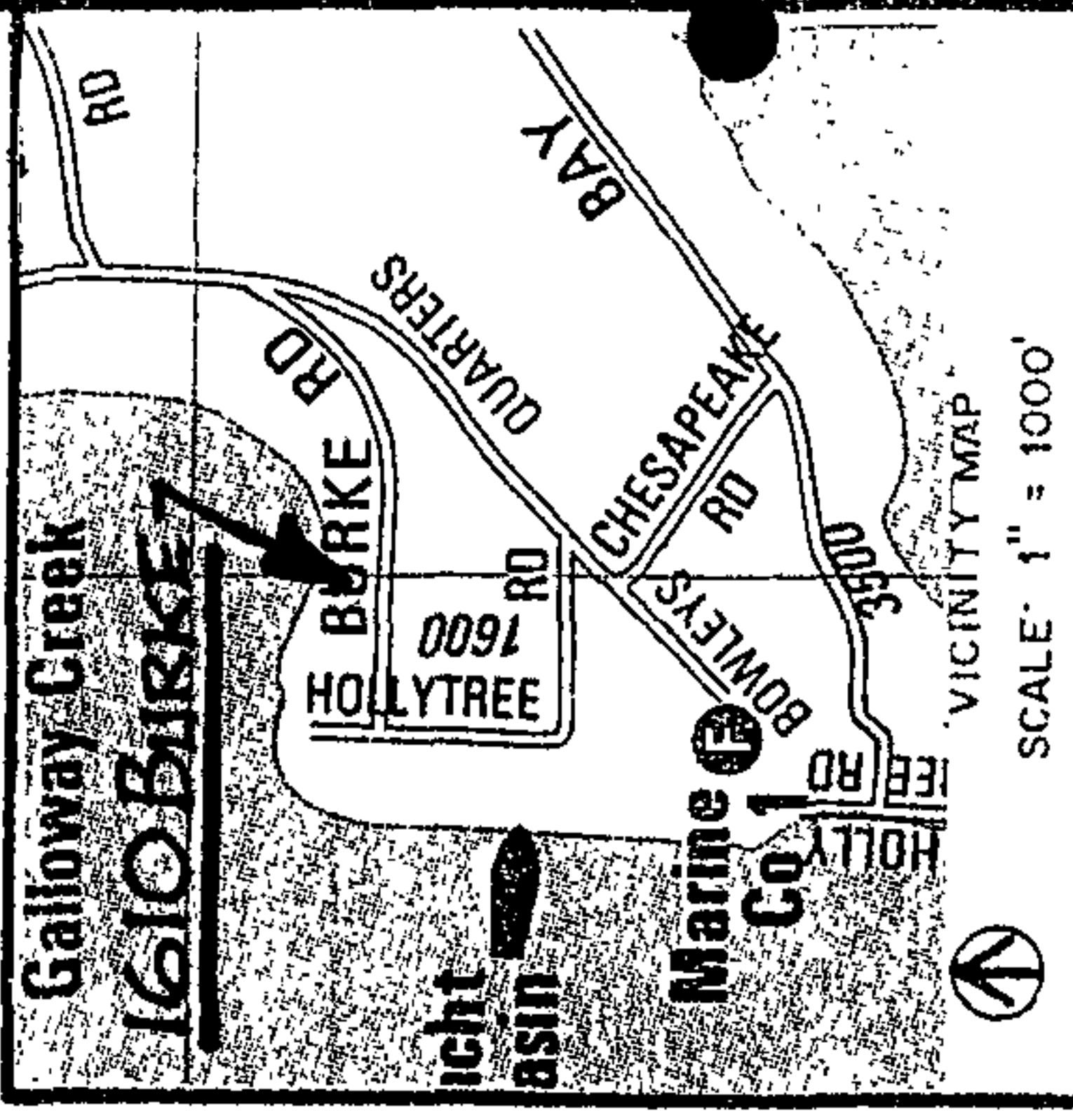
330' To E HOLLY TREE RD
BURKE ROAD
EXISTING DWELLING AND GARAGE TO BE REMOVED
IMPERVIOUS AREA = 1627 S.F. = 21.6 %



NORTH

PREPARED BY MICHAEL RIST

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE, 1, L

ZONING RC-5

LOT SIZE 0.172 ACRES 7500 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐

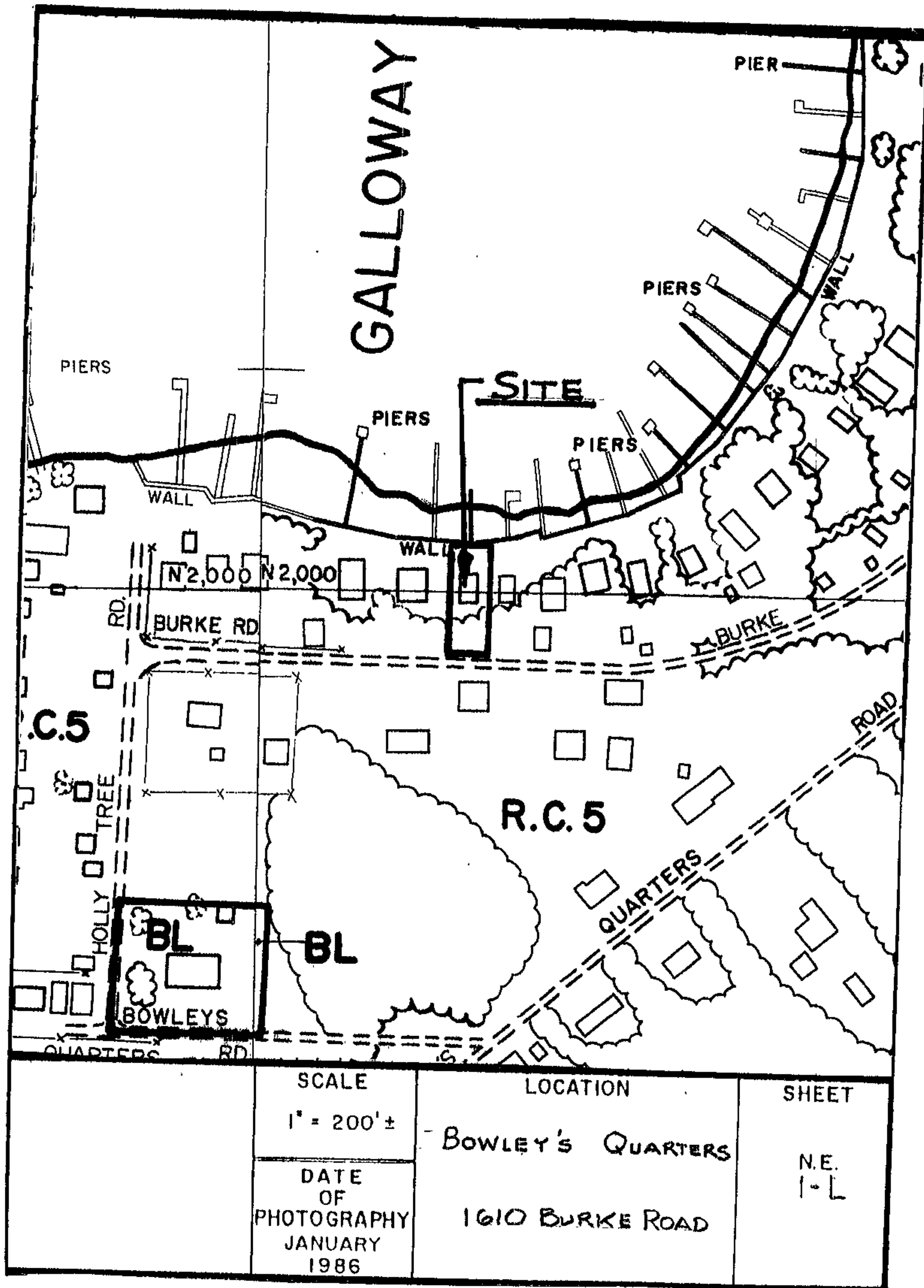
100 YEAR FLOOD PLAIN YES ☒ NO ☐

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY [Signature] ITEM # 409 CASE #

Zoning Map



#409



