PROEH RECEIVED FOR FILLING

IN RE: PETITIONS FOR VARIANCE

S/S Burke Road, 415' & 465' NW of the c/l

Burke Road

(1224 and 1226 Burke Road)

15th Election District 6th Council District

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Cases Nos. 05-042-A and 05-043-A

Charles G. Hill, et ux, Owners; David M. Hausner and Charles D. Falter,

Respective Contract Purchasers

* * * * *

BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by Charles G. Hill and his wife, Rosalie M. Hill, Owners, and David M. Hausner, Contract Purchaser of 1224 Burke Road, and Charles D. Falter, Contract Purchaser of 1226 Burke Road. Since the properties are located adjacent to one another and owned by the same persons, the two cases were heard contemporaneously. Relief is requested from Sections 1A04.3.B.2 and 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed 30' x 65' dwelling on each lot with a height of 45 feet in lieu of the maximum allowed 35 feet. The subject properties and requested relief are more particularly described on the respective site plans submitted in each case and marked into evidence as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the request were David M. Hausner, Esquire, attorney for the Petitioners and Contract Purchaser of 1224 Burke Road; Charles D. Falter, Contract Purchaser of 1226 Burke Road; and, Clyde F. Hinkle, Professional Engineer who prepared the site plans for these properties. Also appearing was Bruce L. Schuchardt, adjacent property owner of 1228 Burke Road. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject properties are waterfront lots located adjacent to one another on Galloway Creek in eastern Baltimore County. The properties

ORDER REGENERATION FILMS

are also known as Lots 117 and 118 of the subdivision of Bowleys Quarters, which was recorded in the Land Records of Baltimore County on May 27, 1921. As shown on the site plans submitted, Lot 117 contains a gross area of 16,833 sq.ft., or 0.386 acres, and is improved with a one-story dwelling, known as 1224 Burke Road, and detached garage. Lot 118 contains 17,759 sq.ft., or 0.407 acres, and is unimproved but for an in-ground swimming pool and freestanding garage. Although each lot was recorded as a separate lot under separate deeds, Lot 118 has essentially been used as the side yard for the dwelling on Lot 117 for many years. The Petitioners have contracted to sell Lot 117 to Mr. Hausner and Lot 118 to Mr. Falter, who are longtime friends and wish to redevelop each lot with a single-family dwelling in which they will reside. Each lot is approximately 50 feet wide and 395 feet deep, and is located with frontage on Burke Road to the north and Galloway Creek to the south.

Testimony and evidence offered revealed that all existing improvements will be razed and each lot redeveloped with a single family dwelling, 30' x 65' in dimension, with a height of 45 feet. As to the variances, relief is requested to allow 10-foot side yard setbacks on each side in lieu of the required 50 feet. Obviously, given the 50-foot width of each lot, it is not possible to meet the 50-foot side yard setback required in the R.C.5 zone. The second request is to allow a height of 45 feet in lieu of the maximum allowed 35 feet. In this regard, due to the property's waterfront location adjacent to Galloway Creek, the existing improvements suffered storm damage as a result of Hurricane Isabel. Moreover, under the County's floodplain regulations, the first floor living area must be a minimum of 1 foot above the flood elevation level. In view of these environmental and floodplain requirements, the proposed houses must be constructed at a height greater than that allowed by the B.C.Z.R. As to compatibility, the Petitioners submitted a site plan depicting other houses on this section of Burke Road which show that the predominant theme in the community is that most of the lots are 50 feet wide. Additionally, photographs submitted show that the proposed dwellings will be consistent from an architectural standpoint with existing houses in the heighborhood.

 Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. The Petitioners have shown that the proposed improvements meet the spirit and intent of the zoning regulations and will not be detrimental to the health, safety or general welfare of the surrounding locale. Moreover, it is clear that the proposed dwellings will be consistent with other homes in the neighborhood. Thus, the relief requested will be granted. However, the proposed construction must comply with Chesapeake Bay Critical Areas regulations, as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Additionally, the Petitioners shall submit building elevation drawings of the proposed dwellings to the Office of Planning for review and approval prior to the issuance of any permits to insure that the proposed dwelling are compatible with existing development in the area.

It is also to be noted that certain questions arose at the hearing regarding the nature of the relief requested. Specifically, the Petitioners questioned whether variance relief is necessary from Section 1A04.3.B.1 of the B.C.Z.R. That Section originally required that no lot in the R.C.5 zone can be less than 1.0 acre in size; however, the Baltimore County Council recently amended this Section to require that every lot in the R.C.5 zone be no less than 1.5 acres in area. The language of Section 1A04.3.B.1 prohibits the "creation" of any such R.C.5 lot. In this case, the lots are not being created; that is, they are part of a subdivision that was duly recorded in the Land Records of Baltimore County in 1921. Thus, although the lots are less than 1.5 acres in area, variance relief is not necessary in that the lots already exist.

Secondly, the Petitioners questioned whether relief was required under Section 304 of the B.C.Z.R. That Section allows a Petitioner to request relief for an undersized lot if certain conditions are met. In this case, the Petitioners are not eligible for relief under Section 304 in that Mr. & Mrs. Hill own both lots and variance relief is requested from both side yard setback and reight requirements. Thus, relief cannot be sought under Section 304.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions 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 2/2 day of August 2004 that the Petitions for Variance filed in Cases Nos. 05-042-A and 05-043-A seeking relief from Sections 1A04.3.B.2 and 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed 30' x 65' dwelling on each lot with a height of 45 feet in lieu of the maximum allowed 35 feet, in accordance with the site plan submitted in each case and marked as Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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) Compliance with the ZAC comments submitted by DEPRM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) The Petitioners shall submit building elevation drawings of the proposed dwellings to the Office of Planning prior to the issuance of any permits to insure that the proposed houses are compatible in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area.
- 4) When applying for a building permit, the site plan(s) filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

ES:bjs

MONION CIN

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

September 1, 2004

David M. Hausner, Esquire Kramon & Graham One South Street, Suite 2600 Baltimore, Maryland 21202-3201

RE: PETITIONS FOR VARIANCE
S/S Burke Road, 415' & 465' NW of the c/l Burke Road
(1224 and 1226 Burke Road)
15th Election District — 6th Council District
Charles G. Hill, et ux, Owners; David M. Hausner and Charles D. Falter,
Respective Contract Purchasers
Cases Nos. 05-042-A and 05-043-A

Dear Mr. Hausner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Charles G. Hill

1224 Burke Road, Baltimore, Md. 21220

Mr. Charles D. Falter

2904 Friendlywood Way, Burtonsville, Md. 20866

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite/100, Annapolis, Md. 21401

Development Plans Review, DPDM; DEPRM; Office of Planning

People's Counsel; Case File



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



David M. Hausner

Signature

Address

Signature

ddress

Baltimore, Maryland

OR FILIN

ORDER RE

Clty

CBCA/FZ000

Petition for Variance

to the Zoning Commissioner of Baltimore County 1224 Burke Road for the property located at _____ R.C. 5 which is presently zoned 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 side yard set backs of 10th. for the proposed 30 ft. x 65 ft. dwelling.

1A04.3.A to allow a height of 45 ft. in lieu of the maximum allowed 35 ft.

15 ft 1A04.3.A to allow a height of 45ft. in lieu of the maximum allowed 35 ft. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Ine unique width of the lot makes compliance with the set back requirement impossible. The floodplam requirement that the first floor be elevated. 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. Legal Owner(s): Contract Purchaser/Lessee: <u>Charles G. Hill</u> Name - Type or Print rarles B. Will go Rosalie M. Hill 2700 Lighthouse Pt., Apt 627 <u>(410) 371-5590</u> Telephone No. Name - Type or Print Baltimore, Maryland 21224 Zip Code Signature State 1224 Burke Road (410) 241-4674 Attorney For Petitioner: Address Telephone No. Bowley's Quarters, Maryland 21220 David M. Hausner, pro se Clty Representative to be Contacted: David M. Hausner Kramon & Graham, P.A. Name Same One South Street, Suite 2600 (410)752-6030 Telephone No. Address Telephone No. 21202-3201 <u>Same</u> City Zip Code State State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Cale No. 05-045- A

UNAVAILABLE FOR HEARING



ZONING DESCRIPTION 1224 BURKE ROAD 15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the Southside of Burke Road, 30 feet wide, and 465 feet more or less Northwesterly from the centerline of Burke Road at the intersection of Burke Road and Burke Road, said centerline being extended Southerly across Burke Road to the Southside of Burke Road.

Thence leaving said Southside of Burke Road the three following courses and distances South 37°-38'-00" West 391.5 feet more or less, to the waters of Galloway Creek, thence running in Galloway Creek Northwesterly 50 feet more or less, thence in Galloway Creek and fast land North 37°-38'-00" East 395.50 feet to the Southside of Burke Road, 30 feet wide, thence binding on the Southside of Burke Road South 52°-22'-00" East 50.00 feet to the point of beginning.

Containing 16,833 S.F. or 0.386 acres of fast land more or less.

Being Lot # 117 as shown on the record plat of Bowleys Quarter, Plat No.1 recorded among the Plat Records of Baltimore County, Maryland in W.P.C. Liber 7, Folio 12, and also described in Deed Liber 3568, Folio 454 and recorded among the Land Records of Baltimore County, Maryland.

William N. Bafitis, P.E., Licence Md Reg. #11641

Date

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BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		
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MISCELLANEOUS DATE T T T T T T T T T T T T		WHITE CLASS HE

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 10, 2004 Issue - Jeffersonian

Please forward billing to:

David Hausner

One South Street, Ste. 2600

Baltimore, MD 21202

410-752-6030

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: 05-042-A

1224 Burke Road

S/west side of Burke Road, 810 feet s/west and n/west of Bowley's Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Charles & Rosalie Hill Contract Purchaser: David Hausner

Variance to allow side yard setbacks of 10 feet in lieu of the 50 feet setback requirement and to allow a height of 45 feet in lieu of the maximum allowed 35 feet.

Hearing: Tuesday, August 24, 2004, at 9:00 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 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

July 30, 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: 05-042-A

1224 Burke Road

S/west side of Burke Road, 810 feet s/west and n/west of Bowley's Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Charles & Rosalie Hill Contract Purchaser: David Hausner

Variance to allow side yard setbacks of 10 feet in lieu of the 50 feet setback requirement and to allow a height of 45 feet in lieu of the maximum allowed 35 feet.

Hearing: Tuesday, August 24, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: David Hausner, Kramon & Graham, One South St., Ste. 2600, Baltimore 21202-3201 Charles & Rosalie Hill, 1224 Burke Rd., Bowley's Quarters 21220 David Hausner, 2700 Lighthouse Pt., Apt. 627, Baltimore 21224

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 9, 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 <u>Baltimore County Zoning Regulations</u> (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:	
Address or Location: 1224 BURKE RD	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: DAVID M. HAUSNER	· · · · · · · · · · · · · · · · · · ·
Address: <u>AREWM ONE SOUTH STREET</u>	SULTE 2600
BALTIMORE, MD 21202	<u></u>
Telephone Number: 4/0 752-6030	

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

August 17, 2004

David M. Hausner Kramon & Graham One South Street, Ste. 2600 Baltimore, Maryland 21202-3201

Dear Mr. Hausner:

RE: Case Number: 05-042-A, 1224 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 21, 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,

u. Callabal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Charles and Rosalie Hill 1224 Burke Road Bowley's Quarters 21220 David M. Hausner 2700 Lighthouse Place Apt. 627 Baltimore 21224



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



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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of August 2, 2004

Item No.:

002, 036=049, 051

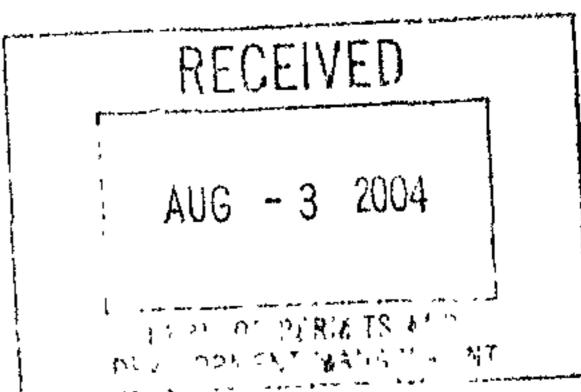
Dear Ms. Mathews:

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 27, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 9, 2004

Item No. 042

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 the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-08-09-2004-ITEM NO 042-08262004

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco
FROM:	John D. Oltman, Jr JW
DATE:	August 10, 2004
SUBJECT	: Zoning Item # 05-042 Address 1224 Burke Road (Hill Property)
Zo	ning Advisory Committee Meeting of August 2, 2004.
	e Department of Environmental Protection and Resource Management has no ments on the above-referenced zoning item.
	e Department of Environmental Protection and Resource Management offers 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 (Section 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).
Ad	lditional Comments:

Reviewer:

Keith Kelley

Date: August 10, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1224 and 1226 Burke Road

INFORMATION:

Item Number:

5-042 and 5-043

Petitioner:

Charles Hill

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform with the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Nevertheless, the existing lot pattern of the neighborhood is that of 50-foot wide lots. As such, this office does not oppose the petitioner's request. If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling at 1226 Burke Road:

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

Provide landscaping across the front of the subject property.

Prepared by:

Division Chief:

AFK/LL:MAC:

DATE: August 23, 2004

RECEIVED

AUG 2 4 2004

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date:

8.4.02

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

RE:

Baltimore County

Item No.

BPR

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1.1. Gredh

RE: PETITION FOR VARIANCE
1224 Burke Road; SW/side Burke Rd.

810' SW & NW of Bowleys Quarters Rd 15th Election & 6th Councilmanic Districts

Legal Owner(s): Charles G & Rosalie M. Hill* Contract Purchaser (s): David M. Hausner

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-42-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

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 9th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to, David M. Hausner, pro se, Kramon & Graham, P.A. One South Street, St 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

AUG 0 9 2004

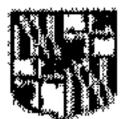
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 15 Account Number - 1508551260

Owner Information

Owner Name:

HILL CHARLES G

HILL M ROSALIE

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address: 1224 BURKE RD

BALTIMODE MD 21220-4415

Deed Reference:

1) / 3568/ 454

			Location 8	k Structure In	ormation				
Premises Addr						Legal	Descriptio	n	
1224 BURKE RD)	WATERFRONT BOWLEYS QU			YS OUART	ERS			
Map Grid 98 4	Parcel 4	Sub District	 	ision Sec	ion Blo	ونسقه النيدة بسفه المثنوة	Group		1 7/ 1:
Special Tax Ar	eas	Ac	own d Valorem ex Class						
Primary Structure Built 1952			Enclosed Area 1,524 SF		Property Land Area 13,050.00 SF		County Use 34		
Stories 1		Basem NO		s	Type TANDARD UI	NIT		Exterio SIDING	
			Va	lue Informatio	n				
		Base Value	Value As Of 01/01/2003	Phase-in Ass As Of 07/01/2003	essments As (07/01/200				
Improv	Land: ements:	112,010 10	137,260 10	0.,02,2000	0,,02,20	-			
Preferenti	Total:	112,020 0	137,270 0	120,436 0	128,85	52 0			

Transfer Information						
Seller:	Date:	Price:				
Type:	Deed1:	Deed2:				
Seller:	Date:	Price:				
Type:	Deed1:	Deed2:				
Seller:	Date:	Price:				
Type:	Deed1;	Deed2:				

Exemption Information					
Partial Exempt Assessments	Class	07/01/2003	07/01/2004		
County	000	0	0		
State	000	0	0		
Municipal	000	0	0		

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *

LIBER 3568 PAGE 454.

Chis Recut, Made this

27th

day of

July

in the year one thousand nine hundred and

fifty-nine

by the Bowley's Quarter

Company of Baltimore County, a body corporate, duly incorporated under the laws of the State of Maryland.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations,

whereof is hereby acknowledged, the said Bowley's Quarter Company of Baltimore County doth grant and convey unto Charles G. Hill and M. Rosalie Hill, his wife, as tenants by the entireties, their

heirs and assigns, in fee simple, all that ground and premises

situate, lying and being in Baltimore County aforesaid and being known as Lot No. 117 minutexed as shown on the Plat of Bowley's Quarter, Plat No. 1,

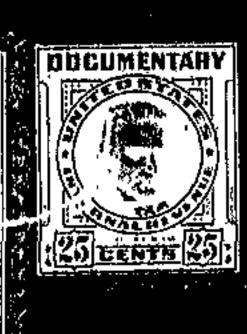
x-anxhoweremethem laters the property of Bowley's Quarter Company of

Baltimore County, which plat is duly filed among the Land Records of Baltimore County, in Plat Book W.P.C., No. 7, Folio 12.

Being a portion of the property which by a Deed dated March 30, 1908 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 326, folio 169 was granted and conveyed by Edward F. Burke unto said Grantor herein.











Together with the improvements thereon and the rights and appurtenances thereto belonging or appertaining.

To have and to hold the above granted property unto the said Charles G. Hill and M. Rosalie Hill, his wife, as tenants by the entireties, their

heirs and assigns, in fee simple forever, subject, however, to the following covenants and restrictions which are hereby entered into by the part ies—of the second part, for themselves, their—heirs and assigns, as a part of the consideration for this conveyance, which covenants shall run with the land and bind all future owners and occupiers of the same, and which shall enure to the benefit of the party hereto of the first part, its successors and assigns:

SECOND—That all outbuildings of any kind shall be in the rear of dwelling and shall not be within 100 feet of water-front, shall be of neat design and kept painted or whitewashed.

THIRD—That no swine shall be kept on said lot — and no nuisance of any kind shall be maintained or allowed thereon, nor any use thereof made or permitted which shall be noxious or dangerous to health.

FIFTH—That any privy erected on said property must be provided with a tight, movable receptacle or receptacles and kept in a sanitary condition.

SEVENTH—That at no time shall said lot or any part thereof or any improvements crected thereon be used or occupied for any commercial, mercantile or manufacturing use whatsoever, but shall be used only as and for dwelling purposes.

And the said Bowley's Quarter Company of Baltimore County, subject to the conditions to be observed by the grantee s, their heirs and assigns, covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

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LIBER 3568 PAGE 456

And the said Bowley's Quarter (Company of B	altimore County, d	loth hereby constit	ute and appoint
William H. Gisin to	be its Attorne	y, in its name and	as its act to acknow	vledge this Deed.
before any one legally authorized to	take said ackr	owledgment.	NOR	8 . 7 1
As Witness, the corporate seal of	said body cor	porate, and the sign	nature of Hall	Hammond O 3"
the President thereof				70
				IL VINATION
Signed, sealed and delivered in the presence of			1)//	
		Presi	dent of Bowley's G	
2 2 00		Ha]	of Baltimore .1 Hammond	County
Ronald C. Thompson				
	,			
		$\frac{\partial}{\partial t} = \frac{\partial}{\partial t_{i}} \frac{\partial}{\partial t_{i}} \frac{\partial}{\partial t_{i}} \frac{\partial}{\partial t_{i}} \frac{\partial}{\partial t_{i}}$		
STATE OF MARYLAND, CITY OF	BALTIMOR	E, TO WIT:		
I hereby certify that on this	27th	day of	July	. 19 59,
before me the subscriber, a notary pu	blic of said St	ate, in and for the	city aforesaid, per	sonally appeared
William H. Gisin	, the Attorn	ey named in the let	tter or power of at	torney contained
in the foregoing deed, and by virtu				
acknowledged the said deed to be the	act of the sa	aid Bowley's Quart	er Company of Ba	ultimore Gounty.
Witness my hand and Not	carial Sea	1.	•	ON.
		2.2		BI O' BI

My Commission expires May 1st, 1961.

Rec'd for record JUL 30 1959 at 94 M

Per Walter J. Rasmussen, Clerk

Mail to Skeen Welson + Coughlan

Receipt No. 1579 35 1950

Ronald C. Thompson

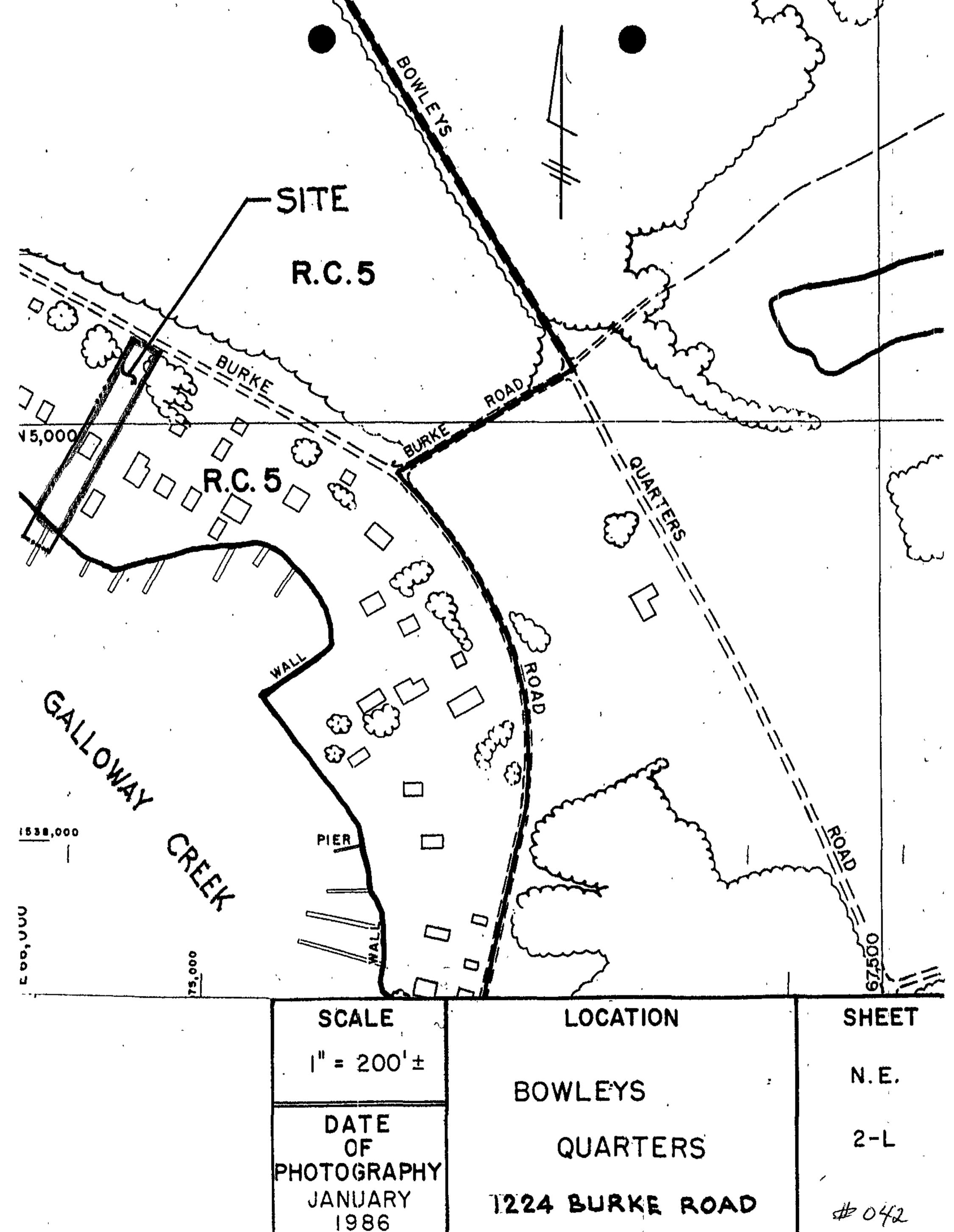
Notary Public

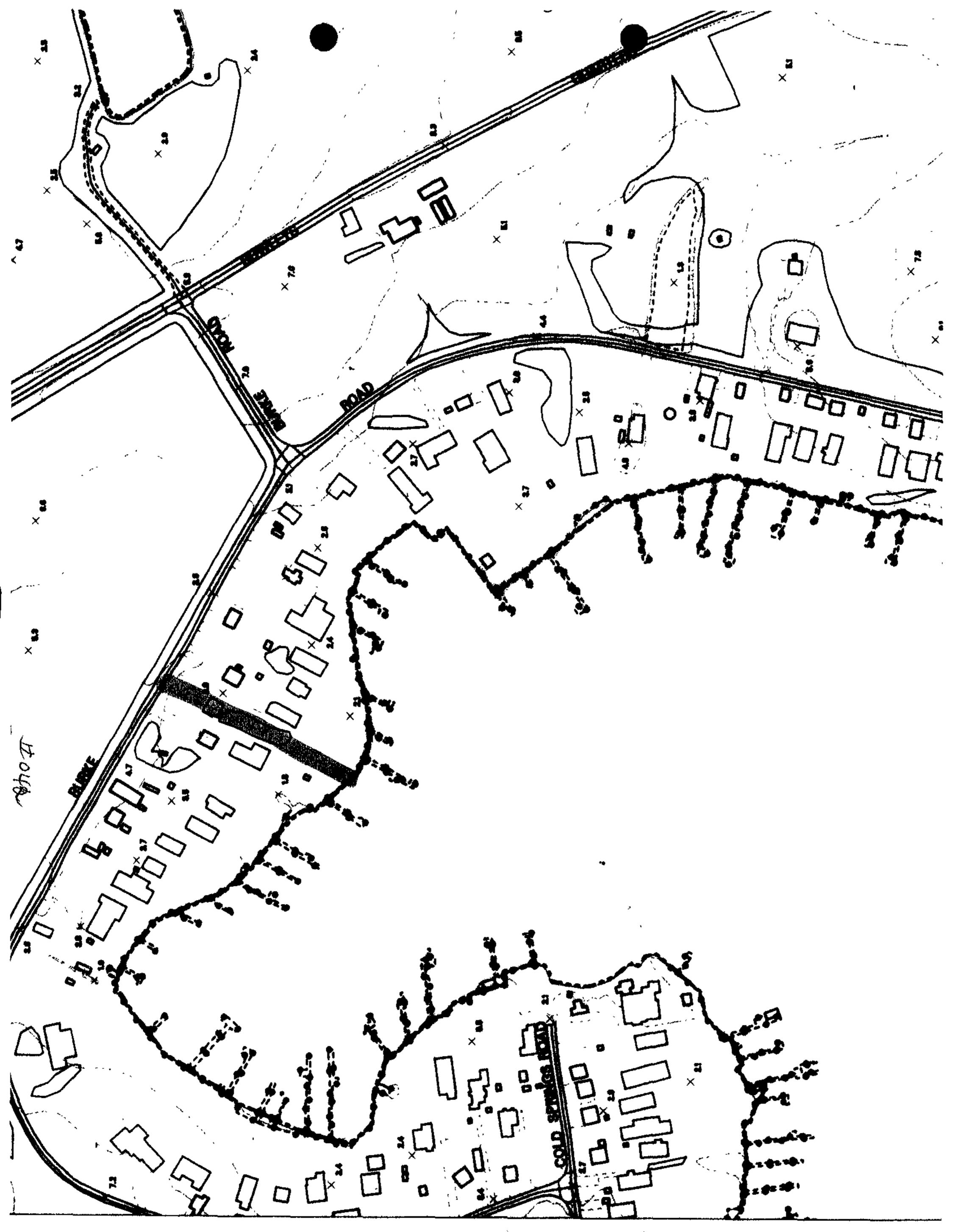
PLEASE PRINT CLEARLY

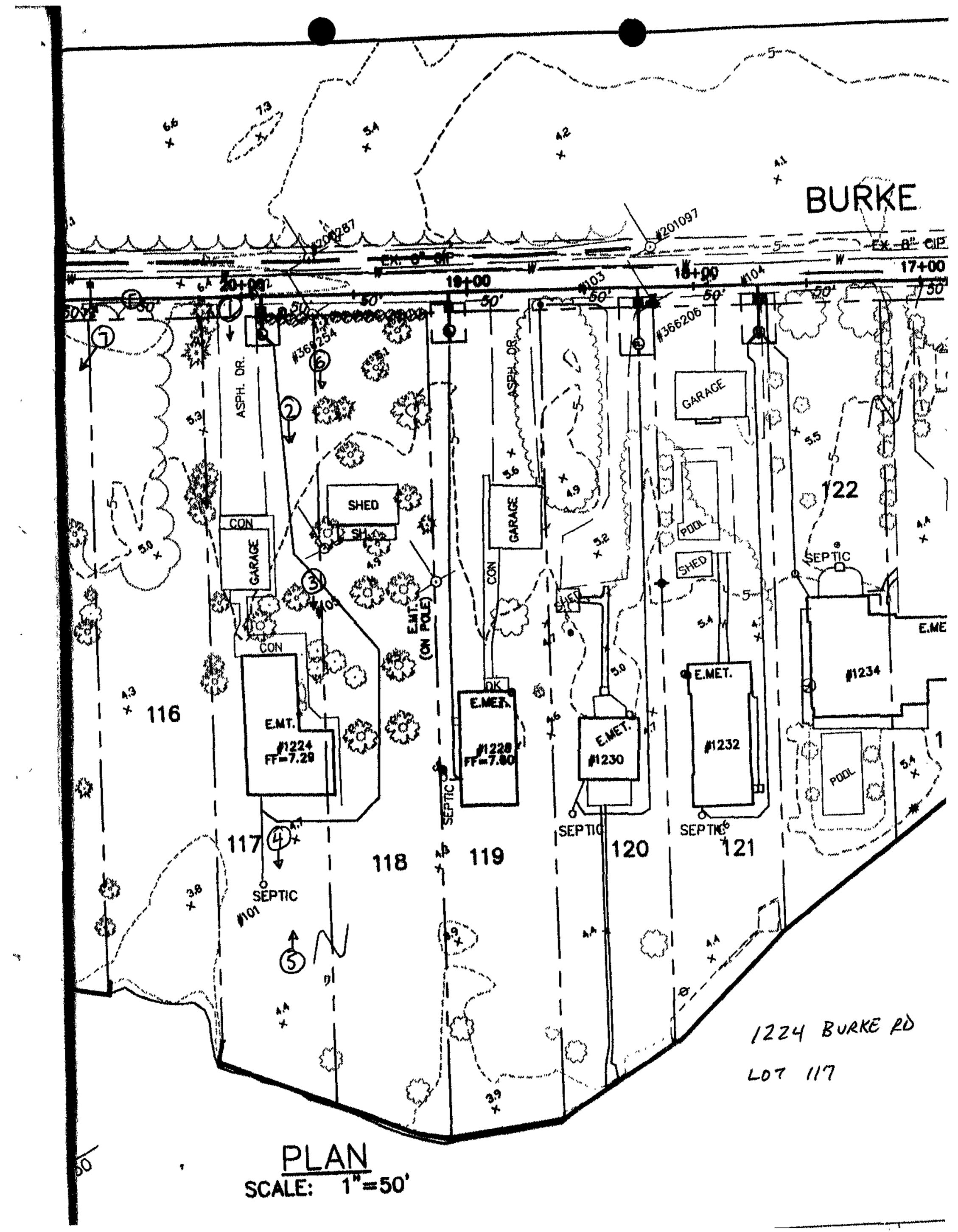
CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

hausner @ KG-LHW. COM checke e plumer.com BSCHUCHARDT Town. FDU E- MAIL 7980¢ 12412 31220 2904 FELENDLYWOOD WAY CONSTITUTED BURTONS VICLE, MO STATE, ZIP MD. 4 10 Balto 2/220 1338 Burke Rd, Balls. 19 21020 LIQ 1249 ENGLASS SNERES 1224 DURKE ROBINTA NAME Clydd F. DAUD M. CHMELES I Bruce











House

6ACA6 FOUSE Existing 6 1224






W#781 1225








BURKÉ





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: #05-042-A

1224 Burke Road S/west side of Burke Road, 810 feet s/west and n/west of Bowley's Quarters Road

of Bowley's Quarters Hoad
15th Election District — 6th Councilmanic District
Legal Owner(s): Charles & Rosalle Hill
Contract Purchaser: David Hausner
Variance: to allow side yard setbacks of 10 feet in lieu of
the 50 feet setback requirement and to allow a height of
45 feet in lieu of the maximum allowed 35 feet.
Hearing: Tuesday, August 24, 2004 at 9:00 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.

JT 8/657 August 10

CERTIFICATE OF PUBLICATION

CERIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date Quegust 10, 2004

RE: Case Number 05 - 042-A

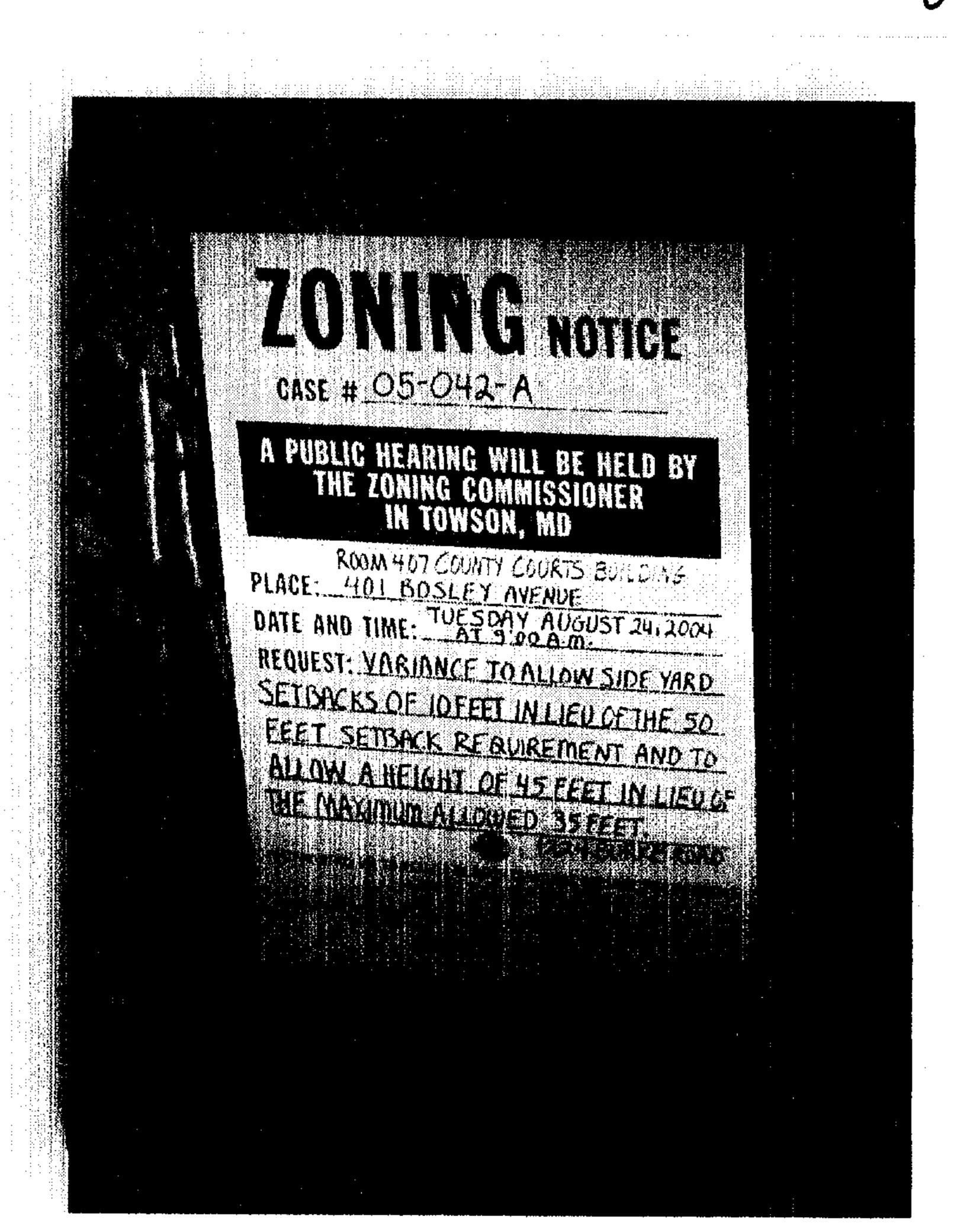
Petitioner/Developer DAVID HAUSNER/ETAL.

Date of Hearing/Closing AUGUST 24, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1224 BURKE ROAD

The sign(s) were posted on

August 6, 2004



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)