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 Charles G. Hill, et ux, Owners; David M. Hausner and Charles D. Falter, Respective Contract Purchasers	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Cases Nos. 05-042-A and 05-043-A

* * * * * * * * * * *

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 RECEIVED FOR FILING
Date 8/5/04
By

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 neighborhood.

ORDER RECEIVED FOR FILING
Date 5/31/04
By

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 height 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.

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Date 5/21/14
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st 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

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/3/04
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

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

CRA / FLOOD

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1226 Burke Road

which is presently zoned R.C. 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.) 1A04.3.B.2 to allow side yard set backs of 10ft. for the proposed 30 ft. x 65 ft. dwelling. in lieu of 50 feet set back requirements. DH/NW
2.) 1A04.3.B.1 to allow a lot size of less than one acre in a R.C. 5 zone.
3.) 1A04.3.A to allow a height of 45 ft. in lieu of the maximum allowed 35 ft. - 45 FT. HEIGHT
4.) Any other variances deemed necessary by the Zoning Commissioner to permit development of the subject property with a single family dwelling.

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

1.) The unique width of the lot makes compliance with the set back requirement impossible.
2.) The existing lot is less than 1 acre.
3.) The floodplain requirement that the first floor be elevated.
4.) *The unique size, shape, and location of the lot.*

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:

Charles D. Falter
Name - Type or Print

Signature

2904 Friendlywood Way (301) 529-7998
Address Telephone No.

Baltimonsville, Maryland 20866
City State Zip Code

Legal Owner(s):

Charles G. Hill
Name - Type or Print

Signature

Rosalie M. Hill
Name - Type or Print

Signature

1224 Burke Road (410) 241-4674
Address Telephone No.

Bowley's Quarters, Maryland 21220
City State Zip Code

Attorney For Petitioner:

David M. Hausner
Name - Type or Print

Signature

Kramon & Graham, P.A.
Company

One South Street, Suite 2600 (410)752-6030
Address Telephone No.

Baltimore, Maryland 21202-3201
City State Zip Code

Representative to be Contacted:

David M. Hausner
Name

Same
Address Telephone No.

Same
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 05-043-A

Reviewed By SDM Date 07-21-04

REV. 9/15/98

ORDER RECEIVED FOR FILING
Date 7/31/04
By

Bafitis & Associates, Inc.

ZONING DESCRIPTION
1226 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 415' 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 398.00 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 391.50 feet to the South side of Burke Road, 30 feet wide, thence binding on the South side of Burke Road South 52°-22'-00" East 50.00 feet to the point of beginning.

Containing 17,759 S.F. or 0.407 Acres of fast land more or less.

Being Lot # 118 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 3784, Folio 411, and recorded among the Land Records of Baltimore County, Maryland.

STATE OF MARYLAND
WILLIAM N. BAFITIS
No. 11641
REGISTERED
PROFESSIONAL ENGINEER

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

7/20/04
Date

05-043-A

05-047-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 37910

DATE 07-21-04 ACCOUNT R 001-000-6150

AMOUNT $ 65.00

RECEIVED FROM: Charles Tactou

FOR: Res. Var.
1226 Burle Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5007

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/22/2004	7/21/2004	15:34:42	4

REG WORK WALKIN WALK-IN

>>RECEIPT # 225078 7/21/2004 OFLA

Reg# 5 538 ZONING VERIFICATION

CR NO. 037910

Recpt Tot $65.00

$78.00 OT

Baltimore County, Maryland

CASHIER'S VALIDATION

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 10, 2004 Issue - Jeffersonian

Please forward billing to:
David Hausner
Kramon & Graham
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: 05-043-A
1226 Burke Road
S/side of Burke Road, 415 feet n/west of centerline of Burke Road and Burke Road
15th Election District – 6th Councilmanic District
Legal Owners: Charles & Rosalie Hill

Variance to allow side yard setbacks of 10 feet in lieu of the 50 foot setback requirement to allow a lot size of less than one acre, and to allow a height of 45 feet in lieu of the maximum allowed 35 feet.

Hearing: Tuesday, August 24, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits and Development Management

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

Baltimore County

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

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: 05-043-A
1226 Burke Road
S/side of Burke Road, 415 feet n/west of centerline of Burke Road and Burke Road
15th Election District – 6th Councilmanic District
Legal Owners: Charles & Rosalie Hill

Variance to allow side yard setbacks of 10 feet in lieu of the 50 foot setback requirement to allow a lot size of less than one acre, and to allow a height of 45 feet in lieu of the maximum allowed 35 feet.

Hearing: Tuesday, August 24, 2004 at 10:00 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
Charles & Rosalie Hill, 1224 Burke Rd., Bowleys Quarters 21220
Charles Falter, 2904 Friendlywood Way, Burtonsville 20866

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.

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: 05-043 A

Petitioner: CHARLES FALTER

Address or Location: 1226 BURKE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID M. HAUSNER, ESQ
KRAMON & GRAHAM, P.A.

Address: ONE SOUTH STREET, SUITE 2600
BALTIMORE, MD 21202

Telephone Number: 410 752-6030

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: 05-043-A, 1226 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,

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
Charles D. Falter 2904 Friendlywood Way Burtonsville 20866

Baltimore County
Fire Department

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

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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting ~~of:~~ August 2, 2004

Item No.: 002, ~~036-049~~ OP3, 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

RECEIVED
AUG - 3 2004

Printed with Soybean Ink
on Recycled Paper

RE:	PETITION FOR VARIANCE 1226 Burke Road; SW/side Burke Rd. 415' NW c/line of Burke Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Charles G & Rosalie M. Hill* Contract Purchaser (s): Charles D. Falter Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-43-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

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

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

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

RECEIVED
AUG 0 9 2004
Per.....

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 27, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 9, 2004
Item No. 043

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 043-08262004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr

DATE: August 10, 2004

SUBJECT: Zoning Item # 05- 043
Address 1226 Burke Road (Hill Property)

Zoning Advisory Committee Meeting of August 2, 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: August 10, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 23, 2004

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

RECEIVED
AUG 2 4 2004
ZONING COMMISSIONER

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: Mark A Cunningham

Division Chief: Lyn Lanham

AFK/LL:MAC:

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 8 · 2 · 09

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

RE: Baltimore County
Item No. 043 JRA

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,

S. D. Foster

Steven D. Foster, Acting Chief
Engineering Access Permits Division

RM-35 UNDERSIZED RC-ZONED LOTS

(Section 304.1 – 304.7, BCZR) Also see RM-34.

WHEREAS, Section 304 was included in the 1955 zoning regulations (3/30/55) to govern the use of undersized building lots that did not meet the current or applicable zoning requirements; and

WHEREAS, In 1992 Section 304 was re-numbered to 304.1 and six additional sub-sections were added (County Council Bill 47-92, 304.2 – 304.7) by 6/25/92. These new sub-sections required posting of the lot, design review and possibly a public hearing, even if all zoning standards (except for area) were complied with; and

CONSIDERING, During the processing of these requests, and when reviewing new sub-sections 304.2 – 304.7, it became apparent that the legislation was based on the DR zones to afford in-fill compatibility with existing established neighborhoods. The regulations do not clearly limit the application to lots in DR zones;

THEREFORE, As agreed to by the Directors of PDM and Planning, sub-sections 304.2 – 304.7 will only apply to the DR zones as originally intended.

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** - 1508551261

Owner Information

Owner Name:	HILL CHARLES G HILL M ROSALIE	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1224 BURKE RD BALTIMORE MD 21220-4415	**Deed Reference:**	1) / 3784/ 408 2)

Location & Structure Information

Premises Address
1224 BURKE RD

Legal Description
WATERFRONT
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	4	4					118	82	1
									Plat Ref: 7/ 12

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12,550.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	48,380	37,130		
Improvements:	13,300	13,170		
Total:	61,680	50,300	50,300	50,300
Preferential Land:	0	0	0	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: NO
Exempt Class:

Special Tax Recapture:
* NONE *

THIS DEED, Made this 21 day of November, 1960, by and between William E. Berk and Alberta M. Berk, his wife, of Baltimore County, in the State of Maryland, of the first part, and Charles G. Hill and M. Rosalie Hill, his wife, of Baltimore County, in the State of Maryland, of the second part,

WITNESSETH, that in consideration of the sum of Five ($5.00) dollars, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part, do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple, all that ground and premises situate, lying and being in Baltimore County aforesaid and being known as Lot numbered One Hundred Eighteen (#118), Plat No. One (#1), as shown on the plat of the property in 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 part of the property in Deed dated March 30th, 1908 recorded among the Land Records of Baltimore County in Liber W. P. C. # 326, folio #169 from Edward F. Burke to the Bowley's Quarter Company of Baltimore County, a body corporate.

Being also the same lot of ground described in a deed dated October 19, 1960 and recorded prior hereto among the Land Records of Baltimore County was granted and conveyed by Bowley's Quarter Company of Baltimore County, a body corporate, to the within grantors.

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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple forever, subject, however, to the following covenants and restrictions which are hereby entered into by the parties 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:

FIRST--That no residence or dwelling-house shall be erected on

said lot costing less than Three Thousand ($3,000.00) dollars, nor within fifty (50) feet of the water front and the plans or designs of said buildings to be erected shall be first submitted to the office of the Bowley's Quarter Company and approved by said Corporation.

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.

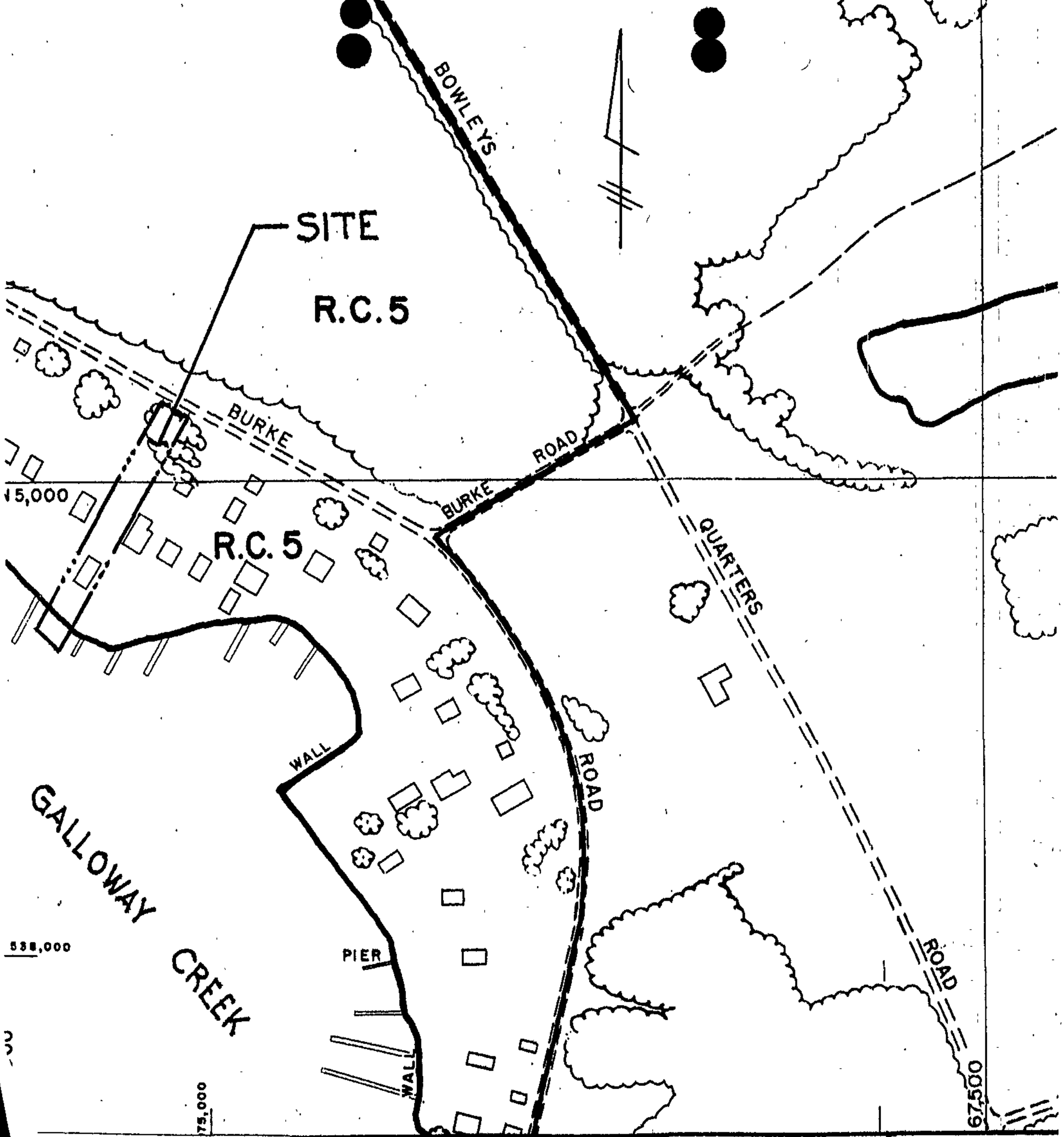
FOURTH--That at no time shall any part of said lot be used or occupied for the manufacture, brewing, distilling or the sale of spirituous or malt liquors, nor shall the said lot or any part thereof, or any building erected thereon at any time hereafter, be used or occupied as a drinking saloon. This Corporation reserves the right to cut the grass or other crops until lot is improved. Written permission must be obtained from the Corporation to construct fences or buildings.

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

SIXTH--That neither said lot nor any part thereof shall be sold, leased, transferred to or permitted to be occupied by any negro, Chinaman, Japanese, or person of negro, Chinese or Japanese descent; this restriction not to include servants or employees of the owner or occupant of said lot.

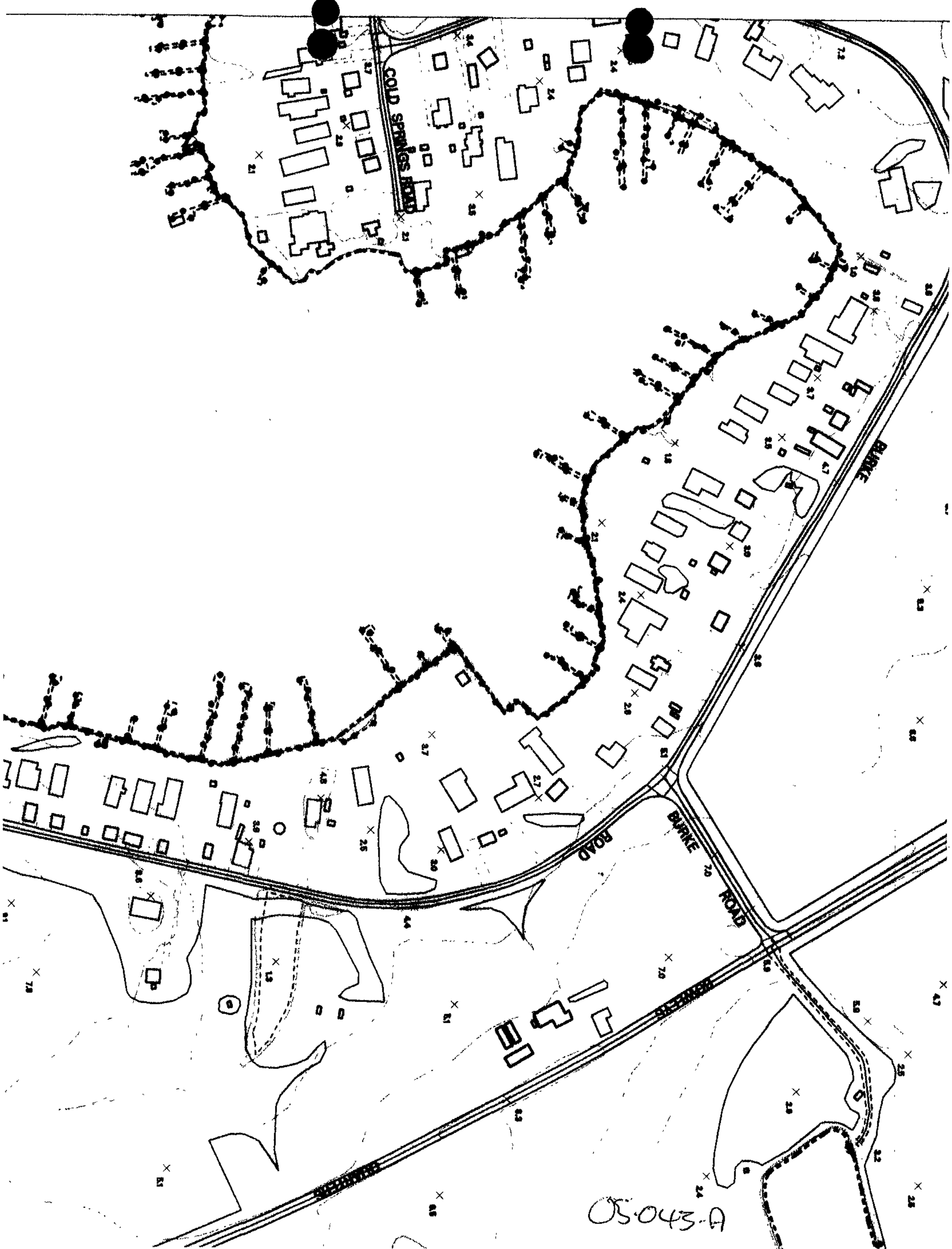
SEVENTH--That at no time shall said lot or any part thereof or any improvements erected thereon be used or occupied for any commercial, mercantile or manufacturing use whatsoever, but shall be used only as and for dwelling purposes.

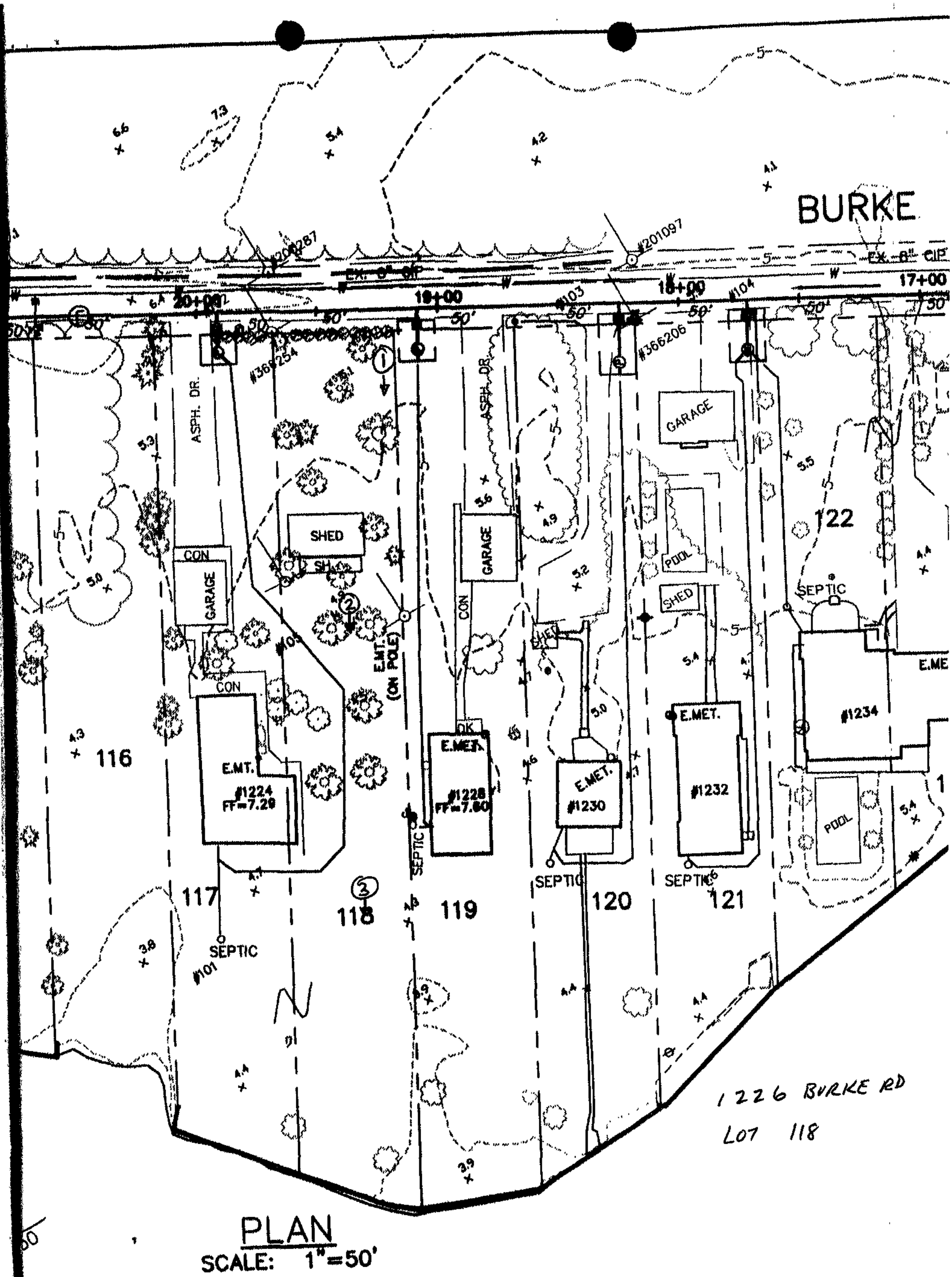
AND the said Bowley's Quarter Company of Baltimore County, subject to the conditions to be observed by the grantees, their heirs and assigns, covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.



SCALE	LOCATION	SHEET
1" = 200'±	BOWLEYS QUARTERS 1226 BURKE ROAD	N.E. 2-L
DATE OF PHOTOGRAPHY JANUARY 1986		

5-043.A


COLD SPRINGS ROAD
BURKE ROAD
BURKE ROAD
BURKE ROAD
05-043-A



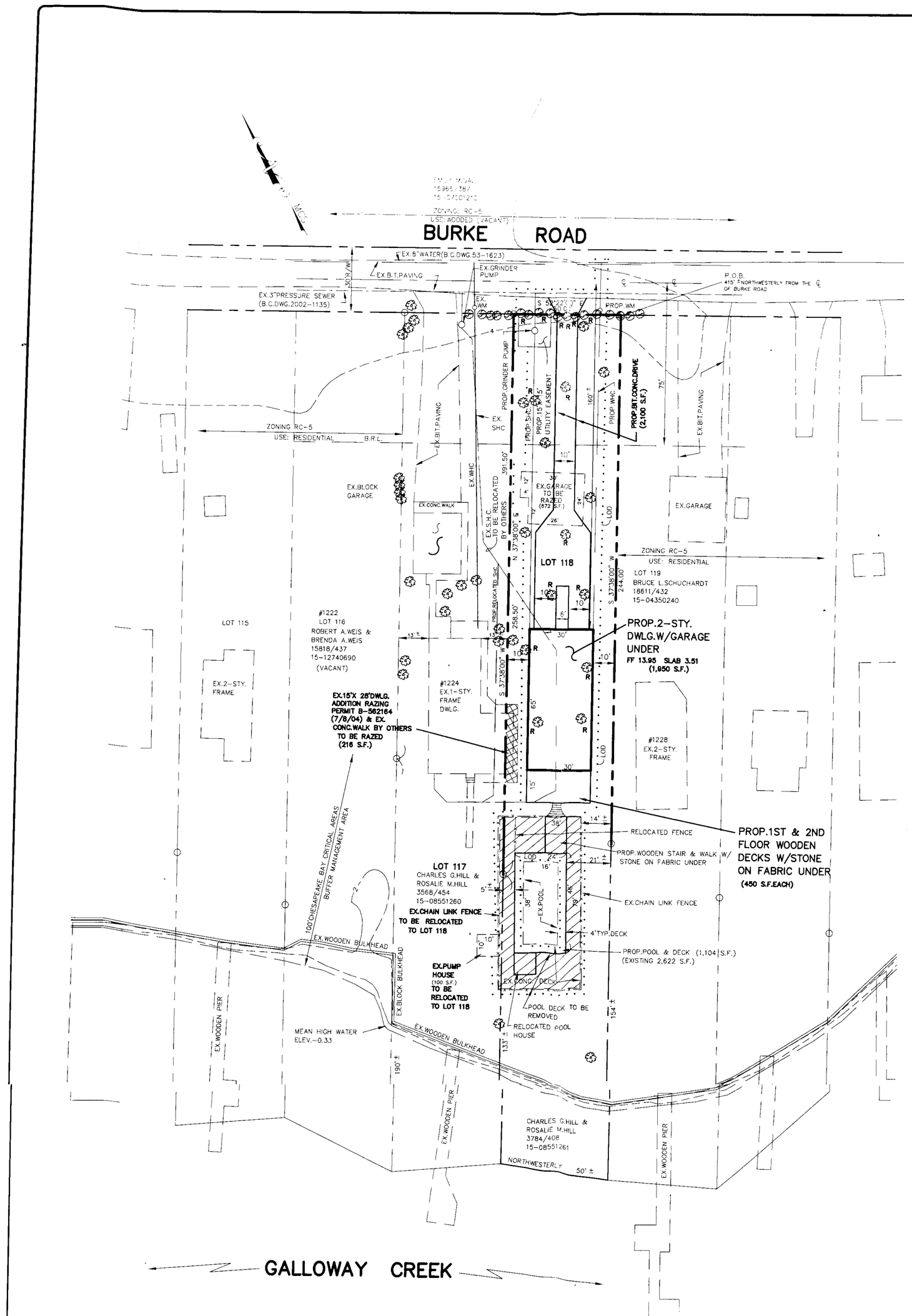
PLAN
SCALE: 1"=50'

1226 BURKE- PROPERTY LINE - EXISTING SHED

(2)

1226 BURKE - IN FRONT OF SHED

1226 BURKE - POOL



NOTES

1. Topography shown hereon was taken from Baltimore County GIS Topography.
2. The Flood Insurance Rate Map, Panel 448 of 575 indicates a Flood Elevation of 10' (B.W.D) for this site utilizing North American Vertical Datum (N.A.D) of 1988 for this site the flood elevation is 8.3' (N.A.D 88). Baltimore County requires a minimum first floor elevation of 9.5' (N.A.D 88).
3. Property lines shown hereon were compiled from available deed information and do not represent a boundary survey.
4. This site is situated within the Chesapeake Bay Critical Areas and is classified as IDA and LDA (MAP 34 OF 37 SUBWATERSHED 2948 (LDA), MAP 98)
5. There shall be no cutting, removal, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
6. Any critical area easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
7. This site is situated within a Mapped Buffer Management Area in the Chesapeake Bay Critical Areas.
8. There are no forest or developed woodlands on this site.
9. Existing trees to remain except as noted.
10. There are no known significant Tidal or Non-Tidal Wetlands on this site or within 300' of this site.
11. There is no significant plant or animal habitat on this site.
12. There are no slopes greater than 15% on this site.
13. There are no known wells on this site.
14. There are no known underground storage tanks or septic systems on this site.
15. There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
16. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
17. The site has 53'± of water frontage.
18. Public Water and sewer are available to this site.
19. This site has not been the subject of the CRG or DRC Processes.
20. Caution underground utilities may exist in BURKE ROAD, contact Miss Utility (800-257-7777) prior to any construction.
21. Proposed dwelling height 42'.
22. Proposed building coverage < 15% .
23. All roof downspouts must discharge rainwater runoff on-to a pervious surface.

PROPOSED IMPERVIOUS SURFACES

PROPOSED DRIVEWAY	2,100 S.F.
PROPOSED DWELLING	1,950 S.F.
EXISTING POOL & DECK (W/ REDUCED DECK)	1,104 S.F.
POOL HOUSE (RELOCATED)	100 S.F.
TOTAL IMPERVIOUS	5,254 S.F. = 29.6%

EXISTING IMPERVIOUS SURFACES

GARAGE	672 S.F.
EX. DWELLING & CONC.WALK	216 S.F.
EXISTING POOL & DECK	2,622 S.F.
POOL HOUSE (RELOCATED)	100 S.F.
TOTAL IMPERVIOUS	3,610 S.F. = 20.3%

ZONING HISTORY

CASE #74-244 SWIMMING POOL - GRANTED

ORDERED By the Zoning Commissioner of Baltimore County, this 1st day of April 1974 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 1st day of May 1974 at 11:00 o'clock.

"Pursuant in the advertisement, posting of property, and public hearing on the above petition and a appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, the Variance should be had; and if further appearing that by reason of the granting of the Variance request not adversely affecting the health, safety and general welfare of the community a Variance to permit an accessory structure (swimming pool) in the front yard instead of the required rear yard should be granted.

IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of May, 1974 that the herein Petition for a Variance should be and the same is granted, from and after the date of this order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

ZONING VARIANCES REQUESTED

1) SECTION 1A04.3.B.2 (BCZR) TO ALLOW SIDE YARD SET BACKS OF 10' FOR THE PROPOSED 30'X 65'DWELLING.

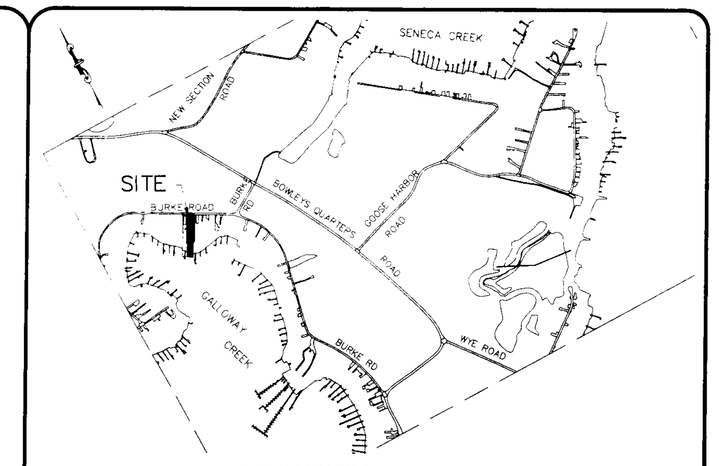
2) ~~SECTION 1A04.3.B.1 (BCZR) TO ALLOW A LOT SIZE OF LESS THAN ONE AGRE IN A R.C.5 ZONE.~~

3) SECTION 1A04.3.A (BCZR) TO ALLOW A HIEGHT OF 45' IN LIEU OF THE MAXIMUM ALLOWED 35'.

4) ~~ANY OTHER VARINCES DEEMED NECCSSARY BY THE ZONING COMMISSIONER TO PERMIT DEVELOPMENT OF THE SUBJECT PROPERTY WITH A SINGLE FAMILY DWELLING.~~

LEGEND

- TREES TO BE REMOVED
- POOL DECK TO BE REMOVED
- EX.ADJACENT DWELLING & CONC.WALK TO BE REMOVED



VICINITY MAP

(SCALE: 1" = 1000')

SITE DATA

1) OWNER: CHARLES G. & ROSALIE M. HILL
#1224 BURKE ROAD
BALTIMORE COUNTY,MARYLAND 21220
2) DEED REF: 3784/408 (1960)
3) TAX ACC. NO.: 15-08551261
4) TAX MAP: 98 PARCEL: 4 LOT: 118
5) PLAT REF: BOWLEYS QUARTER PLAT NO.1 BOOK 7 FOLIO 12
6) PLAT RECORDED: MAY 27, 1921
7) ELECTION DISTRICT: 15TH
8) CONCILMANIC DISTRICT: 6TH
9) REGIONAL PLANNING DISTRICT: 322B
10) CENSUS TRACT: 4518.02
11) ZONING: RC-5
12) ZONING MAP: MAP NE-2L
13) USE: RESIDENTIAL,SINGLE FAMILY
14) SITE AREA: LAND AREA = 17,759 S.F. OR 0.407 AC.
WATER AREA = 1,966 S.F. OR 0.045 AC.
TOTAL 19,725 S.F. OR 0.452 AC.

SITE IS IN THE 100 YEAR FLOOD PLAIN

PREVIOUS BUILDING PERMITS

#60359 - SWIMMING POOL & FENCE (6/7/1974)

DISTURBED AREA: 12,082 S.F.

Bafitis & Associates, Inc.
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
1249 Engleberth Rd. Baltimore, MD 21221
(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING VARINCES FOR # 1226 BURKE ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND WILLIAM N. BAFITIS No. 11684 PROFESSIONAL ENGINEER

WILLIAM N. BAFITIS, P.E.

1

SHEET 1 OF 1

SCALE: 1" = 30'

JOB ORDER NO: 20432

DATE: 07/21/04

NO.	REVISIONS	DATE

Pet No1

05-045-A

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: #05-043-A
1226 Burke Road
S/side of Burke Road, 415 feet n/west of centerline of Burke Road and Burke Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Charles & Rosalie Hill

Variance: to allow side yard setbacks of 10 feet in lieu of the 50 foot setback requirements to allow a lot size of less than one acre, and to allow a height of 45 feet in lieu of the maximum allowed 35 feet.

Hearing: Tuesday, August 24, 2004 at 10:00 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 8/658 August 10 16594

CERTIFICATE OF PUBLICATION

8/12, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/10, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Williams

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date August 10, 2004

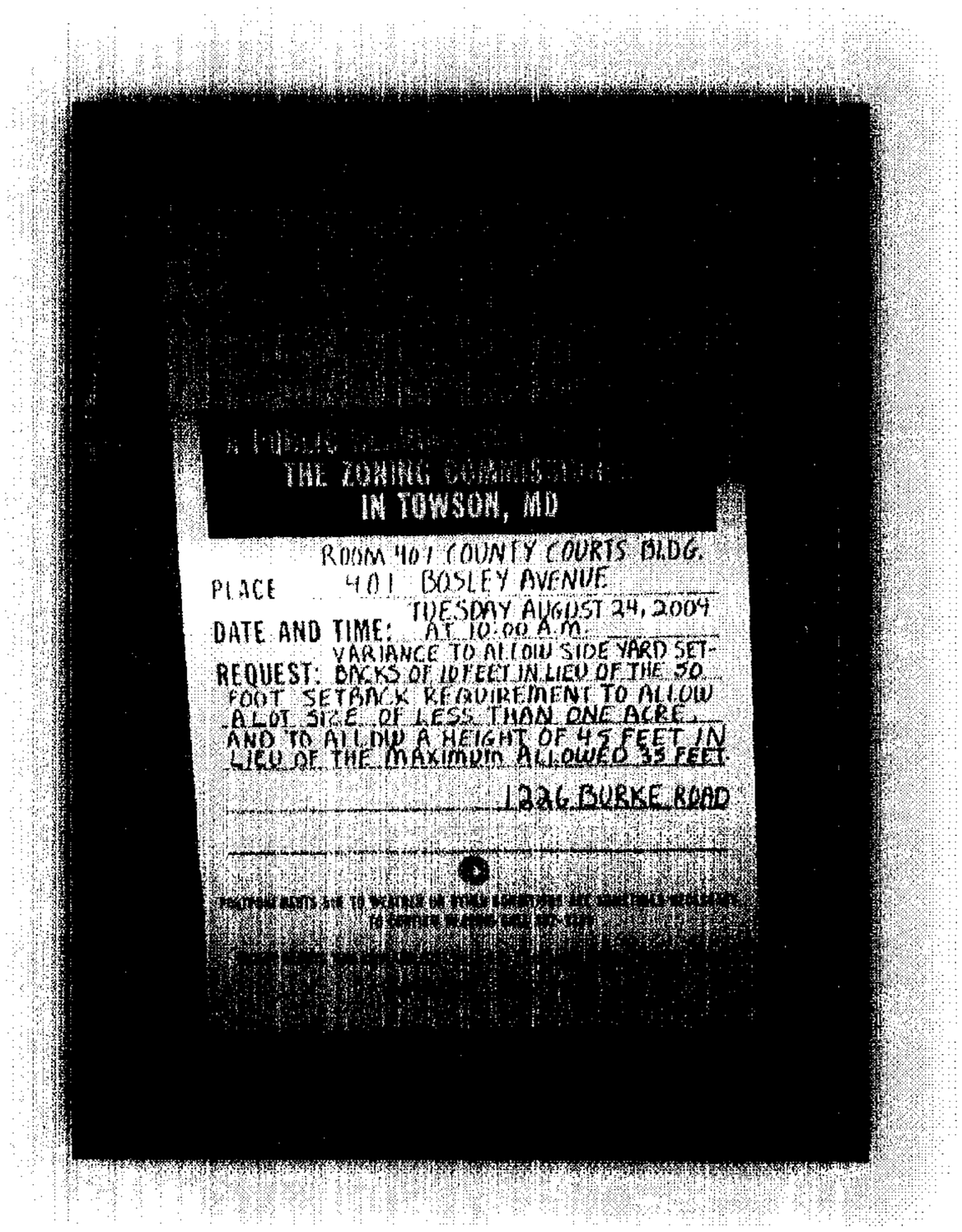
RE: Case Number 05-043-A

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 1226 BURKE ROAD

The sign(s) were posted on August 6, 2004



Linda O'Keefe
(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)

WITNESS the hands and seals of William E. Berk and Alberta M. Berk, his wife, the within Grantors.

TEST: Richard E. Levin
ISIDORE E. LEVIN

William E. Berk (SEAL)
William E. Berk

Alberta M. Berk (SEAL)
Alberta M. Berk

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 21st day of November, 1960, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, aforesaid, personally appeared William E. Berk and Alberta M. Berk, and they acknowledged the foregoing deed to be their act.

AS WITNESS my hand and Notarial Seal.

Richard E. Levin
ISIDORE E. LEVIN Notary Public

PAID — Baltimore County, Md. — Office of Finance

11-23-60 9482 • 06682 PPG+ 30.00
11-23-60 9482 • 06682 PPG+ 30.00

Rec'd for record NOV 29 1960 at 9 11 M
Per Walter J. Rasmussen, Clerk
Mail to Isidore E. Levin
Receipt No. 14616 $ 8.00