

RE: PETITION FOR VARIANCE
S/S of Burke Rd., 450 ft. W
centerline of Bowleys Quarters Rd.
(1234 Burke Road - #05-328-A)
and
PETITIONS FOR VARIANCE &
SPECIAL HEARING
S/S of Burke Rd., 400 ft. W
centerline of Bowleys Quarters Rd.
(1236 Burke Road - #05-329-A)
5th Election District
7th Councilmanic District

Mary S. & Donald J. Hansen,
Petitioners

* * * * *

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-328-A
* and
* CASE NO. 05-329-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as a Petition for Variance and a Petition for Special Hearing filed by the legal owners of the subject properties, Mary S. and Donald J. Hansen. The Petitioners are requesting relief as follows:

Case No. 05-328-A is a Petition for Variance from Section 1A04.3.B.1.a and b of the Baltimore County Zoning Regulations (B.C.Z.R.) (Isabel damage), to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively, and to permit an area of 0.32 ac. in lieu of the required 1.5 ac.

Case No. 05-329-SPHA is a companion case filed pursuant to Section 500.7 of the B.C.Z.R. for a Special Hearing to approve two building lots without density being affected. In addition, the Petitioners are requesting a variance from Section 1A04.3.B.1.a and b of the B.C.Z.R., to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively and to permit an area of .27 ac. in lieu of the required 1.5 ac.

The properties were posted with Notices of Hearing on January 31, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In

ORDER RECEIVED FOR FILING

2/24/05

By [Signature]

addition, Notices of Zoning hearing were published in "The Jeffersonian" newspaper on February 1, 2005 to notify any interested persons of the scheduled hearing date.

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."

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Interested Persons

Appearing at the hearing on behalf of the variance request were Craig and Traci Leonard and Randolph Reyes, contract purchasers, Marianne Garrison, realtor, and Donald Hansen, Petitioner. There were no persons in opposition to the variance request who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

2/24/05
Ray

ZAC Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights. ZAC comments were received from the Bureau of Development Plans Review dated January 24, 2005, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 11, 2005, a copy of which is attached hereto and made a part hereof. Finally, ZAC comments were received from the Office of Planning dated February 3, 2005, a copy of which is attached hereto and made a part hereof. A supplemental comment was received from the Office of Planning dated February 22, 2005 which indicates that the Office reviewed the proposed homes to be erected, finds them in accord with the spirit and intent of the regulations and does not oppose the requested relief.

Testimony and Evidence

These are side by side waterfront lots owned by Donald and Mary Hansen. These lots are lot 122 and lot 123 of the "Bowleys Quarters" subdivision which was recorded in the Land Records of Baltimore County in the 1921 according to Mr. Leonard. The Hansens' home was located on lot 122 while lot 123 was used as their side yard. Unfortunately, Hurricane Isabel destroyed the home and rather than sell both lots together, the Hansens would like to sell them separately to the Leonards and Mr. Reyes.

Each lot is 50 ft. wide and zoned RC 5, which requires a 50 ft. side yard setback. Lot 122 is 0.32 acres while lot 123 is 0.27 acres. County Council Bill No. 55-04 which was passed in May 2004 requires 1.5 acre lots. Thus the request for variances. Both Petitioners noted that they can not possibly meet the applicable zoning regulations with these old lots and that it would be a hardship on them and the owners not to allow homes to be built on these lots. They also

indicated that having one home on each 50 ft. lot would not change the pattern of development in the neighborhood, as virtually all the adjoining lots along this portion of waterfront had one lot per home rather than two or more lots per home as seen in other neighborhoods. Ms. Leonard also noted that there was no residential development behind these lots so no one's view of the water would be taken away. The area behind them has all agricultural uses. Mr. Hansen indicated that he was aware of a 7 lot subdivision approved behind them but no construction had taken place.

Findings of Fact and Conclusions of Law

With regard to the request for variances, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were laid out in 1921 much before the RC zoning regulations were imposed on the property. As such, I find that the RC regulations impact these lots more than lots created after the RC regulations went into effect. Consequently, I find the lots unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. These lots are 50 ft. wide and clearly can not meet either the side yard set back required of 50 ft. or the 1.5 acre area required by the RC 5 regulations. The Petitioners propose the "standard" 10 ft. side yard setbacks found so often in waterfront properties.

Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is the key question in this case. From the evidence presented, it is clear that the pattern of development along this stretch of Galloway Creek is one home per 50 ft. lot. Granting these variances will not change that pattern.

2/24/05
Ray

I note that the Petitioners have now submitted the information needed by the Office of Planning regarding the proposed new homes, and the Office finds that the proposed homes to be erected are in accord with the spirit and intent of the regulations. Consequently, the Office of Planning does not oppose the requested relief.

With regard to the request for special hearing to approve two building lots without density being affected, at first glance this could be problematic. Clearly the RC 5 regulations do not have this situation in mind when they specify that the maximum density shall be 0.667 dwelling per acre. This neighborhood was developed long before the RC regulations were imposed on this area at a density of approximately DR 3.5 or 3.5 dwellings per acre. This is five times the density required by the RC regulations. The subject lots are 0.32 and 0.27 acres not 1.5 acres. It is apparent to me that the RC 5 regulations were intended primarily to control new subdivisions and not regulate rather ancient varieties as we have here.

I find that this issue of density to be essentially the same as the issue of pattern of development in the neighborhood addressed above. I find that if the proposed use does not violate the pattern of development in subdivisions recorded before the RC regulations were imposed, then the issue of density is satisfied within the spirit and intent of the regulations. Consequently, I will approve the special hearing request.

I am also aware that the RC 5 regulations as applied to these old subdivisions is under review by the Office of Planning with the likelihood that the anomalies illustrated above will be rectified.

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' requests for variance and for approval of an undersized lot should be granted

THEREFORE, IT IS ORDERED, this 24 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance in Case No 05-238-A from Section 1A04.3.B.1.a and b of the Baltimore County Zoning Regulations (B.C.Z.R.) (Isabel damage), to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively, and to permit an area of 0.32 ac. in lieu of the required 1.5 ac., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the request for special hearing in Case No. 05-329-A filed pursuant to Section 500.7 of the B.C.Z.R., to approve two building lots without density being affected, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Petitioners' request for variance in Case No. 05-329-A from Section 1A04.3.B.1.a and b of the B.C.Z.R., to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively and to permit an area of .27 ac. in lieu of the required 1.5 ac., be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

RECEIVED FOR FILING
DATE 2/24/05
BY [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
William J. Wiseman III, Zoning Commissioner

February 24, 2005

Mr. & Mrs. Donald J. Hansen
222 E. Saratoga Street, #805
Baltimore, Maryland 21202

Re: Petitions for Variance
Case Nos. 05-328-A & 05-329-SPHA
Property: 1234 & 1236 Burke Road

Dear Mr. & Mrs. Hansen:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Randolph Reyes, 6505 Evening Shadows Ct., Clarksville, MD 21029
Marianne Garrison, 205 E. Joppa Road, Towson, MD 21286
Craig & Tracie Leonard, 1847 Cape May Road, Essex, MD 21221





CBCA Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1236 BURKE RD
which is presently zoned RCS

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TWO BUILDING LOTS WITHOUT DENSITY BEING AFFECTED.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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:

CRAIG + TRACIE LEONARD
Name - Type or Print
[Signature]
Signature
1847 CAPE MAY RD (410) 960-1599
Address Telephone No.
ESSEX MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

DONALD J. HANSEN
Name - Type or Print
[Signature]
Signature
MARY S. HANSEN
Name - Type or Print
[Signature]
Signature
222 E. SARATOGA ST #805
Address Telephone No.
BALTIMORE MD 21202
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 1/3/05

ORDER RECEIVED FOR FILING

Case No. 05-329-SPHA

2/24/05
[Signature]
1998



● C.B.C.A. - ● *Floral*

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1236 BURKE RD

which is presently zoned RCS

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.1.a and b. (PCZR)

TO PERMIT A DWELLING WITH SIDE YARD SETBACKS OF 10' ON EACH SIDE IN LIEU OF THE REQUIRED 50' RESPECTIVELY AND TO PERMIT AN AREA OF .27 AC. IN LIEU OF THE REQUIRED 1.5 AC.

I, the undersigned, petition for a Variance from the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. The lot is 50 feet wide and was recorded prior to the adoption of County setback requirements.
2. Strict compliance with the side setback requirements will eliminate any reasonable use of the property.

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:

CRAIG + TRACIE LEONARD
Name - Type or Print
Craig Leonard
Signature
1847 CAPE MAY RD (410) 960-1599
Address Telephone No.
ESSEX MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

DONALD J. HANSEN
Name - Type or Print
Donald J. Hansen
Signature
MARY S. HANSEN
Name - Type or Print
Mary S. Hansen
Signature
222 E. SARATOGA ST #805
Address Telephone No.
BALTIMORE MD 21202
City State Zip Code

Representative to be Contacted:

CRAIG + TRACIE LEONARD
Name
1847 CAPE MAY RD. (410-960-1599)
Address Telephone No.
ESSEX MD 21221
City State Zip Code

OFFICE USE ONLY

Case No. 05-329-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 1/3/05

ZONING DESCRIPTION FOR 1236 BURKE ROAD, MIDDLE RIVER, MD 21220

Beginning at the point on the south side of Burke Road which is 30 feet wide at the distance of 400 feet west of the centerline of the nearest improved intersecting street Bowleys Quarters Road which is 30 feet wide. Being Lot # 123 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #1, Folio #12, containing 11,900 square feet. Also known as 1236 Burke Road, Middle River, MD 21220 and located in the 7th Election District, 15th Councilmanic District.

05-329-SPHA

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: #05-329-SPHA

1236 Burke Road

S/side of Burke Road, 400 feet west of centerline of Bowleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard

Variance: to permit a dwelling with a side yard setback of 10 feet on each side in lieu of the required 50 feet respectively and to permit an area of .27 acres in lieu of the required 1.5 acres. **Special Hearing:** to permit two building lots without density being affected.

Hearing: Tuesday, February 15, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21284.

WILLIAM WISEMAN

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/2/604 Feb. 1

37690

CERTIFICATE OF PUBLICATION

2/4/2005

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 2/1/2005.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 641294

DATE 12/05 ACCOUNT 0010016153
AMOUNT \$ 130.00

RECEIVED FROM: TRACIER, LEONARD

FOR: ITEM # 0120 05-349 SPHA

1936 BURKE RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY TYPE DATE
12/05/2005 10000000000000000000
AT: BALTIMORE COUNTY, MD
ISSUED BY: 0010016153
DATE: 12/05/2005
AMOUNT: \$130.00
RECEIVED BY: 0010016153
BALANCE: \$0.00
BALANCE: \$0.00

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-329-SPHA

Petitioner/Developer: CRAIG + TRAKIE
LEONARD

Date of Hearing/Closing: 2/15/05

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

1236 BURKE RD

The sign(s) were posted on 1/31/05
(Month, Day, Year)

Sincerely,

Robert Black 1/31/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

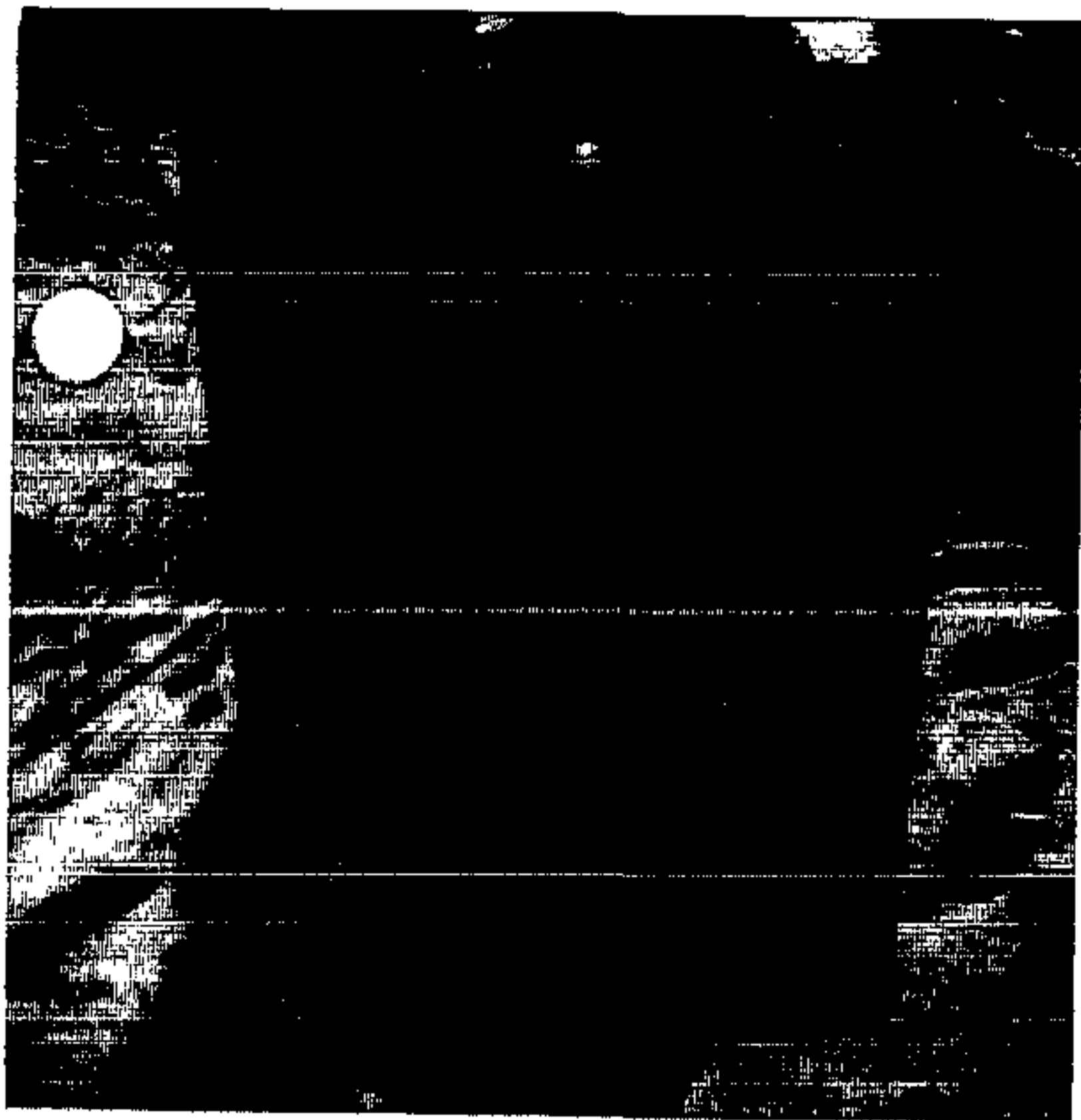
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2005 Issue - Jeffersonian

Please forward billing to:
Craig & Tracie Leonard
1847 Cape May Road
Essex, MD 21221

410-960-1599

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: 05-329-SPHA

1236 Burke Road

S/side of Burke Road, 400 feet west of centerline of Bowleys Quarters Road

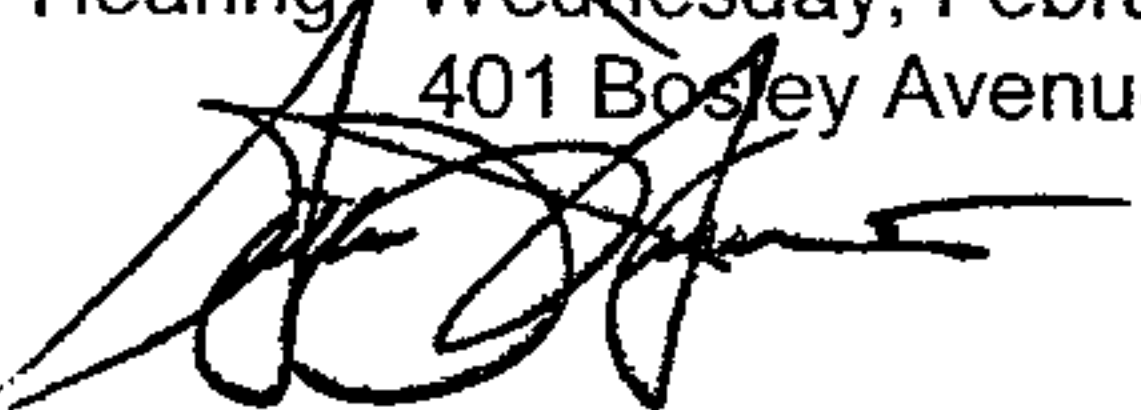
15th Election District – 6th Councilmanic District

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard

Variance to permit a dwelling with a side yard setback of 10 feet on each side in lieu of the required 50 feet respectively and to permit an area of .27 acres in lieu of the required 1.5 acres.
Special Hearing to permit two building lots without density being affected.

Hearing: ~~Tuesday~~ Wednesday, February 15, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.



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

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

January 7, 2005

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: 05-329-SPHA

1236 Burke Road

S/side of Burke Road, 400 feet west of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard

Variance to permit a dwelling with a side yard setback of 10 feet on each side in lieu of the required 50 feet respectively and to permit an area of .27 acres in lieu of the required 1.5 acres.
Special Hearing to permit two building lots without density being affected.

~~Tuesday~~
Hearing: ~~Wednesday~~, February 15, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Hansen, 222 E. Saratoga St., #805, Baltimore 21202
Mr. & Mrs. Leonard, 1847 Cape May Rd., Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 31, 2005.**
- (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: 05-329-SPHA

Petitioner: LEONARD

Address or Location: 1236 BURKE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG & TRACIE LEONARD

Address: 1847 CAPE MAY RD.

ESSEX, MD 21221

Telephone Number: 410-960-1599

**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*

February 8, 2005

Donald J. Hansen
Mary S. Hansen
222 E. Saratoga Street, # 805
Baltimore, Maryland 21202

Dear Mr. and Mrs. Hansen:

RE: Case Number: 05-329-SPHA, 1236 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 3, 2005.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Craig and Tracey Leonard 1847 Cape May Road Essex 21221

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

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: ³²⁹ 319-333

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
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: January 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 17, 2005
Item No. 329

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

The minimum right-of-way for all roads in Baltimore County is 40 feet. Variance shall be modified to reflect this on Burke Road.

The flood protection elevation for this site is 11.2 (M.C.S.) 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: February 11, 2005
SUBJECT: Zoning Item # 05-329
Address 1236 Burke Road

Zoning Advisory Committee Meeting of January 10, 2005

_____ 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:

Any improvements on this property must comply with the Limited Development Area (LDA) regulations and Buffer Management Area (BMA) policies of the Chesapeake Bay Critical Area Regulations. The Property is limited to 25% maximum impervious surface cover and 15% minimum tree cover.

Reviewer: Glenn Shaffer

Date: February 11, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2005

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

SUBJECT: 1234/1236 Burke Road

INFORMATION:

Item Number: 5-328 & 5-329

Petitioner: Donald J. Hansen

Zoning: RC 5

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the subject property is an existing lot of record that is not a subdivision. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of the existing dwelling.
2. 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.
3. Orient the front of the proposed dwelling towards Burke Road and incorporate prominent entries and porches or stoops in the front building façade.
4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Ensure that exterior of all buildings use the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

Mae A. Cunningham

Division Chief:

Lynne L. Hanham

MAC/LL

05-329

5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Ensure that exterior of all buildings use the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

Mae A. Cunningham

Division Chief:

Lynne L. Hamann

MAC/LL

2/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 22, 2005

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

SUBJECT: 1234/1236 Burke Road

INFORMATION:

Item Number: 5-328 & 5-329, Amended Comments

Petitioner: Donald J. Hansen

Zoning: RC 5

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawings (with materials and colors indicated) and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the setback variance and lot area requests.

Division Chief:



LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
1236 Burke Road; S/S Burke Rd, 400' W
c/line Bowleys Quarters Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Donald J. & Mary S. Hansen* FOR
Contract Purchaser(s): Craig & Tracie Leonard
Petitioner(s) * BALTIMORE COUNTY
* 05-329-SPHA

* * * * *

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

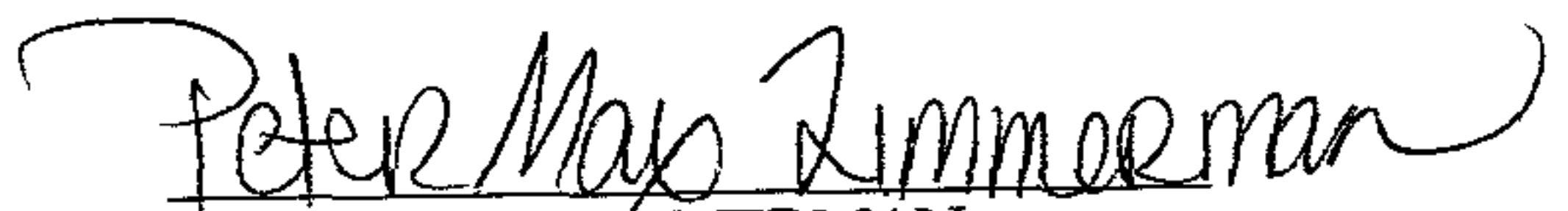
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

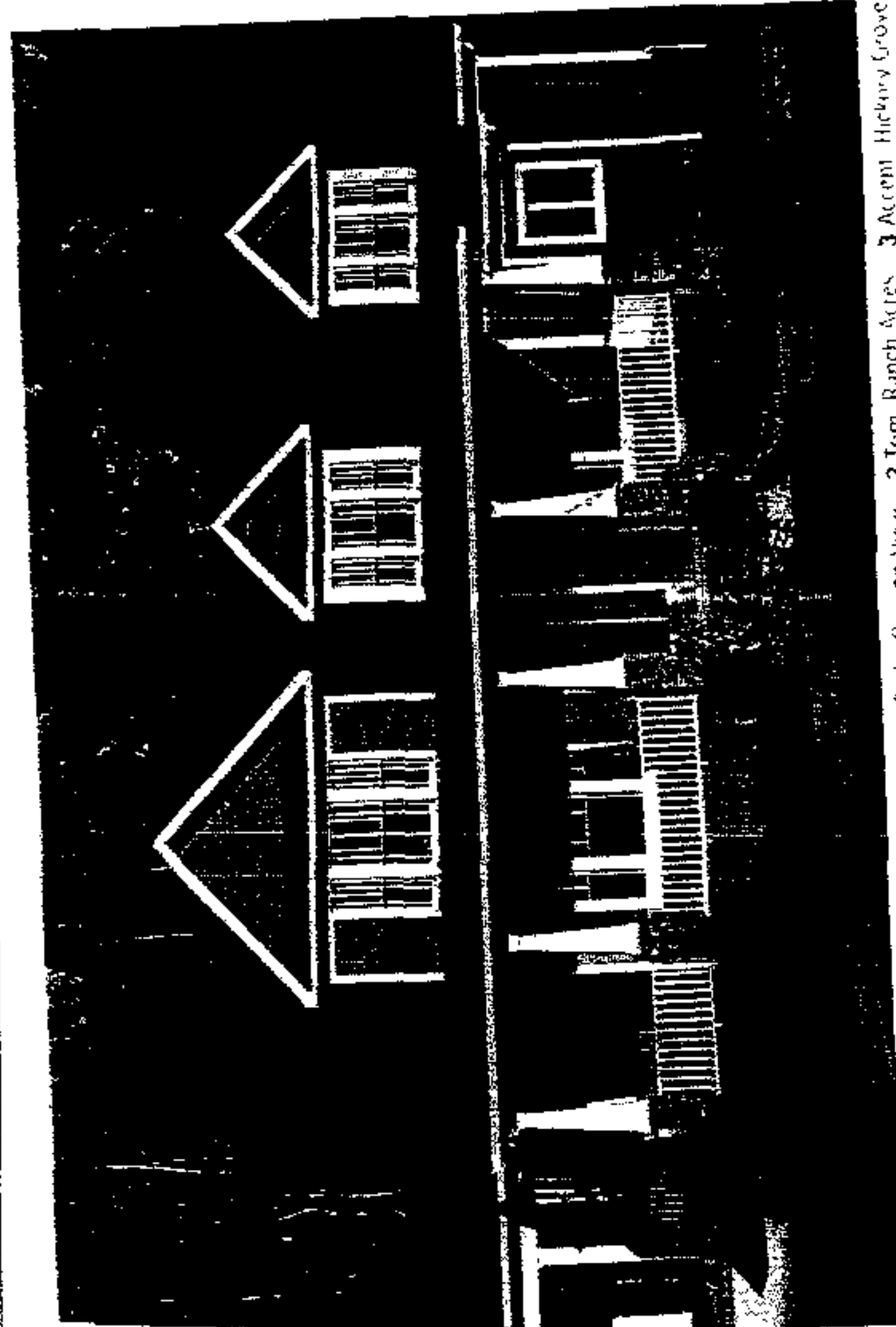
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, Donald & Mary Hansen, 222 E. Saratoga Street, Suite 805, Baltimore, MD 21202, Petitioner(s).

RECEIVED

Per 

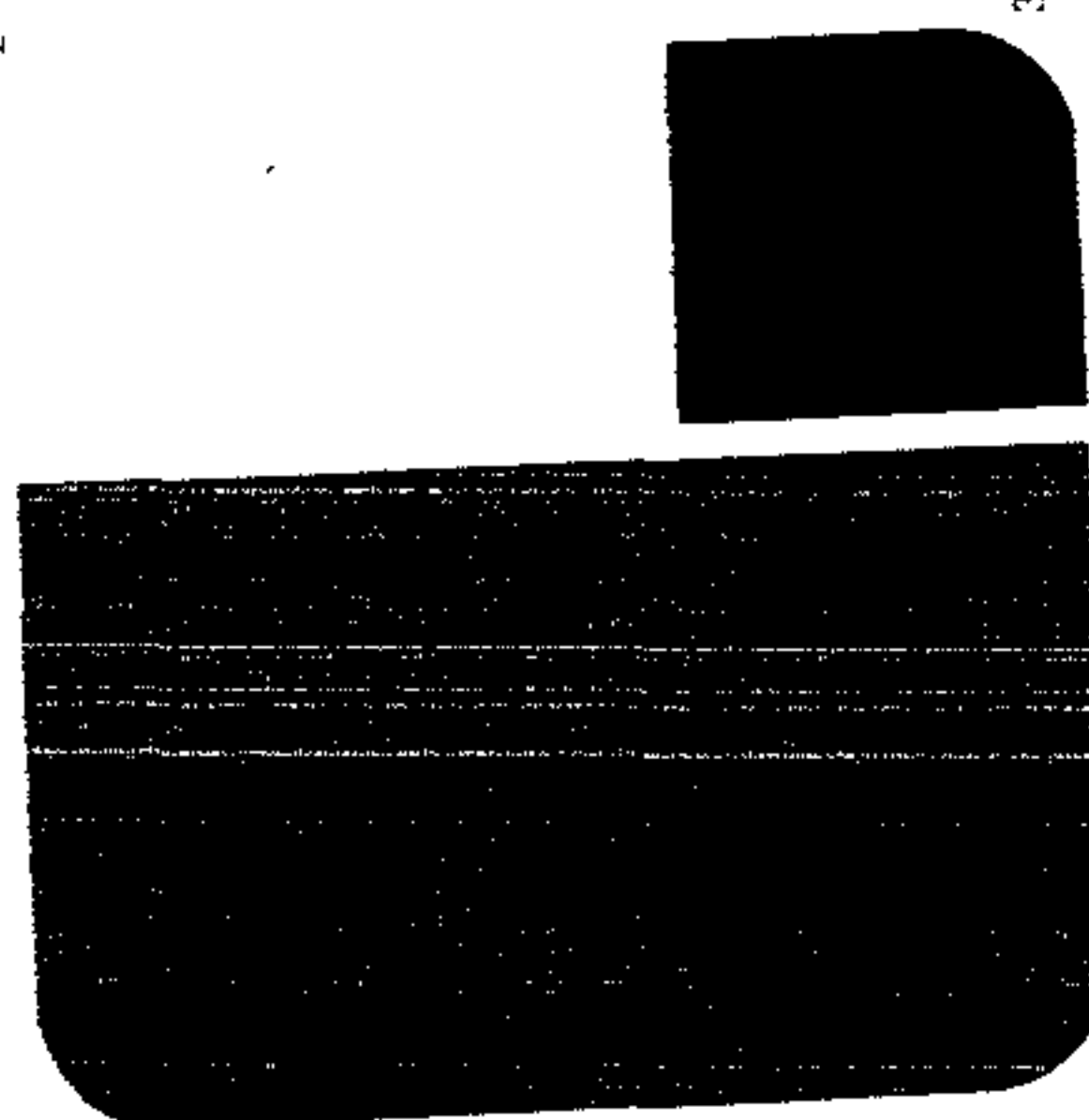

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



1 Body Canyon View ECC-20-1
2 Trim Ranch Acres ECC 20-2
3 Accent Hickory Grove ECC 20-1

Case DS-329-SP1A

1236 Burke Rd color scheme

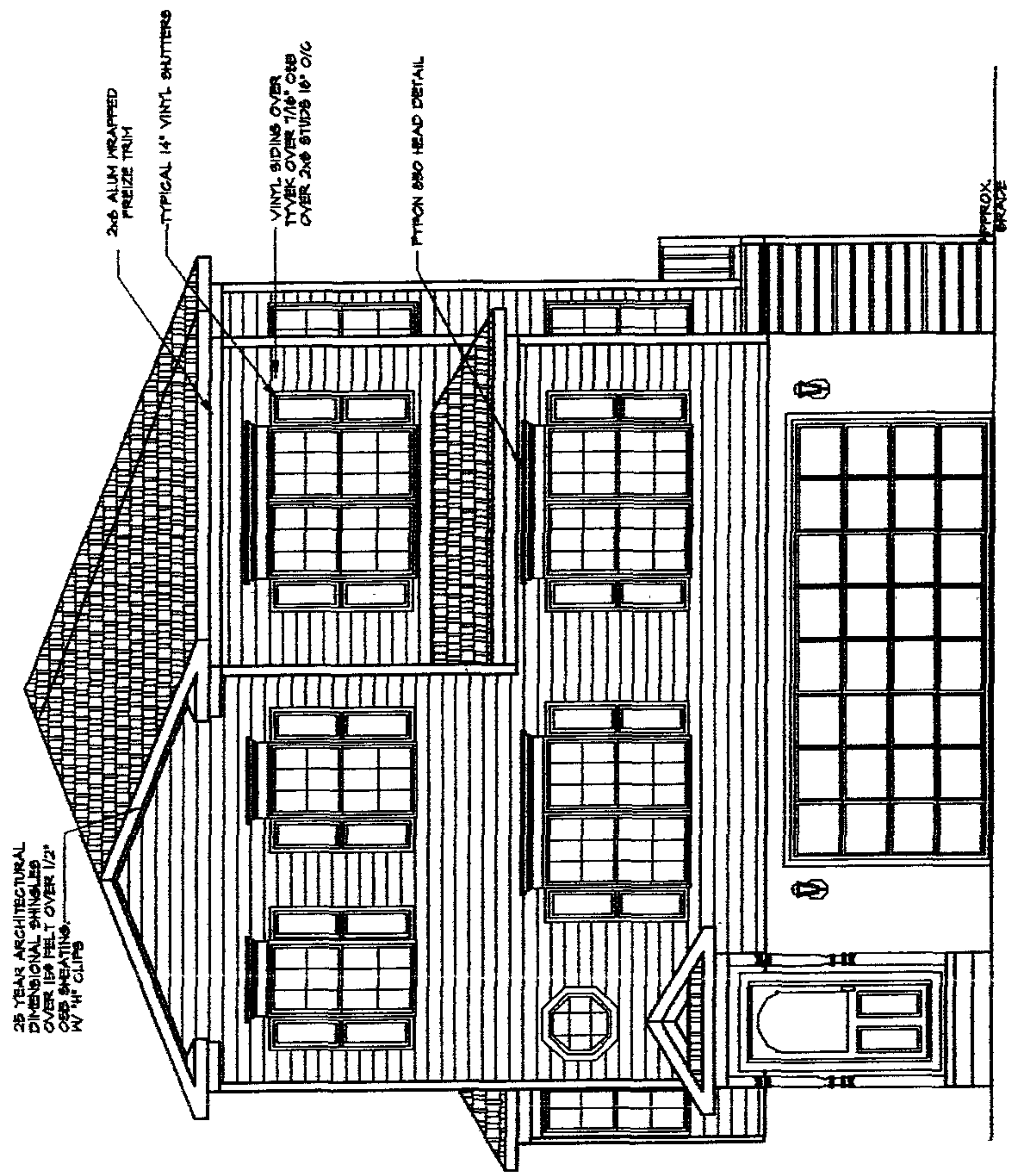


1 Body Canyon View ECC-20-1
2 Trim Ranch Acres ECC 20-2
3 Accent Hickory Grove ECC 20-1

2

3

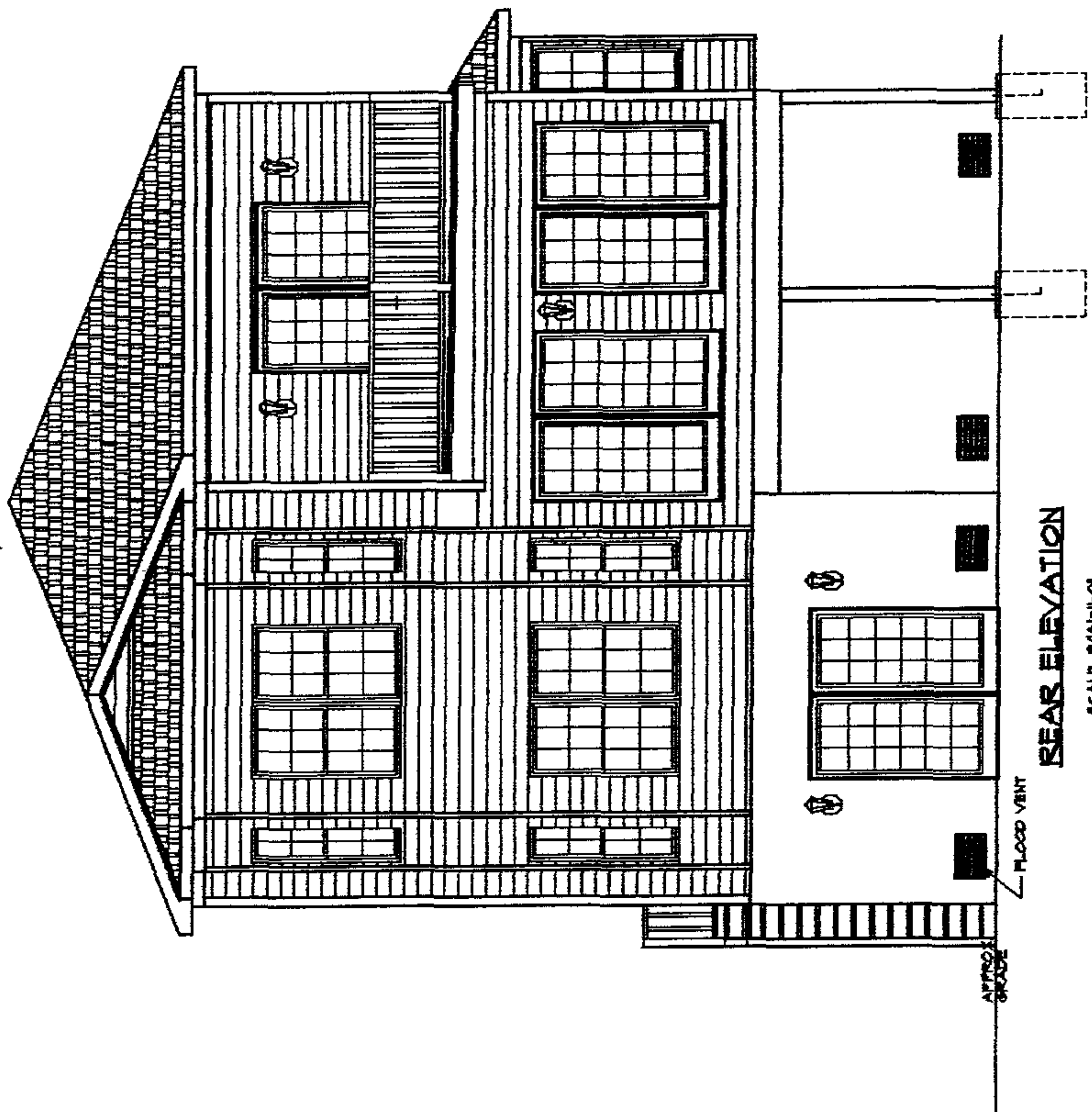
Case Number: 05-329-SPHA
1236 Burke Road
Legal Owners: Donald J. & Mary S. Hansen
Contract Purchaser: Craig & Tracie Leonard



FRONT ELEVATION
SCALE: 3/16"=1'-0"

Case Number: 05-329-SPHA
1236 Burke Road
Legal Owners: Donald J. & Mary S. Hansen
Contract Purchaser: Craig & Tracie Leonard

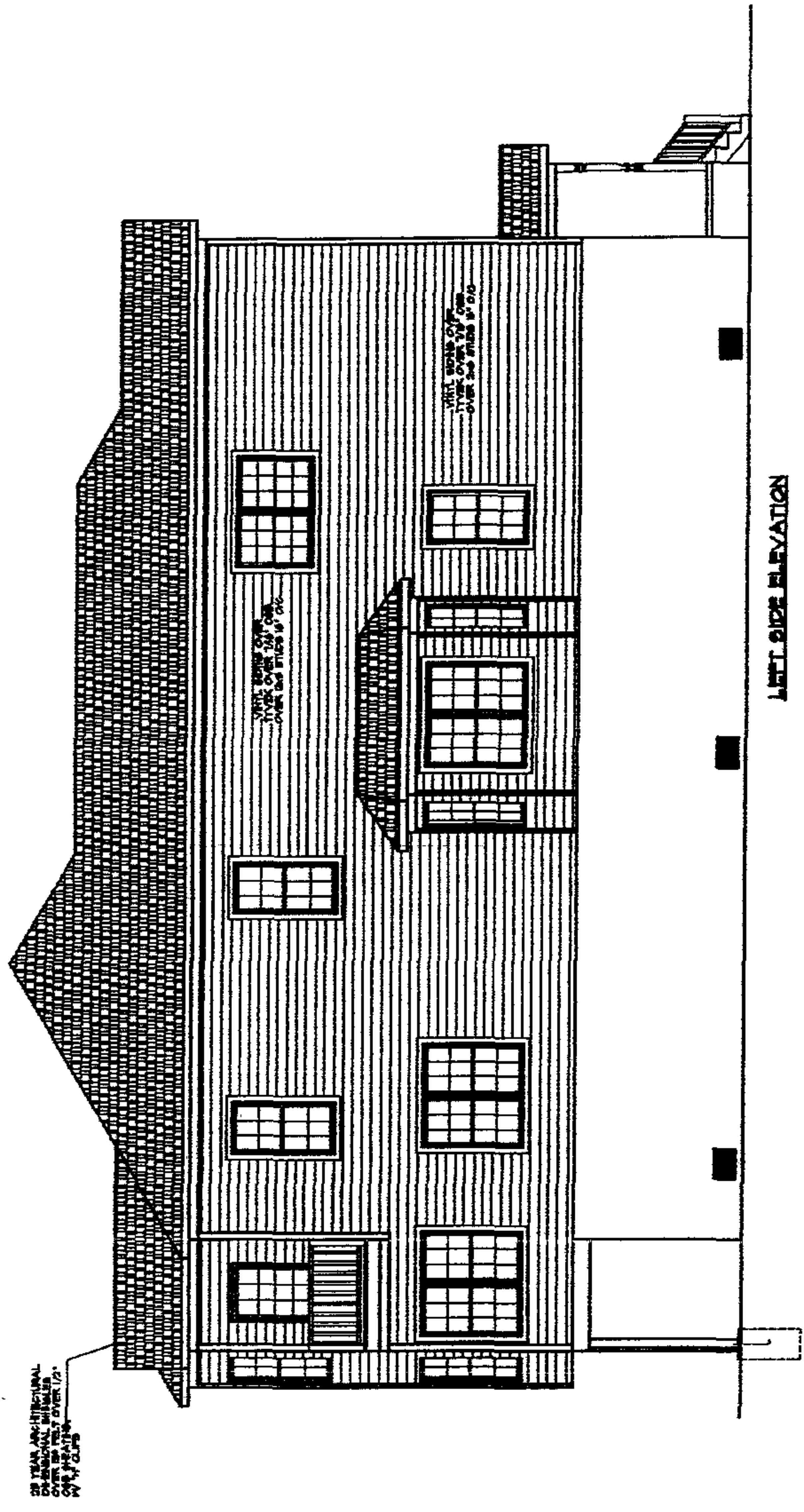
25 YEAR ARCHITECTURAL
DIMENSIONAL SHINGLES
OVER 1/2" FELT OVER 1/2"
OSB SHEATING
W/ 1" CLIPS



REAR ELEVATION

SCALE: 3/8\"/>

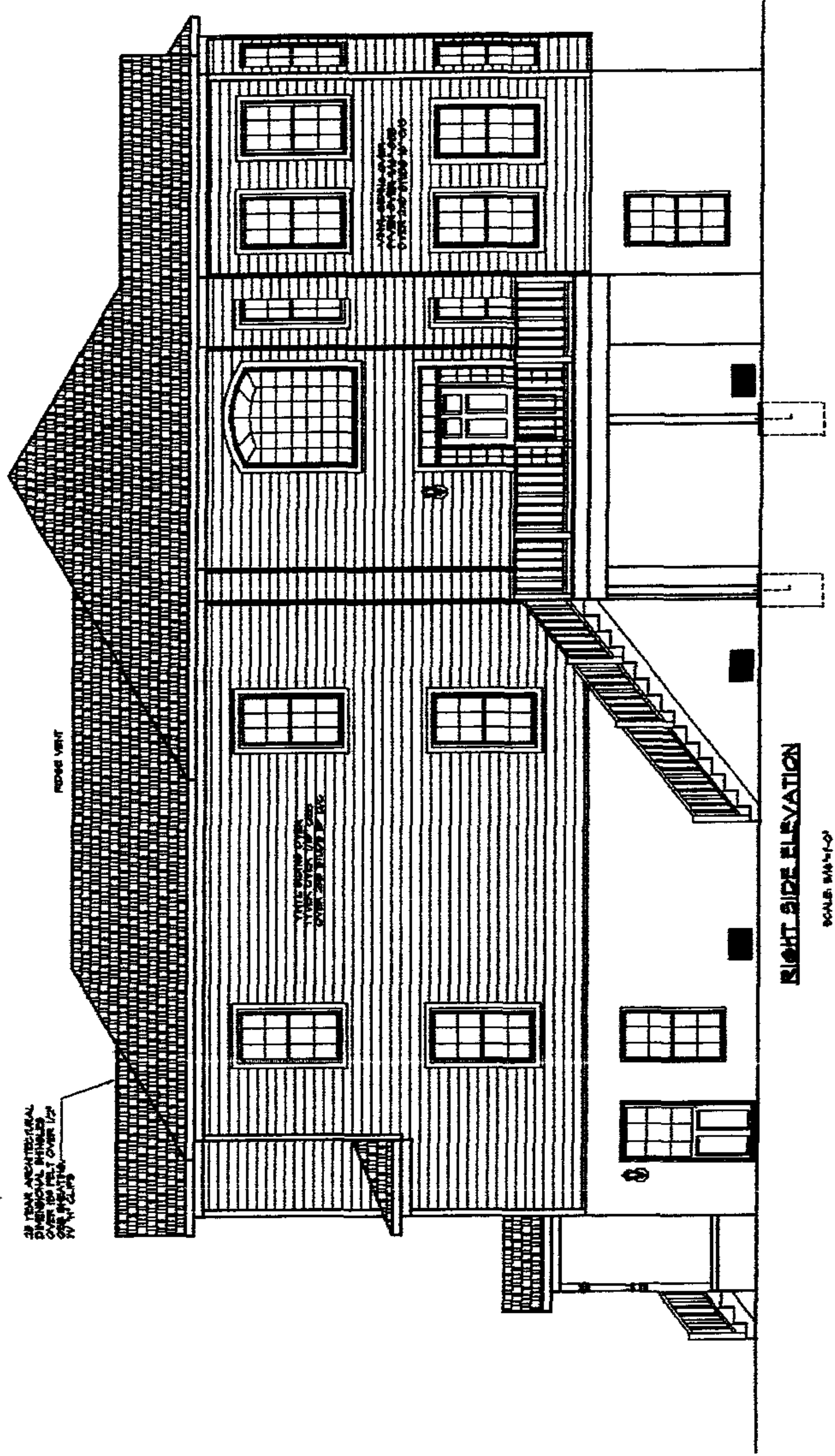
Case Number: 05-329-SPHA
1236 Burke Road
Legal Owners: Donald J. & Mary S. Hansen
Contract Purchaser: Craig & Tracie Leonard



LEFT SIDE ELEVATION

SCALE 1/8"=1'-0"

Case Number: 05-329-SPHA
 1236 Burke Road
 Legal Owners: Donald J. & Mary S. Hansen
 Contract Purchaser: Craig & Tracie Leonard



RIGHT SIDE ELEVATION

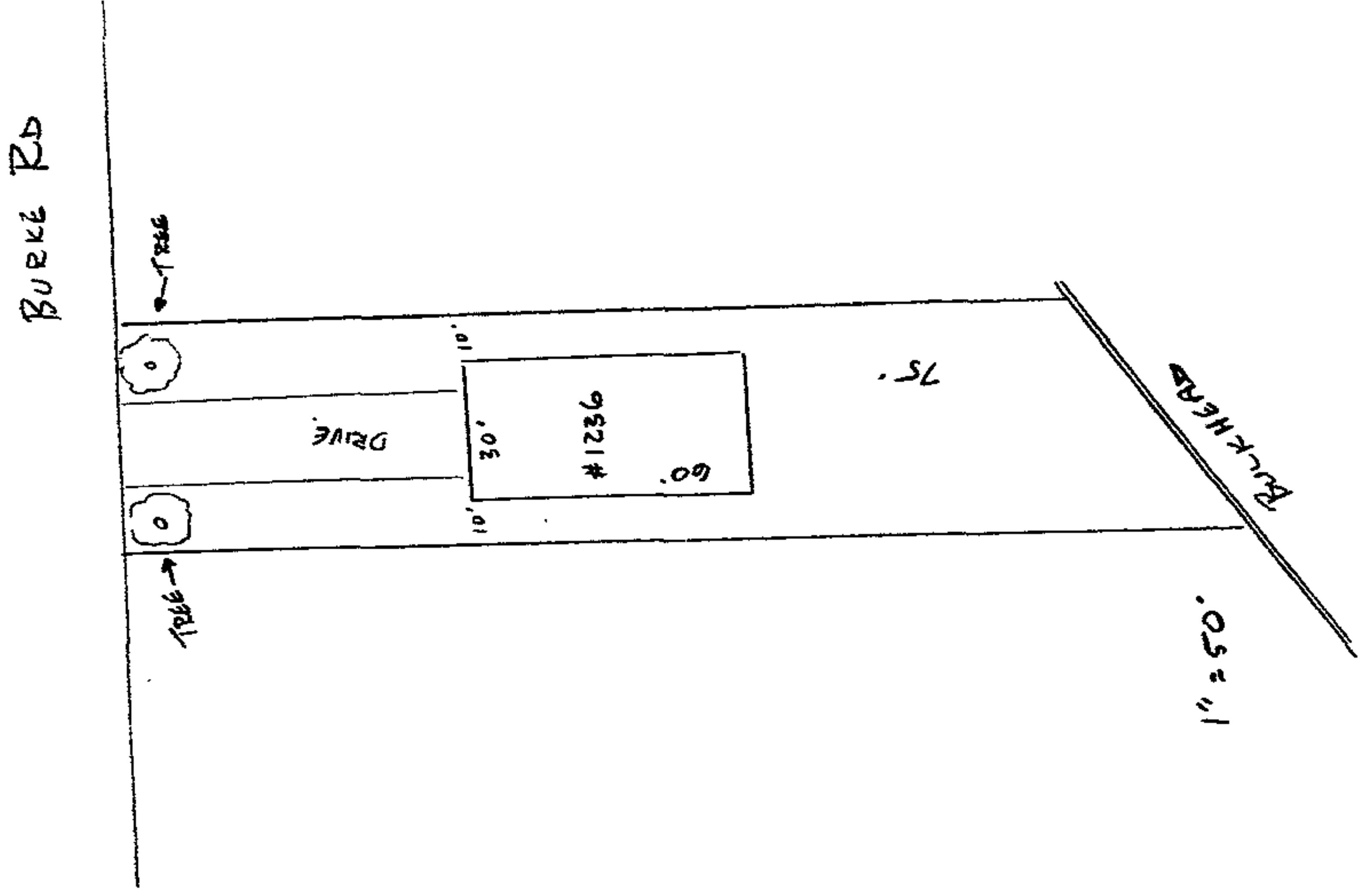
SCALE: 3/4"=1'-0"

Case Number: 05-329-SPHA

1236 Burke Road

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard



Lot is presently vacant. Original house was destroyed by Hurricane Isabel.

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



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

Maryland Department of Transportation

Date: 1.10.05

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

RE: Baltimore County
Item No. 329 DT

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, Chief
Engineering Access Permits Division

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
William J. Wiseman III, Zoning Commissioner

February 25, 2005

Mr. & Mrs. Donald J. Hansen
222 E. Saratoga Street, #805
Baltimore, Maryland 21202

Re: Petitions for Variance & Special Hearing
Case Nos. 05-328-A & 05-329-SPHA
Property: 1234 & 1236 Burke Road

Dear Mr. & Mrs. Hansen:

Enclosed you will find the ZAC comments referred to in my February 24, 2005 order that were inadvertently not attached to the Order.

Please accept our apologies for any inconvenience this may have caused. Should you have any questions or require any additional information, please feel free to contact me at the above number.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosures

c: Randolph Reyes, 6505 Evening Shadows Ct., Clarksville, MD 21029
Marianne Garrison, 205 E. Joppa Road, Towson, MD 21286
Craig & Tracie Leonard, 1847 Cape May Road, Essex, MD 21221



05-328-A

and

05-329-SPHA

PLEASE SCHEDULE BOTH OF THESE
CASE TOGETHER

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1236 Burke Rd, Middle River, MD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Quarters

PLAT BOOK # 7 FOLIO # 12 LOT # 123 SECTION # 1

OWNER DONALD + MARY HANSEN

BURKE RD (30' ROW, 20' PAVING)

400' ± TO CL →
BOWLEYS QTRS RD

DONALD +
MARY
HANSEN
1519710110

KARL + SALLY
KORINTH
1519391270

VACANT
LOT
(ISABEL
DAMAGE
5')

EXISTING
Dwelling
#1238

Proposed
Dwelling
#1236
FRONT

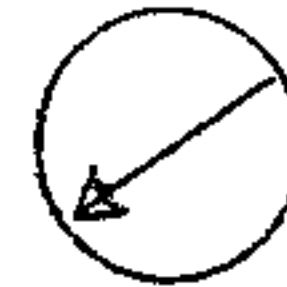
LOT 124

LOT 123

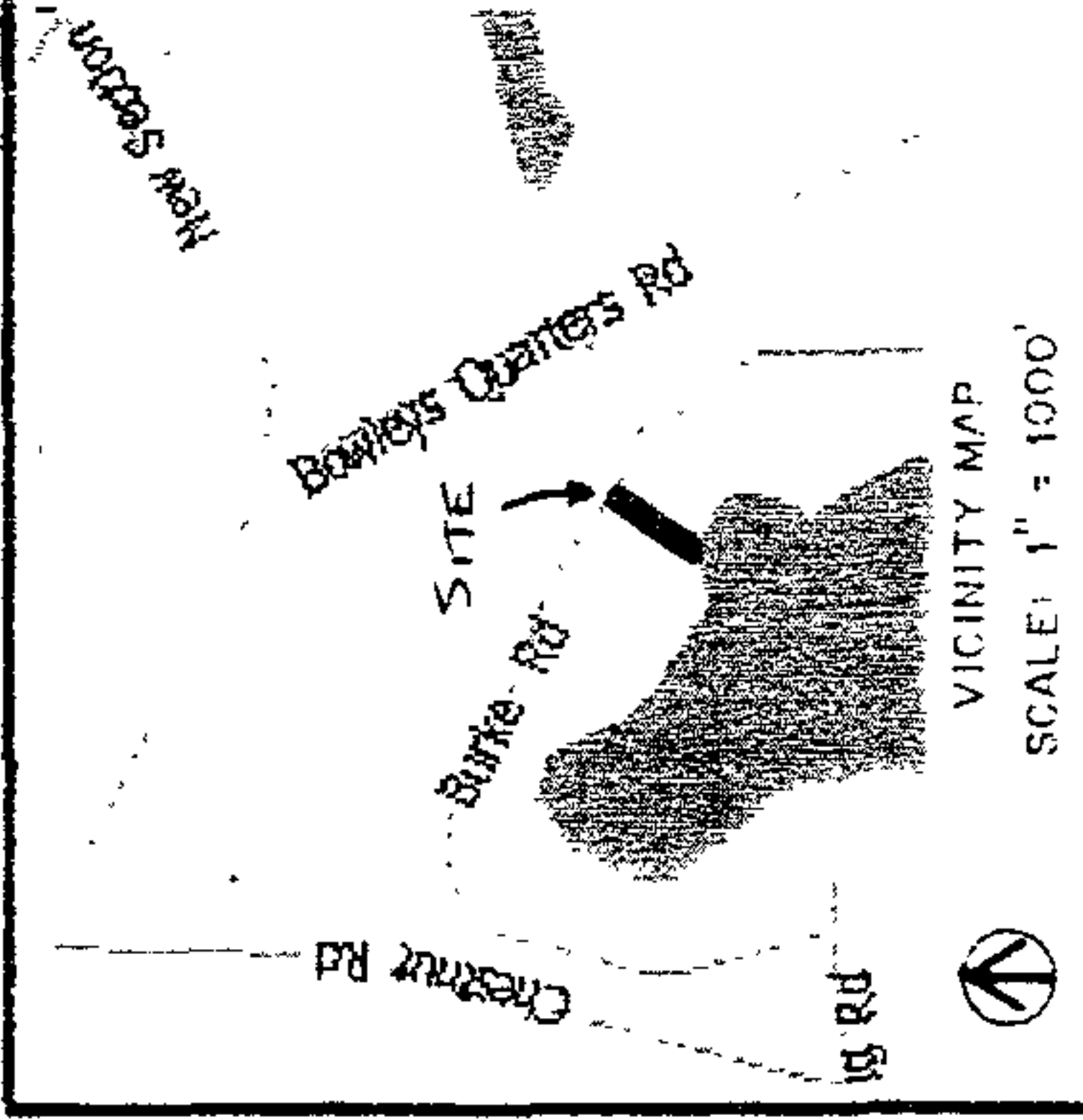
LOT 122

EXISTING
HOUSE
(RAZED)

MIDDLE
RIVER



PREPARED BY CL SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE 2L

ZONING RC-5

LOT SIZE .27 AC 11,900
ACREAGE SQUARE FEET

PUBLIC ☒ PRIVATE ☐

SEWER ☒

WATER ☒

YES ☒ NO ☐

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN (A-10) ☒

HISTORIC PROPERTY/
BUILDING ☐

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 329 05-229-3 PHA

RE: PETITION FOR VARIANCE
S/S of Burke Rd., 450 ft. W
centerline of Bowleys Quarters Rd.
(1234 Burke Road - #05-328-A)
and
PETITIONS FOR VARIANCE &
SPECIAL HEARING
S/S of Burke Rd., 400 ft. W
centerline of Bowleys Quarters Rd.
(1236 Burke Road - #05-329-A)
5th Election District
7th Councilmanic District

Mary S. & Donald J. Hansen,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-328-A
and
* CASE NO. 05-329-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as a Petition for Variance and a Petition for Special Hearing filed by the legal owners of the subject properties, Mary S. and Donald J. Hansen. The Petitioners are requesting relief as follows:

Case No. 05-328-A is a Petition for Variance from Section 1A04.3.B.1.a and b of the Baltimore County Zoning Regulations (B.C.Z.R.) (Isabel damage), to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively, and to permit an area of 0.32 ac. in lieu of the required 1.5 ac.

Case No. 05-329-SPHA is a companion case filed pursuant to Section 500.7 of the B.C.Z.R. for a Special Hearing to approve two building lots without density being affected. In addition, the Petitioners are requesting a variance from Section 1A04.3.B.1.a and b of the B.C.Z.R., to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively and to permit an area of .27 ac. in lieu of the required 1.5 ac.

The properties were posted with Notices of Hearing on January 31, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In

MAILED FOR FILING

2/24/05

By

addition, Notices of Zoning hearing were published in "The Jeffersonian" newspaper on February 1, 2005 to notify any interested persons of the scheduled hearing date.

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."

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Interested Persons

Appearing at the hearing on behalf of the variance request were Craig and Traci Leonard and Randolph Reyes, contract purchasers, Marianne Garrison, realtor, and Donald Hansen, Petitioner. There were no persons in opposition to the variance request who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

ZAC Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights. ZAC comments were received from the Bureau of Development Plans Review dated January 24, 2005, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 11, 2005, a copy of which is attached hereto and made a part hereof. Finally, ZAC comments were received from the Office of Planning dated February 3, 2005, a copy of which is attached hereto and made a part hereof. A supplemental comment was received from the Office of Planning dated February 22, 2005 which indicates that the Office reviewed the proposed homes to be erected, finds them in accord with the spirit and intent of the regulations and does not oppose the requested relief.

Testimony and Evidence

These are side by side waterfront lots owned by Donald and Mary Hansen. These lots are lot 122 and lot 123 of the "Bowleys Quarters" subdivision which was recorded in the Land Records of Baltimore County in the 1921 according to Mr. Leonard. The Hansens' home was located on lot 122 while lot 123 was used as their side yard. Unfortunately, Hurricane Isabel destroyed the home and rather than sell both lots together, the Hansens would like to sell them separately to the Leonards and Mr. Reyes.

Each lot is 50 ft. wide and zoned RC 5, which requires a 50 ft. side yard setback. Lot 122 is 0.32 acres while lot 123 is 0.27 acres. County Council Bill No. 55-04 which was passed in May 2004 requires 1.5 acre lots. Thus the request for variances. Both Petitioners noted that they can not possibly meet the applicable zoning regulations with these old lots and that it would be a hardship on them and the owners not to allow homes to be built on these lots. They also

indicated that having one home on each 50 ft. lot would not change the pattern of development in the neighborhood, as virtually all the adjoining lots along this portion of waterfront had one lot per home rather than two or more lots per home as seen in other neighborhoods. Ms. Leonard also noted that there was no residential development behind these lots so no one's view of the water would be taken away. The area behind them has all agricultural uses. Mr. Hansen indicated that he was aware of a 7 lot subdivision approved behind them but no construction had taken place.

Findings of Fact and Conclusions of Law

With regard to the request for variances, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were laid out in 1921 much before the RC zoning regulations were imposed on the property. As such, I find that the RC regulations impact these lots more than lots created after the RC regulations went into effect. Consequently, I find the lots unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. These lots are 50 ft. wide and clearly can not meet either the side yard set back required of 50 ft. or the 1.5 acre area required by the RC 5 regulations. The Petitioners propose the "standard" 10 ft. side yard setbacks found so often in waterfront properties.

Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is the key question in this case. From the evidence presented, it is clear that the pattern of development along this stretch of Galloway Creek is one home per 50 ft. lot. Granting these variances will not change that pattern.

2/24/05
Ray

I note that the Petitioners have now submitted the information needed by the Office of Planning regarding the proposed new homes, and the Office finds that the proposed homes to be erected are in accord with the spirit and intent of the regulations. Consequently, the Office of Planning does not oppose the requested relief.

With regard to the request for special hearing to approve two building lots without density being affected, at first glance this could be problematic. Clearly the RC 5 regulations do not have this situation in mind when they specify that the maximum density shall be 0.667 dwelling per acre. This neighborhood was developed long before the RC regulations were imposed on this area at a density of approximately DR 3.5 or 3.5 dwellings per acre. This is five times the density required by the RC regulations. The subject lots are 0.32 and 0.27 acres not 1.5 acres. It is apparent to me that the RC 5 regulations were intended primarily to control new subdivisions and not regulate rather ancient varieties as we have here.

I find that this issue of density to be essentially the same as the issue of pattern of development in the neighborhood addressed above. I find that if the proposed use does not violate the pattern of development in subdivisions recorded before the RC regulations were imposed, then the issue of density is satisfied within the spirit and intent of the regulations. Consequently, I will approve the special hearing request.

I am also aware that the RC 5 regulations as applied to these old subdivisions is under review by the Office of Planning with the likelihood that the anomalies illustrated above will be rectified.

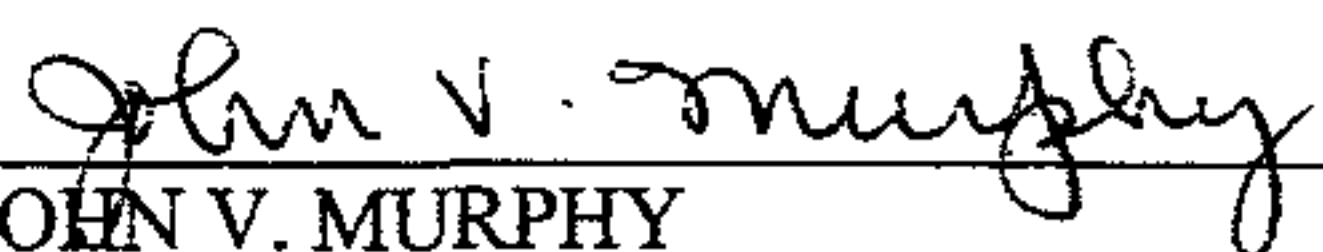
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for variance and for approval of an undersized lot should be granted

THEREFORE, IT IS ORDERED, this 24 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance in Case No 05-238-A from Section 1A04.3.B.1.a and b of the Baltimore County Zoning Regulations (B.C.Z.R.) (Isabel damage), to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively, and to permit an area of 0.32 ac. in lieu of the required 1.5 ac., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the request for special hearing in Case No. 05-329-A filed pursuant to Section 500.7 of the B.C.Z.R., to approve two building lots without density being affected, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Petitioners' request for variance in Case No. 05-329-A from Section 1A04.3.B.1.a and b of the B.C.Z.R., to permit a dwelling with side yard setbacks of 10 ft. on each side in lieu of the required 50 ft. respectively and to permit an area of .27 ac. in lieu of the required 1.5 ac., be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

RECEIVED FOR FILING
DATE 2/24/05
BY [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
William J. Wiseman III, Zoning Commissioner

February 24, 2005

Mr. & Mrs. Donald J. Hansen
222 E. Saratoga Street, #805
Baltimore, Maryland 21202

Re: Petitions for Variance
Case Nos. 05-328-A & 05-329-SPHA
Property: 1234 & 1236 Burke Road

Dear Mr. & Mrs. Hansen:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Randolph Reyes, 6505 Evening Shadows Ct., Clarksville, MD 21029
Marianne Garrison, 205 E. Joppa Road, Towson, MD 21286
Craig & Tracie Leonard, 1847 Cape May Road, Essex, MD 21221





CBCA Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1236 BURKE RD
which is presently zoned RCS

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TWO BUILDING LOTS WITHOUT DENSITY BEING AFFECTED.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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:

CRAIG + TRACIE LEONARD
Name - Type or Print

[Signature]
Signature

1847 CAPE MAY RD (410) 960-1599
Address Telephone No.

ESSEX MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 05-329-SPHA

Legal Owner(s):

DONALD J. HANSEN
Name - Type or Print

[Signature]
Signature

MARY S. HANSEN
Name - Type or Print

Mary S. Hansen
Signature

222 E. SARATOGA ST #805
Address Telephone No.

BALTIMORE MD 21202
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T.

Date 1/3/05

ORDER RECEIVED FOR FILING
2/24/05
Ray



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1236 BURKE RD

which is presently zoned RCS

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.1.a and b. (BCZR)

TO PERMIT A DWELLING WITH SIDE YARD SETBACKS OF 10' ON EACH SIDE IN LIEU OF THE REQUIRED 50' RESPECTIVELY AND TO PERMIT AN AREA OF .27 AC. IN LIEU OF THE REQUIRED 1.5 AC.

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 lot is 50 feet wide and was recorded prior to the adoption of County setback requirements.
2. Strict compliance with the side setback requirements will eliminate any reasonable use of the property.

Property is to be posted and advertised as prescribed by the zoning regulations.

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:

CRAG + TRACIE LEONARD
Name - Type or Print
Signature
1847 CAPE MAY RD (410) 960-1599
Address Telephone No.
ESSEX MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

DONALD J. HANSEN
Name - Type or Print
Signature
MARY S. HANSEN
Name - Type or Print
Signature
222 E. SARATOGA ST #805
Address Telephone No.
BALTIMORE MD 21202
City State Zip Code

Representative to be Contacted:

CRAG + TRACIE LEONARD
Name
1847 CAPE MAY RD. (410-960-1599)
Address Telephone No.
ESSEX MD 21221
City State Zip Code

OFFICE USE ONLY

Case No. 05-329-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 1/3/05

ZONING DESCRIPTION FOR 1236 BURKE ROAD, MIDDLE RIVER, MD 21220

Beginning at the point on the south side of Burke Road which is 30 feet wide at the distance of 400 feet west of the centerline of the nearest improved intersecting street Bowleys Quarters Road which is 30 feet wide. Being Lot # 123 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #1, Folio #12, containing 11,900 square feet. Also known as 1236 Burke Road, Middle River, MD 21220 and located in the 7th Election District, 15th Councilmanic District.

05-329-SPHA

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: #05-329-SPHA

1236 Burke Road

S/side of Burke Road, 400 feet west of centerline of Bowleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard

Variance: to permit a dwelling with a side yard setback of 10 feet on each side in lieu of the required 50 feet respectively and to permit an area of .27 acres in lieu of the required 1.5 acres. **Special Hearing:** to permit two building lots without density being affected.

Hearing: Tuesday, February 15, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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/2/604 Feb. 1

37690

CERTIFICATE OF PUBLICATION

2/4/2005

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 2/1/2005.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441294

DATE 11/2/07

ACCOUNT 00100016150

AMOUNT \$ 130.00

RECEIVED FROM: TRACIE HONRAD

FOR: ITEM # 069 05-229 SPHA

1936 BOURNE RD. DON D. THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS PURPOSE TIME
1/02/2008 1:00 PM
TO: JEFFREY WALKER FOR
RECEIPT # 00100016150
BY: JEFFREY WALKER
AMOUNT \$ 130.00
RECEIVED BY
JEFFREY WALKER
BALTIMORE COUNTY, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-329-SPHA

Petitioner/Developer: CRAIG + TRACIE
LEONARD

Date of Hearing/Closing: 2/15/05

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

1236 BURKE RD

The sign(s) were posted on 1/31/05
(Month, Day, Year)

Sincerely,

Robert Black 1/31/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

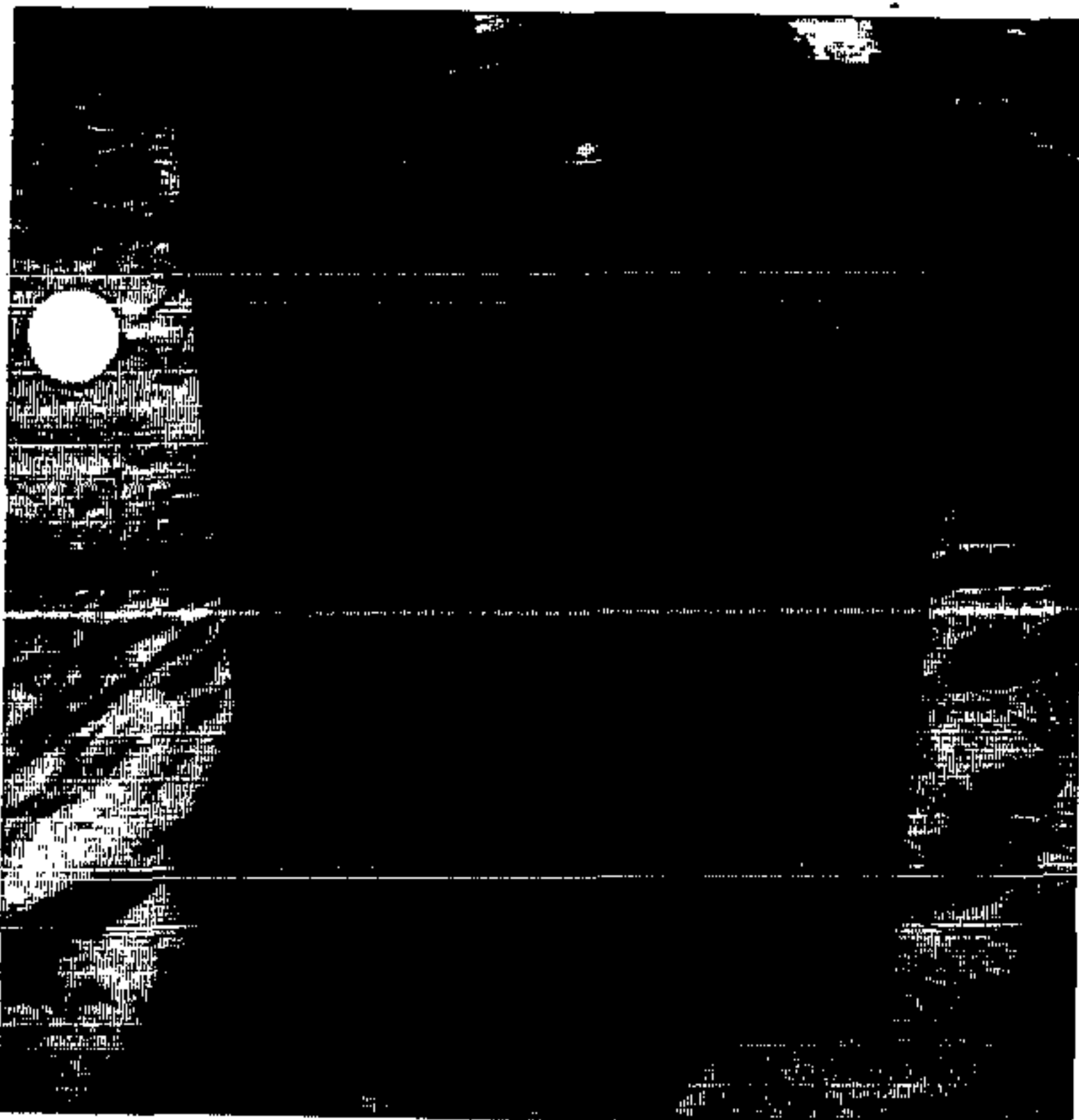
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2005 Issue - Jeffersonian

Please forward billing to:
Craig & Tracie Leonard
1847 Cape May Road
Essex, MD 21221

410-960-1599

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: 05-329-SPHA

1236 Burke Road

S/side of Burke Road, 400 feet west of centerline of Bowleys Quarters Road

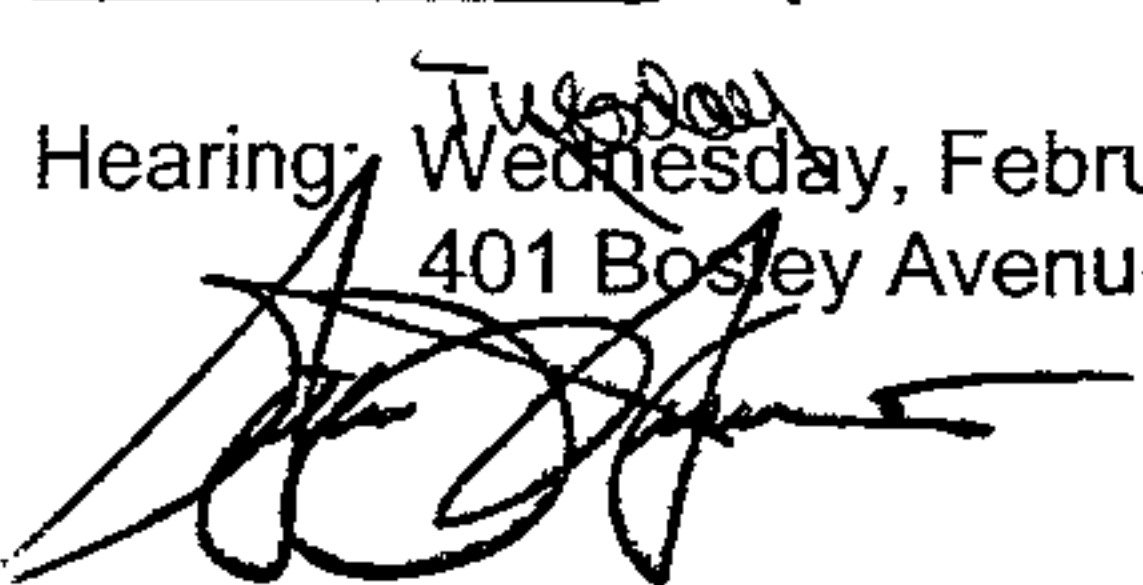
15th Election District – 6th Councilmanic District

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard

Variance to permit a dwelling with a side yard setback of 10 feet on each side in lieu of the required 50 feet respectively and to permit an area of .27 acres in lieu of the required 1.5 acres.
Special Hearing to permit two building lots without density being affected.

Hearing: ~~Tuesday~~ Wednesday, February 15, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.



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

January 7, 2005

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: 05-329-SPHA

1236 Burke Road

S/side of Burke Road, 400 feet west of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard

Variance to permit a dwelling with a side yard setback of 10 feet on each side in lieu of the required 50 feet respectively and to permit an area of .27 acres in lieu of the required 1.5 acres.
Special Hearing to permit two building lots without density being affected.

~~Wednesday~~
Hearing: Tuesday, February 15, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Hansen, 222 E. Saratoga St., #805, Baltimore 21202
Mr. & Mrs. Leonard, 1847 Cape May Rd., Essex 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 31, 2005.**
- (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: 05-329-SPHA
Petitioner: LEONARD
Address or Location: 1236 BURKE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG & TRACIE LEONARD
Address: 1847 CAPE MAY RD.
ESSEX, MD 21221

Telephone Number: 410-960-1599

**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

February 8, 2005

Donald J. Hansen
Mary S. Hansen
222 E. Saratoga Street, # 805
Baltimore, Maryland 21202

Dear Mr. and Mrs. Hansen:

RE: Case Number: 05-329-SPHA, 1236 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 3, 2005.

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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Craig and Tracey Leonard 1847 Cape May Road Essex 21221

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

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: ³²⁹319-333

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
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: January 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 17, 2005
Item No. 329

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

The minimum right-of-way for all roads in Baltimore County is 40 feet. Variance shall be modified to reflect this on Burke Road.

The flood protection elevation for this site is 11.2 (M.C.S.) 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: February 11, 2005
SUBJECT: Zoning Item # 05-329
Address 1236 Burke Road

Zoning Advisory Committee Meeting of January 10, 2005

_____ 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:

Any improvements on this property must comply with the Limited Development Area (LDA) regulations and Buffer Management Area (BMA) policies of the Chesapeake Bay Critical Area Regulations. The Property is limited to 25% maximum impervious surface cover and 15% minimum tree cover.

Reviewer: Glenn Shaffer

Date: February 11, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2005

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

SUBJECT: 1234/1236 Burke Road

INFORMATION:

Item Number: 5-328 & 5-329

Petitioner: Donald J. Hansen

Zoning: RC 5

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the subject property is an existing lot of record that is not a subdivision. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of the existing dwelling.
2. 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.
3. Orient the front of the proposed dwelling towards Burke Road and incorporate prominent entries and porches or stoops in the front building façade.
4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Ensure that exterior of all buildings use the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

Mark A. Cunningham

Division Chief:

Lynne J. Hanham

MAC/LL

05-329

5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Ensure that exterior of all buildings use the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

Mae A. Cunningham

Division Chief:

Lynne L. Ham

MAC/LL

2/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 22, 2005

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

SUBJECT: 1234/1236 Burke Road

INFORMATION:

Item Number: 5-328 & 5-329, Amended Comments

Petitioner: Donald J. Hansen

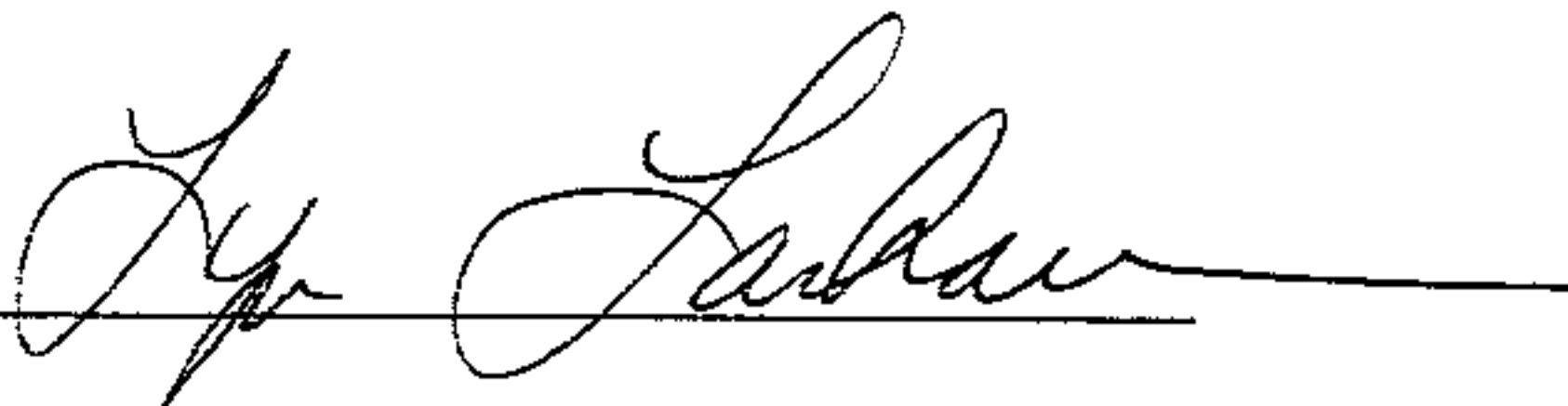
Zoning: RC 5

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawings (with materials and colors indicated) and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the setback variance and lot area requests.

Division Chief: _____



LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
1236 Burke Road; S/S Burke Rd, 400' W
c/line Bowleys Quarters Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Donald J. & Mary S. Hansen* FOR
Contract Purchaser(s): Craig & Tracie Leonard
Petitioner(s) * BALTIMORE COUNTY
* 05-329-SPHA

* * * * *

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 13th day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, Donald & Mary Hansen, 222 E. Saratoga Street, Suite 805, Baltimore, MD 21202, Petitioner(s).

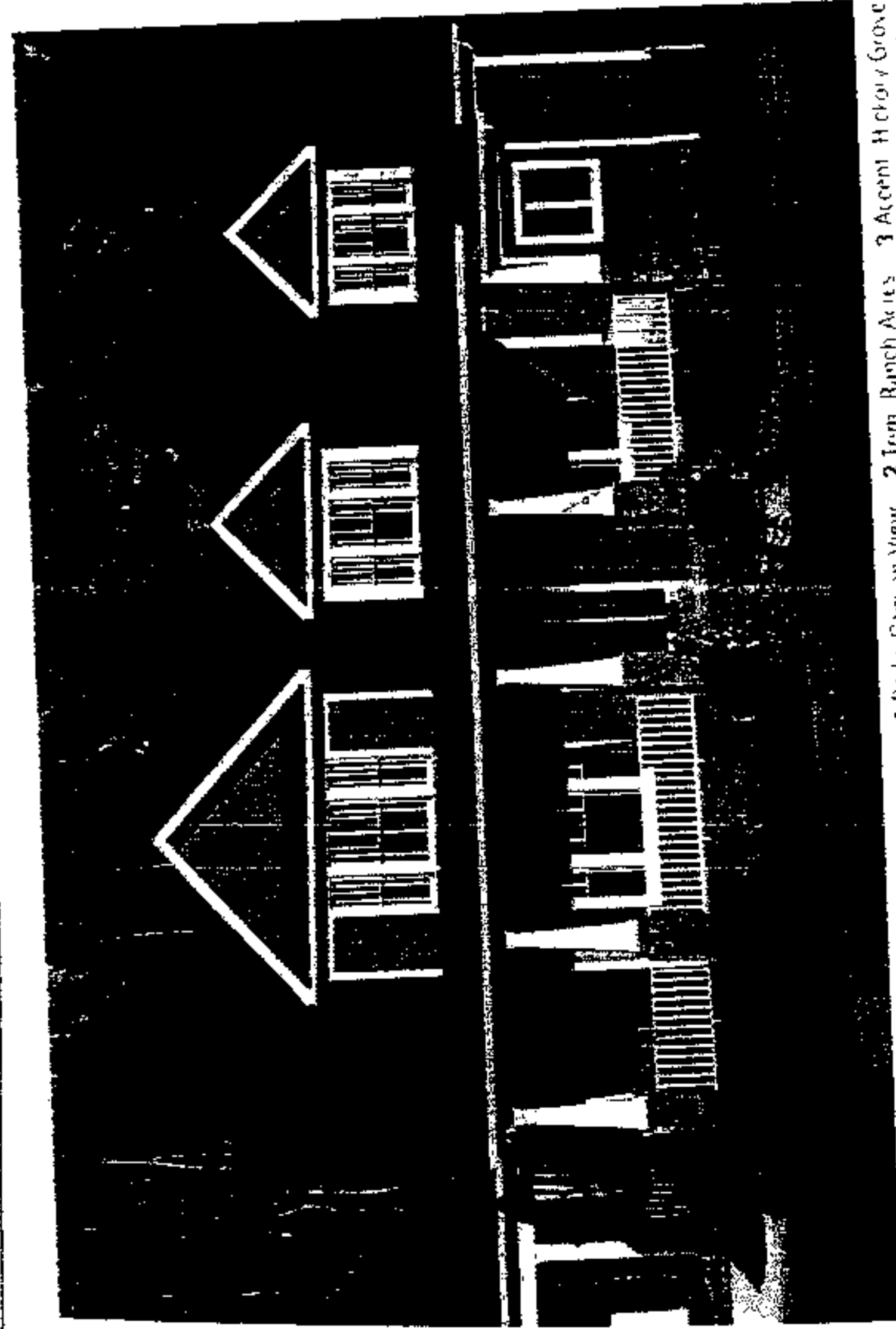
RECEIVED

Per *CLB*

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

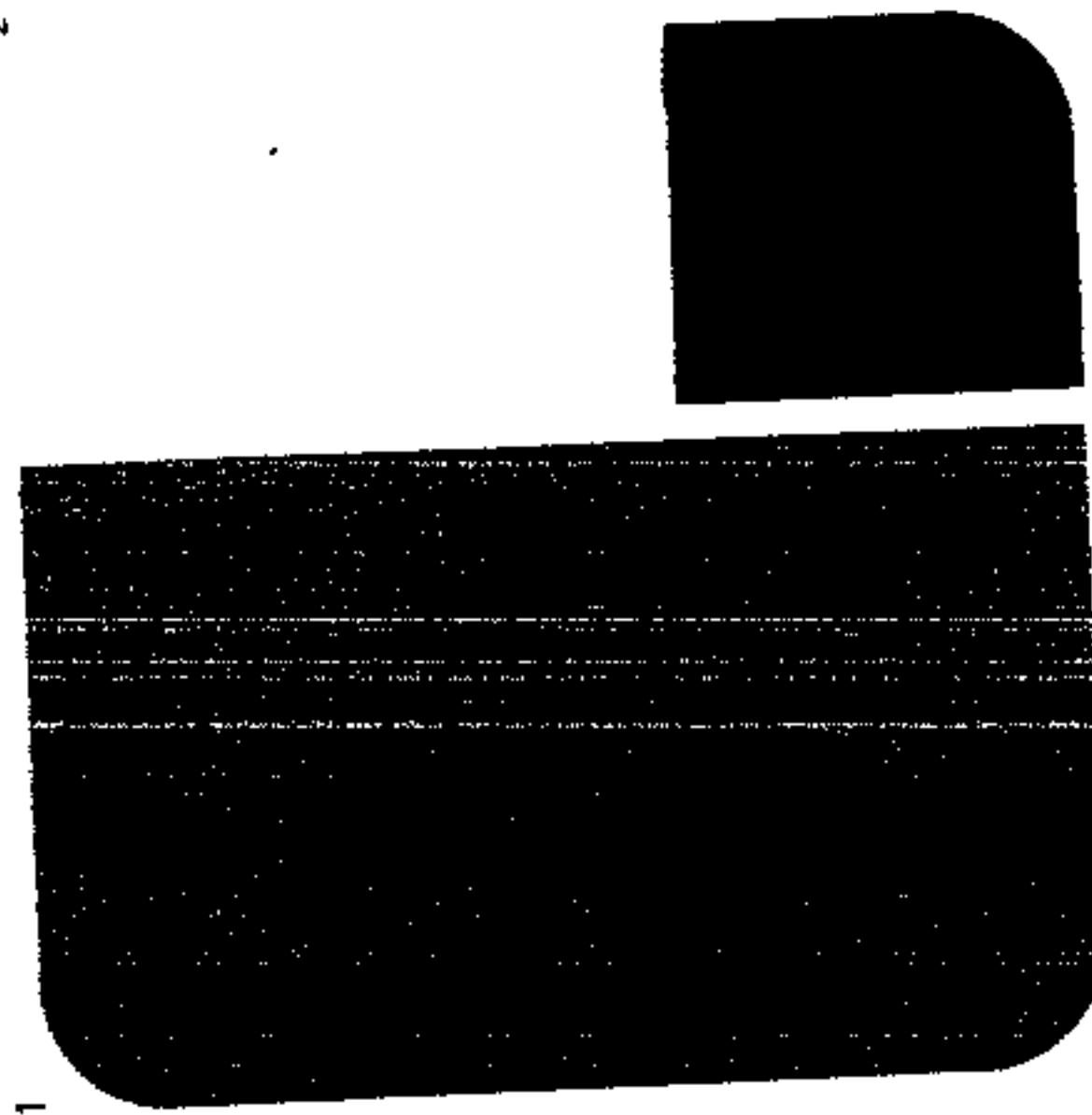


1 Body Canyon View 2 Trim Ranch Acres 3 Accent Hickory Grove

Case 05-329-SP14A

1236 Burke Rd color scheme

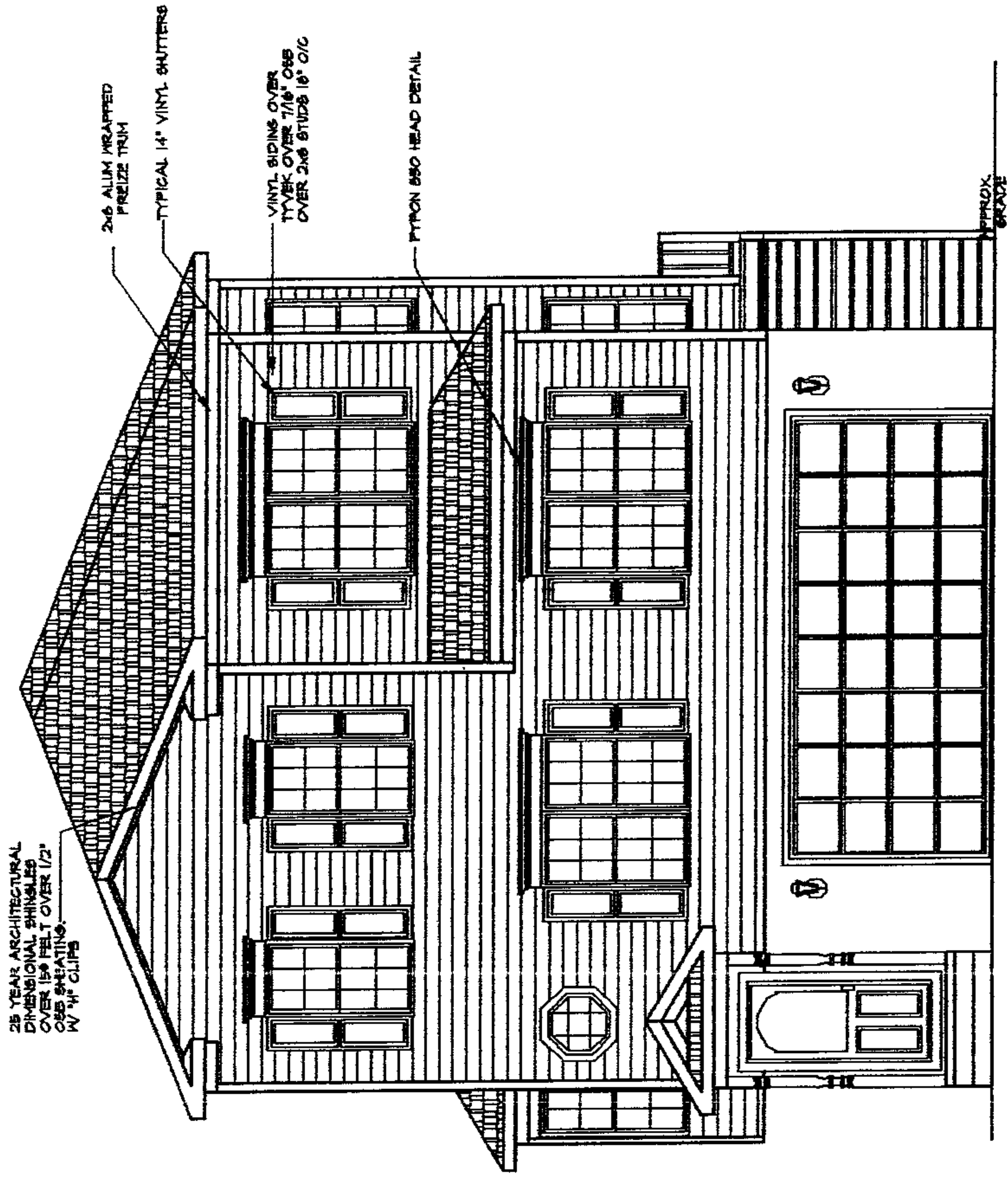
2



3

1 Body Canyon View ECC-20-1
2 Trim Ranch Acres ICC-20-2
3 Accent Hickory Grove ICC-20-3

Case Number: 05-329-SPHA
1236 Burke Road
Legal Owners: Donald J. & Mary S. Hansen
Contract Purchaser: Craig & Tracie Leonard

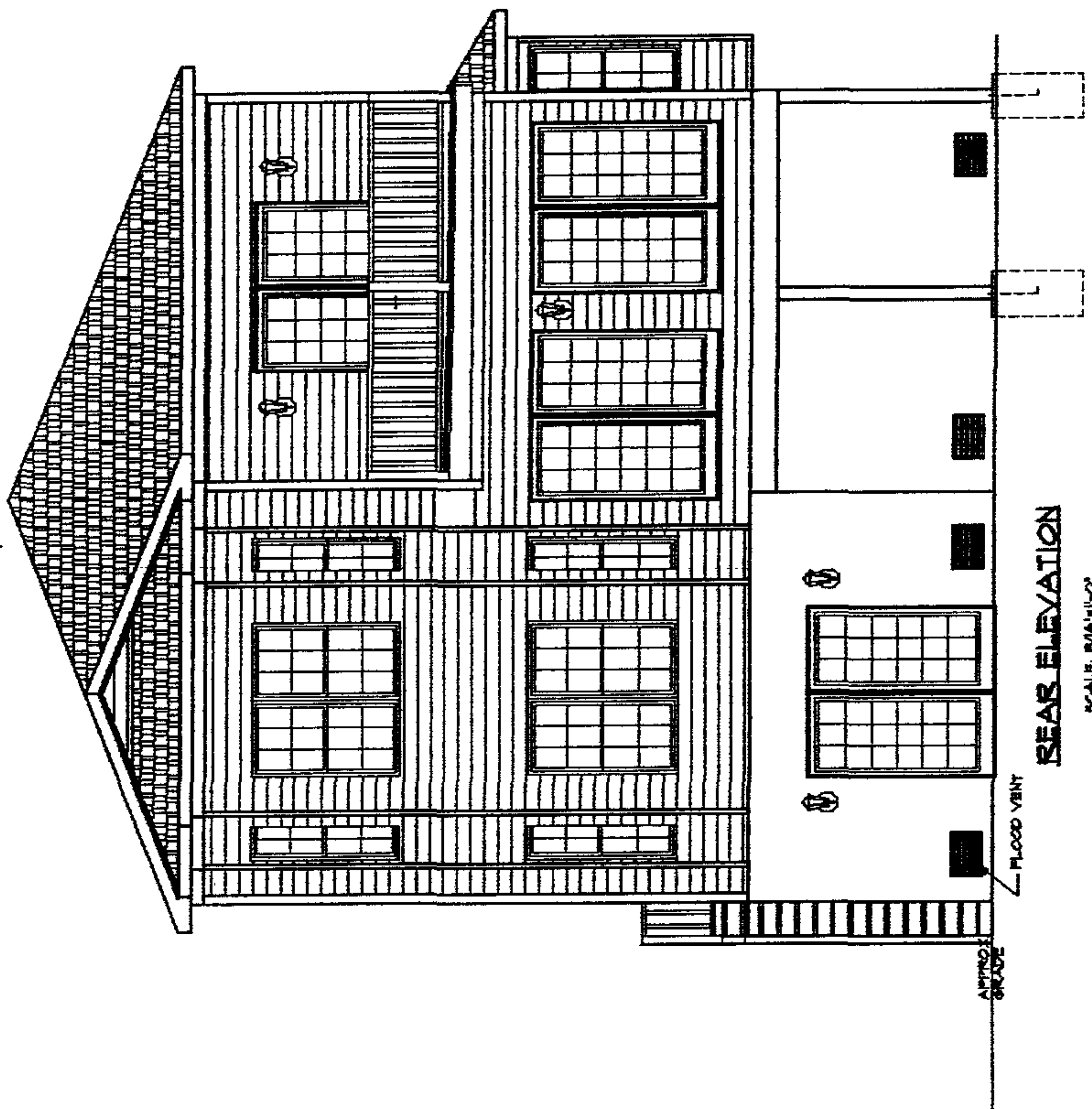


FRONT ELEVATION

SCALE: 3/16"=1'-0"

Case Number: 05-329-SP1A
1236 Burke Road
Legal Owners: Donald J. & Mary S. Hansen
Contract Purchaser: Craig & Tracie Leonard

25 YEAR ARCHITECTURAL
DIMENSIONAL SHINGLES
OVER 1/2" FELT OVER 1/2"
OSB SHEATHING
W/ 1" CLIPS



REAR ELEVATION

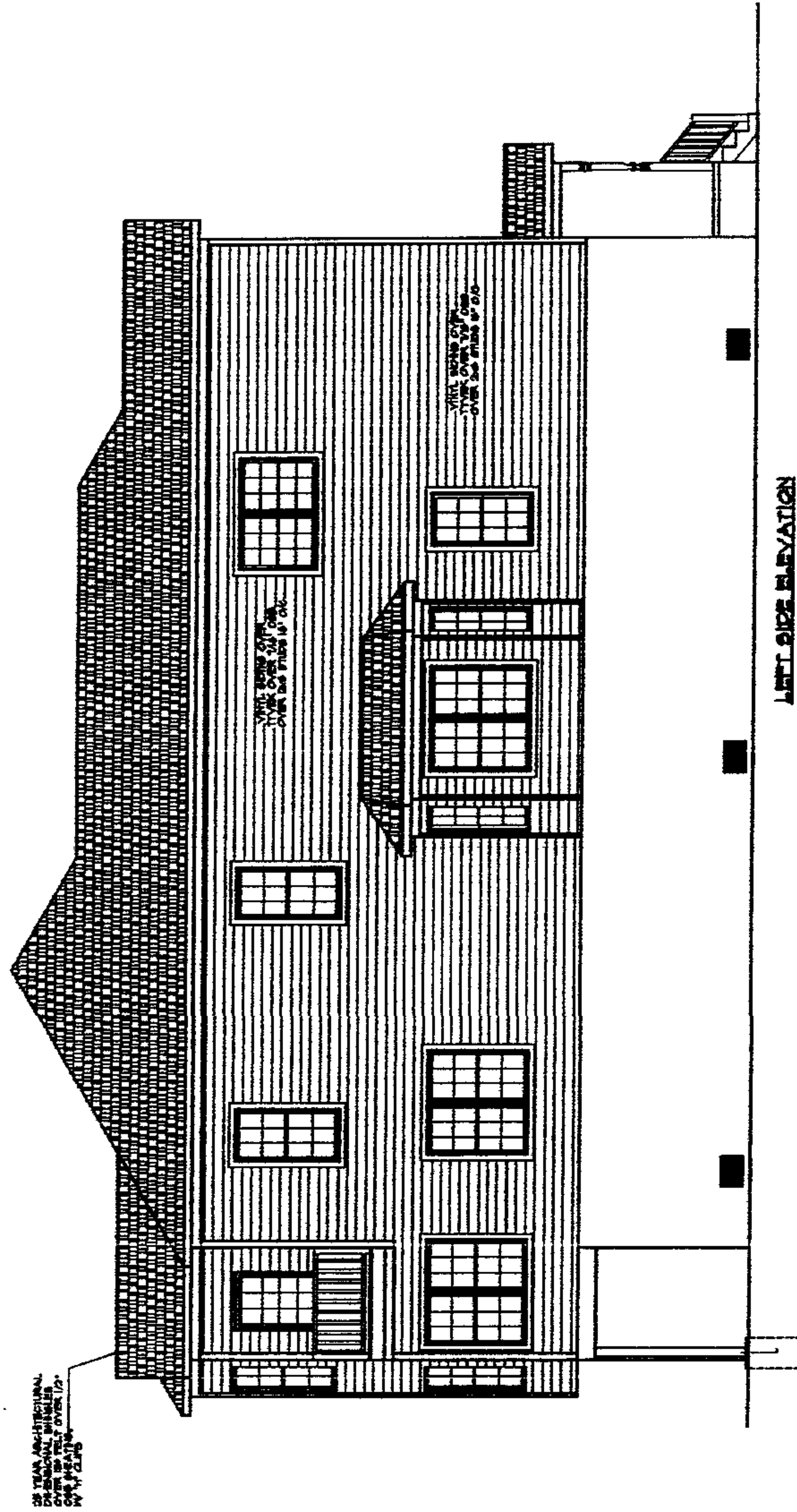
SCALE: 3/16"=1'-0"

Case Number: 05-329-SPHA

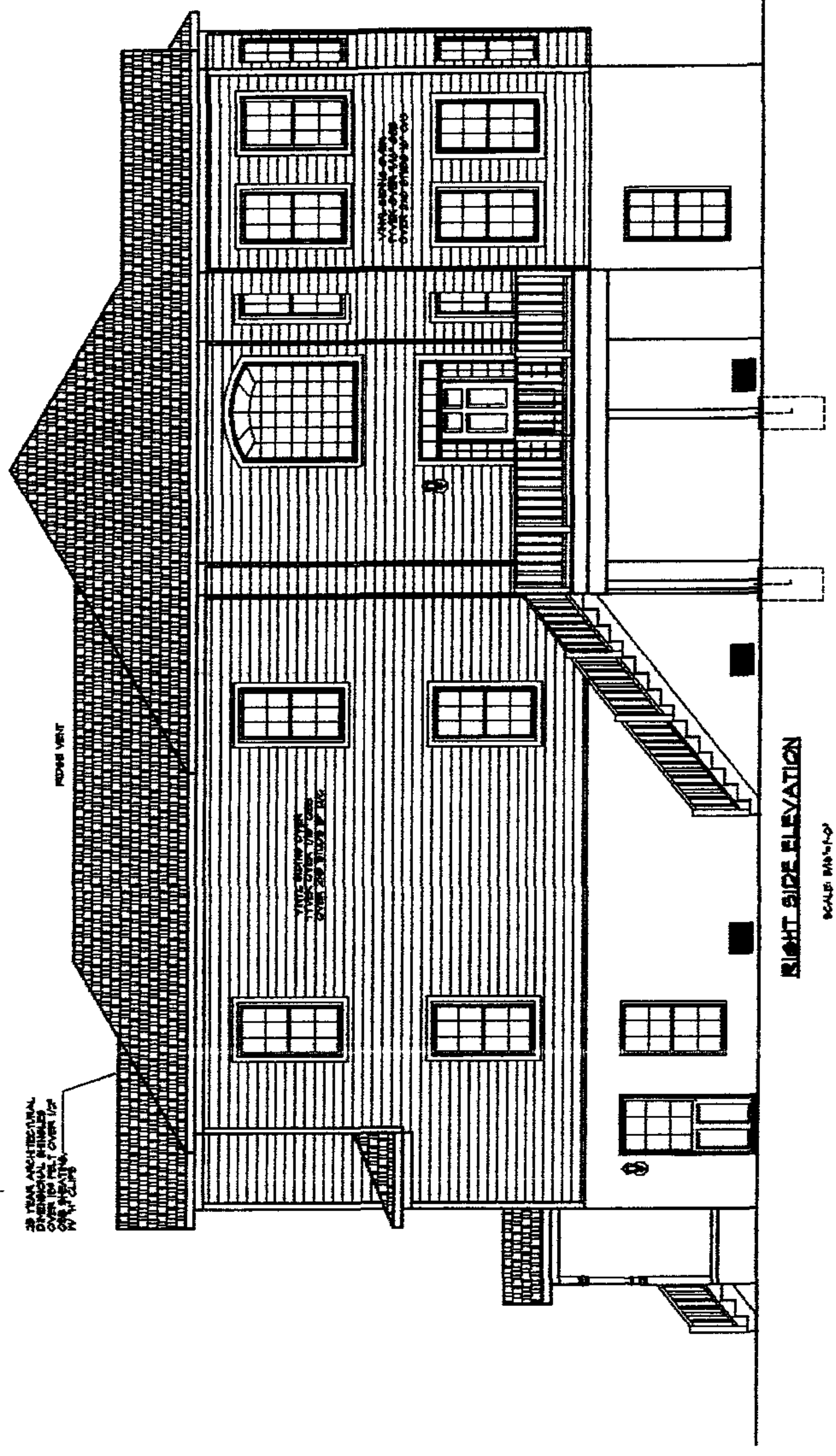
1236 Burke Road

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard



Case Number: 05-329-SPHA
1236 Burke Road
Legal Owners: Donald J. & Mary S. Hansen
Contract Purchaser: Craig & Tracie Leonard

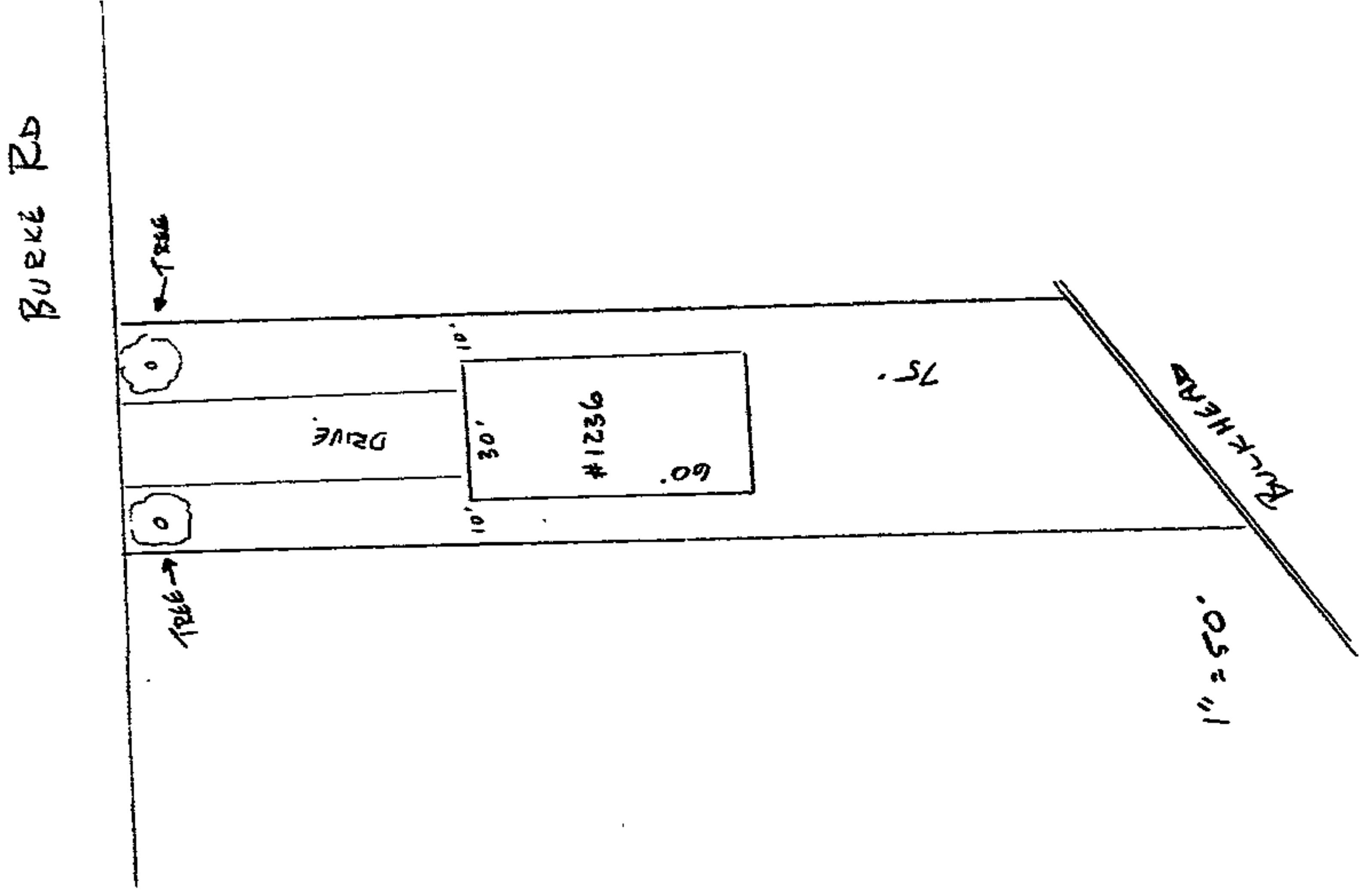


Case Number: 05-329-SPHA

1236 Burke Road

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig & Tracie Leonard



Lot is presently vacant. Original house was destroyed by Hurricane Isabel.

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



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

Maryland Department of Transportation

Date: 1.10.05

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

RE: Baltimore County
Item No. 329 DT

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, 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

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
William J. Wiseman III, Zoning Commissioner

February 25, 2005

Mr. & Mrs. Donald J. Hansen
222 E. Saratoga Street, #805
Baltimore, Maryland 21202

Re: Petitions for Variance & Special Hearing
Case Nos. 05-328-A & 05-329-SPHA
Property: 1234 & 1236 Burke Road

Dear Mr. & Mrs. Hansen:

Enclosed you will find the ZAC comments referred to in my February 24, 2005 order that were inadvertently not attached to the Order.

Please accept our apologies for any inconvenience this may have caused. Should you have any questions or require any additional information, please feel free to contact me at the above number.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosures

c: Randolph Reyes, 6505 Evening Shadows Ct., Clarksville, MD 21029
Marianne Garrison, 205 E. Joppa Road, Towson, MD 21286
Craig & Tracie Leonard, 1847 Cape May Road, Essex, MD 21221



05-328-A

and

05-329-SPHA

PLEASE SCHEDULE BOTH OF THESE
CASE TOGETHER

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1236 Burke Rd, Middle River, MD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Quarters

PLAT BOOK # 7 FOLIO # 12 LOT # 123 SECTION # ...

OWNER DONALD + MARY HANSEN

BURKE RD (30' ROW, 20' PAVING)

400' ± TO CL →
BOWLEYS QTRS RD

DONALD +
MARY
HANSEN
1519710110

KARL + SALLY
KORINTH
1519391270

VACANT
LOT
(ISABEL
DAMAGE
5')

EXISTING
Dwelling
#1238

Proposed
Dwelling
#1236
FRONT

LOT 124

LOT 123

LOT 122

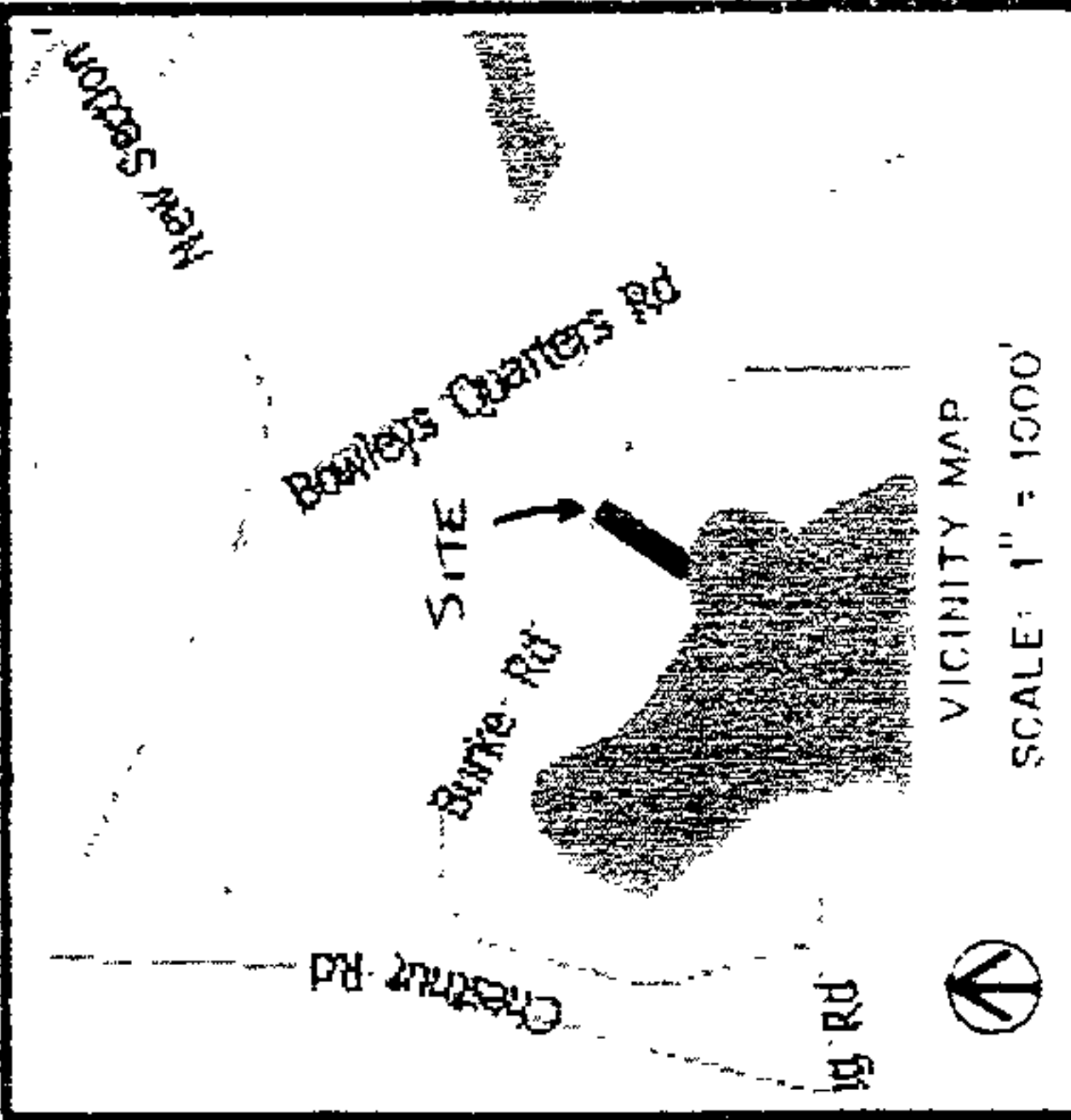
EXISTING
HOUSE
(RAZED)

MIDDLE
RIVER

BUTHE RD



PREPARED BY CL SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE 2L

ZONING RC-5

LOT SIZE .27 AC 11,900
ACREAGE SQUARE FEET

PUBLIC ☒ PRIVATE ☐

SEWER ☒ WATER ☒

YES NO

CHESAPEAKE BAY
CRITICAL AREA ☒ ☐

100 YEAR FLOOD PLAIN (A-10) ☒ ☐

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. | 329 | 05-29-2014