

IN RE: **PETITION FOR VARIANCE**
S/S Burke Road, 400' W of the c/l
Bowleys Quarters Road
(1236 Burke Road)
15th Election District
6th Council District

Donald J. Hansen, et ux, Owners;
Craig K. Leonard, et ux,
Contract Purchasers/Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-522-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Donald J. Hansen and his wife, Mary S. Hansen, and the Contract Purchasers, Craig K. Leonard and his wife, Tracie P. Leonard. The Petitioners request variance relief from Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building height of 43 feet in lieu of the maximum allowed 35 feet for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Donald Hansen, property owner, and Craig Leonard, Contract Purchaser. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront parcel located on the south side of Burke Road with frontage on Galloway Creek in eastern Baltimore County. The property is also known as Lot 123 of Bowleys Quarters, an older subdivision that was recorded in the Land Records in 1921, well prior to the adoption of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and width requirements. In this regard, the subject lot is 50 feet wide and approximately 242 feet deep and contains a gross area of 11,900 sq.ft., or .27 acres, zoned R.C.5. The regulations require a minimum lot area of 1.5 acres, and side setbacks of no less than

ORDER RECEIVED FOR FILING
Date 6/16/05
By [Signature]

50 feet for R.C.5 zoned land. Thus, the Petitioners sought special hearing and variance relief under prior Case No. 05-329-SPHA to allow development of the subject property. By his Order dated February 24, 2005, Deputy Zoning Commissioner John V. Murphy granted approval to allow side yard setbacks of 10 feet each and a lot area of .27 acres in lieu of the required 1.5 acres. The Petitioners now come before me seeking relief to allow a building height of 43 feet in lieu of the maximum allowed 35 feet for the proposed dwelling. Testimony indicated that the proposed dwelling will be similar to other newly constructed homes in the area and that the requested height variance would not be out of character. Building elevation drawings submitted into evidence as Petitioner's Exhibit 2 show that the proposed dwelling will be a two-story structure, 30 feet wide by 60 feet deep, with parking and storage space on the lower level. Because the first floor living area must be a minimum of one foot above the flood elevation level, the requested height variance would allow for a more aesthetically pleasing pitched roof. In support of the request, the Petitioners submitted numerous photographs of other recently constructed homes in the neighborhood which feature similar heights. Moreover, the Petitioners submitted signed statements from their immediately adjacent neighbors indicating they have no objections to the proposed height.

After due consideration of the testimony and evidence presented, I find that the Petitioners have met the requirements of Section 307 for relief to be granted. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors support the proposal. Moreover, as noted in the prior opinion issued by Deputy Commissioner Murphy, there is no residential development across Burke Road from the subject site as that land is agriculturally used. Thus, it appears that relief can be granted without detriment to the health, safety and general welfare of the surrounding locale. Finally, I find that the proposed height is consistent with the pattern of development along this stretch of Galloway Creek.

As noted above, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the Office of Planning requested certain

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Date 11/11/15
By [Signature]

conditions be imposed upon the grant of any relief. In this regard, I note that pursuant to the Order issued in prior Case No. 05-329-SPHA, building elevation drawings of the proposed dwelling have already been submitted for review and approval by the Office of Planning. However, if the Petitioners have not already done so, such drawings must be submitted prior to the issuance of any permits. It is also to be noted that the front of the proposed dwelling shall be oriented to face the water, consistent with other waterfront homes in the community. Moreover, due to the property's waterfront location and its location within a floodplain, the Petitioners shall comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division of the Department of Permits and Development Management.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of June 2005 that the Petition for Variance seeking relief from Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 43 feet in lieu of the maximum allowed 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

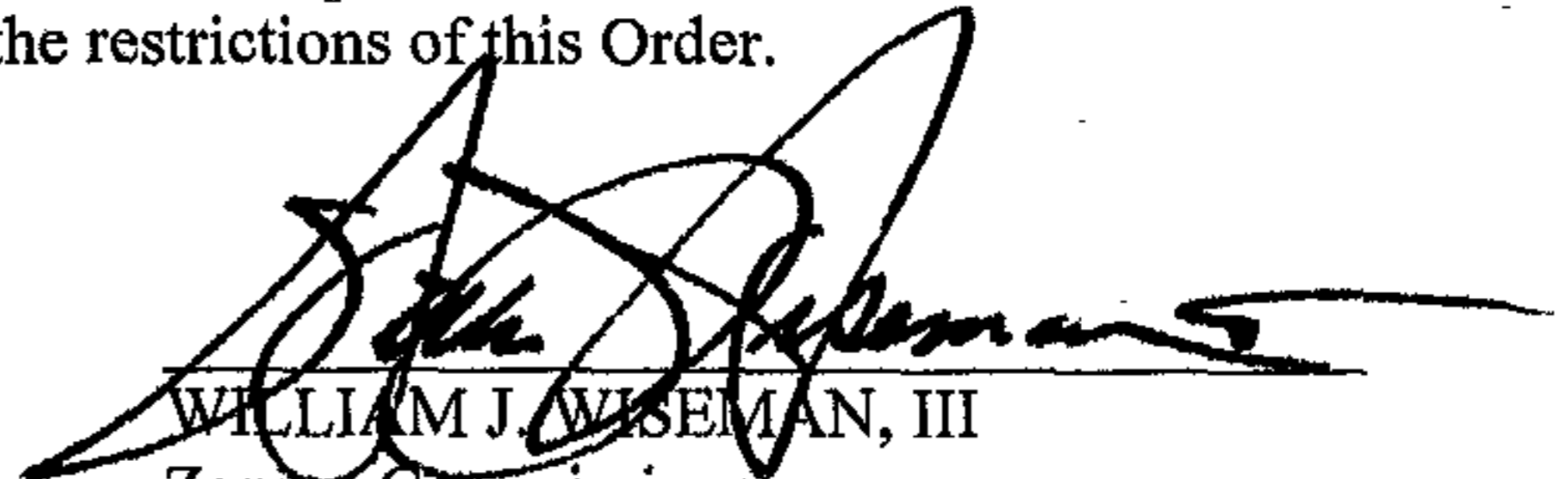
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM 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) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning

ORDER RECEIVED FOR FILING
Date 6/16/05
By [Signature]

for review and approval to insure compatibility in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area. It is also to be noted that the front of the proposed dwelling shall be oriented to face the water, consistent with other waterfront homes in the community.

- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 4/11/15
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

June 16, 2005

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

RE: PETITION FOR VARIANCE
S/S Burke Road, 400' W of the c/l Bowleys Quarters Road
(1236 Burke Road)
15th Election District – 6th Council District
Donald J. Hansen, et ux, Owners; Craig K. Leonard, et ux, Contract Purchasers
Case No. 05-522-A

Dear Mr. & Mrs. Hansen:

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

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Craig K. Leonard
1847 Cape May Road, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM
Office of Planning; People's Counsel; Case File

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





Leonard CBC

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1236 Burke Road
which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3 to Permit Height of 43 FT. in lieu of the required 35 FT. in an RC Zone

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

County floodplain regulations require that the first floor living area be a minimum of one foot above the flood elevation level, making it impractical to construct a two-story house with an attractive roof pitch within the 35-foot height limit. FIRST FLOOR MUST BE A MINIMUM OF 11.2 FEET ABOVE MHT.

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 K. & Tracie P. Leonard
Name - Type or Print
Craig K. Leonard *Tracie P. Leonard*
Signature
1847 Cape May Road (443) 465-4106
Address Telephone No.
Essex MD 21221
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 Street #805
Address Telephone No.
Baltimore MD 21202
City State Zip Code

Attorney For Petitioner:

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

Representative to be Contacted:

Craig K. Leonard
Name
1847 Cape May Road (443) 465-4106
Address Telephone No.
Essex MD 21221
City State Zip Code

OFFICE USE ONLY

Case No. 05-522-A

ESTIMATED LENGTH OF HEARING _____

Reviewed By *SPH* Date 04-13-05
UNAVAILABLE FOR HEARING

ORDER RECEIVED FOR FILING
Date 4/16/05
By *[Signature]*
4/15/98

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.

OS 522-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

OS 522-A
No 003654

PAID RECEIPT

DATE 4-13-05 ACCOUNT REC. ACC. CNT.

AMOUNT \$ 65.00

RECEIVED FROM MR. CRAIG CONRAD

OR 1230 BURNING
RES. UNIT

BUSINESS ACTING TOL INH
4/14/2005 4/13/2005 25:10:40
REC. NO. 003654
RECEIPT # 003654
DEPT. 5.000 ZINING VALIDATION
CL. NO. 003654
Receipt To: \$65.00
\$65.00 By: \$65.00
BALTIMORE COUNTY, MARYLAND

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

8007

CASHIER'S VALIDATION

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: #05-522-A
1238 Burke Road
S/west side of Burke Road,
400 feet west of centerline
of Bowley's Quarters Road
15th Election District
7th Councilmanic District
Legal Owner(s): Donald J. &
Mary S. Hansen
Contract Purchaser: Craig K. &
Tracie P. Leonard

Variance: to permit height
of 43 feet in lieu of the al-
lowed 35 feet in an R.C.
zone.

Hearing: Tuesday, May
24, 2005 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

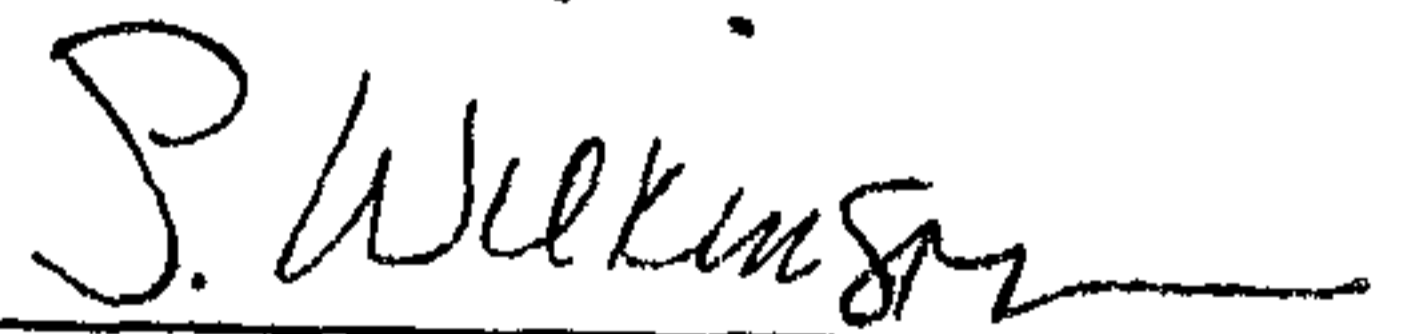
JT/5/649 May 10 50393

CERTIFICATE OF PUBLICATION

5/12, 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 5/10, 2005.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-522-A

Petitioner/Developer: CRAIG K

Y TRACIE P. LEONARD

Date of Hearing/Closing: MAY 24, 2005

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:

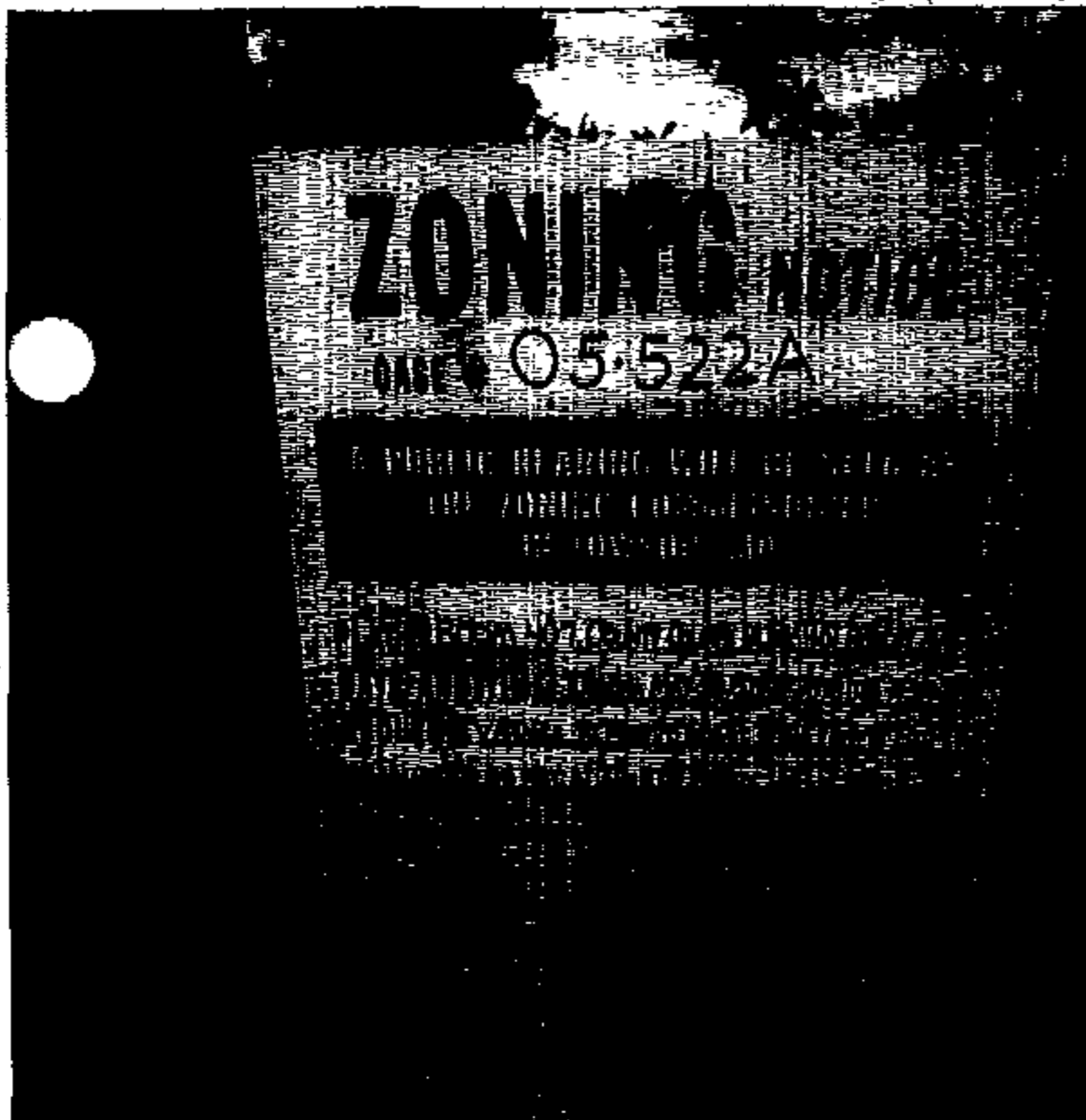
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1236 BURKE RD

The sign(s) were posted on

MAY 8, 2005
(Month, Day, Year)

Sincerely,



Robert Black
(Signature of Sign Poster)

5/10/05
(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, May 10, 2005 Issue - Jeffersonian

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

410-682-4165

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: 05-522-A

1236 Burke Road

S/west side of Burke Road, 400 feet west of centerline of Bowley's Quarters Road

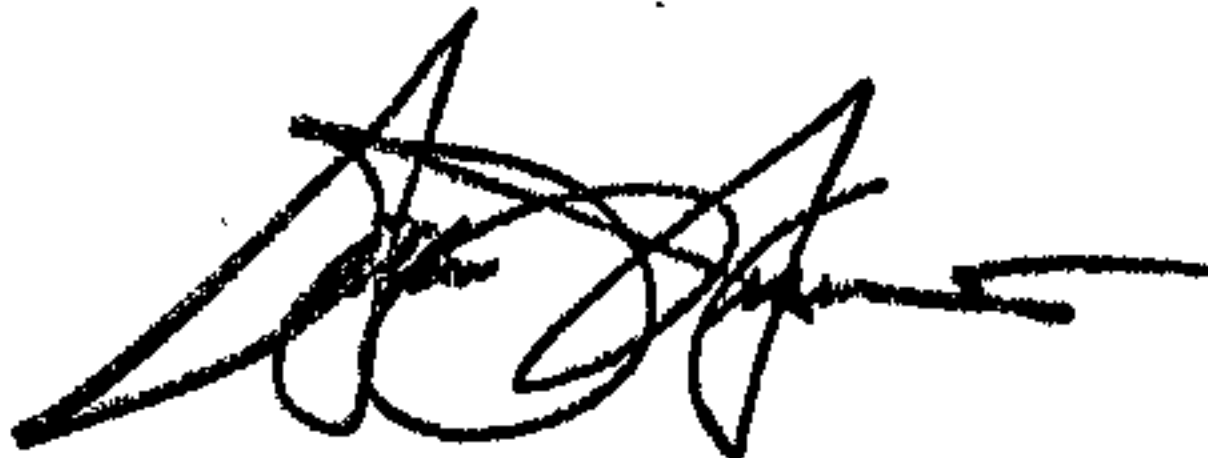
15th Election District – 7th Councilmanic District

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig K. & Tracie P. Leonard

Variance to permit height of 43 feet in lieu of the allowed 35 feet in an R.C. zone.

Hearing: Tuesday, May 24, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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

April 20, 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: 05-522-A

1236 Burke Road

S/west side of Burke Road, 400 feet west of centerline of Bowley's Quarters Road

15th Election District – 7th Councilmanic District

Legal Owners: Donald J. & Mary S. Hansen

Contract Purchaser: Craig K. & Tracie P. Leonard

Variance to permit height of 43 feet in lieu of the allowed 35 feet in an R.C. zone.

Hearing: Tuesday, May 24, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Donald & Mary Hansen, 222 E. Saratoga Street, Ste. 805, Baltimore 21202
Craig & Tracie Leonard, 1847 Cape May Road, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 9, 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 05-522-A

Petitioner CRAIG LEONARD

Address or Location 1236 BURKE RD.

PLEASE FORWARD ADVERTISING BILL TO

Name: CRAIG LEONARD

Address 1847 CAPE MAY RD

ESSEX, MD 21221

Telephone Number (410) 682-4165

05-522-A

**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*

May 16, 2005

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

Dear Mr. and Mrs. Hansen:

RE: Case Number: 05-522-A, 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 April 13, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Craig K. Leonard 1847 Cape May Road Essex 21221

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



April 21, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 25, 2005

Item No.: 517, 518, 520, 521, 522, 523, 524, 525, 526, 527, 528

Pursuant to your request, this Office has reviewed the referenced plan(s) 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.

Acting Lieutenant William F. Connolly, Jr.
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: May 2, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 23, 2005
Item No. 522

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

The flood protection elevation for the site is 10.4.

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 (includes basements) of residential (commercial) development.

The building engineer shall require a permit for this property.

Building shall be designed and adequately anchored to prevent floatation, collapse of lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of BOCA International. Building code adopted by the county.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 522-05022005.doc



TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: May 24, 2005, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 25, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

- 05-423
- 05-518
- 05-521
- 05-522
- 05-524
- 05-527

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: May 3, 2005

SUBJECT: Zoning Item # 05-522
Address 1236 Burke Road

Zoning Advisory Committee Meeting of April 25, 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:

Must comply with the Limited Development Area and Buffer Management Area regulations for the CBCA. The maximum impervious surface limit is 25% with a minimum tree cover limit of 15%. In addition, mitigation is required for any impervious surface within the 100-foot Critical Area Buffer (measured 100-feet from Mean High Tide).

Reviewer: Martha Stauss Date: May 3, 2005

Row
5/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 23, 2005

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

RECEIVED

SUBJECT: 1236 Burke Road

MAY 24 2005 (PM)

INFORMATION:

Item Number: 5-522

ZONING COMMISSIONER

Petitioner: Donald J. Hansen

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, 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 (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses 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.
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. Provide landscaping along the public road.

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

Prepared By: Maels A. Cunniff

Division Chief: [Signature]

MAC/LL



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

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

Maryland Department of Transportation

Date: 4.22.05

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

RE: Baltimore County
Item No. 522 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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE

* BEFORE THE

1236 Burke Road; S/S Burke Rd, 400' W
c/line Bowleys Quarters Rd
15th Election & 6th Councilmanic Districts
Legal Owner(s): Donald J. & Mary S. Hansen*
Contract Purchaser(s): Craig & Tracie Leonard
Petitioner(s) *

* ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 05-522-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

RECEIVED

Per *Alm.*

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 Craig Leonard, 1847 Cape May Road, Essex, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.:

05-222A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	SITE PLAN	
No. 3	BLDG ELEVATION	
No. 4	3A- PLAN OF PHOTO LOCATIONS 3B - PHOTOS WITH BLDG HEIGHTS NOTED	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

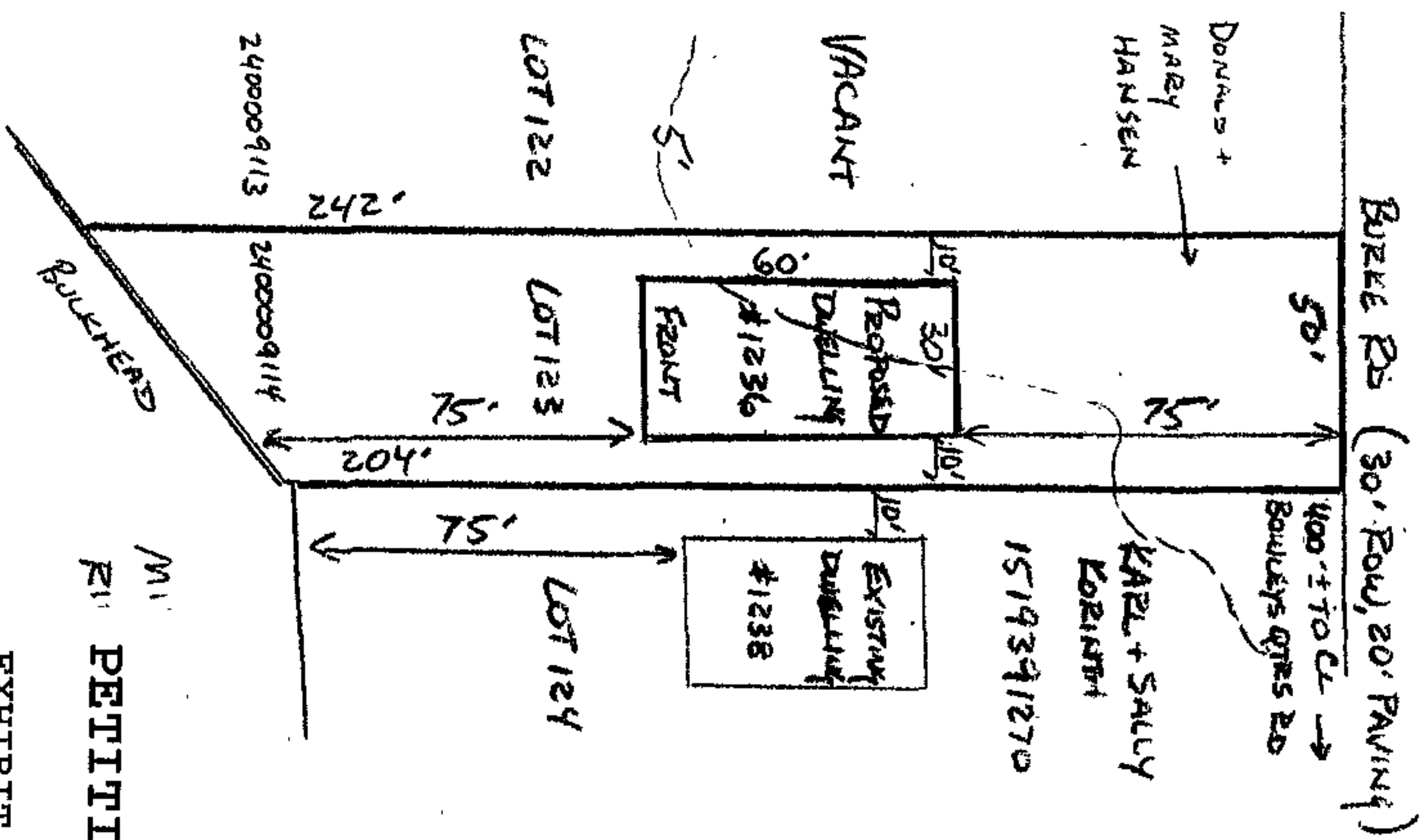
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

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 #

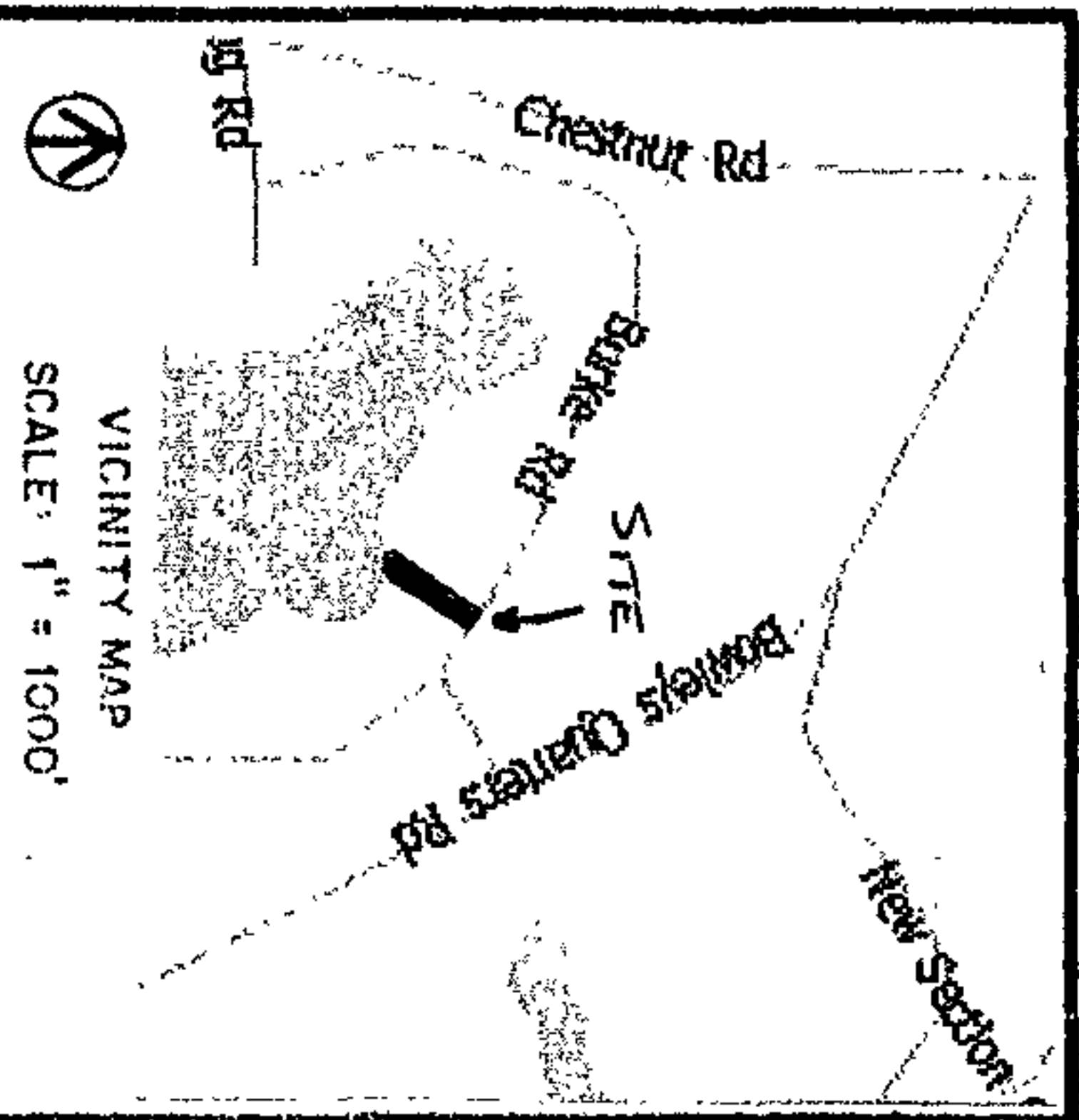
OWNER DONALD + MARY HANSEN



PETITIONER'S

EXHIBIT NO. 7

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



LOCATION INFORMATION

ELECTION DISTRICT 7

COUNCILMANIC DISTRICT 15

1" = 200' SCALE MAP # NE 2L

ZONING RC 5

LOT SIZE .27 AC 11,900 SQUARE FEET

SEWER PUBLIC PRIVATE

WATER

CHESAPEAKE BAY CRITICAL AREA YES NO

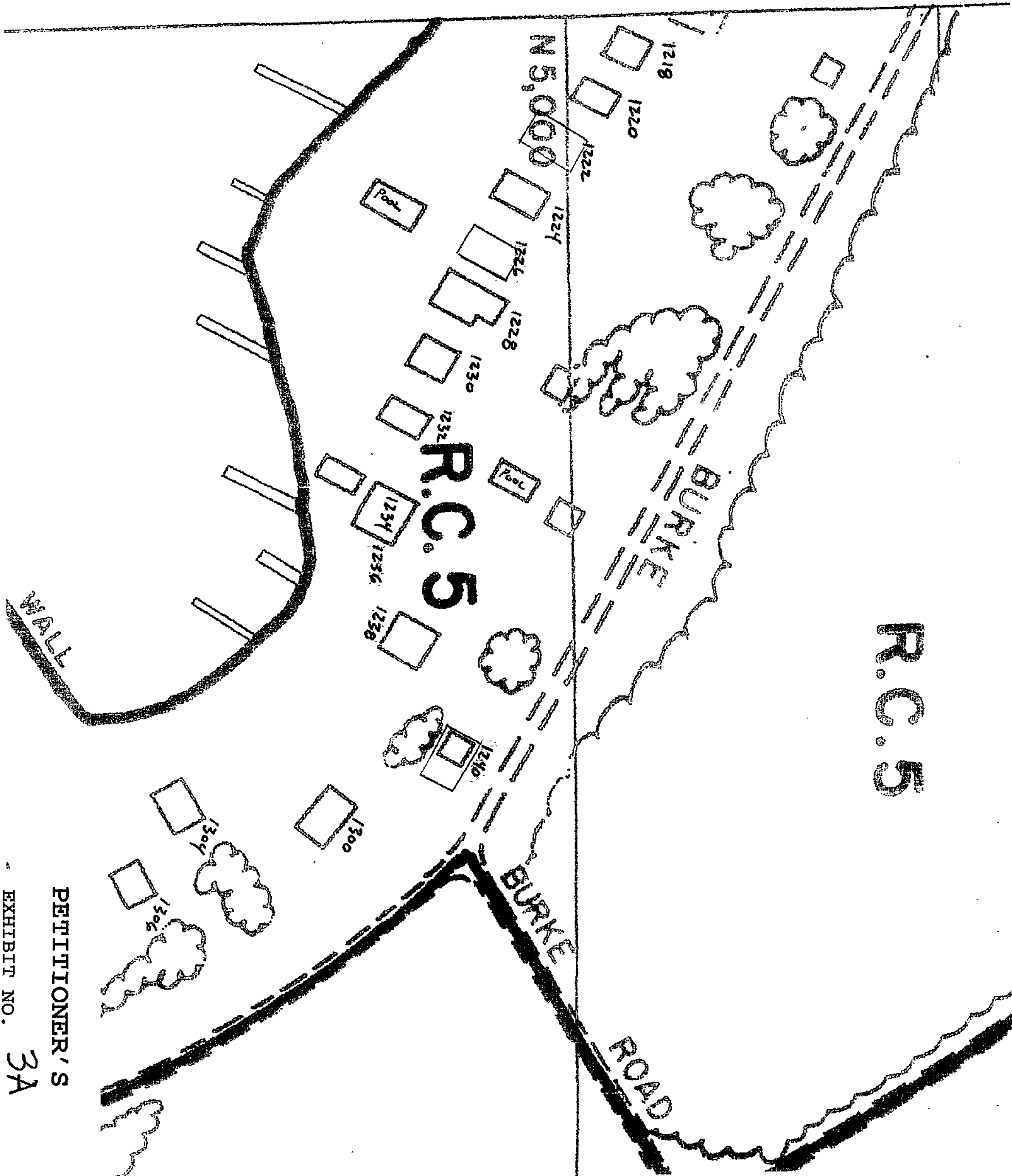
100 YEAR FLOOD PLAIN YES NO

HISTORIC PROPERTY / BUILDING YES NO

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY

REVIEWED BY STJ ITEM # PS-5R2-F



R.C. 5

R.C. 5

BURKE ROAD

WALL

Pool

Pool

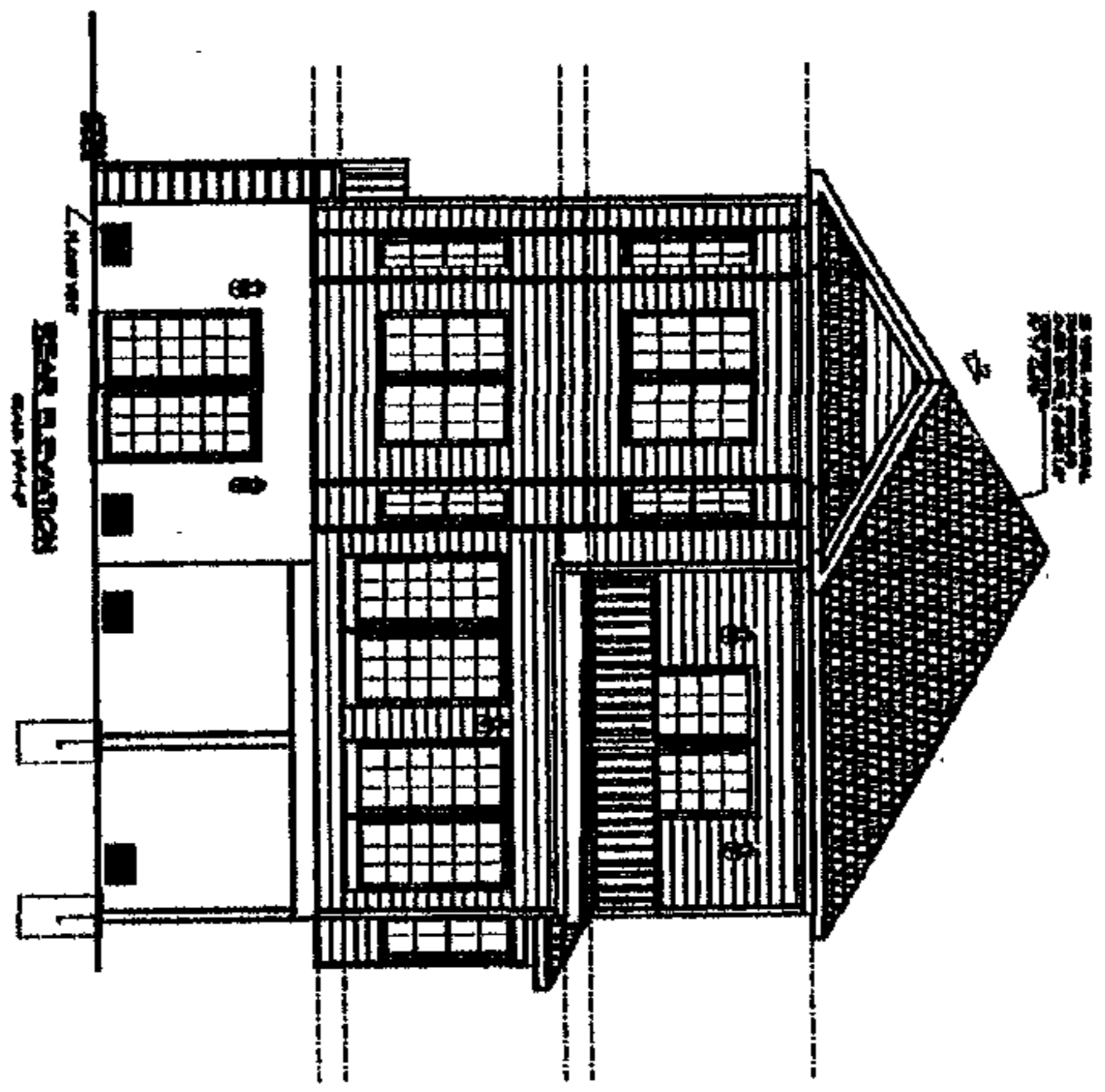
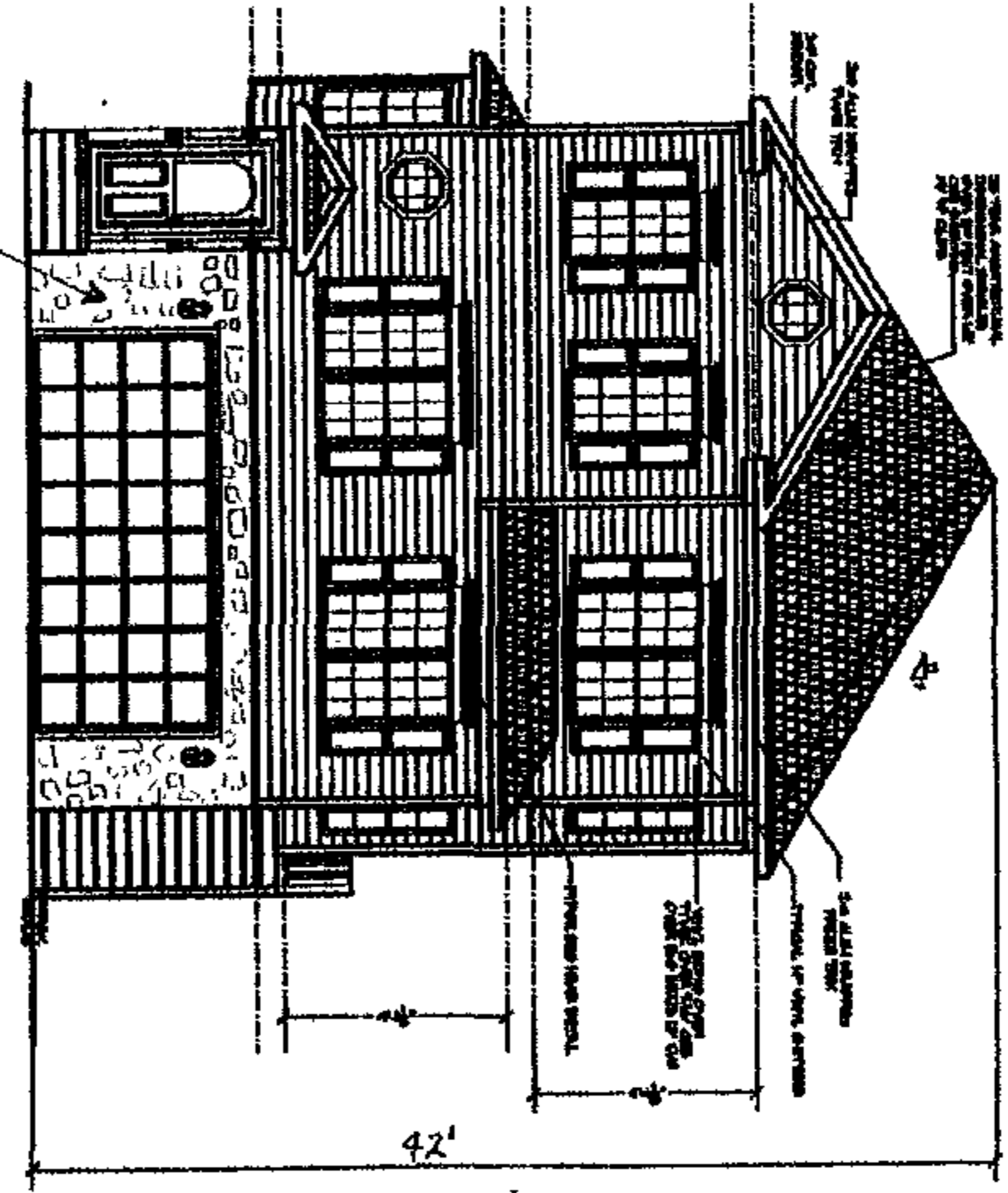
1304
1306

PETITIONER'S
EXHIBIT NO. 3A

OS-522-D

CULTURED
STONE
VENETIAN

FRONT PORCH
STONE WALL



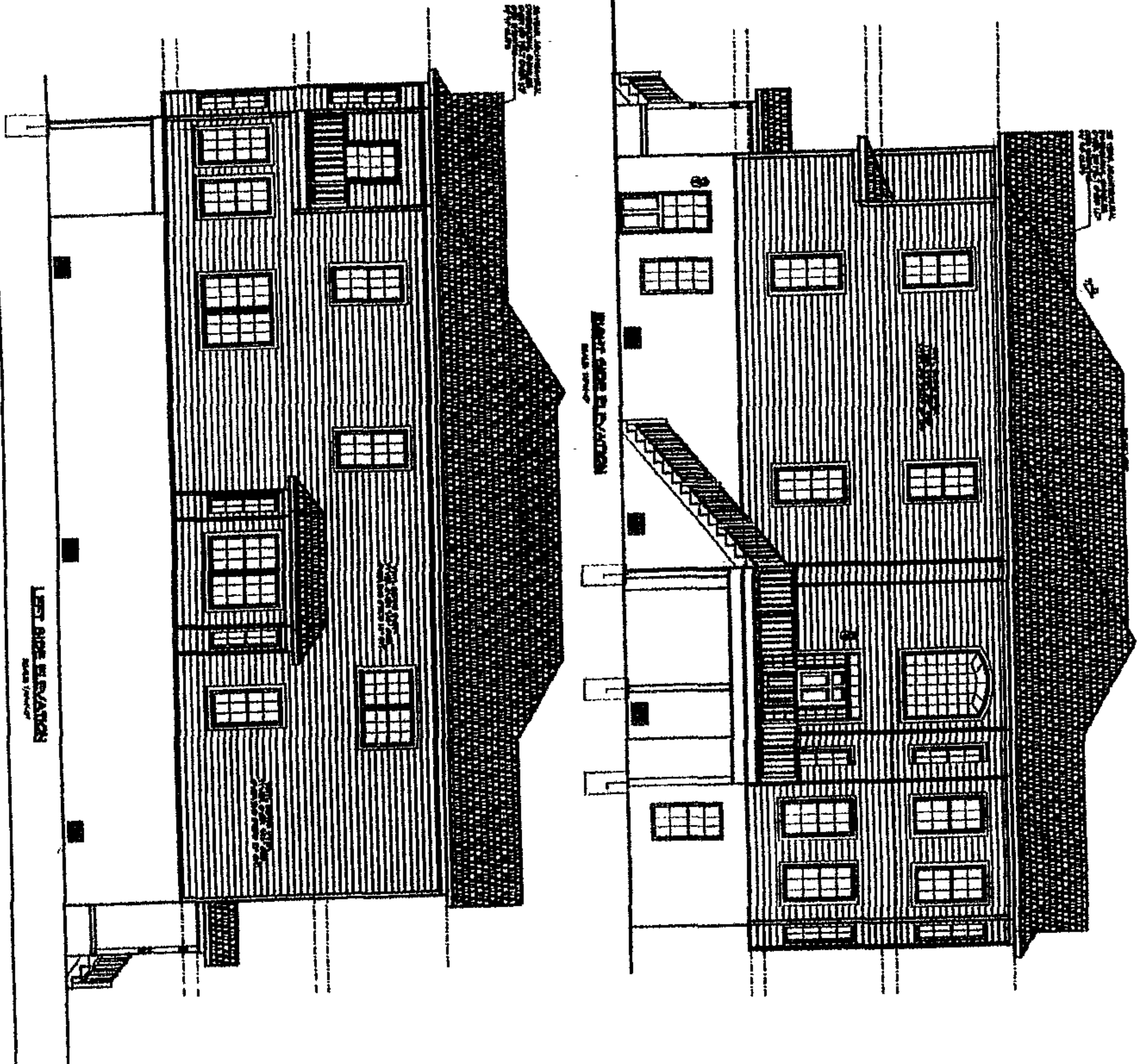
1236 Burke Rd

PETITIONER'S

EXHIBIT NO. 2

SCALE: 1/4" = 1'-0"	
DATE: 8/20/04	
SHEET NO: 1 OF 5	
CHL CUSTOM HOME DESIGN INC. PO BOX 287 FERRIS, MO 64648 PHONE: 417-888-0000	

05-572-A



WEST SIDE ELEVATION

EAST SIDE ELEVATION

SHEET NO. 1 OF 2
 DATE: 12/2004
 SCALE: 1/8" = 1'-0"
 GEN. CLERK-HOME
 DESIGN INC.
 10000 FREDERICK RD 3000
 FARMERS BRANCH, GA 30204

1236 Buick Rd



1222 Burke Road (45+ feet)



1226 Burke Road (45 feet)



3520 Galloway (45+ feet)

PETITIONER' S

EXHIBIT NO. 3B



1240 Burke (45 feet)



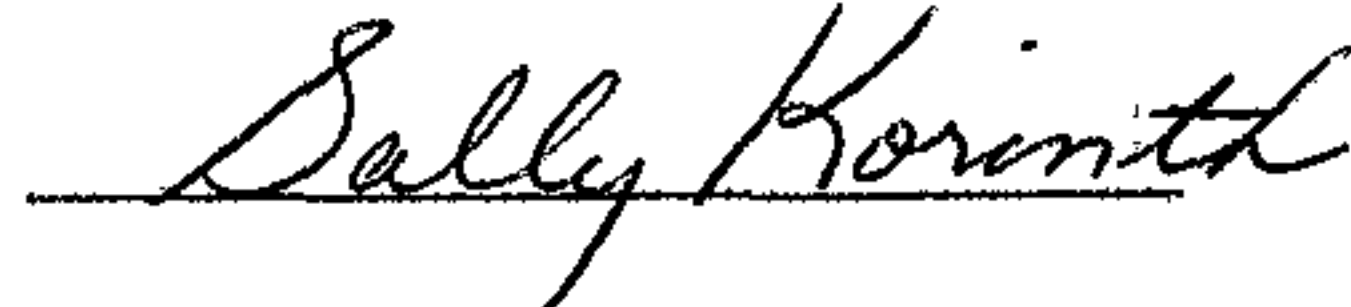
1238 Burke

May 21, 2005

I have no objection to Craig & Tracie Leonard's request for a height variance for 1236 Burke Road.



Karl Korinth
1238 Burke Road
Middle River, MD 21220



Sally Korinth
1238 Burke Road
Middle River, MD 21220

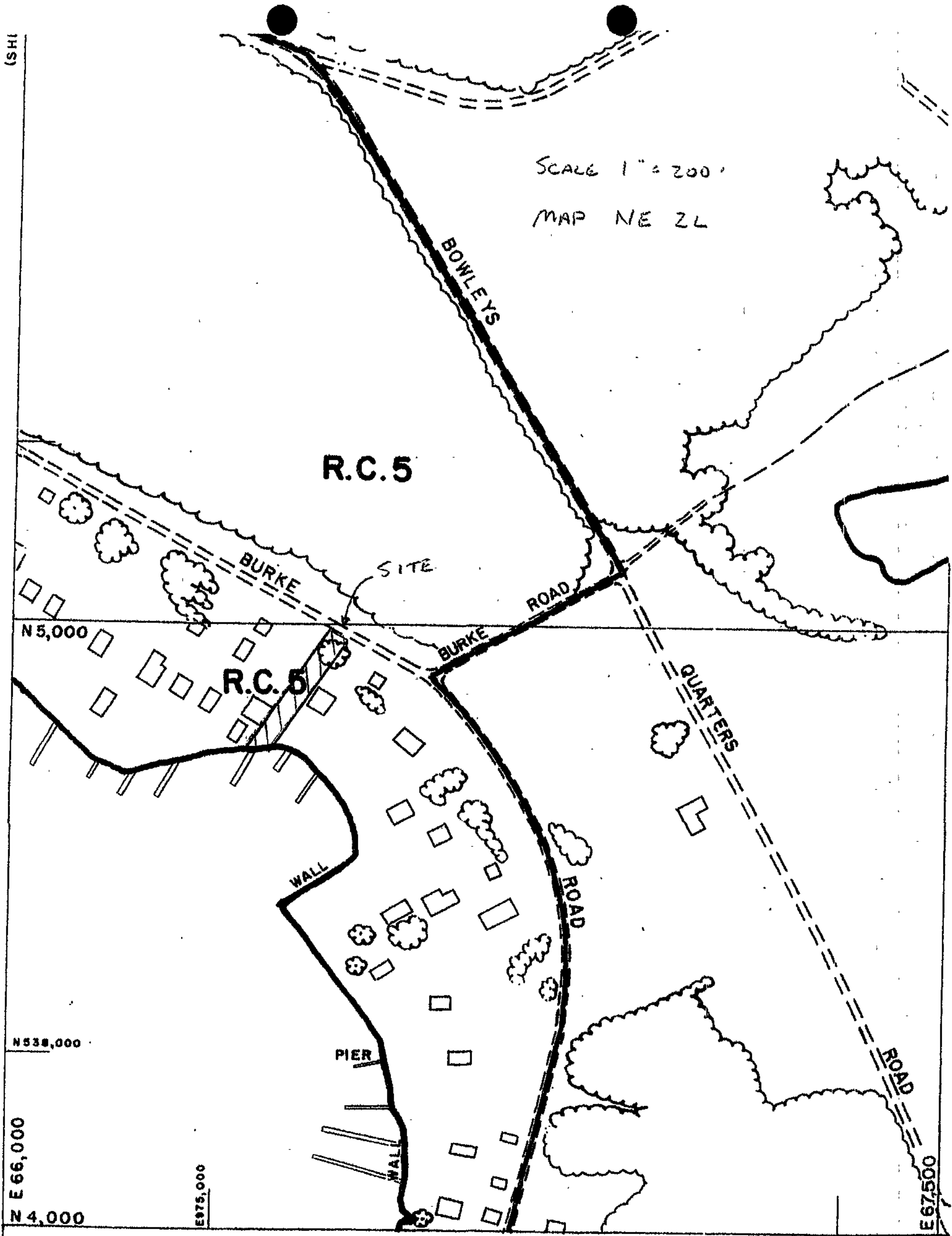
PETITIONER'S

EXHIBIT NO. 4

(SHI)

SCALE 1" = 200'

MAP NE 2L

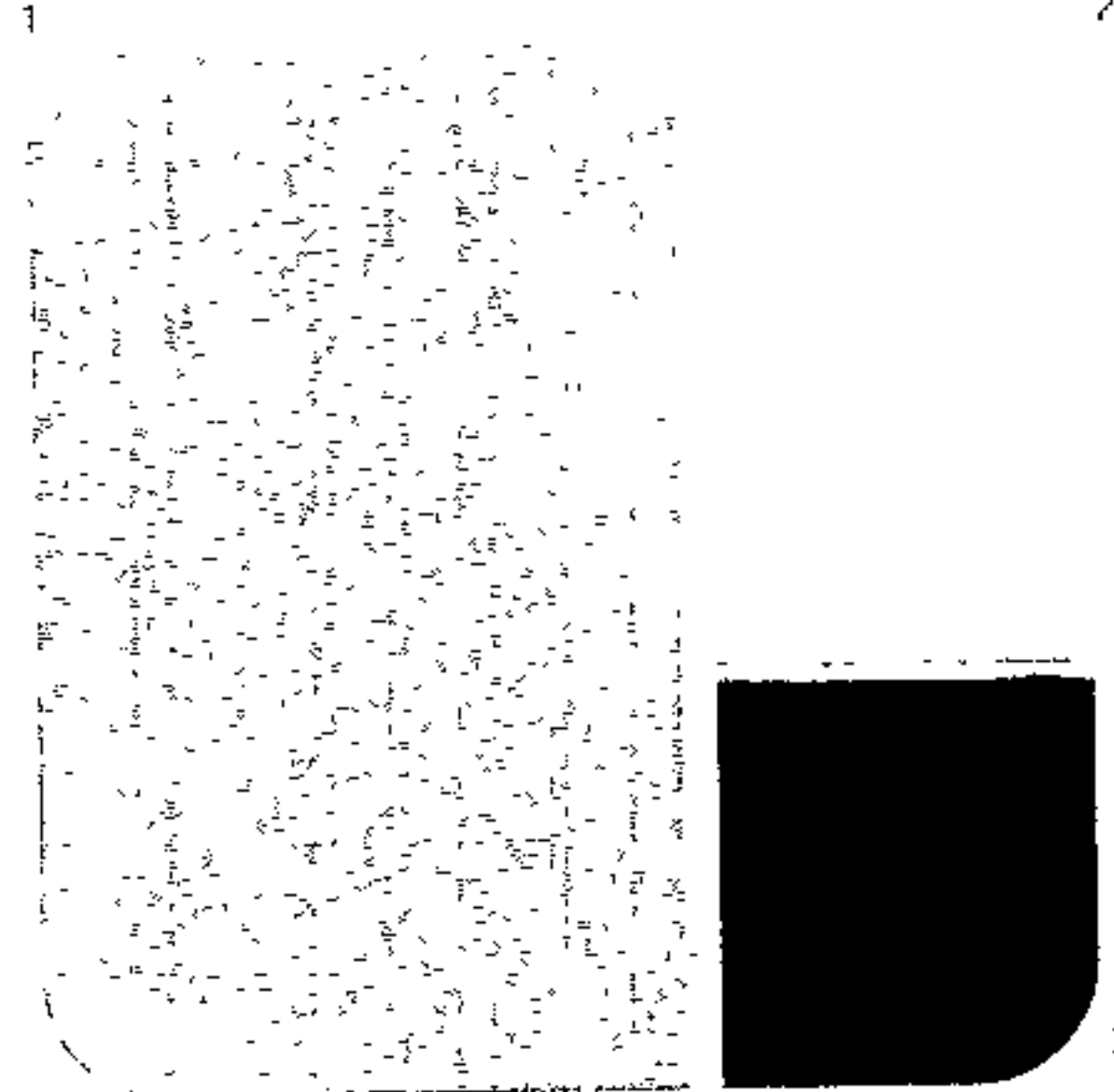


2000 COMPREHENSIVE

OS-522A



Not House Steel



1
2
3

House Ground

1236 Burke Rd