

IN RE: **PETITION FOR VARIANCE**
S/S Burke Road, 450' W of the c/l
Bowleys Quarters Road
(1234 Burke Road)
15th Election District
7th 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. 05-594-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. Since the filing of the Petition, the Leonards proceeded towards settlement and now own the subject property. The Petitioners request variance relief from Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building height of 45 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 was Tracie Leonard, owner of the property. 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 122 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 lots in older subdivisions, the subject property does not meet current area and width requirements. In this regard, this property was the subject of prior zoning Case No. 05-328-A, which was heard contemporaneously with Case No. 05-329-SPH. As noted within the Opinion and Order issued February 24, 2005 by

ORDER RECEIVED FOR FILING

Date

By

2/15/05
[Signature]

Deputy Zoning Commissioner John V. Murphy, the subject property was previously improved with a single-family dwelling, which was destroyed by Hurricane Isabel. The adjacent lot (Lot 123) was an unimproved parcel that had been traditionally used as the side yard for the dwelling lot. Rather than sell the two lots together, the Hansens desired to sell the lots separately and sought relief to allow development of the unimproved lot and replacement of the dwelling on the subject lot. As shown on the site plan, the subject lot is 50 feet wide and approximately 278 feet deep and contains a gross area of 13,900 sq.ft., or .32 acres, zoned R.C.5. Since the regulations require a minimum lot area of 1.5 acres, and side setbacks of no less than 50 feet for R.C.5 zoned land, the requested zoning relief was necessary in order to proceed. Deputy Commissioner Murphy granted the relief as set forth above on February 24, 2005.

The Petitioners now come before me seeking relief to allow a height of 45 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 63 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 a signed statement from their immediately adjacent neighbors, John and Joan Butler, who have reviewed the building elevation drawings for the dwelling and 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

ORDER RECEIVED FOR FILING
Date 7/15/15
By [Signature]

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 conditions be imposed upon the grant of any relief. In this regard, I note that pursuant to the Order issued in prior Case No. 05-328-A, 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. 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.

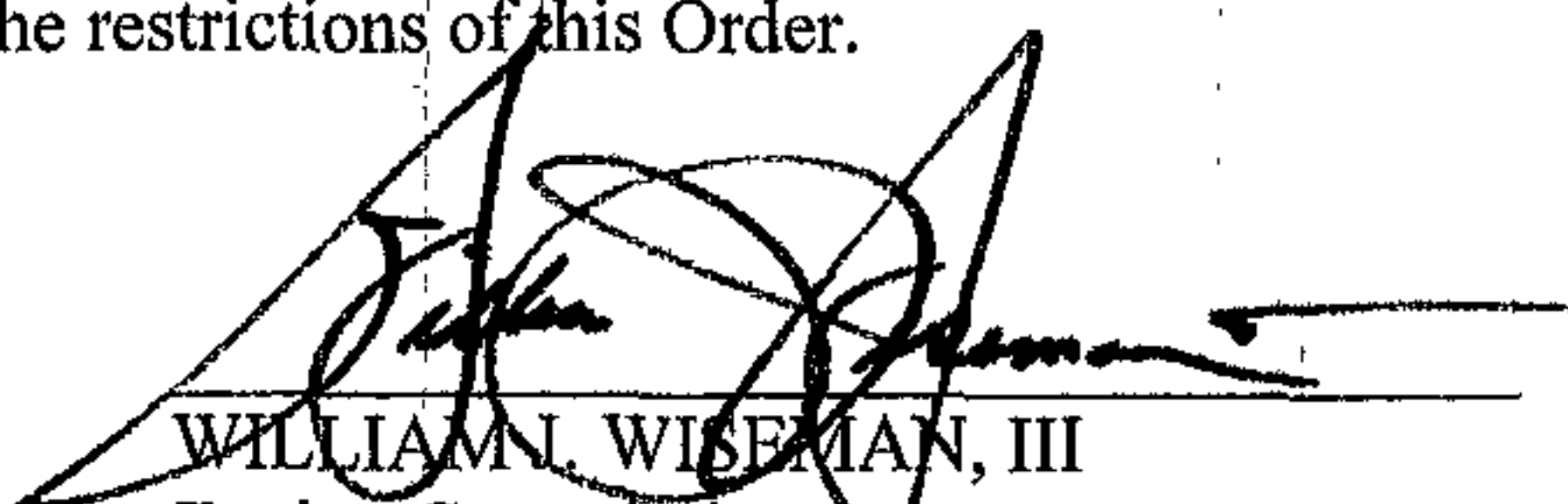
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of July 2005 that the Petition for Variance seeking relief from Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 45 feet in lieu of the maximum allowed 35 feet, 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.

ORDER RECEIVED FOR FILING
Date 7/15/05
By [Signature]

- 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 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 7/15/15
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

July 15, 2005

Mr. & Mrs. Craig K. Leonard
1847 Cape May Road
Baltimore, Maryland 21221

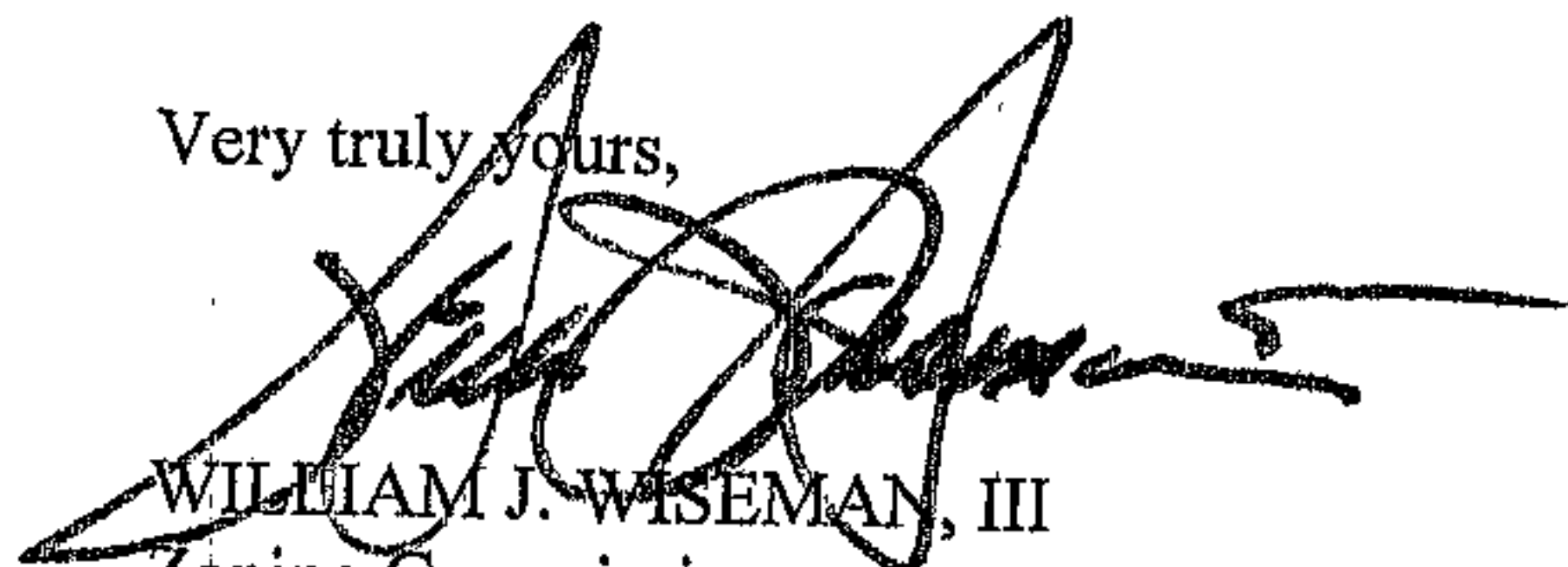
RE: PETITION FOR VARIANCE
S/S Burke Road, 400' W of the c/l Bowleys Quarters Road
(1234 Burke Road)
15th Election District – 7th Council District
Craig K. Leonard, et ux - Petitioners
Case No. 05-594-A

Dear Mr. & Mrs. Leonard:

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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1234 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.A

To allow a proposed dwelling with a height of 45 ft in lieu of the maximum allowed 35 ft.

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

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.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print CRAIG + TRACIE LEONARD
Signature [Signature]
Address 1847 CAPE MAY RD Telephone No. (410) 682-4165
City ESSEX State MD Zip Code 21221

Attorney For Petitioner:

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

Legal Owner(s):

Name - Type or Print Donald J. Hansen
Signature [Signature]
Name - Type or Print Mary S. Hansen
Signature [Signature]
Address 222 E. Saratoga Street #805
City Baltimore State MD Zip Code 21202

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-16-05

Case No. 05-594 A

RECEIVED 5/15/98

ORDER RECEIVED FOR FILING

Date 5/15/05

By [Signature]

0001 / 1080

ZONING DESCRIPTION FOR 1234 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 450 feet west of the centerline of the nearest improved intersecting street Bowleys Quarters Road which is 30 feet wide. Being Lot #122 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #1, Folio #12, containing 13,900 square feet. Also known as 1234 Burke Road, Middle River, MD 21220 and located in the 7th Election District, 15th Councilmanic District.

594

**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: #05-594-A

1234 Burke Road,
S/side of Burke Road, 450
feet west of centerline of
Bowley's Quarters Road
15th Election District
7th Councilmanic District
Legal Owner(s): Donald J. &
Mary S. Hansen

Variance: to allow a pro-
posed dwelling with a
height of 45 feet in lieu of
the maximum allowed 35
feet.

Hearing: Wednesday, July
6, 2005 at 2 p.m. in Room
407, County Courts Build-
ing, 401 Bosley Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
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/6/691 Jh 21 55985

CERTIFICATE OF PUBLICATION

6/22/2005

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 6/21/2005.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 444380

05-594-A

DATE 5-16-05

ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED

MA. Craig R. Leonard

FROM:

FOR:

Resident and Various fees for
1234 Buick Rd.

PAID RECEIPT

BUSINESS REVENUE THE

5/17/2005 5:10 PM

RECEIPT # 444380-11-0000

DEPT 5 SUB 0000000000000000

DE NO. 444380

Receipt for

445.00

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-594-A

Petitioner/Developer: DONALD J.

MARY S. HANSEN

Date of Hearing/Closing: JULY 6, 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: _____

1234 BURKE RD

The sign(s) were posted on 6-21-05
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

6-22-05
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

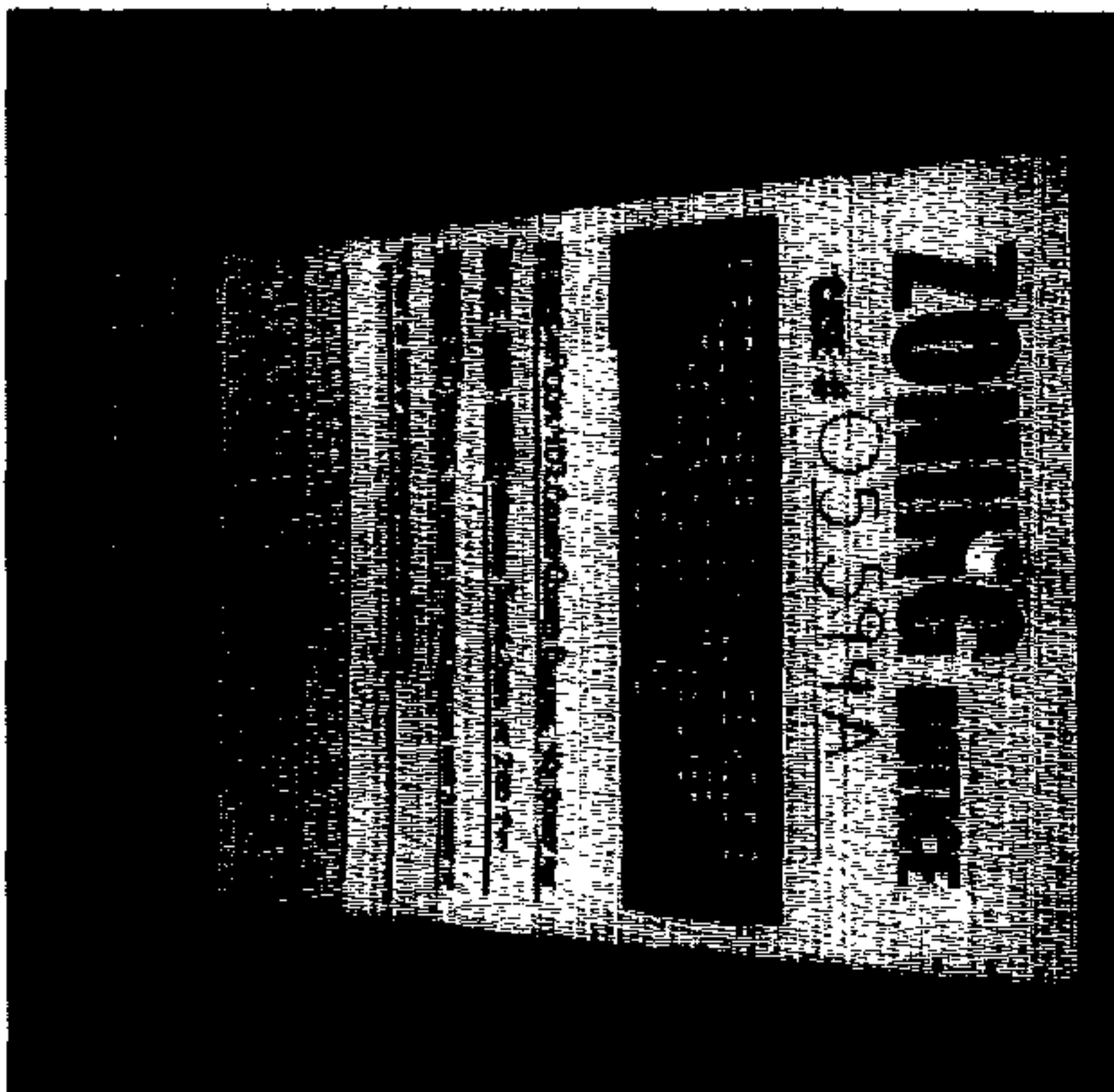
(Address)

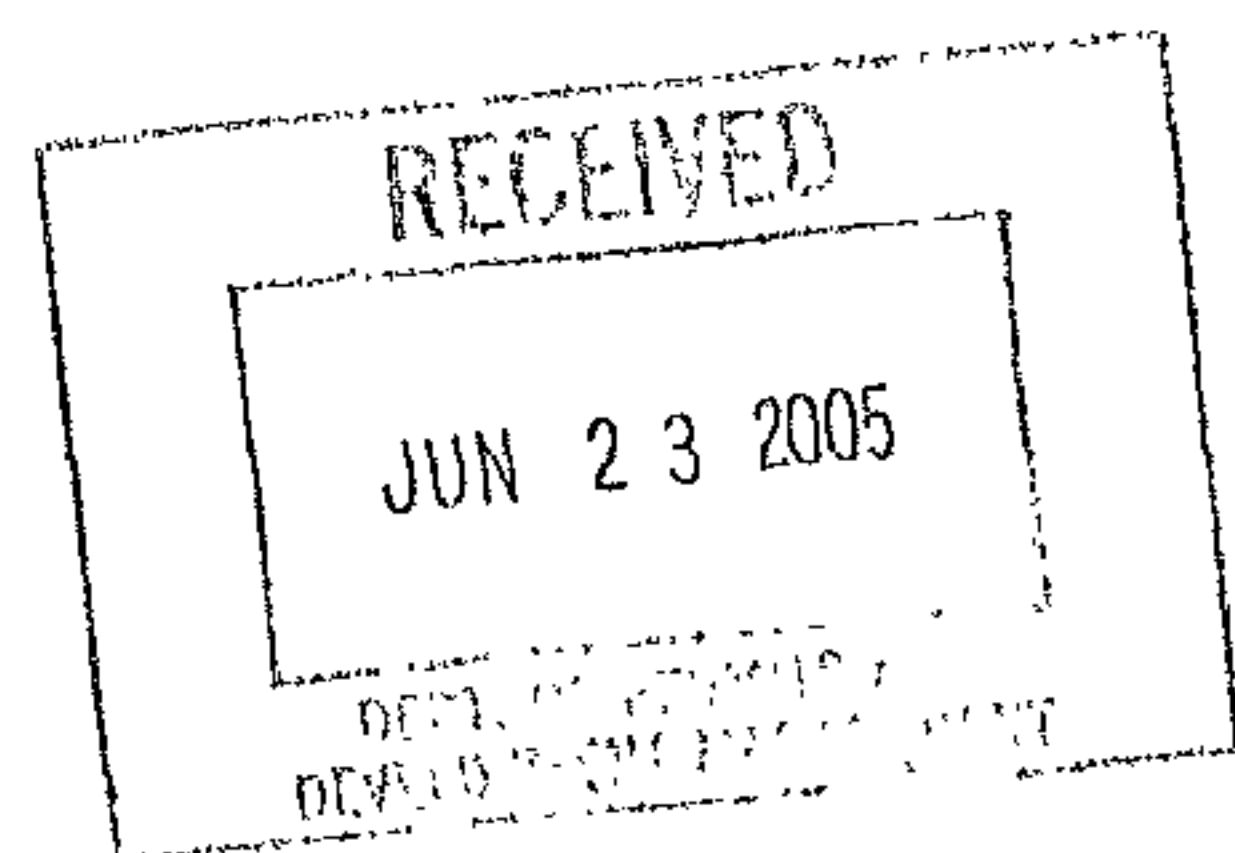
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





**Department of Permits and
Development Management**

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



Baltimore County

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

May 24, 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: 05-594-A

1234 Burke Road
S/side of Burke Road, 450 feet west of centerline of Bowley's Quarters Road
15th Election District – 7th Councilmanic District
Legal Owners: Donald J. & Mary S. Hansen

Variance to allow a proposed dwelling with a height of 45 feet in lieu of the maximum allowed 35 feet.

Hearing: Wednesday, July 6, 2005 at 2:00 p.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: Donald & Mary Hansen, 222 E. Saratoga St., #805, Baltimore 21202
Craig & Tracie 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 TUESDAY, JUNE 21, 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.

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



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 05-594A

Petitioner: Donald Hansen

Address or ^{site}Location: 1234 Burke Rd. (21202)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. Craig K. Leonard

Address: 1847 Cape May Rd.
BALTO, Md. 21221

Telephone Number: 410-682-4165

**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*

June 27, 2005

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

Dear Mr. and Mrs. Hansen:

RE: Case Number: 05-594-A, 1234 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 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 & Tracie 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

May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 20, 2005

Item No.: 584-587, 589-594

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.

1. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. Tribble
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 5.20.05

RE: Baltimore County
Item No. 594

JSS

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

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

BW
7/6

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: June 13, 2005

SUBJECT: Zoning Item # 05-594
Address 1234 Burke Road

RECEIVED

JUN 14 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 31, 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:

Reviewer: Sue Farinetti, Martha Stauss

Date: June 13, 2005

ORDER RECEIVED FOR FILING

Date

By

bw
7/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005

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

SUBJECT: 1234 Burke Road

INFORMATION:

Item Number: 5-594

Petitioner: Donald J. Hansen

Zoning: RC 5

Requested Action: Variance

RECEIVED
JUN - 7 2005
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a single-family dwelling with a height of 45 feet in lieu of the maximum permitted 35 feet. 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 existing adjacent dwellings.
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.

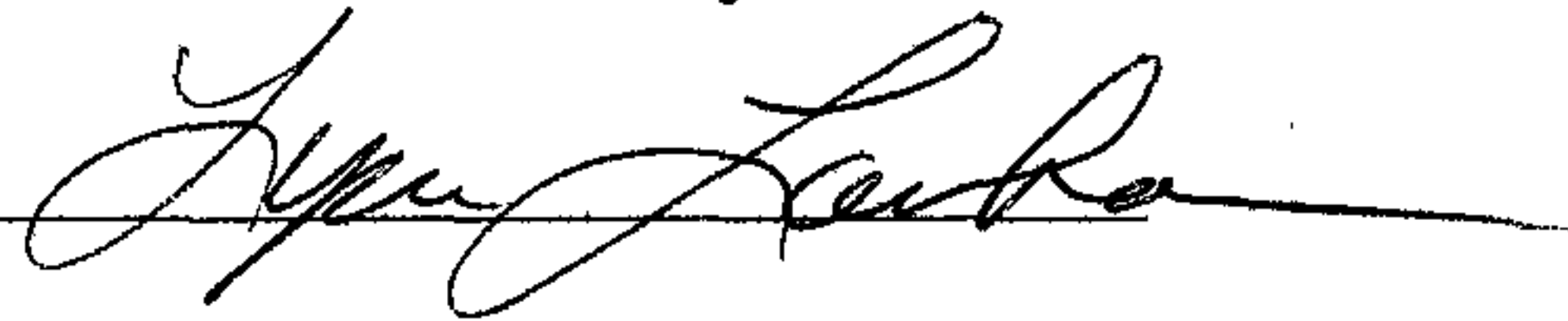
4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
5. Design all accessory structures at a scale appropriate to the dwelling and design garages with 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:



Division Chief:



MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2005
Item No. 594

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

The flood protection elevation for this 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 to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

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

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

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

DAK:CEN:clw
cc: File
ZAC-ITEM NO 594-06022005.doc

ORDER RECEIVED FOR FILING
7/15/15
Date
By

RE: PETITION FOR VARIANCE

* BEFORE THE

1234 Burke Road; S/S Burke Rd, 450' W

* ZONING COMMISSIONER

c/line Bowleys Quarters Rd

15th Election & 6th Councilmanic Districts

FOR

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

Contract Purchaser(s): Craig & Tracie Leonard

Petitioner(s) *

BALTIMORE COUNTY

* 05-594-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 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

MAY 20 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

05-328-A

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
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

* 5-16-05 NOT A Collector Rd.
J. J. H. H.

594
DATE = 5-16-05

CASE NAME Leonard / Hansen
CASE NUMBER 05-594A
DATE _____

CASE NAME Leonard / Hansen
CASE NUMBER 05-594A
DATE _____

[illegible]

Case No.:

05-594 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	BLDG ELEVATIONS	
No. 3	PHOTO'S OF OTHER SIMILAR HOMES OF 45' HEIGHT	
No. 4	LETTER FROM BUTLERS 1232 BURKE	
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

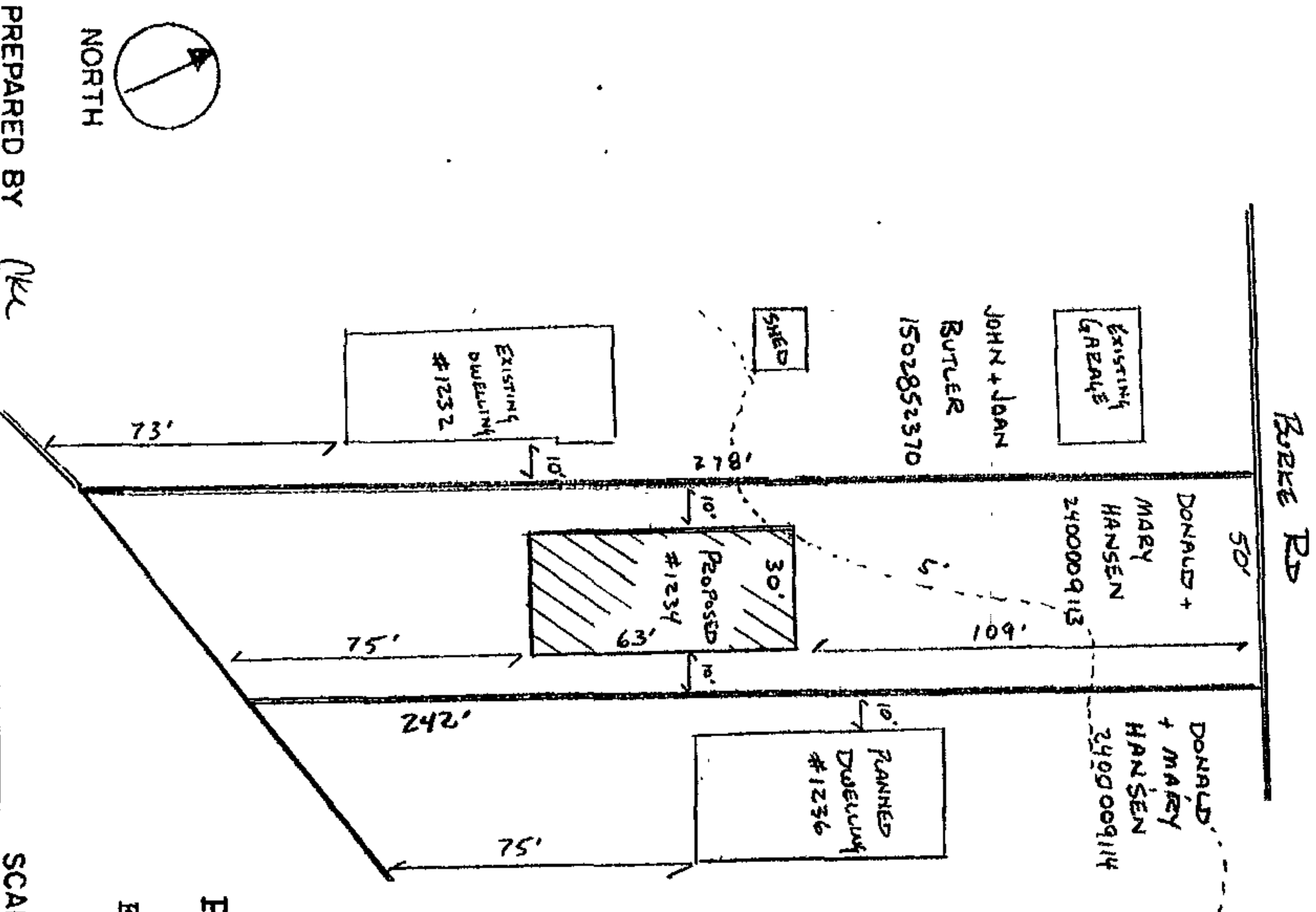
PROPERTY ADDRESS 1234 Burke Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Quarters

PLAT BOOK # 7 FOLIO # 12 LOT # 122 SECTION # 1

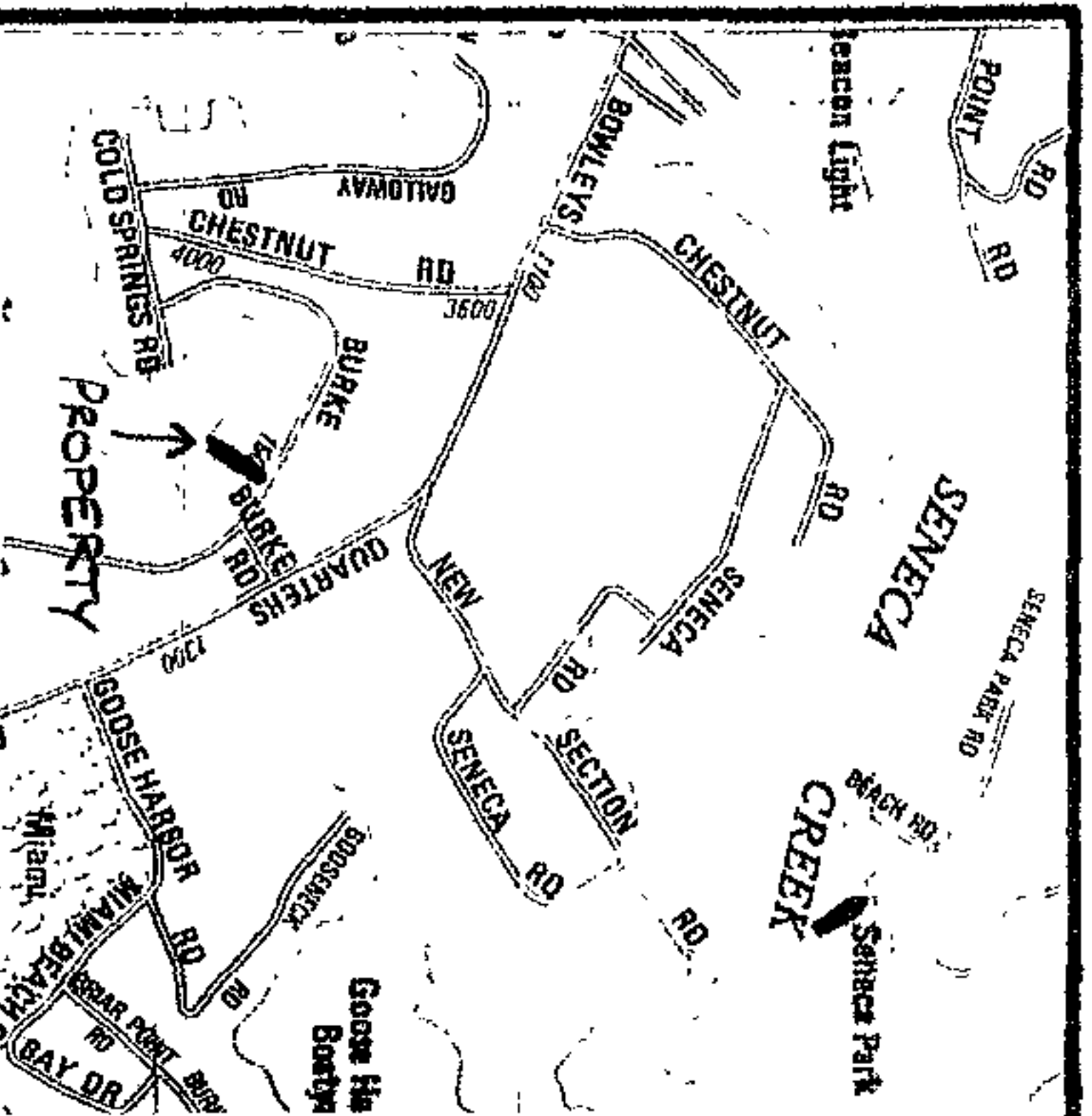
OWNER DONALD + MARY HANSEN



PETITIONER'S

EXHIBIT NO. 1

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 7
COUNCILMANIC DISTRICT 15

1" = 200' SCALE MAP # NE 2L

ZONING RC5

LOT SIZE 0.32 ACRES 13,900 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 05-328-A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

594

R.C. 5

ROAD

BURKE

R.C. 5

N 5,000

1218

1220

1222

1224

1226

1228

1230

1232

1234

1236

1238

1240

1300

1304

1306

Pool

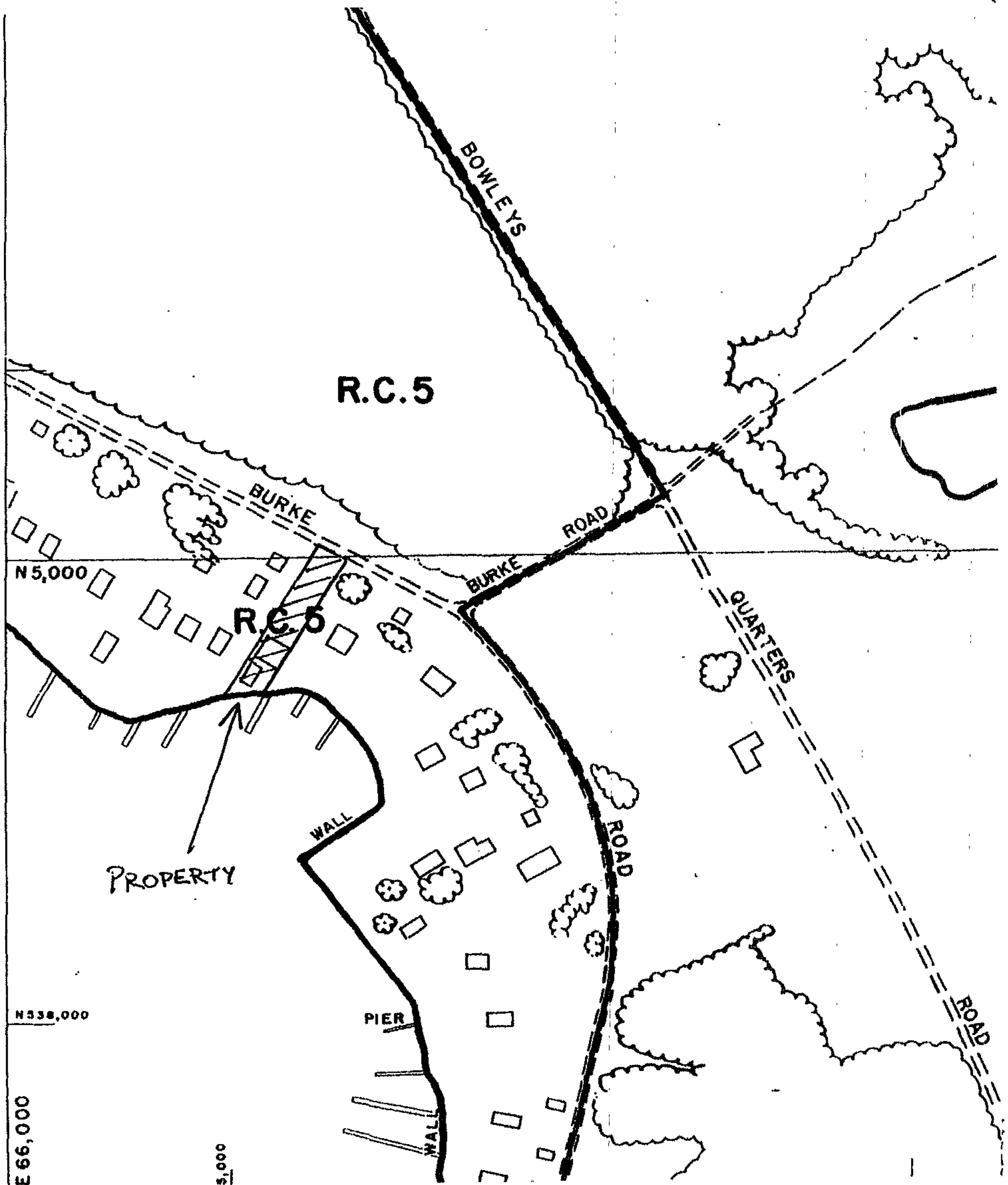
Pool

WALL

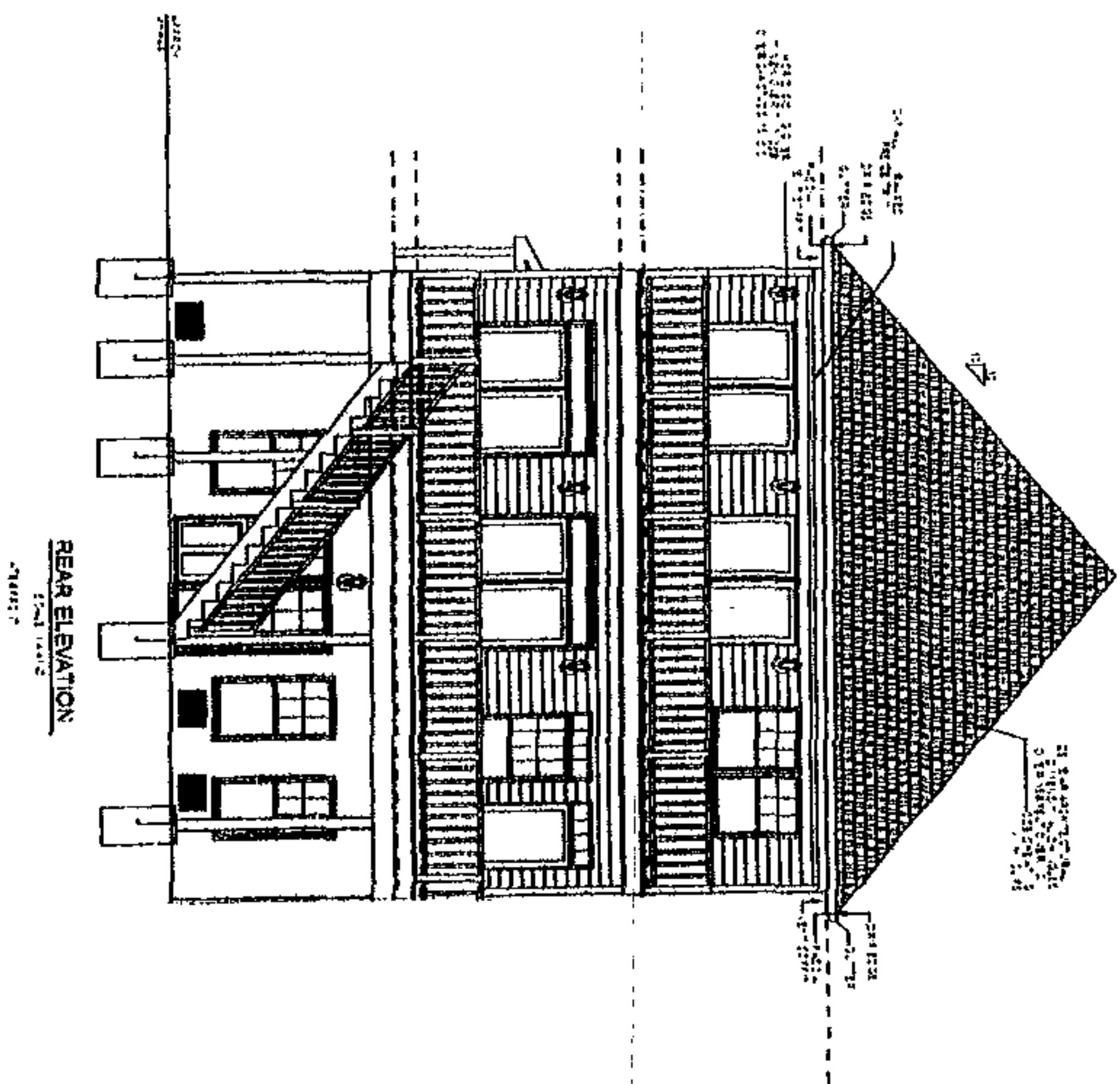
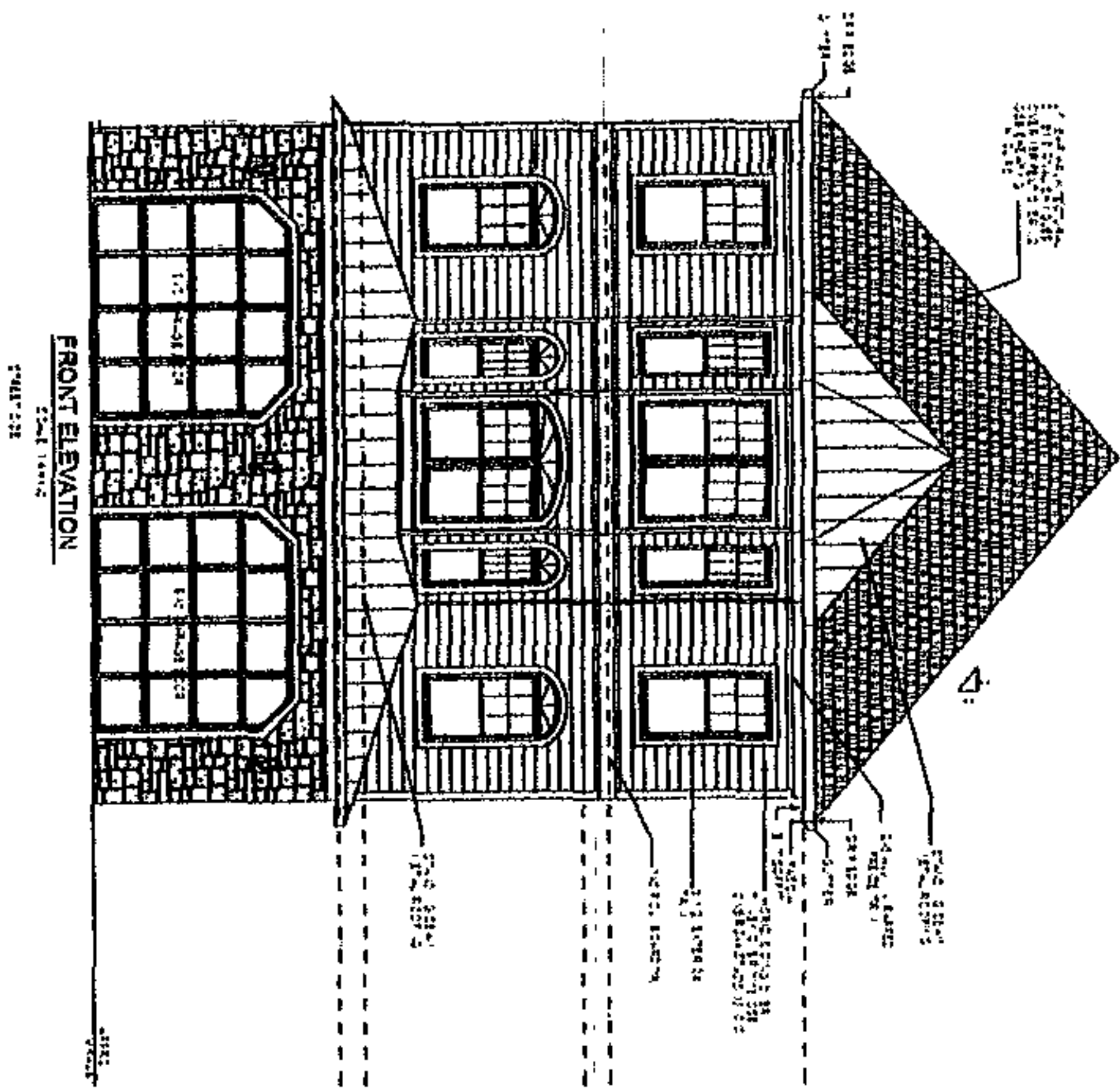
R.C.

NE-2L

SCALE 1" = 200'



1234 Burke Rd
05-594-A

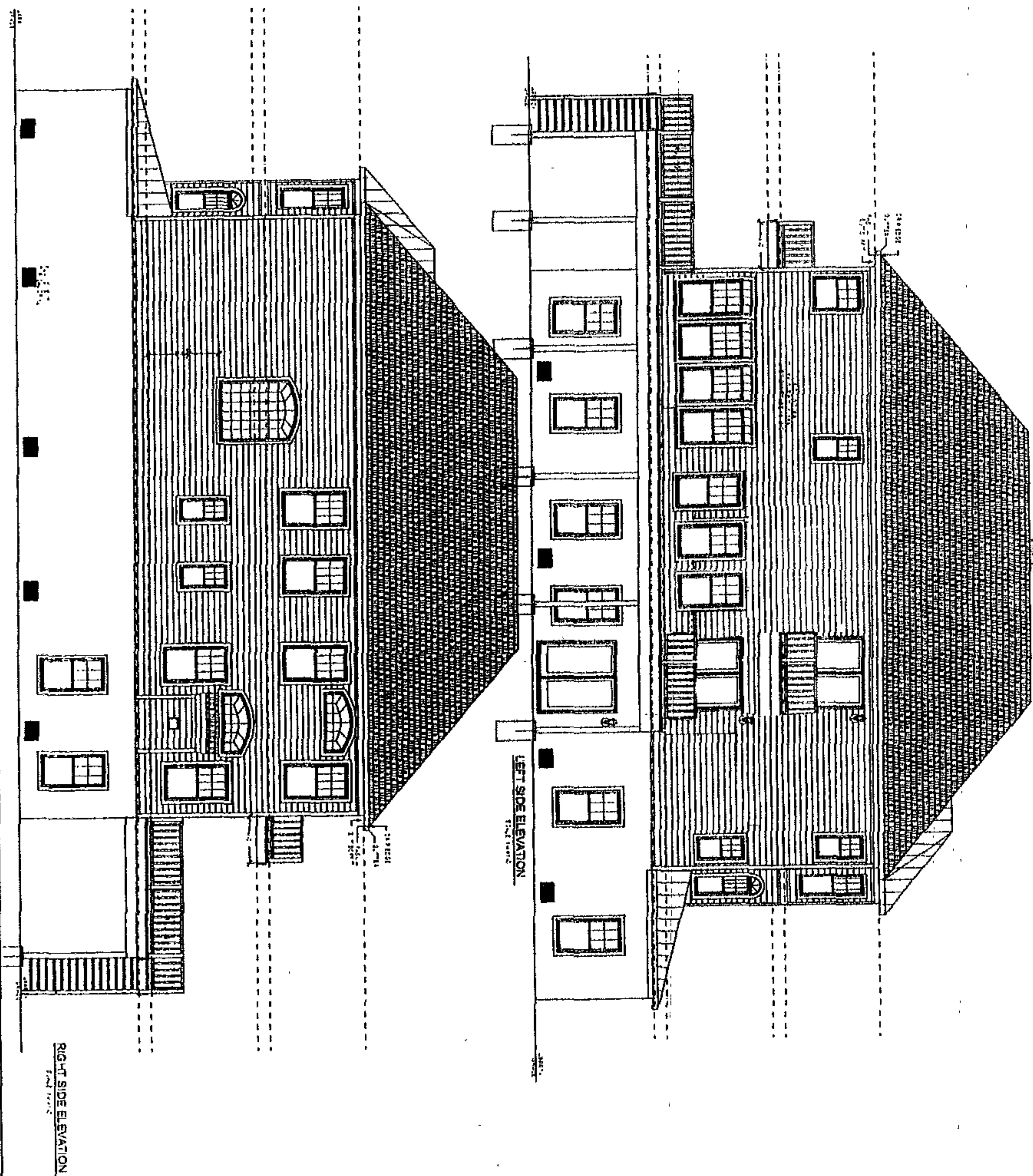


PETITIONER'S
EXHIBIT NO. 2

THE LEONARD P. FREDERICKSON	
SCALE 1/4" = 1'-0"	
DATE 9/2001	
SHEET NO 1 OF 5	
GBL CUSTOM HOME DESIGN INC. PO BOX 127 FARMINGTON, NH 03040 PHONE 603-825-8500	

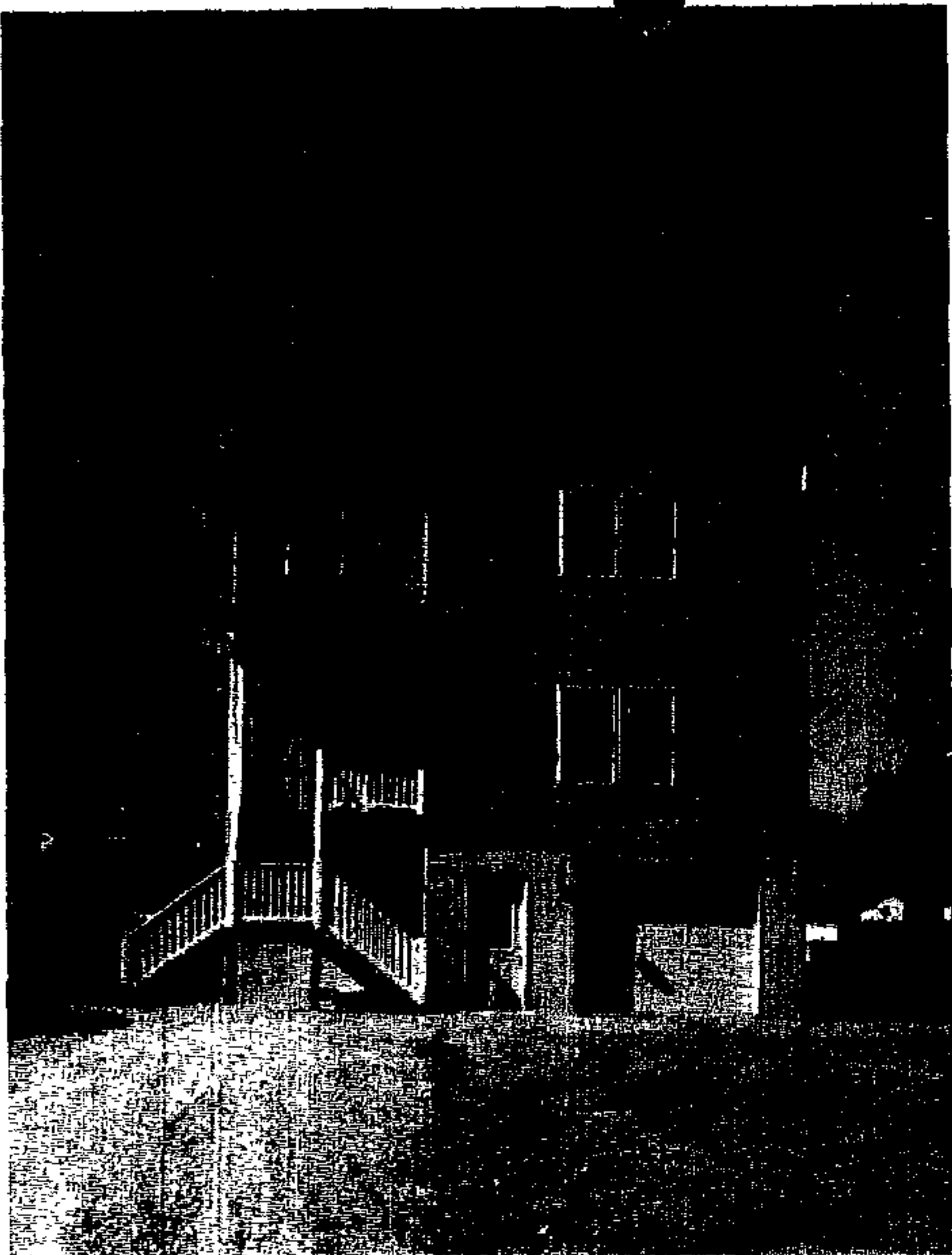
594

1234 Burke Rd
05-594A



THE LEONARD RESIDENCE	
SCALE: 1/4" = 1'-0"	
DATE: 9/2004	
SHEET NO: 2 OF 5	
GBL CUSTOM HOME DESIGN INC. P.O. BOX 227 PARKERSBURG, MD 21768 PHONE 410-322-8220	

594



1222 Burke Road (45+ feet)



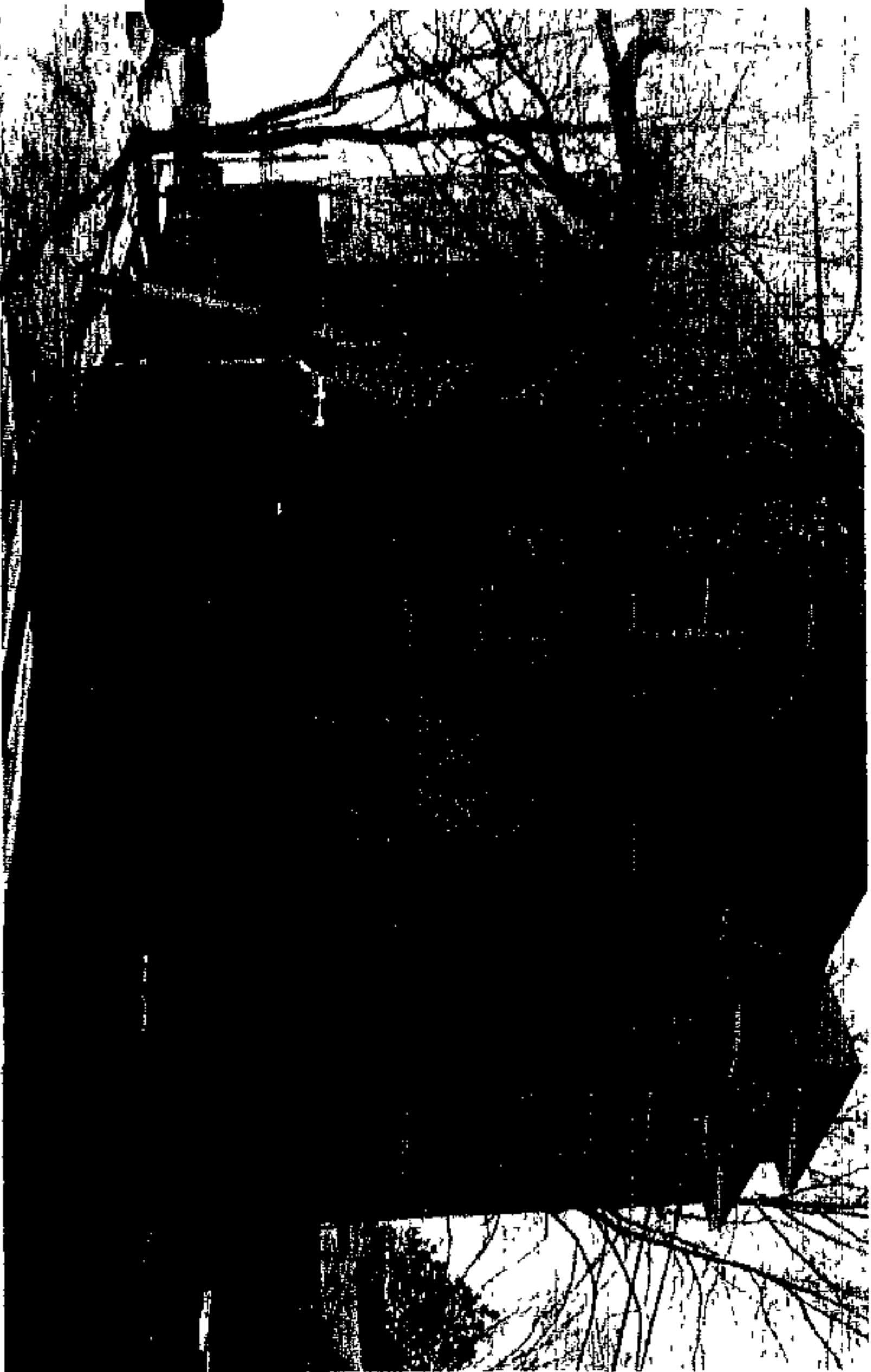
1226 Burke Road (45 feet)



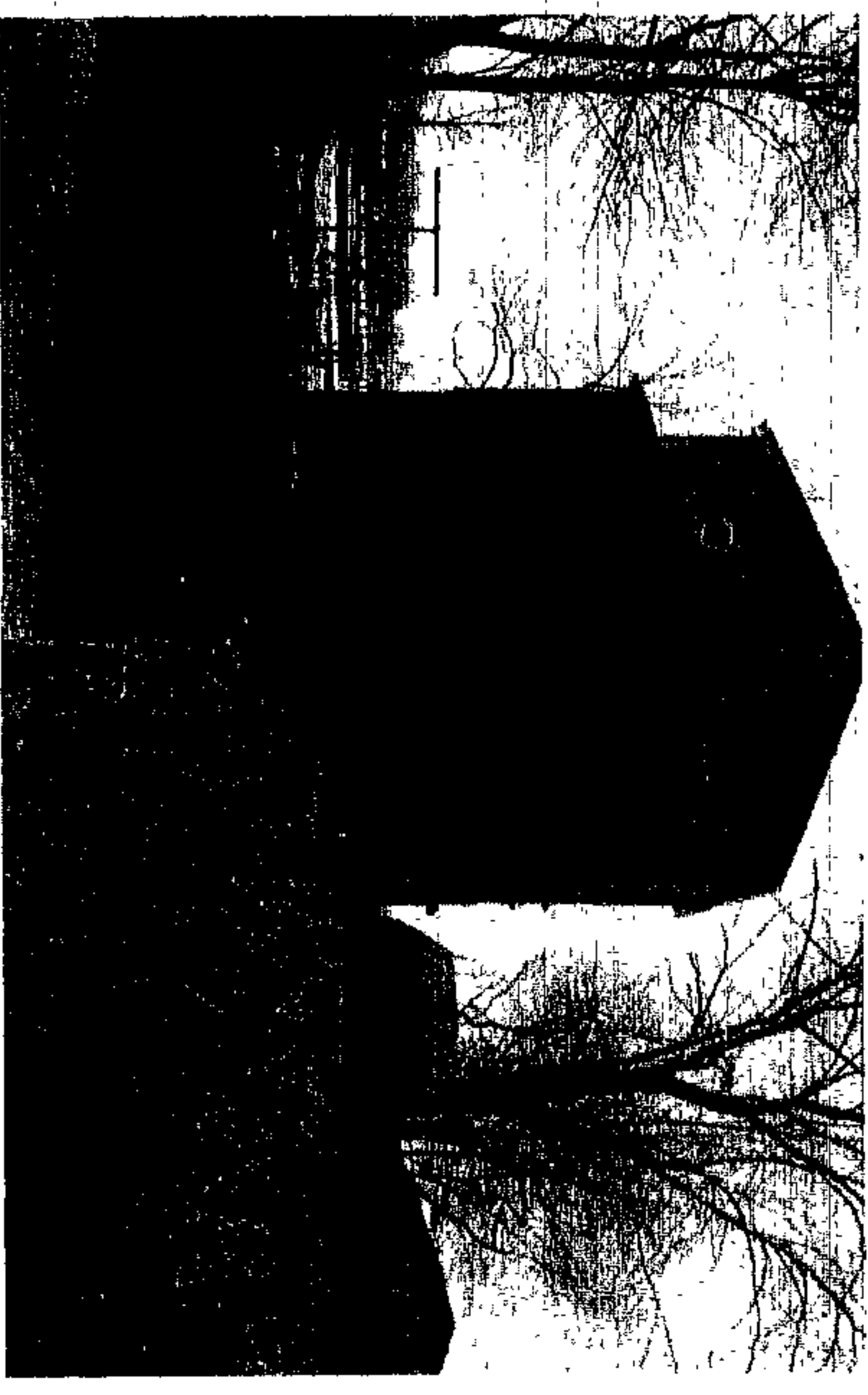
3520 Galloway (45+ feet)

PETITIONER' S

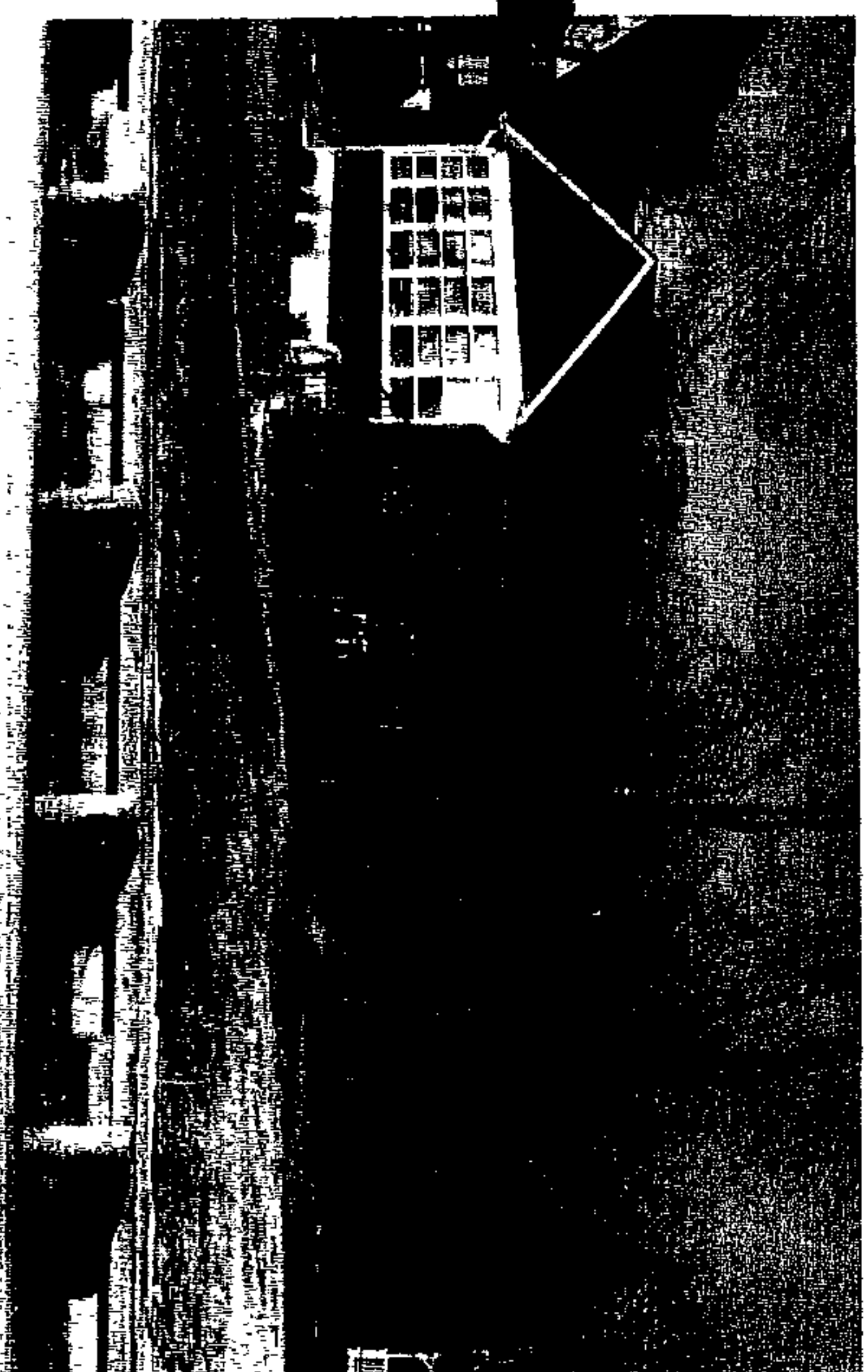
EXHIBIT NO. 3



1240 Burke (45 feet)



1238 Burke



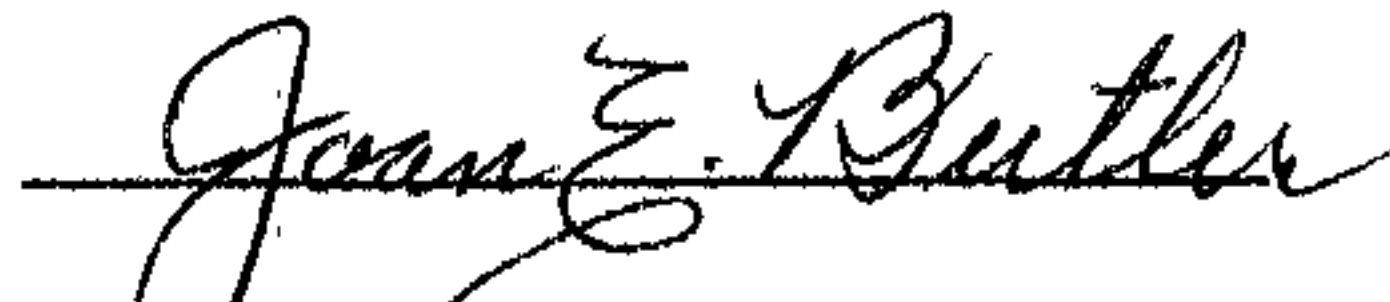
1234 Burke (to be elevated)

June 20, 2005

I have no objection to Craig & Tracie Leonard's request for a height variance for
1234 Burke Road.



John Butler
1232 Burke Road
Middle River, MD 21220



Joan Butler
1232 Burke Road
Middle River, MD 21220

PETITIONER' S

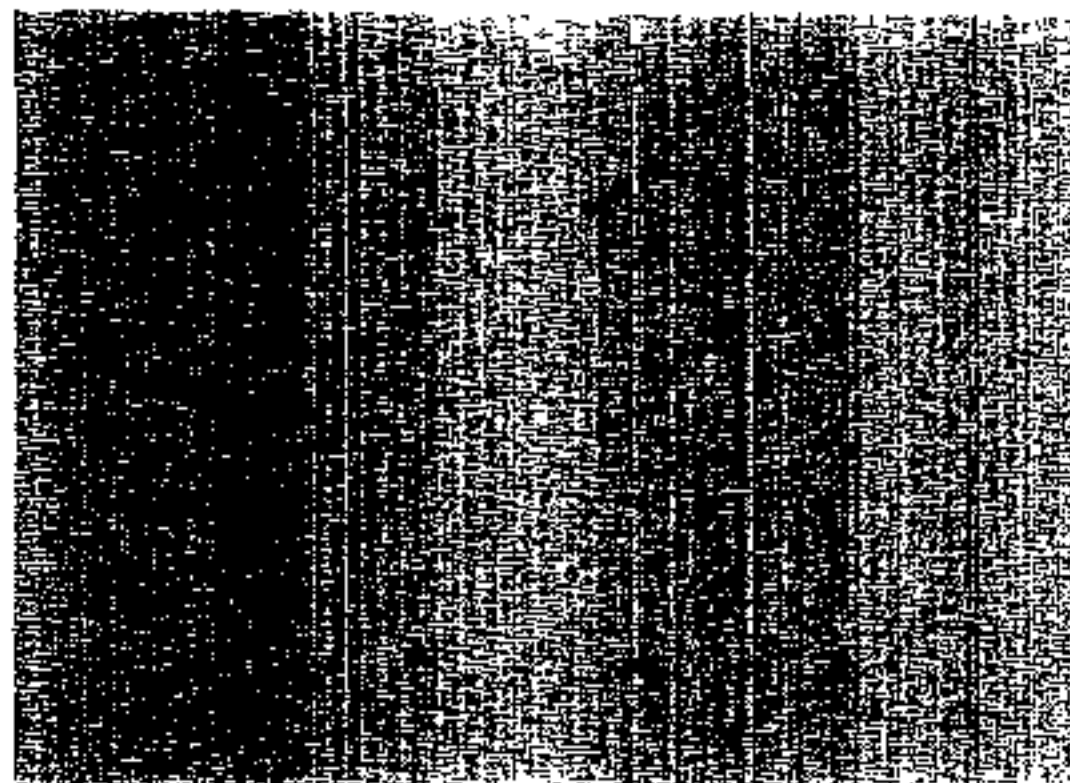
EXHIBIT NO.

4

For
Planning
Office Review
Case #
05-594A



Snowfield 00NN 72/000
Trim



Mountain Creek 70GG 38/059
Body



Lindy's Garden 90GG 17/082
Door

1234 Burke Rd

05-594-A