

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Burke Road, 653 ft. W
centerline of Holly Tree Road
15th Election District
6th Councilmanic District
(1602 Burke Road)

Deborah & David Janka
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-608-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Deborah and David Janka. The Petitioners are requesting variance relief for property located at 1602 Burke Road in the Phoenix area of Baltimore County. Variance relief is requested from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with 9 ft. side yard setbacks in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 28, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 13, 2005, a copy of which is attached hereto and made a part hereof.

In addition, a ZAC comment was received from the Office of Planning dated June 6, 2005,

a copy of which is attached hereto and made a part hereof. The Planning Office comment

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6/29/05
JLH

requested the Petitioner to provide photographs, elevations etc. which would become the basis of the Planning Office determination that the request meets the spirit and intent of the RC 5 legislation. The Petitioner subsequently provided this information and revised the construction material of the building to have vinyl siding on all sides as required by the RC 5 regulations. However, by letter dated July 20 2005 the Petitioner asked to be allowed to use brick or faux stone on the front of the building as he felt this would improve the design and be more compatible with the existing homes in the neighborhood. A revised comment from the Planning Office was received on July 27, 2005 indicating that the request with vinyl on all sides as amended meets the spirit and intent of the RC 5 regulations.

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.”

The Petitioners would like to have faux stone or brick on only the front of their home.

They indicate that they can not afford to have these materials over the entire home. They note that many other homes in the neighborhood have mixed materials. The Planning Office indicates that having the same material on all sides is required by the RC 5 regulation unless otherwise found by the Zoning Commissioner. From the evidence presented, I find that having

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[Signature]

a faux stone or brick front on the home would add to the community which has many such homes. Therefore, I will allow the Petitioners' request.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

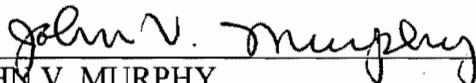
THEREFORE, IT IS ORDERED, this 29 day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with 9 ft. side yard setbacks in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments submitted by DEPRM dated June 13, 2005, a copy of which is attached hereto and made a part hereof;
3. The structure shall comply with the revised plan submitted to the Planning Office except that the front of the building may be either vinyl, brick or faux stone.

ORDER RECEIVED FOR FILING
7/29/05
Ray

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

JVM:raj

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7/29/05
By 

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

July ²⁹ 28, 2005

Mr. & Mrs. David Janka
39 Windemere Parkway
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 05-608-A
Property: 1602 Burke Road

Dear Mr. & Mrs. Janka:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has 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 dark ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



"ISABEL"

BCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1602 Burke Rd
which is presently zoned R.C.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3B.2b. 1A04.3B.5. (BCZR)

To permit a new dwelling with 9-foot side setbacks in lieu of the required 50-feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

David Janka
Name - Type or Print
[Signature]
Signature
39 Windemere Pkwy 410-817-4289
Address Telephone No.
Phoenix Md 21131
City State Zip Code

Attorney For Petitioner:

NA
Name - Type or Print

[Signature]
Signature
[Signature]
Company
[Signature]
Address Telephone No.
[Signature] State Zip Code

Legal Owner(s):

David Janka
Name - Type or Print
[Signature]
Signature
Deborah Janka
Name - Type or Print
[Signature]
Signature
39 Windemere Pkwy 410-817-4289
Address Telephone No.
Phoenix Md 21131
City State Zip Code

Representative to be Contacted:

David Janka
Name
39 Windemere Pkwy 443-710-9212
Address Telephone No.
Phoenix Md 21131
City State Zip Code

Public Hearing, having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-608-A

REV 10/25/01

Reviewed By D.T. Date 5/20/05

Estimated Posting Date 5/29/05

ACB

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 39 Windemere Pkwy
Address
Phoenix MD 21131
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- Rebuilding existing house due to Isabel damage
- Existing 24' wide house is dysfunctional
- Incorporating garage into house meets Department of Environments 25% coverage
- Building a wider house allows more use of the property
- A more "square" house is more economical to build and more energy efficient

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
David Janka
Name - Type or Print

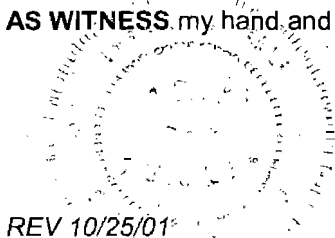
[Signature]
Signature
Deborah Janka
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
VERONICA HALL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 25, 2005

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
David Janka
Name - Type or Print

[Signature]
Signature
Deborah Janka
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires VERONICA HALL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 25, 2005

Zoning Description for **1602 BURKE ROAD**

Beginning at a point on the north side of Burke Road at a distance of 653-feet west to Holly Tree Road. Being Lot #170 in the subdivision known as "Bowleys Quarters" as recorded in Baltimore County Plat Book #7, Folio #12 containing 13,041 square feet. Also known as 1602 Burke Road located in the 15th Election District, 6th Councilmanic District.

05-608-A

CERTIFICATE OF POSTING

RE: Case No.: 05-608-A

Petitioner/Developer: DAVID

JANKA

Date of Hearing/Closing: 6/13/05

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:

1602 BURKE RD

The sign(s) were posted on 5/28/05
(Month, Day, Year)

Sincerely,

Robert Black 5/31/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

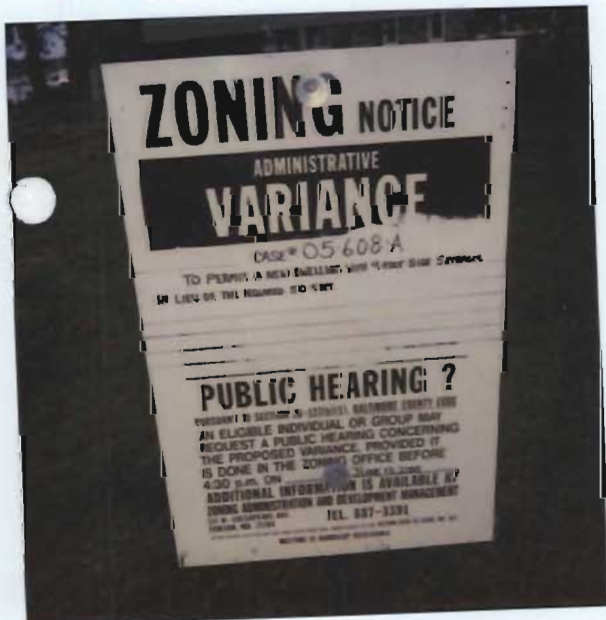
(Address)

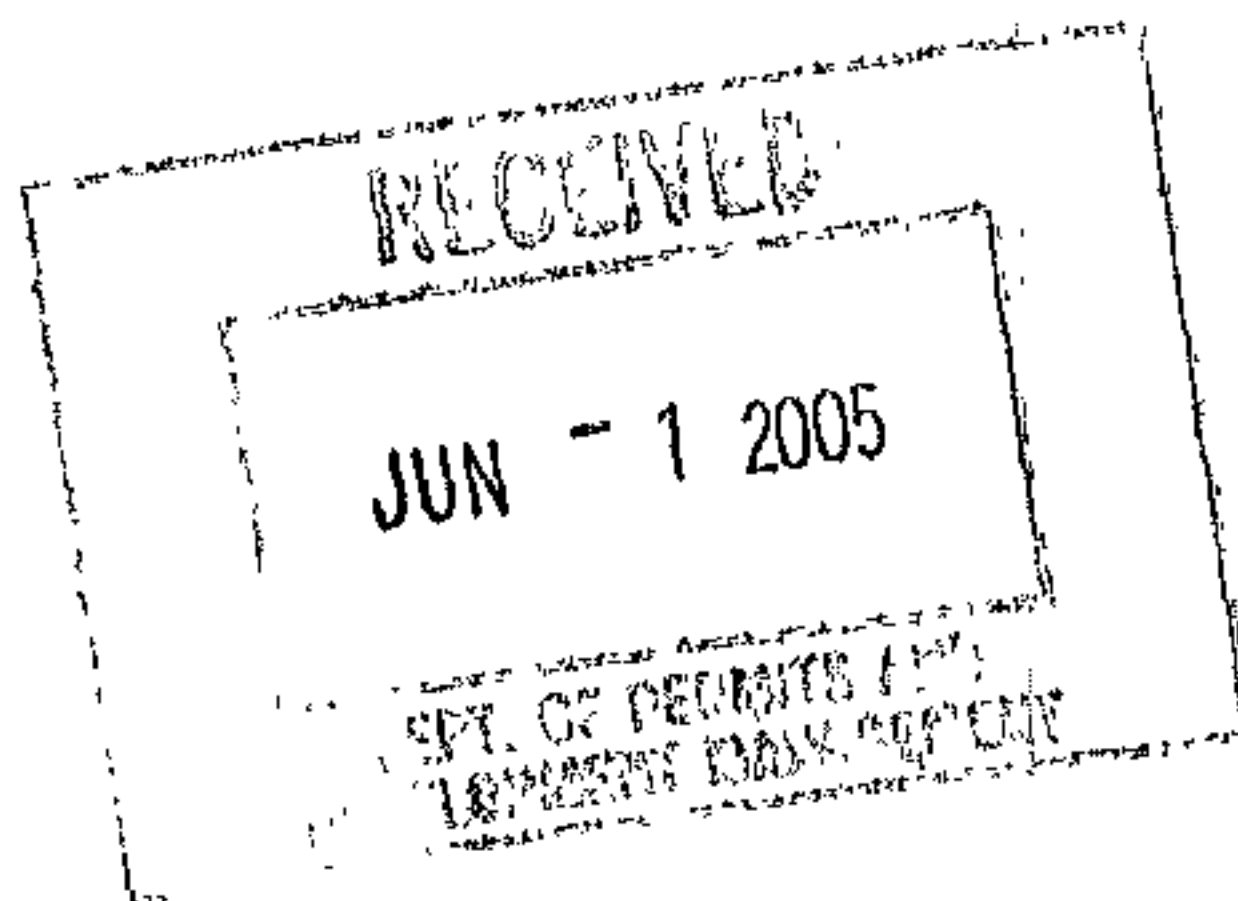
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 608 -A Address 1602 BURKE RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/20/05 Posting Date: 5/29/05 Closing Date: 6/13/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 608 -A Address 1602 BURKE RD.
Petitioner's Name JANKA Telephone 410-817-4289
Posting Date: 5/29/05 Closing Date: 6/13/05
Wording for Sign: To Permit A NEW DWELLING WITH 9-FOOT SIDE SETBACKS
IN LIEU OF THE REQUIRED 50-FEET.

WCR - Revised 6/25/04

**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: 05-608-A

Petitioner: JANKA

Address or Location: 1602 BURKE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. + MRS. DAVID JANKA

Address: 39 WINDEMERE PKWY.

PHOENIX, MD 21131

Telephone Number: 443-710-9212

**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 13, 2005

David Janka
Deborah Janka
39 Windemere Parkway
Phoenix, Maryland 21131

Dear Mr. and Mrs. Janka:

RE: Case Number: 05-608-A, 1602 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 20, 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

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



RECEIVED

BALTIMORE COUNTY, MARYLAND

JUL 08 2005

INTEROFFICE CORRESPONDENCE

RECEIVED ZONING COMMISSIONER

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

DATE: June 6, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2005
Item No. 608

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 11.2.

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.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 608-06062005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2005
RECEIVED

JUL 27 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-608- Amended Comments**

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing 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 subject request.

Prepared By:

Curtis P. Murray

Division Chief:

John L. Loeber

CM/LL

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7/29/05
[Signature]

JUL 08 2005

ZONING COMMISSIONER
RECEIVED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
JUL 08 2005

TO: Tim Kotroco
PDM

ZONING COMMISSIONER

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: June 13, 2005

SUBJECT: Zoning Item # 05-608
Address 1602 Burke Road

Zoning Advisory Committee Meeting of June 6, 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:

This property must comply with the Limited Development Area Regulations of Maximum Impervious Surface limits of 25%, or up to 31.25% with mitigation. Also, the property must comply with the Minimum Tree Cover Limit of 15%. Lastly, the property must comply with the Buffer Management Area Regulations (a new or rebuilt dwelling must not encroach into the 100-foot buffer from the Mean High Tide of Tidal Waters of the Chesapeake Bay).

Reviewer: Sue Farinetti, Martha Stauss

Date: June 13, 2005

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7/29/05
[Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 2005

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

SUBJECT: 1602 Burke Road

INFORMATION:

Item Number: 5-608

Petitioner: David Janka

Zoning: RC 5

Requested Action: Administrative Variance

RECEIVED
JUN - 7 2005
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

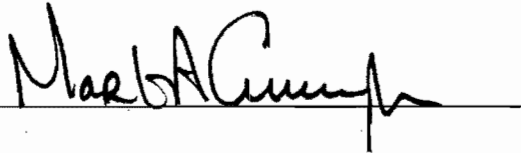
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of 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

RECEIVED

JUL 06 2005

ZONING COMMISSIONER

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

DATE: July 6, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2005
Item No. 608

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s). Please disregard our previous comments, dated June 6, 2005.

The flood protection elevation for this site is 11.2.

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-feet. Setbacks shall be modified accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 608-06062005.doc



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

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

Maryland Department of Transportation

Date: 6.3.05

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

RE: Baltimore County
Item No. 608 (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

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

June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **June 6, 2005**

Item No.: 595, **608-632**

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

Lieutenant J.D. Mezick
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



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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 13, 2005

Mr. & Mrs. David Janka
39 Windemere Parkway
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 05-608-A
Property: 1602 Burke Road

Dear Mr. & Mrs. Janka:

Please find enclosed herewith ZAC comments from the Bureau of Development Plans Review and the Department of Environmental Protection & Resource Management (DEPRM) for your review. These comments arrived recently and although I have no reason to believe you will object to any of these comments, please let me know in writing if you do object.

I have not heard from you or the Office of Planning since my June 23, 2005 letter to you. I am waiting to receive a revised comment from the Office of Planning after you submit the requested information to them.

Very truly yours,

A handwritten signature in dark ink that reads "John V. Murphy". The signature is fluid and cursive.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

June 23, 2005

Mr. & Mrs. David Janka
39 Windemere Parkway
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 05-608-A
Property: 1602 Burke Road

Dear Mr. & Mrs. Janka:

Your request for administrative variance has been given to me for review. I note that your property is zoned RC 5. These regulations have recently changed to require the Office of Planning to review the information given on their June 6, 2005 comment before the zoning case is considered. I am enclosing a copy of their Zoning Advisory Committee (ZAC) comments for your review and request that you provide the information requested by the Office of Planning who will then make their findings.

If you find compliance with this request too burdensome, I can set the case in for a public hearing.

Please let me know your intentions in writing at your convenience.

Very truly yours,

A handwritten signature in black ink that reads "John V. Murphy". The signature is fluid and cursive.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



RECEIVED

JUL 15 2005

ZONING COMMISSIONER

July 12, 2005

Zoning Commissioner
County Courts Building
401 Bosley Avenue
Suite 405
Towson, MD 21204
Attention: John V. Murphy

Re: Petition for Administrative Variance
Case No. 05-608-A
Property: 1602 Burke Road

Dear Mr. Murphy:

I am responding to your letter dated June 23, 2005. I will submit the requested information to the Office of Planning and will contact David Pinning by phone today.

This has been the most arduous process in my life. I have met with each agency to avoid the delays and I am back to square one. It has been three months since I tried to file a permit.

I need to file for the ICC additional cost of compliance and I am afraid time will run out. I really need some help and guidance.

Very frustrated.

I can be reached at 443-710-9212.

Sincerely,

A handwritten signature in dark ink, appearing to be "David Janka", written over a horizontal line.

David Janka

July 20, 2005

Zoning Commissioner
County Courts Building
401 Bosley Avenue
Suite 405
Towson, MD 21204
Attention: John V. Murphy

RECEIVED

JUL 20 2005

ZONING COMMISSIONER

Re: Petition for Administrative Variance
Case No. 05-608-A
Property: 1602 Burke Road

This is a replacement house from ISABEL damage

Dear Mr. Murphy:

I met with David Pinning and Curtis Murray on Monday, July 18th to review my submittal base on your letter dated June 23, 2005. I am resubmitting to Curtis Murray today.

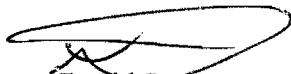
Mr. Pinning and Mr. Murray advised me that I could not have a brick or faux stone front elevation due to the new (May, 2004) RC-5 legislation, stating that all elevations must be of similar material.

I am appealing to you to allow me the opportunity to use the brick or faux stone as it will enhance the curb appeal of the community and the main reason that I did not submit for a permit last year was the extended time for resolution with the insurance claim and I also had met with the Zoning Department three different times trying to get accurate guidelines for construction.

I would appreciate your leniency in this matter.

Thank you.

Sincerely,



David Janka

Cc: Curtis J. Murray

IMPORTANT MESSAGEFOR DMDATE 7/18 TIME 2¹⁰ A.M.
P.M.M. David JankaOF Cell #PHONE 443-710-9212

AREA CODE

NUMBER

EXTENSION

☐ FAX☐ MOBILE

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Has met withDEPRM & Planning & isresponding to your recentletter. He is resubmittingnew plan.SIGNED RJFORM 3002P
MADE IN U.S.A.

DATE: 10/17/06
OEA: 1/15/07
HISTORIC DISTRICT/BLDG.

PERMIT #: 654048
RECEIPT #: 10/17/06
CONTROL #: 10/17/06
XREF #:

PROPERTY ADDRESS: 1602 Burke Rd
SUITE/SPACE/FLOOR: Bowleys Quarters
SUBDIV: 1519714240
TAX ACCOUNT #: 15
OWNER'S INFORMATION (LAST FIRST)
NAME: George and Adele DONALD
ADDR: 13 Country Hill Ct, Kingsville MD 21087

FEE: 175 + 5 =
PAID: 180.00
PAID BY:
INSPECTOR:
I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: Adele DONALD
COMPANY: DONALD EXCAVATING
STREET: 7831 PHILADELPHIA RD
CITY, ST, ZIP: ROSEVALE, MD 21237
PHONE #: 410 866-3701 MHIC # 03180625 MHBR # 52-1386617
APPLICANT SIGNATURE: Adele Donald DRC#
PLANS: CONST 3 PLOT 8 PLAT 0 DATA 0 EL 1 PL 1
TENANT:
CONTR: DONALD EXCAVATING, INC
ENGR:
SELLR:

TYPE OF IMPROVEMENT
1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY (ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☒ CONCRETE
BASEMENT
1. ☐ FULL
2. ☐ PARTIAL
3. ☒ NONE

DESCRIBE PROPOSED WORK:

CONST 571 - Lower level
unfin. - garage area + elevator, pre-fab
gas fireplace in great room + gas flp - 3rd level
in master bdrm. sitting area, residential office,
3rd level mstr. bdrm deck. var. OS-608-A GRANTED 7/29/05
3 bedrooms, rear cov'd porch, din. rm. bay,
mstr. bdrm. sitting area.

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT) ELER: 5 ft.
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT
20. ☐ SWIMMING POOL SPECIFY TYPE
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☐ GAS 3. ☐ ELECTRICITY
2. ☐ OIL 4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER EXISTS PROPOSED
2. ☐ PRIVATE SYSTEM
SEPTIC
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. ☐ 2. ☐
ESTIMATED COST: \$300,000
OF MATERIALS AND LABOR

1. ☒ PUBLIC SYSTEM EXISTS PROPOSED
2. ☐ PRIVATE SYSTEM EXISTS PROPOSED

PROPOSED USE:
EXISTING USE:

OWNERSHIP

1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED 3. ☐ SALE 4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. ☐ HIRISE

1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ☐ Y 2. ☐ N BATHROOMS 3
POWDER ROOMS 0 KITCHENS 1 CLASS 34
LIBER 09 FOLIO 12

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 5130 sf SIZE 13041 sf
WIDTH 36' FRONT STREET
DEPTH 35' SIDE STREET
HEIGHT 35'6" FRONT SETBK 90'
STORIES 3 SIDE SETBK 12'114"
LOT #'S 170 SIDE STR SETBK
CORNER LOT REAR SETBK 40'

1. ☐ YES 2. ☒ NO ZONING RC-3

APPROVAL SIGNATURES DATE
BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
ZONING : OK to file 10/17/06
PUB-SERV 11:1 OK to file 10/17/06
ENVRMT 12:46 OK to file 10/17/06
PLANNING 12:46 OK to file 10/17/06
PERMITS : 10/17/06

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Need sealed & detailed site plan
house not to scale - drawn to scale
Applicant states - there are no trees on property
RA01 - show small map
closest points
all 4 -
sides

098C1

NE 1-L

098C2

15 ED

6 CD

RC 5

P.B.009056

BOWLEYS
CLIFFS

Lot Number: 170
 Block/Section: -
 Plat Reference: Book: 7 Page: 12
 Title of Plat: Bowleys Quarter, Plat No. 1

Isabel Damage
 GALLOWAY CREEK

1" = 40'

As neighbor on lot
 171 (1604 Burke Rd)
 I approve the plans
 for a new 2 story
 dwelling.

Lot 171

Travis Christie

Dance
 shed

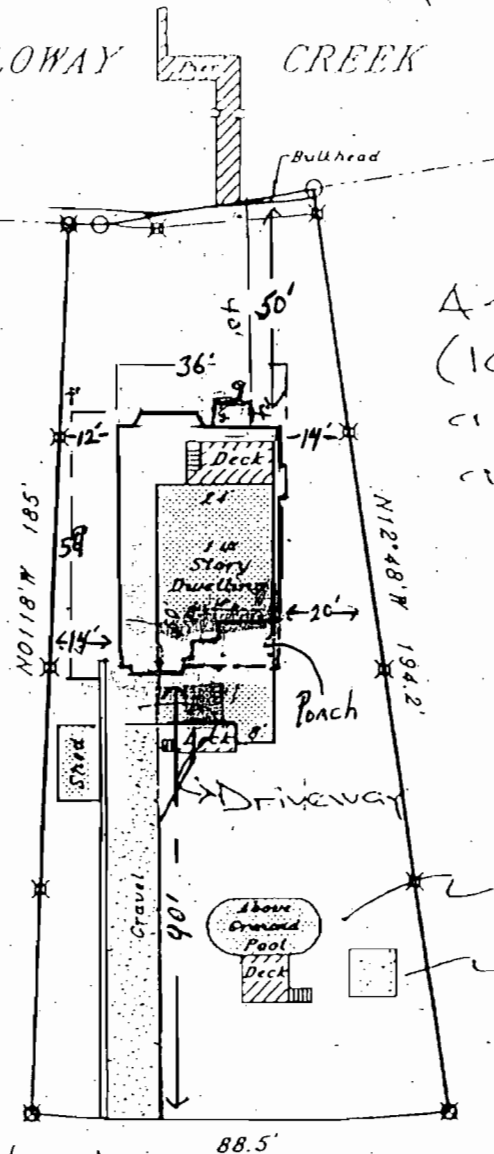
As neighbor on lot 169
 (1600 Burke Rd) I
 approve the plans for
 a new 2-story dwelling

Lot 169

Jerry W. Crockett
 Betty H. Crockett

Dance Pond & Deck

Dance concrete pad



David Linker Residence
 BURKE ROAD
 1602 Burke Rd

Plot #1
 Property lies in Flood Zone

insofar as it is
 any or its agent
 g or refinancing.
 ment or location
 her existing or
 report to reflect
 accuracy. The
 verification of
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4/17/00

ration

(Record)

Isabel Damage

GALLOWAY CREEK

As neighbor on lot 171 (1604 Burke Rd)
 I approve the plans for a new 2 story dwelling

Lot 171

Patricia Christie

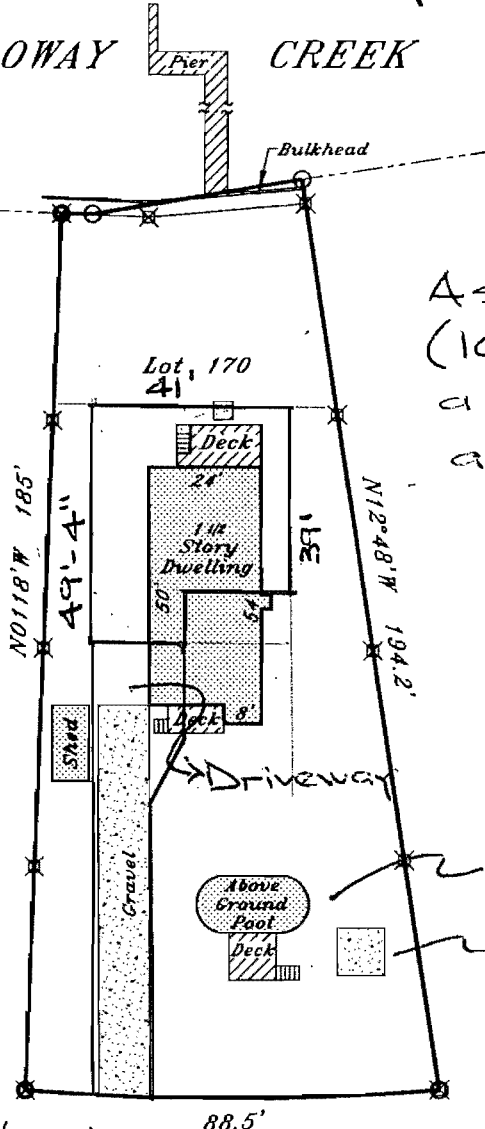
Demo Shed

As neighbor on lot 169 (1600 Burke Rd) I approve the plans for a new 2 story dwelling

Lot 169

Jerry W. Brown
 Betty H. Crowell

Demo Pool & Deck
 Demo concrete pad.



David Linka Residence
 BURKE ROAD
 1602 Burke Rd

Pat Ex #1

Property lies in Flood Zone A

Original site plan missing from file. D.T.

05-608-A

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land

4/17/00

poration
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xtondesign.com

00032

Isabel Damage

GALLOWAY CREEK

1" = 40'

As neighbor on lot 171 (1604 Burke Rd)
 I approve the plans for a new 2 story dwelling

Lot 171

Patricia Christie

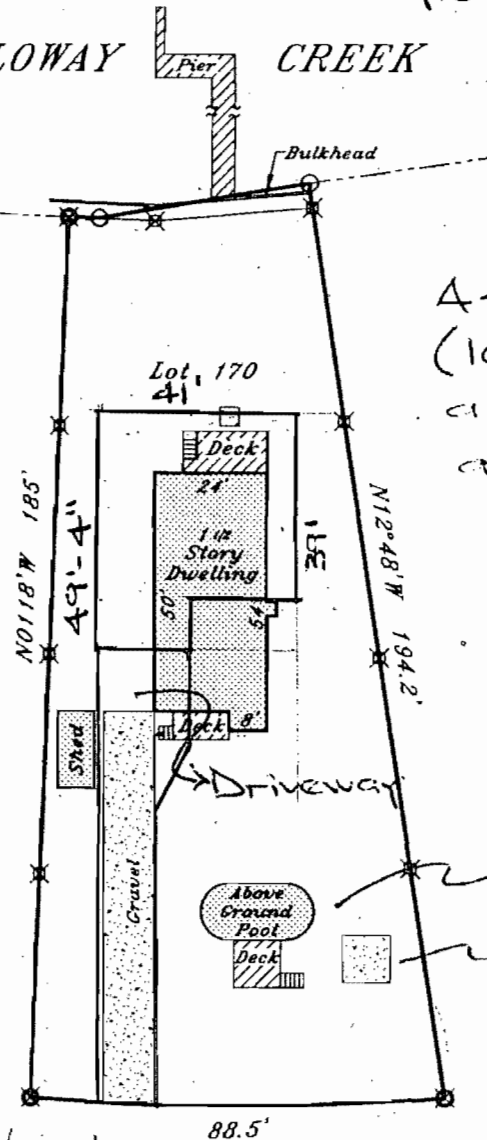
Demo Shed

As neighbor on lot 169 (1600 Burke Rd) I approve the plans for a new 2 story dwelling

Lot 169

Jerry W. Brown
 Betty H. Crowell

Demo Pool & Deck
 Demo concrete pad.



David Linka Residence
 BURKE ROAD
 1602 Burke Rd

Set #1
 Ex

Property lies in Flood Zone A

Original site plan missing from file. D.T.

05-608-A

7
 insofar as it is
 company or its agent
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(Record)

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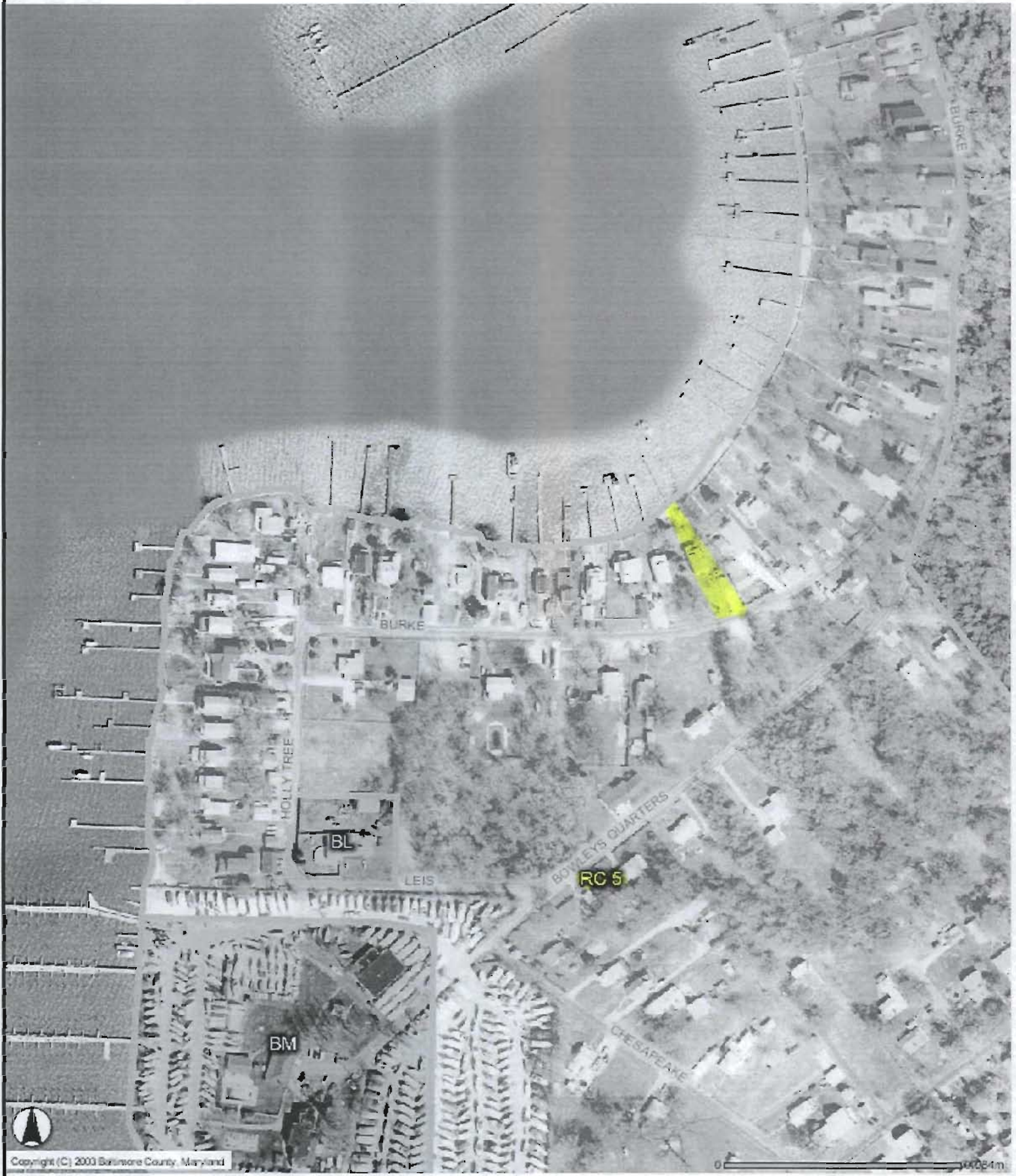
00032

1602 Burke Rd.



0 15 30 60 90 120 Feet

05-608-A





1602 Burke Rd

05-608-A



1602 Burke Rd

05-608-A



House across Burke Rd
(South)

05-608-A