

IN RE: **PETITION FOR ADMIN. VARIANCE**

E/S Burke Road, 800'N of the c/l

Cold Spring Lane

(1120 Burke Road)

15th Election District

6th Council District

Sally Lyston

Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-136-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 owner of the subject property, Sally Lyston. The Petitioner requests variance relief from Sections 1A04.3.B.2.b and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed addition, and to permit existing accessory structures (in-ground swimming pool, carport and garage/shed) to remain in the front yard in lieu of the required rear yard. 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.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

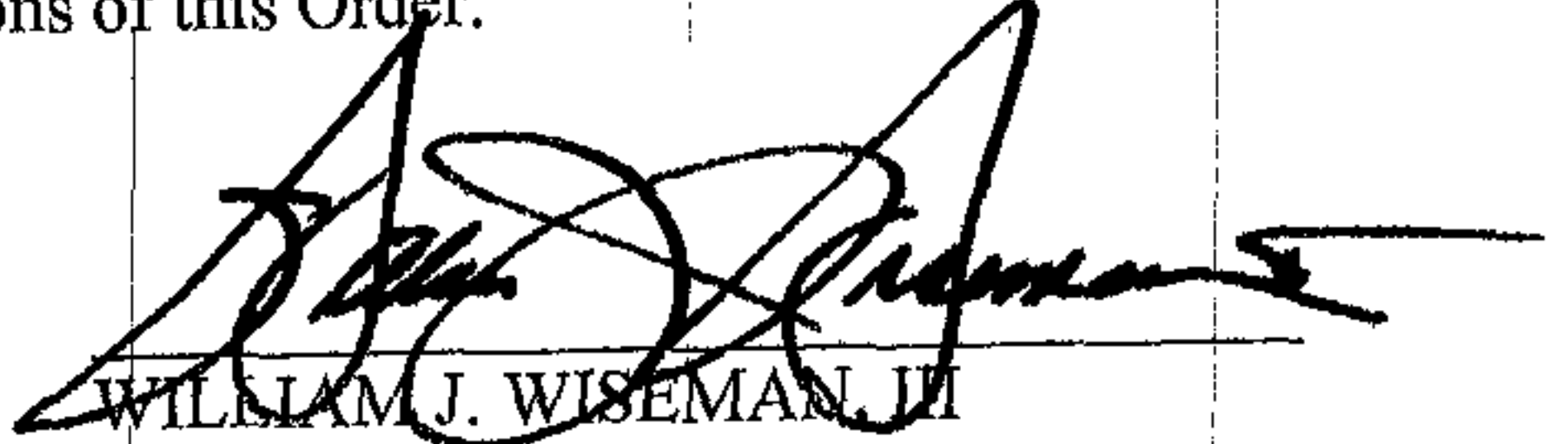
Date 10/28/05

By [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

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 Chesapeake Bay Critical Areas regulations. The proposed improvements must be built outside the 100-foot shoreline buffer and the overall impervious surface limit of 25% shall not be exceeded by the proposed construction.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 11/28/15
By [Signature]

CBEA AREA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1120 BURKE RD, BALTIMORE 21220
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.B.2.6 & 400.1; BCZR

TO PERMIT A SIDE SETBACK OF 25 FT. IN LIEU OF THE REQUIRED 50 FT FOR AN ADDITION AND TO PERMIT EXISTING ACCESSORY STRUCTURES (POOL, CARPORT & GARAGE) TO REMAIN IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

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.

Legal Owner(s):

SALLY LYSTON

Name - Type or Print

Signature

Name - Type or Print

Signature

1120 BURKE ROAD 410-335-8841
Address Telephone No.

BALTIMORE MD 21220-4414
City State Zip Code

Representative to be Contacted:

KITTY DALY, HBF PLUS ARCHITECTS

Name SUITE 118

1777 REISTERSTOWN RD. 410-486-0253
Address Telephone No.

BALTIMORE MD 21208
City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 9-2-05

Estimated Posting Date 9-11-05

CASE NO. 06-136-A

REV 10/25/01

ORDER RECEIVED FOR FILING

Date

10/28/05

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 1120 BURKE ROAD

Address

BALTIMORE

City

MD

State

21220-4418

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):

1. Existing conditions precede current zoning of RC5. The lot is too small to meet current setback requirements to accommodate any structure, therefore, current structures do not meet setback requirements. Request for variance is in part to bring the existing structures into conformance for setbacks and coverage.
2. Baltimore County considers the front of a property to be the side with the main entry. This is waterfront property. The main entry is on the road side and the existing garage and swimming pool have been built in the front. Request for variance is to bring the garage and pool into compliance.
3. An addition is necessary in order to provide first floor bedroom and bath so house remains usable as owners age.

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.

Sally Lyston
Signature

SALLY LYSTON

Name - Type or Print

Signature

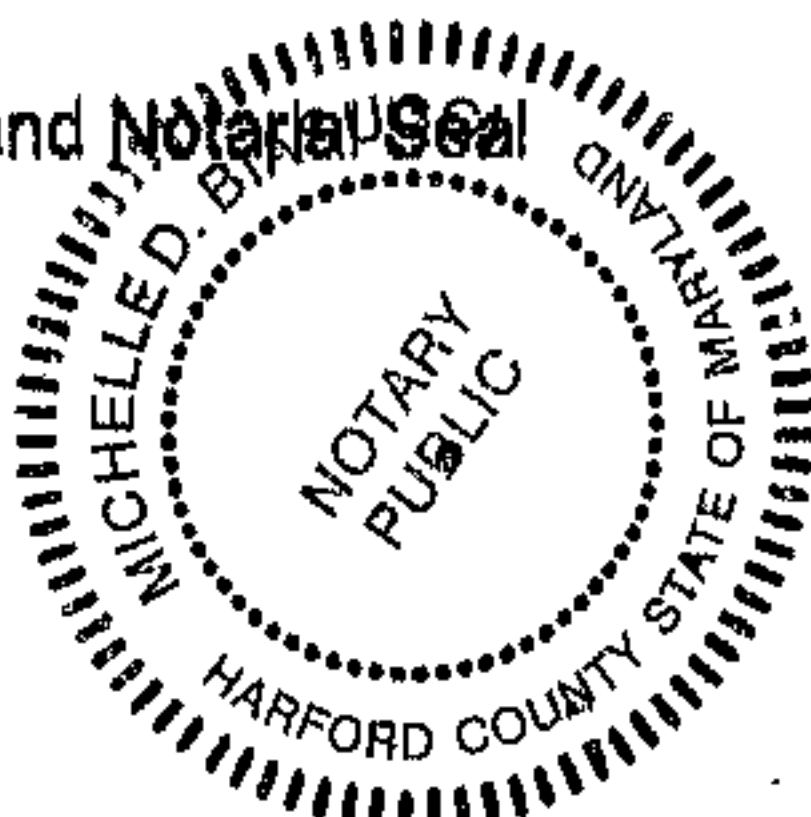
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notary Seal



Michelle D. Brasner
Notary Public

My Commission Expires

5/21/17

ZONING DESCRIPTION FOR: 1120 BURKE ROAD, BALTIMORE, MD 21220-4414,
FORMERLY KNOWN AS 413 BURKE ROAD

Beginning at a point on the East side of Burke Road which is 30 feet R/W wide at
the distance of 800ft. N of the centerline of the nearest improved
intersecting street COLO SPRING Rd. which is 30ft. wide.

Being Lot # 103, Block —, Section# — in the subdivision of
BOWLEY QUARTERS as recorded in Baltimore County Plat

Book WPC No.7, Folio 12, containing 17,475 SF. Also known as 1120 Burke Road,
formerly known as 413 Burke Road, and located in the 15th Election District,
6th Councilmanic District.

136

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449420

DATE 9-2-05

ACCOUNT 2001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM S. GYSDEN

W20
Bucke Rd.

FOR AD VAR.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Paid Receipt

BUSINESS ADDRESS
2001-006-6150

DATE 9-2-05

AMOUNT \$ 65.00

RECEIVED FROM S. GYSDEN

W20
Bucke Rd.

FOR AD VAR.

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-136-A

Petitioner/Developer: SALLY LYSTON

Date Of Hearing/Closing: 9/26/05

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

Attention:

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
at 1120 BURKE ROAD

This sign(s) were posted on September 11, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 9/11/05
(Signature of sign Poster and Date)

Martin Ogle

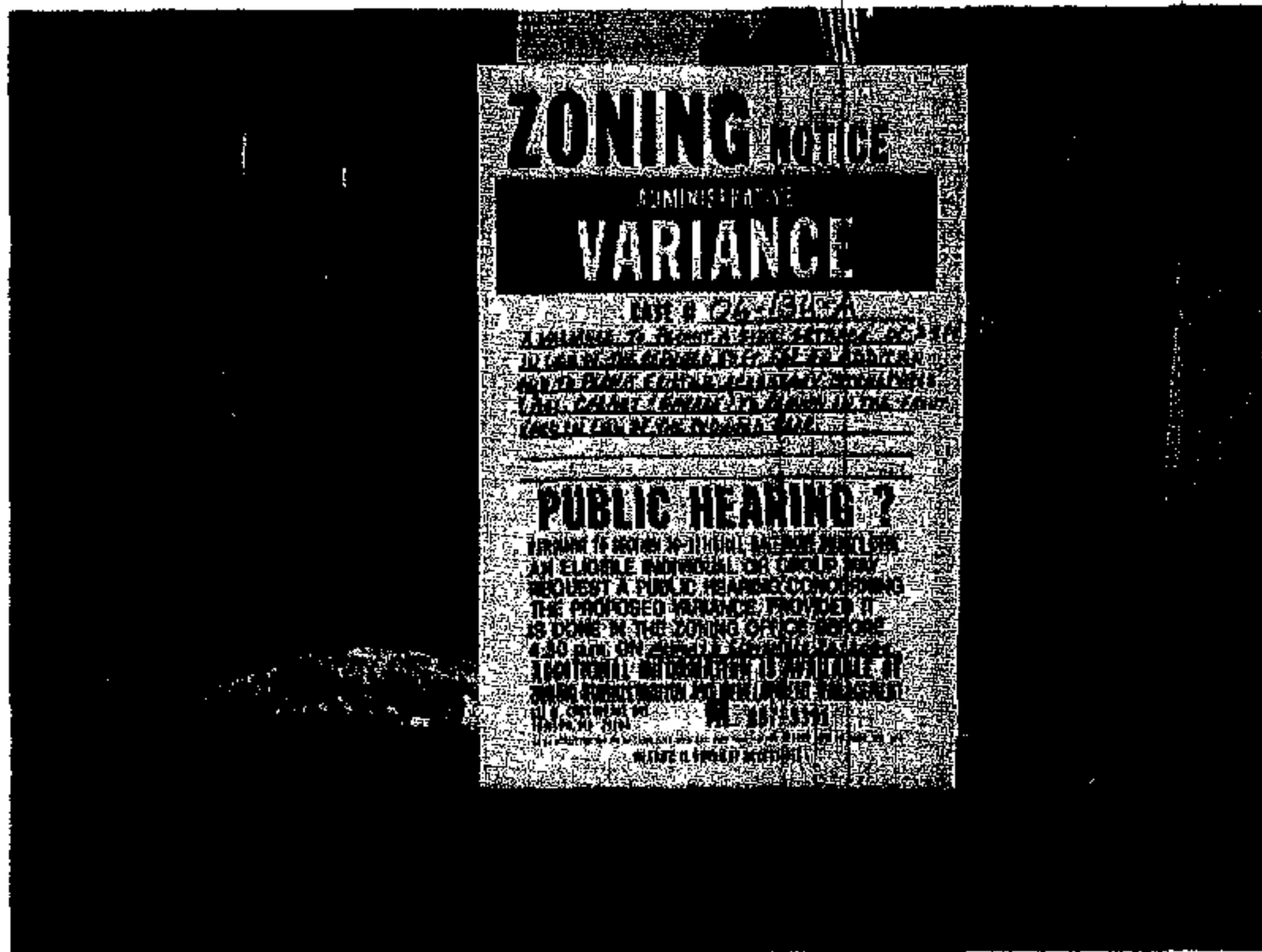
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Master Ogle September 11, 2005

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 136 -A Address 1120 BURKE Rd.

Contact Person: J. MERLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-2-05 Posting Date: 9-11-05 Closing Date: 9-26-05

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 06- 136 -A Address 413 BURKE Rd.
Petitioner's Name SALLY LYSTON Telephone 410-335-8841
Posting Date: 9-11-05 Closing Date: 9-26-05
Wording for Sign: A VARIANCE
TO PERMIT A SIDE SETBACK OF 25ft. IN LIEU OF
THE REQUIRED 50ft. FOR AN ADDITION AND TO PERMIT
EXISTING ACCESSORY STRUCTURES (POOL, CARPORT & GARAGE) TO
REMAIN IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR.

WCR - Revised 6/25/04

**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*

September 26, 2005

Sally Lyston
1120 Burke Road
Baltimore, Maryland 21220

Dear Ms. Lyston:

RE: Case Number: 06-136-A, 1120 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 2, 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 a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Kitty Daly HFB Plus Architects 1777 Reisterstown Road, Ste. 118 Baltimore 21208

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



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

September 13, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of September 19, 2005

Item No. 126, 128, 129, 130, 132, 133, 136, and 137.

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

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 19, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For September 26, 2005
Item No. 136

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-feet. Show the right-of-way for Burke Road, centered on existing 30-foot right-of-way. Adjust the setback accordingly.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 136-09192005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2005

RECEIVED

SEP 27 2005

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

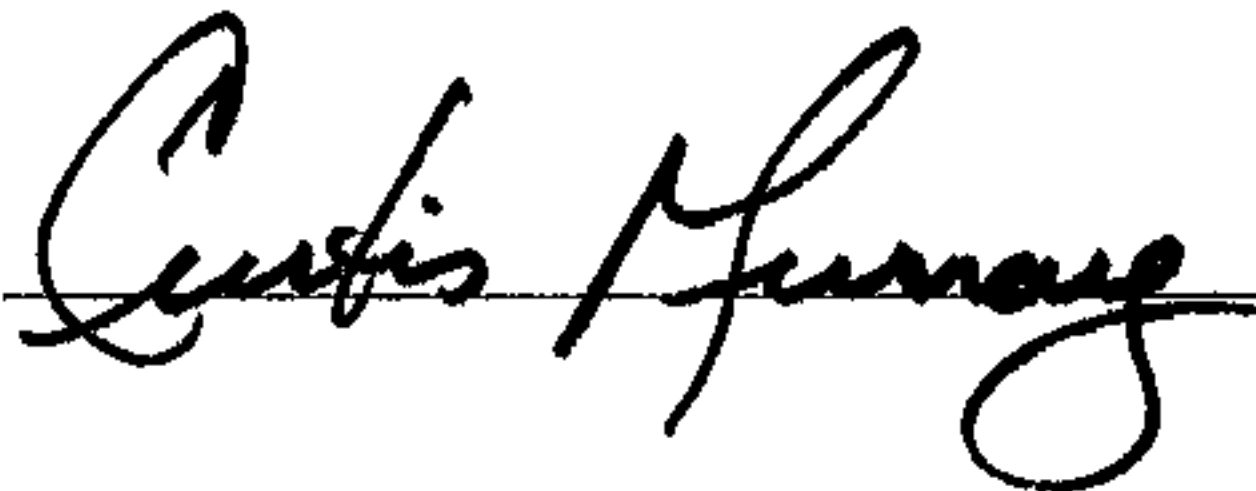
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-136 Administrative Variance**

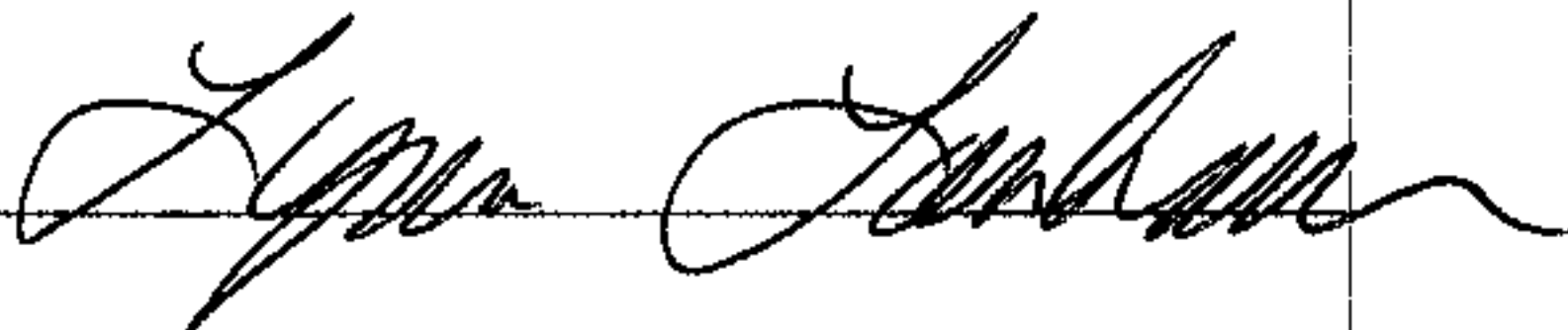
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date:

9.13.05

RE:

Baltimore County
Item No. 131

JCM

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

From: Glenn Shaffer
To: Bill Wiseman
Date: 10/28/2005 3:51:25 PM
Subject: Zoning Petitions 06-136 & 06-121

Mr. Wiseman,
Pat Farr asked me to get you comments on these two petitions today.

For 06-136 on 1120 Burke Rd, DEPRM has no objections to the requested zoning variance provided the addition and deck are built out of the 100 foot shoreline buffer as proposed, and the overall impervious surface limit of 25% is not exceeded by constructing the addition.

For 06-121 on 8047 Edgewater Ave., DEPRM has no objections provided the garage is built out of the 100 shoreline buffer as proposed, and the overall impervious surface limit of 15% is not exceeded by constructing the detached garage.

Let me know if you need anything else on this.

Glenn Shaffer

CC: Bruce Seeley; Patricia Farr

Bette Schuhmann - Administrative Variance Case No. 06-136-A

From: Bette Schuhmann
To: Seeley, Bruce
Subject: Administrative Variance Case No. 06-136-A

Good Morning, Bruce - At your earliest convenience, would you please forward to me your comments on the above-captioned case? The property is waterfront and thus, is subject to CBCA requirements. Thanks!

Design Reach

HBF plus
ARCHITECTS

1777 Reisterstown Road, Suite 395, Baltimore, Maryland 21208



VIEW FROM REAR OF SUBJECT PROPERTY TO WATER

LOT 104
1124

SUBJECT
PROPERTY
LOT 103
1120

LOT 102
1118

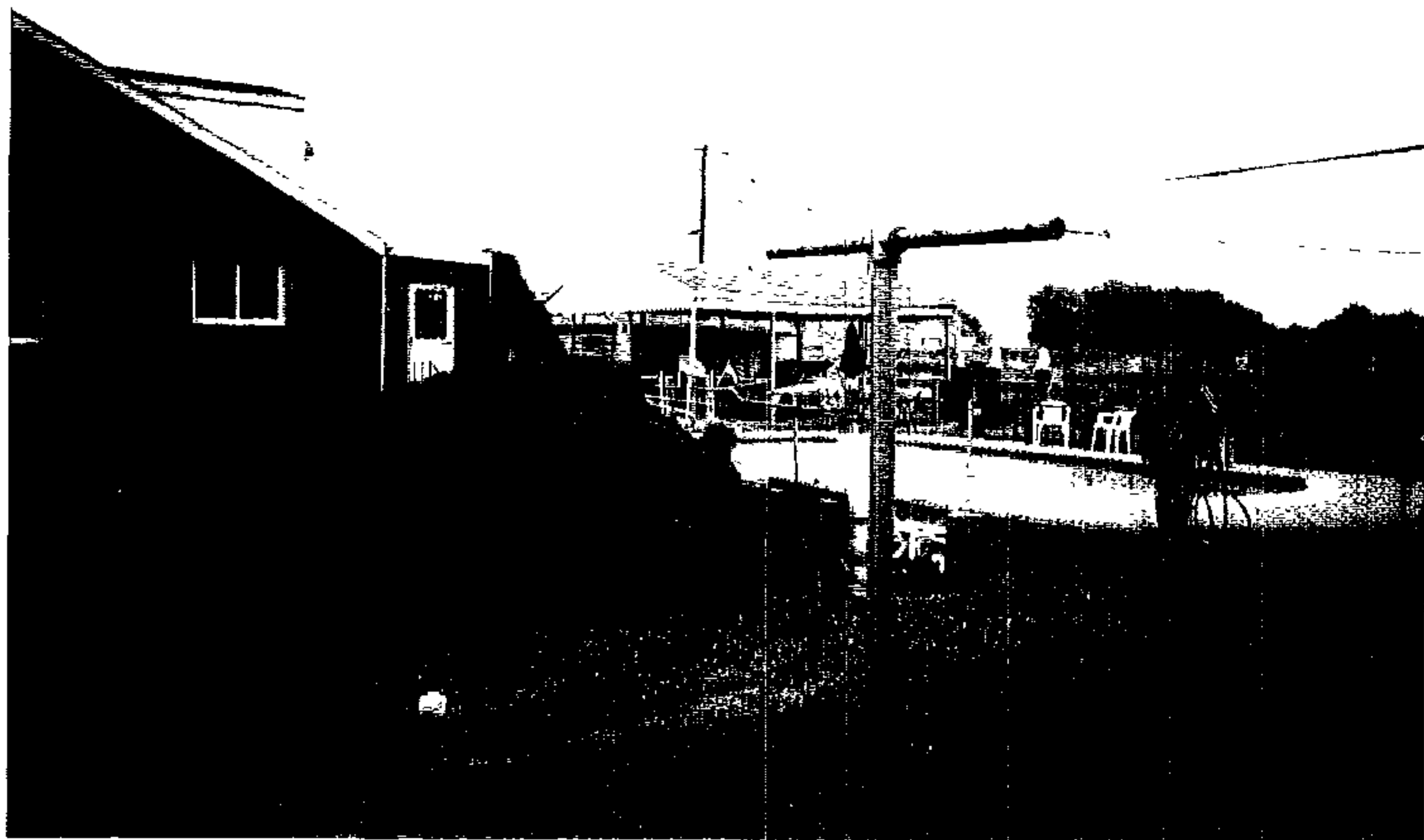


LOT 104
1124

SUBJECT
PROPERTY
LOT 103
1120

LOT 102
1118





LOT 104

1124

SUBJECT
PROPERTY



SUBJECT
PROPERTY

LOT 102
1118





SUBJECT
PROPERTY
#1120

LOT 102
#1118

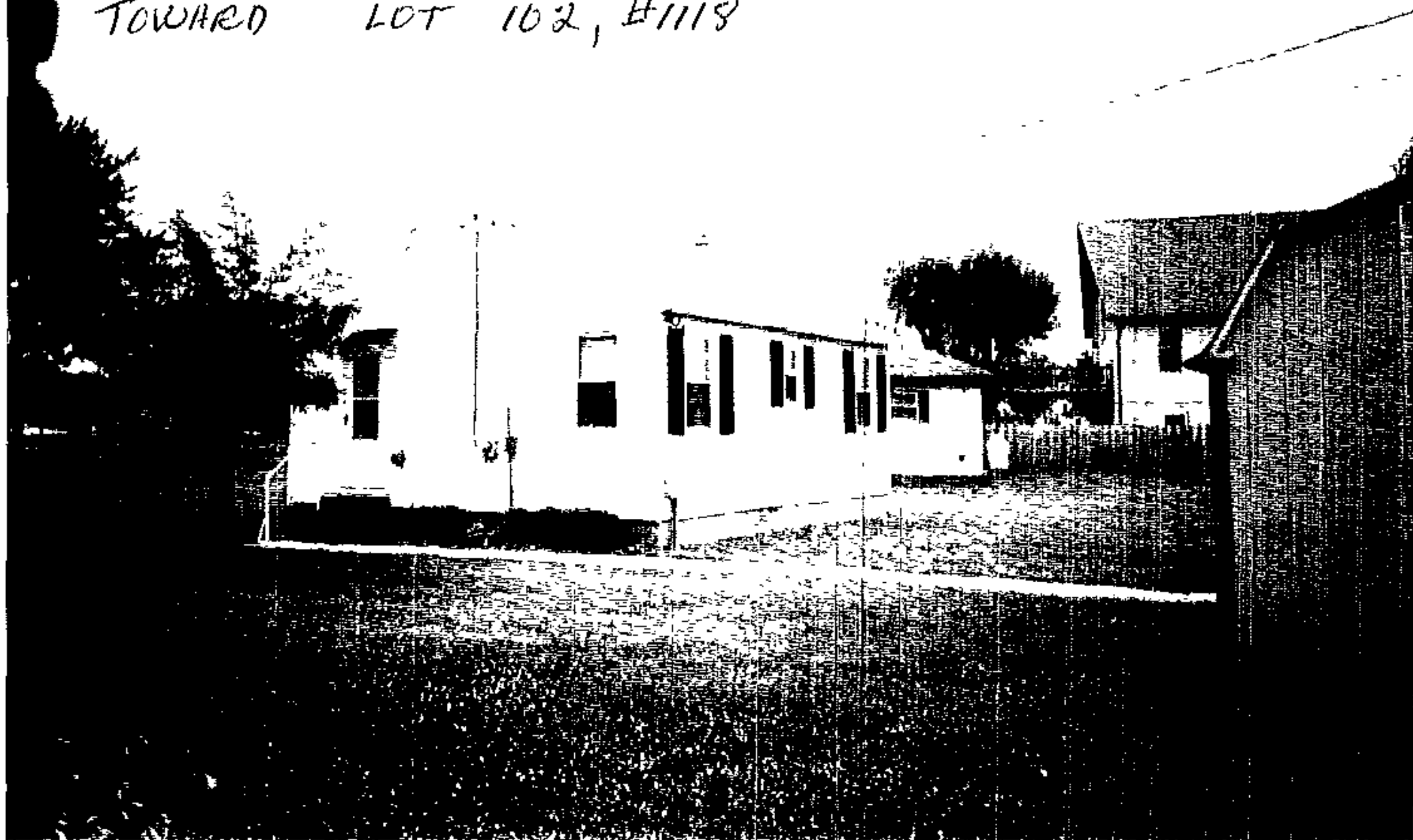
LOT 104
#1124

VIEW FROM WATER SIDE

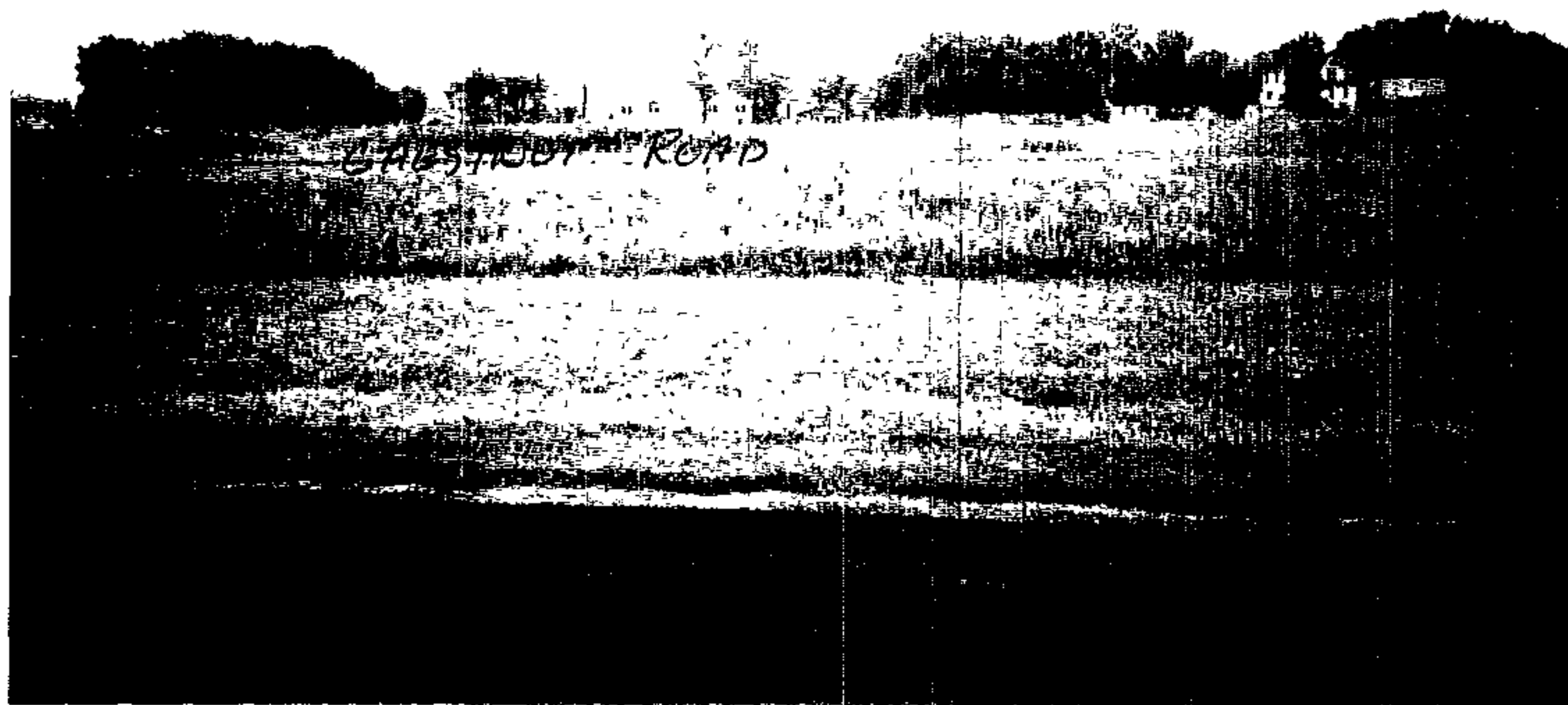
VIEW FROM REAR CORNER OF SUBJECT PROPERTY
TOWARD LOT 104, #1124



VIEW FROM FRONT CORNER OF SUBJECT PROPERTY
TOWARD LOT 102, #1118



VIEW FROM SUBJECT PROPERTY ACROSS BURKE ROAD



Plat to accompany Petition for Zoning

☒ Variance

☐ Special Hearing

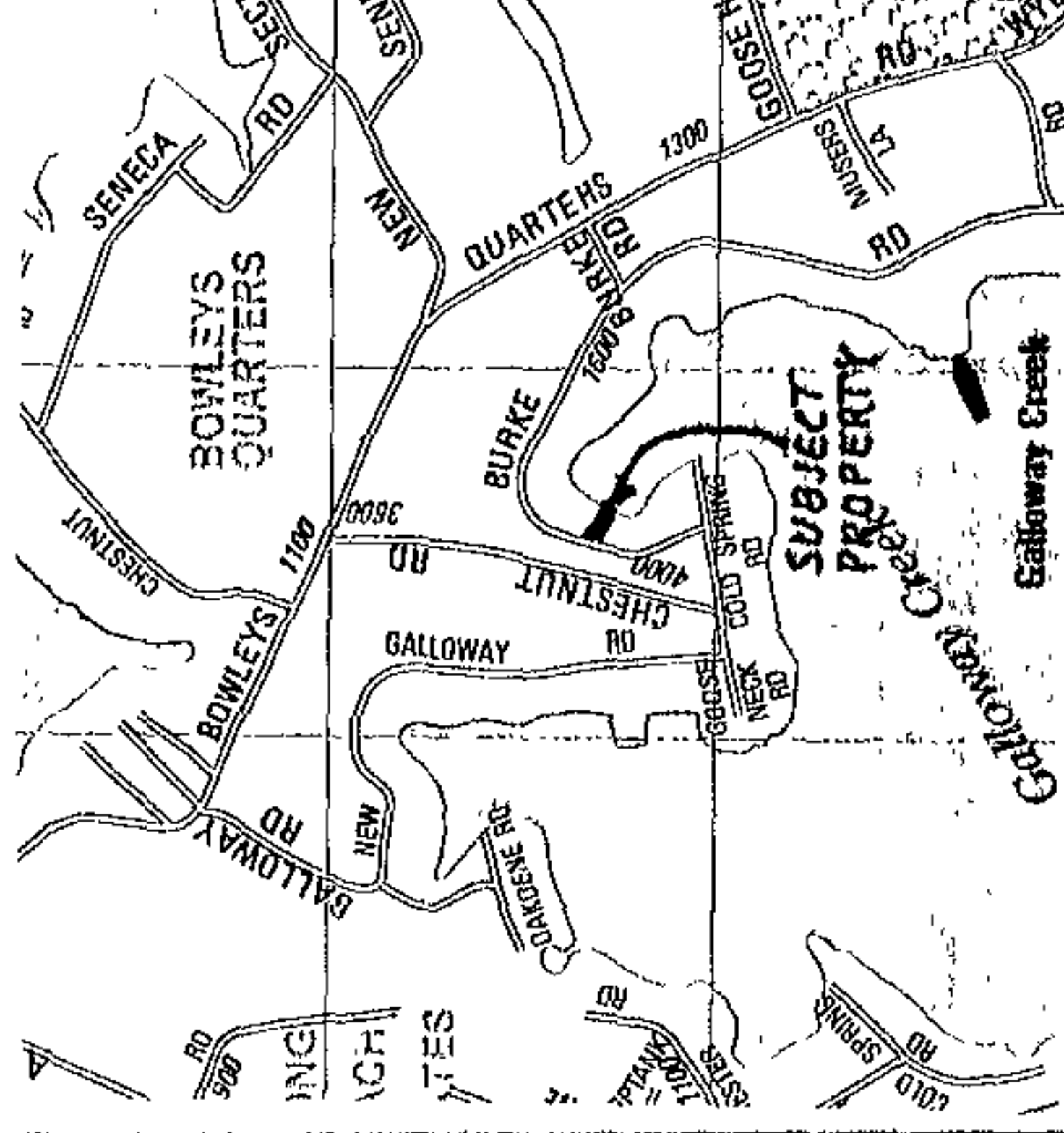
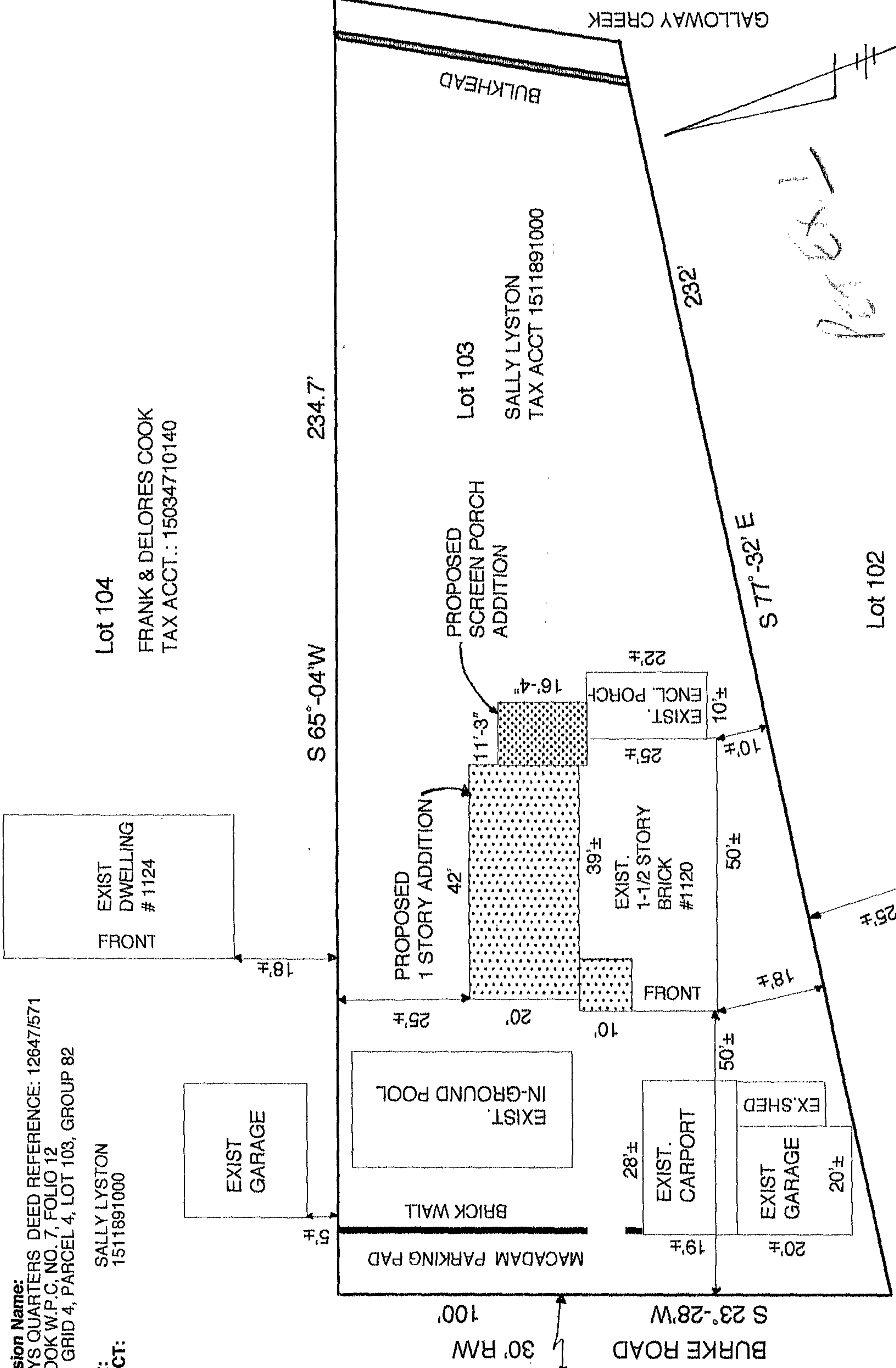
PROPERTY ADDRESS: 1120 BURKE ROAD, BALTIMORE, MD 21220-4414. FORMERLY KNOWN AS 413 BURKE ROAD

Subdivision Name:
BOWLEYS QUARTERS DEED REFERENCE: 12647/571
PLAT BOOK W.P.C. NO. 7, FOLIO 12
MAP 98, GRID 4, PARCEL 4, LOT 103, GROUP 82

OWNER:
TAX ACCT: SALLY LYSTON
1511891000

Lot 104
FRANK & DELORES COOK
TAX ACCT.: 15034710140

MAP 98, GRID 4, PARCEL 8 CHARLES RITTER TAX ACCT: 1518350990
ZONED RC-20, AGRICULTURAL USE, NO DWELLING



Vicinity Map
scale: 1" = 1000'

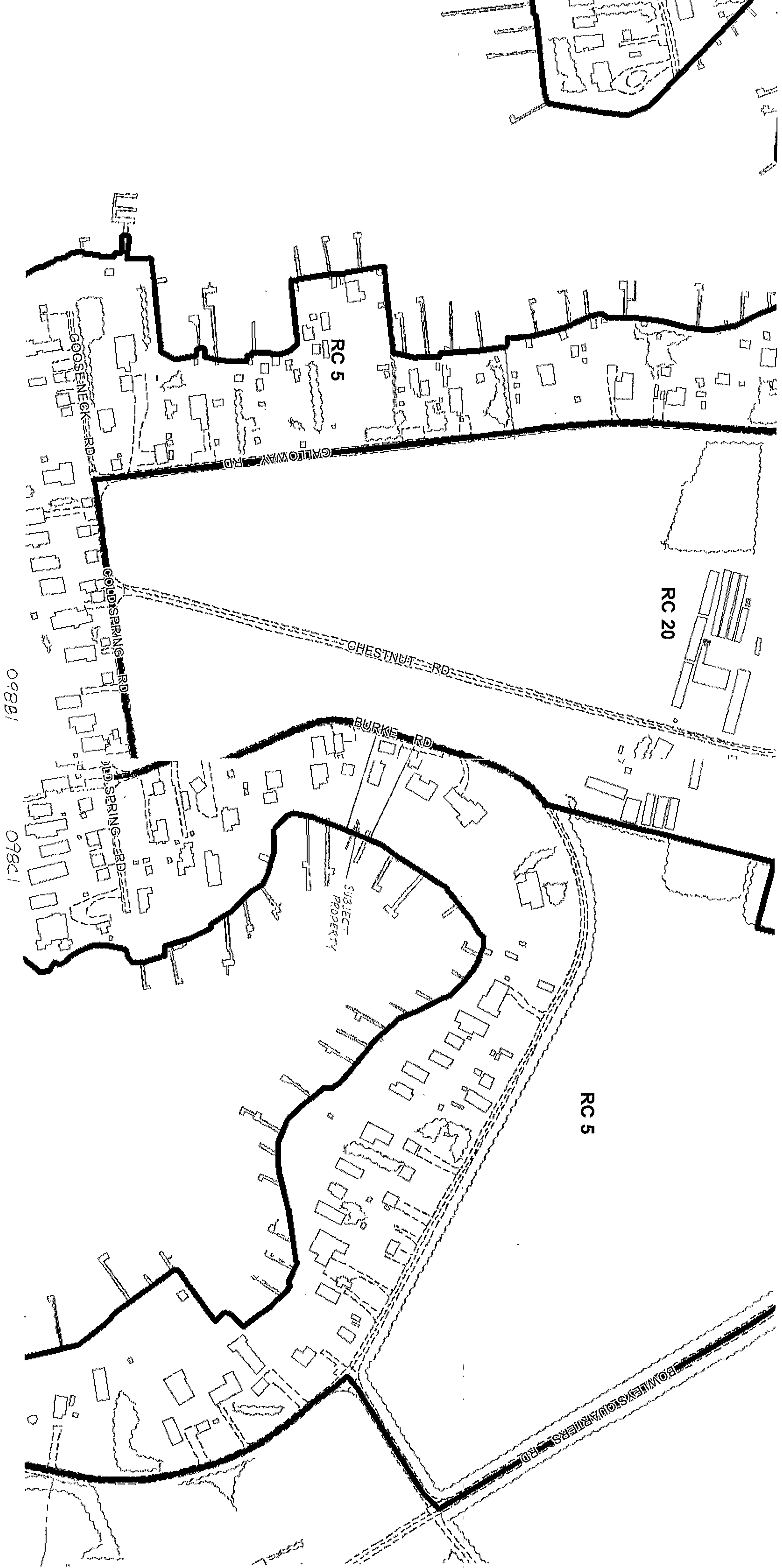
LOCATION INFORMATION

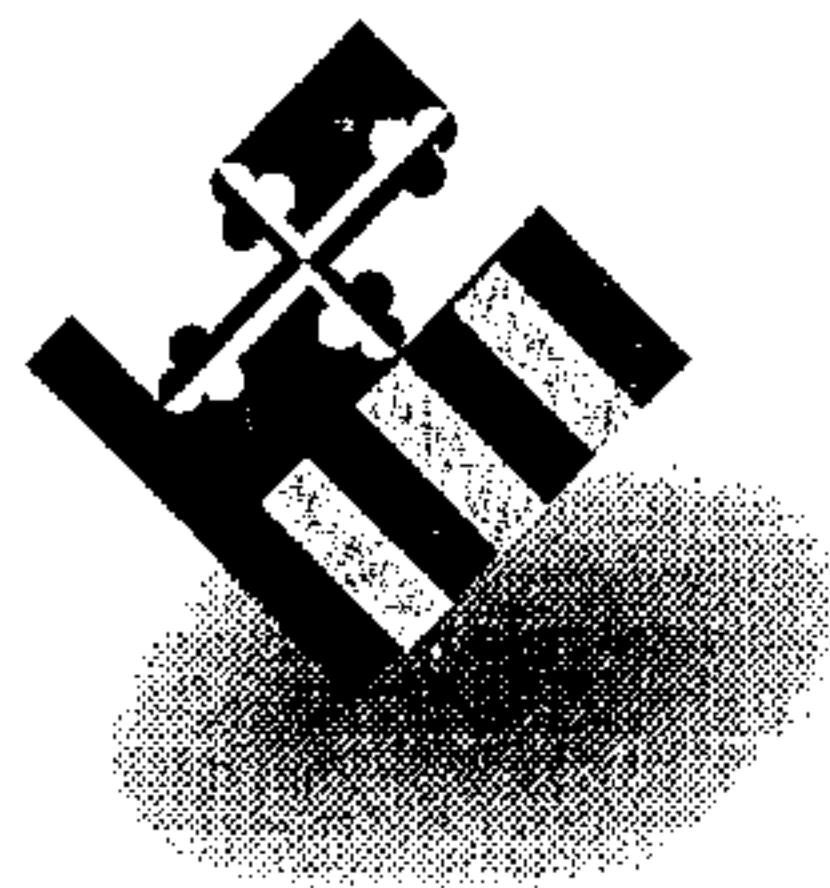
Councilmanic District: 6
Election District: 15
1"=200' scale map#: 098B1 & 098C1
Zoning: RC5
Lot Size: .4 Acres 17,475 SF
Sewer: Public
Water: Public
Chesapeake Bay Critical Area: Yes
100 Year Flood Plain: Yes
Historic Poperty/Building: No
Prior Zoning Hearings: None

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE #:

NOTE: LOCATION PLAN BASED ON
LOCATION CERTIFICATION PREPARED
BY MANK & KUNST
8/31/04

SCALE: 1" = 20'
DATE: 8/30/05
PREPARED BY: HBF PLUS ARCHITECTS





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 28, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Ms. Sally Lyston
1120 Burke Road
Baltimore, Maryland 21220-4414

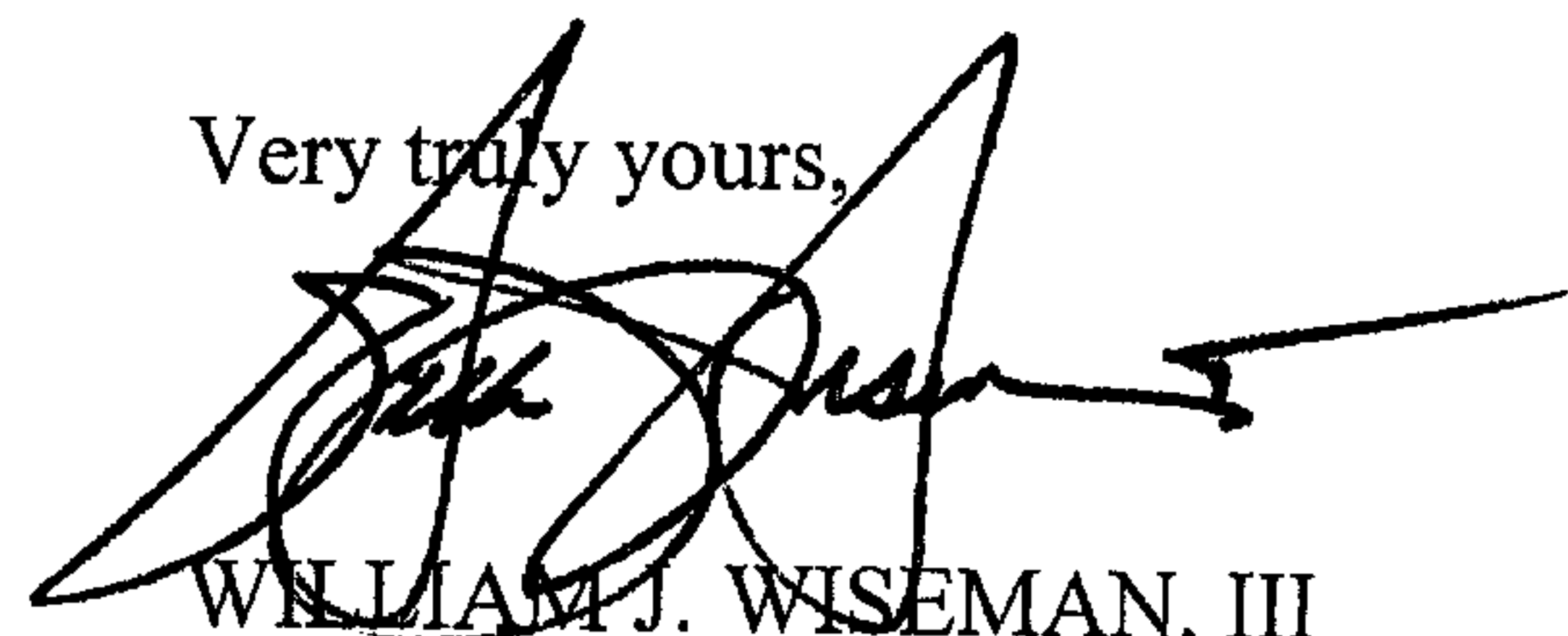
RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Burke Road, 800' N of the c/l Cold Spring Lane
(1120 Burke Road)
15th Election District – 7th Council District
Sally Lyston - Petitioner
Case No. 06-136-A

Dear Ms. Lyston:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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: Ms. Kitty Daly, HBF Plus Architects
1777 Reisterstown Road, Suite 118, Baltimore, Md. 21208
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case/File