IN RE: PETITION FOR ADMIN. VARIANCE S/S Burke Road, 1030' NW of the c/l

Bowleys Quarters Road (1214 Burke Road)

15th Election District 6th Council District

Milton R. Bell, et ux Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-461-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Milton R. Bell and his wife, Patricia E. Bell. The Petitioner requests variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 25 feet in lieu of the maximum allowed 15 feet. 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 Petitioners have 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.

Date 5-25 - Christing

Based upon the evidence contained therein, I am persuaded to grant the requested relief. As shown on the site plan, the Petitioners propose to construct a 26' x 32' detached garage in the rear yard, with a height of 25 feet. The proposed structure will meet all setback requirements, but for the height. In this regard, the site plan shows that the property is a waterfront lot located with frontage on Galloway Creek in Bowleys Quarters. It was indicated that the property is located within Flood Zone A, which has a minimum flood elevation level of 11.5 feet, and that as a result, the Petitioners are unable to store personal items under the existing house. Thus, the Petitioners propose to utilize the additional height above the garage to provide an "attic" storage area. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. In this regard, it was indicated that the height of the proposed structure is consistent with others in the neighborhood. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, due to the property's waterfront location and its location within a floodplain, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, in accordance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division of the Department of Permits and Development Management, copies of which are attached hereto and made a part hereof.

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 25th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 25 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with 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. See attached comments from the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review division of DPDM.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

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

Zoning Commissioner for Baltimore County

M J/WISEMAN, III



JAMES T. SMITH, JR. County Executive

May 24, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Milton R. Bell 1214 Burke Road Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Burke Road, 1030' NW of the c/l Bowleys Quarters Road (1214 Burke Road)
15th Election District – 6th Council District

Milton R. Bell, et ux - Petitioners

Case No. 06-461-A

Dear Mr. & Mrs. Bell:

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.

Mille Xisteria

WILLIAM I WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; Office of Planning; DEPRM
People's Counsel; Case File







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		which is presen	ntly zoned <u>RC</u>	-5
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of the zoning regulations of Baltimore of this petition form.	e County, to the zoning la	aw of Baltimore County, t	for the reasons indic	ated on the back
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Contract Purchaser/Lessee:		Legal Owner(s):		
		$m, 1+\dots$	R. BELL	
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Attorney For Petitioner:		Address (S	urke Kd	Telephone No.
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A Public Hearing having been formally de this day of the deligns of Baltimore County and that the	that the subject matter of t	required, it is ordered by the his petition be set for a public	e Zoning Commissioner hearing, advertised, as re	of Baltimore County, equired by the zoning
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		Zoning Contin	Soloner of Dalamore Cou	····y

Affida Vit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

1214 BURKE Rd

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Signature Milton R Bell		-		2 m 1 1
Name - Type or Print	Zeq	Name - T	PATRICIA E (
STATE OF MARYLAND, COUNTY O				
I HEREBY CERTIFY, this 19 day of Maryland, in and for the County afor	y of <u>///arc/C</u> resaid, personally app	eared	2006, before me, a N	lotary Public of the State
Miltin R + Patrice the Affiant(s) herein, personally known				
the Affiant(s) herein, personally known	n or satisfactorily ident	tified to me as	s such Affiant(s).	
AS WITNESS my hand and Notarial S	ieal			
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REV 10/25/01			· r.	

ZONING DESCRIPTION

Zoning Description For 1214 S. Burke Road

Beginning at a point on the South side of S. Burke Road which is 50 feet wide at the distance of 1,030 feet west of the centerline of the nearest improved intersecting street Bowleys Quarters Road which is 50 feet wide. Being Lot # 112, in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book # 7, Folio 12, containing / 3,250 square feet Also know as 1214 S. Burke Road and located in the 15th Election District, 6th Councilmanic District.

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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No: 04-44/- A
	Petitioner/Developer: MILTON 2. BELL
	Date Of Hearing/Closing: 4/17/06
Baltimore County Department of Permits and Development Mana County Office Building, Room [11] West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were pos	e penalties of perjury that the necessary sted conspicuously on the property BURKE RD.
This sign(s) were posted on	April 1, 2006
	(Month, Day, Year) Sincerely,
	(Signature of sign Poster and Date)
	Martin Ogle Sign Pogtor
	Sign Poster <u>16 Salix Court</u>
	Address
	Balto. Md 21220
	(443-629 3411)

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is ubject 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.

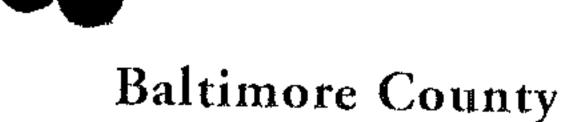
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

F *
Case Number 06- 46/ -A Address 1214 Bunke Rd.
Contact Person: The Sundant Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3-20-06 Posting Date: 4-02-06 Closing Date: 4-17-06
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number
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. <u>DEADLINE:</u> 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.
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 06-44/ -A Address 1214 Bunke Rd-
Petitioner's Name <u>Milton R. Bell</u> Telephone 410-365-9092
Posting Date: 4-02-06 Closing Date: 4-17-06
Wording for Sign: To Permit an accessiony structure (detached
garage with a proposed height of 25 pt., in lieu of the

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204





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

April 17, 2006

Milton R. Bell Patricia E, Bell 1214 Burke Road Baltimore, MD 21220

Dear Mr. and Mrs. Bell:

RE: Case Number: 06-461-A, 1214 Burke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 23, 2006.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

Fire Department

700 East Joppa Road

Towson, Maryland 21286-5500

Tel: 410-887-4500



Saltimore 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 April 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 3, 2006

Item Numbers: 446, 457-470

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 Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 6, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 10, 2006

Item No. 461

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

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 NO461-04062006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:	Timothy M. I	Cotroco	The same of the sa
FROM:	·	on, DEPRM JW	MAY 2 . 2006
DATE:	04/24/2006		MANUACIONIA COM
SUBJECT:	Zoning Item Address	# 06-461 1214 Burke Road (Bell Property)	
Zonir	ng Advisory Co	mmittee Meeting of 04/03	3/2006
	*	Environmental Protection a ove-referenced zoning iter	and Resource Management has no n.
	_	Environmental Protection a ents on the above-reference	and Resource Management offers ed zoning item:
	Protection of	of the property must con Water Quality, Streams, bugh 33-3-120 of the Balt	ply with the Regulations for the Wetlands and Floodplains (Sections imore County Code).
	Development Conservation Baltimore Co	-	nply with the Forest -6-101 through 33-6-122 of the
<u>X</u>	Critical Area	of this property must cor Regulations (Sections 33 s, of the Baltimore Count	nply with the Chesapeake Bay -2-101 through 33-2-1004, and y Code).
	tional Commen with Limited I		ements of maximum impervious

surface on lot of 25% or up to 31.25% with mitigation and minimum of 15% tree cover.

Date: 04/24/2006

Martha Stauss, EIR

S:\Devcoord\ZAC 06-461.doc

Reviewer:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 12, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6-461 – Administrative Variance

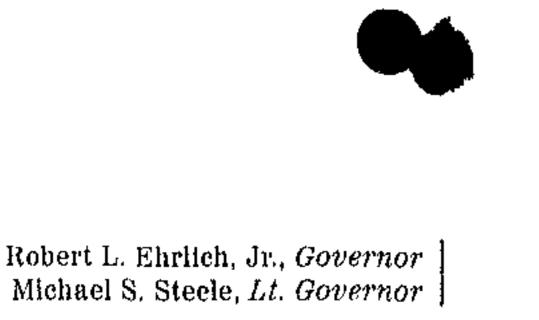
The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 25 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Section Chief:

AFK/LL: CM







Robert L. Flanagan, Secretary

Neil J. Pedersen, Administrator

Administration (**)

Maryland Department of Transportation

RE:

Date: 3.31-04

Baltimore County

Item No. 441

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

1. 1. Morella

Engineering Access Permits Division

From:

Debra Wiley

To:

Livingston, Jeffrey 05/23/06 4:11:05 PM

Date: Subject:

DEPRM Comment - Administrative Variance - 06-461-A - Closing Date 4/17

Hi Jeff,

I've just received another call from the Petitioner, Mr. Bell, who has indicated that he's left word for you and is very eager to hear something back from either DEPRM or receive his Order from us.

Can you find out what the hold up is (since it has been over a month)?

Thanking you in advance.

Milton & Patricia Bell 1214 Burke Road Baltimore, MD 21220 From:

Debra Wiley

To:

Livingston, Jeffrey

Date:

05/17/06 9:07:16 AM

Subject:

Fwd: Comment Needed - Admin. Variance/Closing Date 4/17 -\06-461-A

Hi Jeff,

Just a reminder that we have not received a DEPRM comment and this closing date was 4/17 (almost a month ago).

Could you please get us a comment ASAP or let us know the status if there's a problem. Thanks.

Milton & Patricia Bell 1214 Burke Road Baltimore, MD 21220

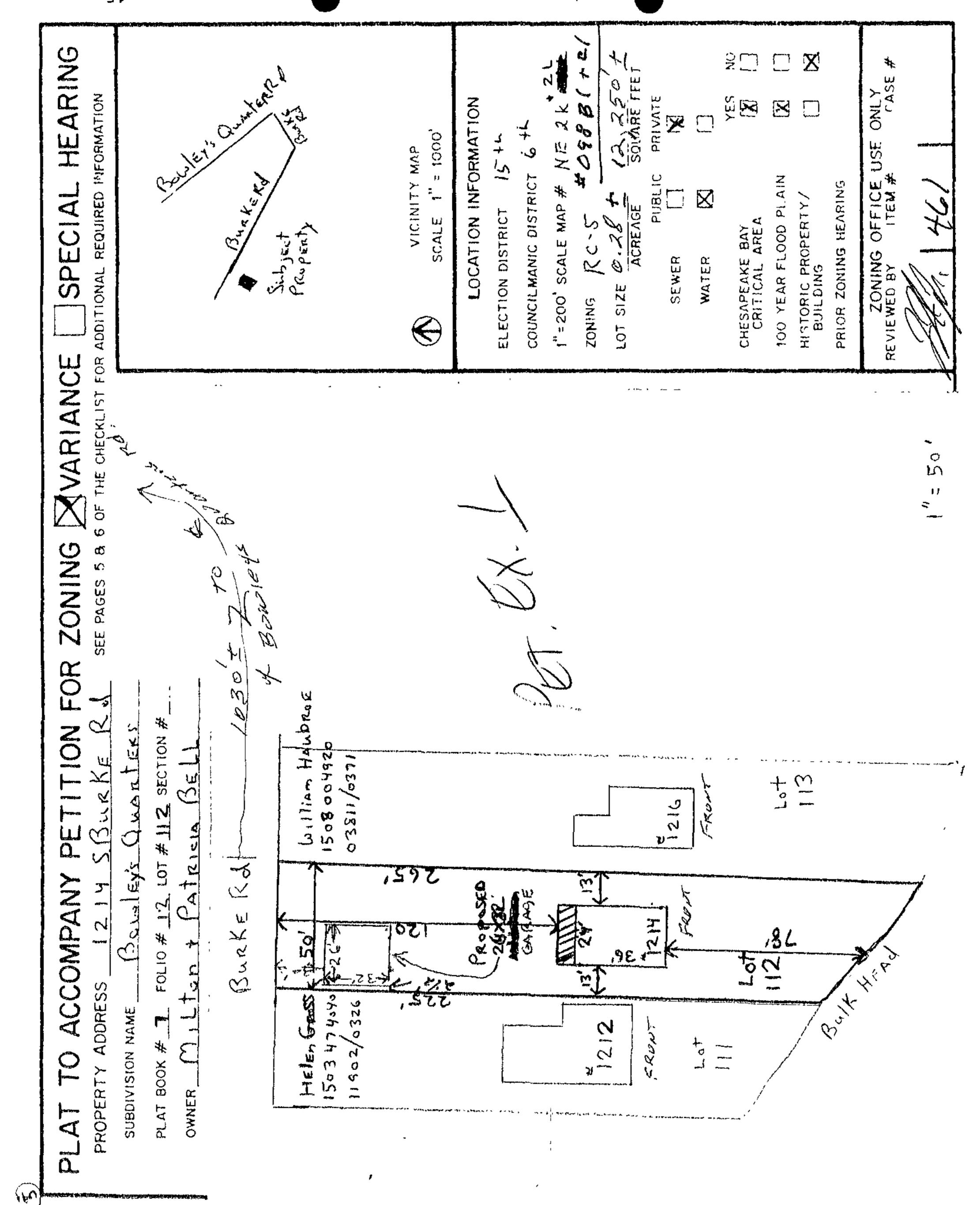
>>> Debra Wiley 05/09/06 3:20 PM >>> Hi Jeff,

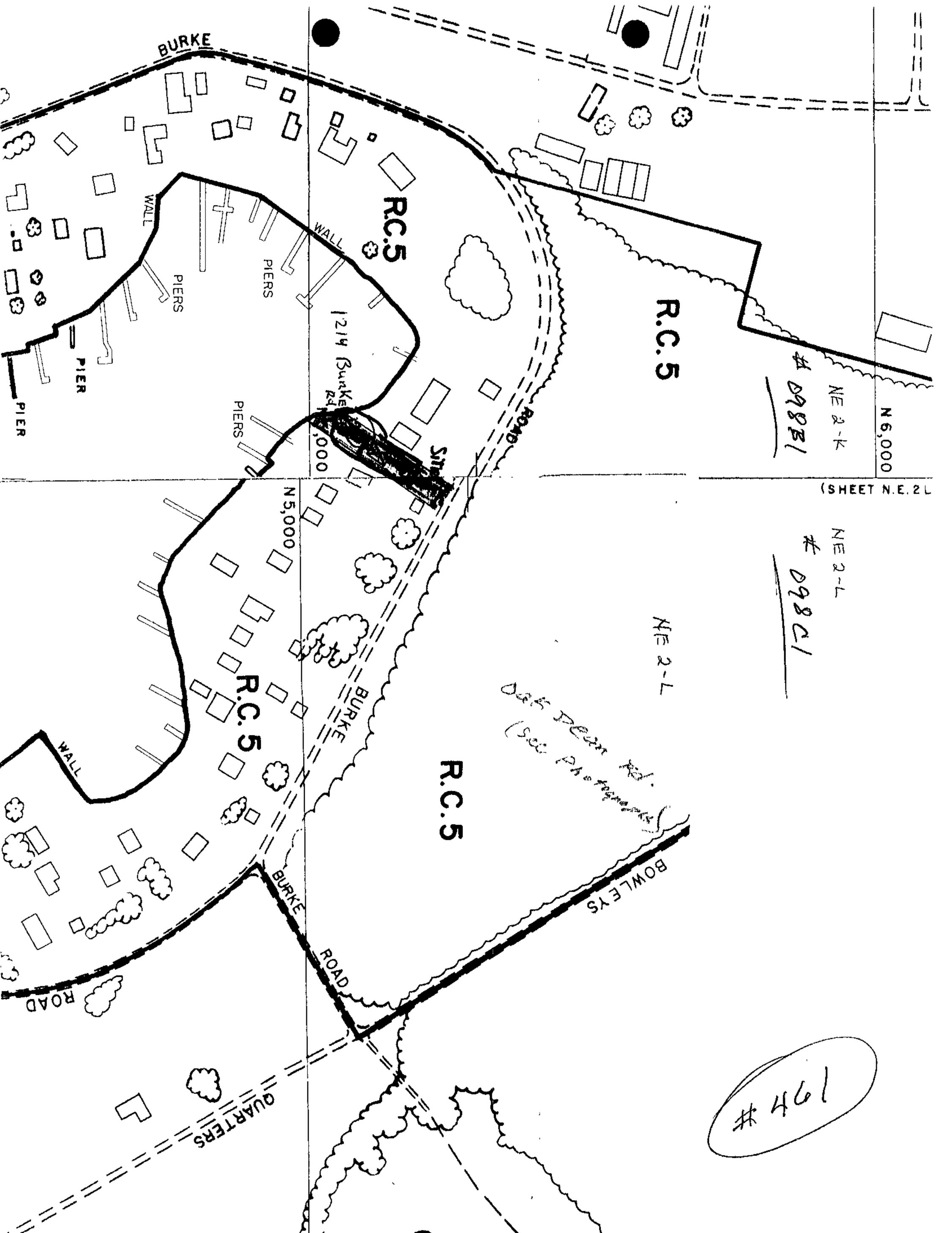
This is another Adminstrative Variance that's ready to go with the exception of a comment from your department.

The closing date was 4/17. Could you let us know the status?

Thanks for your usual cooperation.

Milton & Patricia Bell 1214 Burke Road Baltimore, MD 21220





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