

IN RE: PETITION FOR ADMIN. VARIANCE *

S/S Burke Road, 280' E of the c/l

Holly Tree Road

(1621 Burke Road)

15th Election District

6th Council District

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-470-A

Ernest J. Young, et ux

Petitioners

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Zoning Commissioner as a Motion for Reconsideration filed by Ernest J. Young, et ux, Petitioner. The Petitioner originally filed an Administrative Variance for property located at 1621 Burke Road in the Bowleys Quarters area of Baltimore County. The relief was requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

By my opinion and Order dated May 10, 2006, I granted the Administrative Variance request, in accordance with the site plan and documentation contained within the case file.

On June 4, 2006, Ernest J. Young filed a timely Motion for Reconsideration of this Zoning Commissioner's Order dated May 10, 2006. Within his Motion, he raised concerns about the confusion with regard to the type of relief he was requesting when the Department of Permits and Development Management (DPDM) took in the Petition. More specifically, he requested an attached garage, not a detached garage and he needed a 3-ft. setback in lieu of the 50-ft. required in the R.C.5 zone. After meeting with individuals in DPDM to discuss this matter and the apparent oversight, this Zoning Commissioner discussed the above with Mr. Young. It was at this time agreed upon and deemed appropriate in this case that Mr. Young's property be reposted to provide notice to the neighbors and any interested parties of this situation. Letters of support from the most affected adjacent neighbors were also received indicating their

ORDER RECEIVED FOR FILING

DATE 6-27-06

BY [Signature]

concurrence with an amended description of the setback as to correctly reflect a setback of 3-ft. in lieu of the required 50-ft.

After due consideration of the arguments raised by Mr. Young and reposting of the property, I am persuaded to grant the Motion.

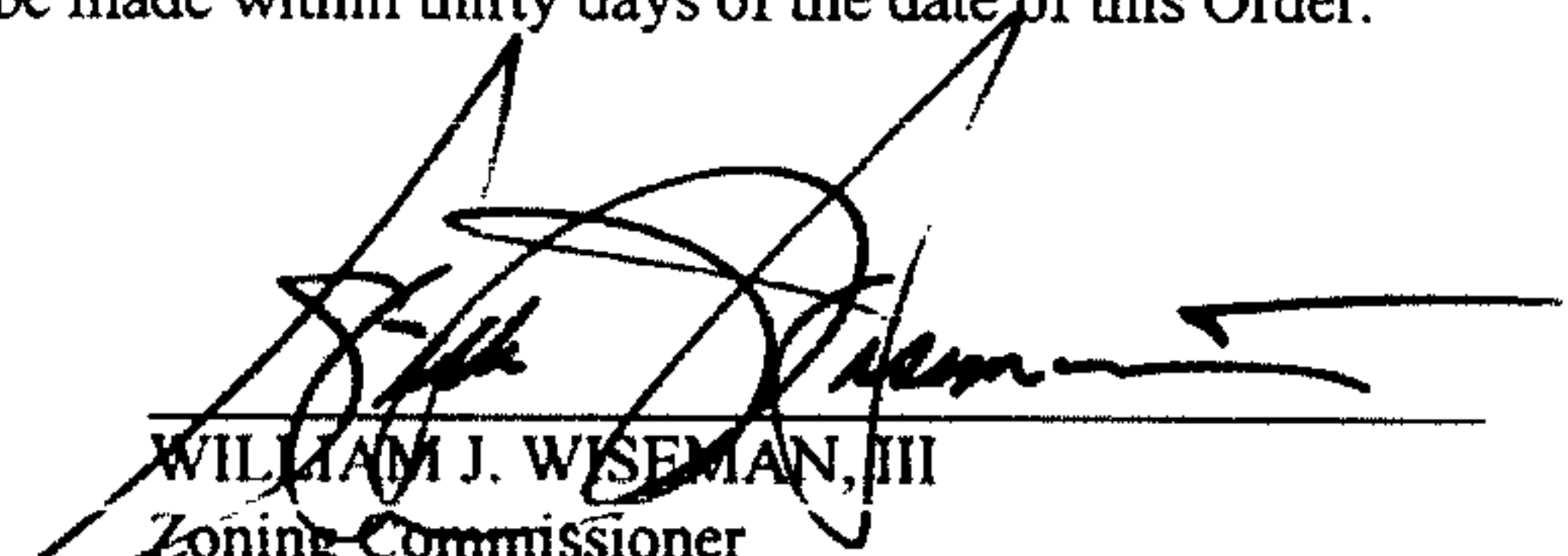
IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) from Section 400.1 to permit an attached accessory structure (garage) to be located in the side yard in lieu of the required rear yard and for a 3-ft. side yard setback in lieu of the 50-ft. required in the R.C.5 zone, be and is hereby GRANTED; and,

This Order is now so amended in order to reflect the relief requested by the Petitioner.

IT IS FURTHER ORDERED that all other terms and conditions of the Order granted on May 10, 2006 shall remain in full force and effect.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of June 2006 that the Motion for Reconsideration be and is hereby GRANTED, consistent with the above.

Any appeal of this decision shall be made within thirty days of the date of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
For Baltimore County

WJW:dlw

c: Mr. & Mrs. Ernest J. Young, 1621 Burke Road,
Baltimore, Md. 21220
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

ORDER RECEIVED FOR FILING
2006 JUN 27 - 3:00 PM

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S Burke Road, 280' E of the c/l		
Holly Tree Road	*	ZONING COMMISSIONER
(1621 Burke Road)		
15 th Election District	*	OF BALTIMORE COUNTY
6 th Council District		
	*	Case No. 06-470-A
Ernest J. Young, et ux		
Petitioners	*	

* * * * *

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, Ernest J. Young, and his wife, Dian H. Young. The Petitioners request variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side 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 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.

RECEIVED FOR FILING
 Date
 By

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 24' x 30' detached garage on the west side of their home, at the end of an existing macadam driveway. Although not waterfront, the property is located across Burke Road from houses that have frontage on Galloway Creek, and is located in a floodplain. Thus, to require strict compliance with the regulations would require the extension of the existing driveway, resulting in increased impervious surface area on the property, and the removal of trees in the rear yard. The proposed structure will meet all setback requirements, but for the height. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. 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 close proximity to the water 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).

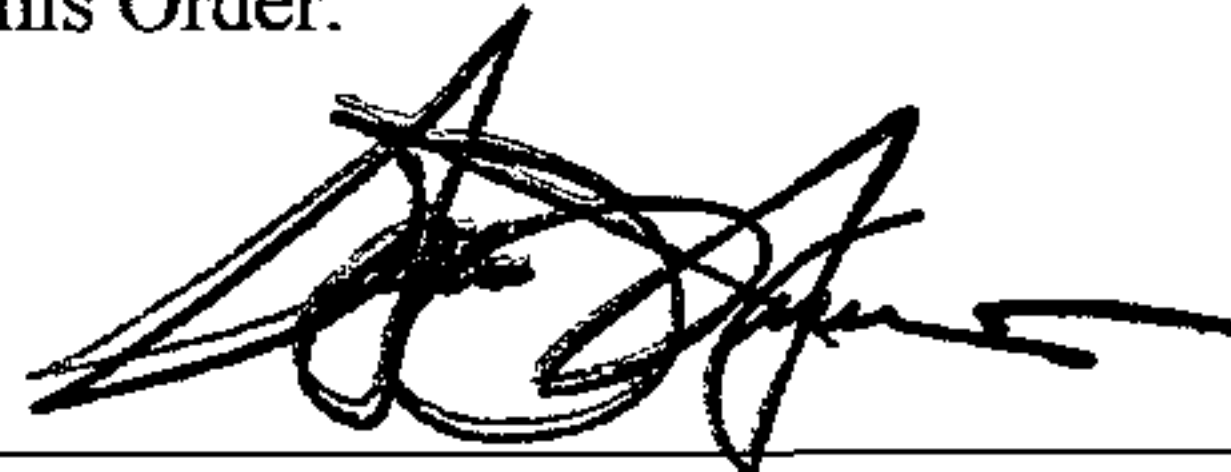
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard, 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.

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Date 5-10-06
By [Signature]

- 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).
- 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.

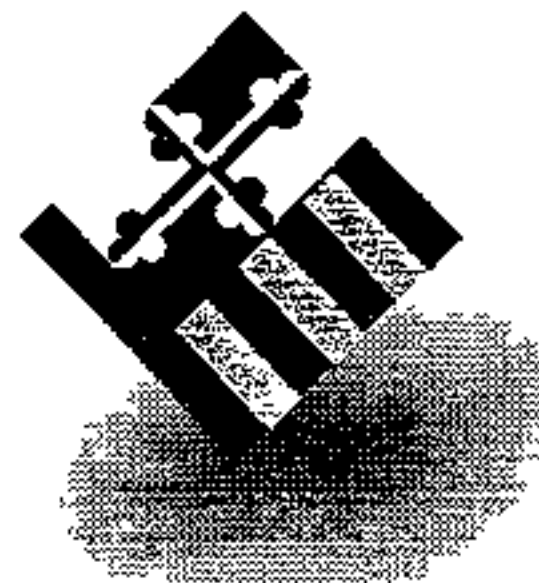


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

UNDEH RECEIVED FOR FILING
Date 5-18-00
By [Signature]

410-887.3391



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Ernest J. Young
1621 Burke Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Burke Road, 280' E of the c/l Holly Neck Road
(1621 Burke Road)
15th Election District – 6th Council District
Ernest J. Young, et ux - Petitioners
Case No. 06-470-A

Dear Mr. & Mrs. Young:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. 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

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
S/S Burke Road, 280' E of the c/l	
Holly Tree Road	* ZONING COMMISSIONER
(1621 Burke Road)	
15 th Election District	* OF BALTIMORE COUNTY
6 th Council District	
	* Case No. 06-470-A
Ernest J. Young, et ux	
Petitioners	*

* * * * *

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, Ernest J. Young, and his wife, Dian H. Young. The Petitioners request variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side 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.

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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.



Critical Area/Flood

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1621 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) 400.1; BCZR TO PERMIT AN

ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE 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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of October, 2006, 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 5-27-06

Estimated Posting Date 4-9-06

CASE NO. 06-470-A

REV 10/25/01

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Date 5-10-06
By [Signature]

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

Address

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):

1. My DRIVEWAY is on THAT SIDE of THE House (South-Side)
2. I CANNOT Remove TREE's in my BACK YARD Because of 100 yr. Flood Plain
3. Plus on NORTH-SIDE of my Property THE New Pumping station is SET-UP
4. Plus my STORM DRAINAGE Pipe is UNDER DRIVEWAY & THE County will NOT LET you INSTALL New Section Because may cause Blockage in Low AREA's
5. I DON'T LIKE (2) DRIVEWAYS PLUS THE ADDITIONAL Cost of 200' x 20' New Driveway To New Garage

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.

Ernest F. Young
Signature

ERNEST F. YOUNG
Name - Type or Print

Diane H. Young
Signature

Diane H. Young
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of March, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Scott M. Brown
Notary Public

My Commission Expires 2-10-09

EXAMPLE 3 -- Zoning Description

④
3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 1621 BURKE ROAD
(address)

Beginning at a point on the SOUTH side of
(north, south, east or west)

BURKE ROAD which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 280' EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street HOLLY TREE ROAD
(name of street)

which is 50' wide. *Being Lot # 99
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of BOWLEYS QUARTERS
(name of subdivision)

as recorded in Baltimore County Plat Book # 03, Folio # 56.

containing 23,000 Sq. FEET. Also known as 1621 BURKE ROAD
(square feet or acres) (property address)

and located in the 15TH Election District, 6TH Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

470

No. 4988

DATE 3-27-06 ACCOUNT Paul - 006-6150

AMOUNT \$ 65.00

RECEIVED FROM Ex. H. 1621 York Rd

FOR Ad. Var.

RECEIVED FROM WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY
3/28/2006 3/27/2006 11:40:16
P.O. NO. 006-6150
RECEIPT # 4988
DEPT 5 523 BUDGET VERIFICATION
R.M. DEPT

Receipt for
\$65.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-470-A

Petitioner/Developer: _____

ERNEST YOUNG

Date Of Hearing/Closing: 4/24/06

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 1621 BURKE ROAD

This sign(s) were posted on April 9, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 4/9/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

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: _____

470

Petitioner: ERNEST YOUNG

Address or Location: 1621 BURKE Rd. BALD. MD. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAME

Telephone Number: _____

410-335-4867

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 470 -A Address 1621 Burke Rd.

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

Filing Date: 3.27.06 Posting Date: 4.9.06 Closing Date: 4.24.06

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

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- 470 -A Address 1621 Burke Rd.

Petitioner's Name ERNEST JONES Telephone _____

Posting Date: 4.9.06 Closing Date: 4.24.06

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) TO
BE LOCATED IN THE SIDE YARD IN LINE WITH THE
REAR FENCE LINE.

**Department of Permits
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*

April 24, 2006

Ernest James Young
Dian Henrietta Young
1621 Burke Road
Baltimore, MD 21220-4420

Dear Mr. and Mrs. Young:

RE: Case Number: 06-470-A, 1621 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 27, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM
DATE: May 8, 2006
SUBJECT: Zoning Item # 06-470
Address 1621 Burke Road
(Young Property)

RECEIVED

MAY - 8 2006

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of 04/03/2006

_____ 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 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Must comply with Limited Development Area (LDA) regulations where impervious surfaces are limited to 5,445 square feet for lots of this size.

Reviewer: Martha Stauss, EIR

Date: 04/24/2006

RECEIVED FOR FILING
Date 5-10-06
By [Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 6, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For April 10, 2006
Item Nos. 446, 457, 458, 459, 462, 463,
464, 465, 467, 468, 469, and 470.

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS 04062006.doc

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

April 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 3, 2006

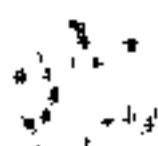
Item Numbers: 446, 457-470

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





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 3.31.01

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

RE: Baltimore County
Item No. 470 JCM

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 24, 2006

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

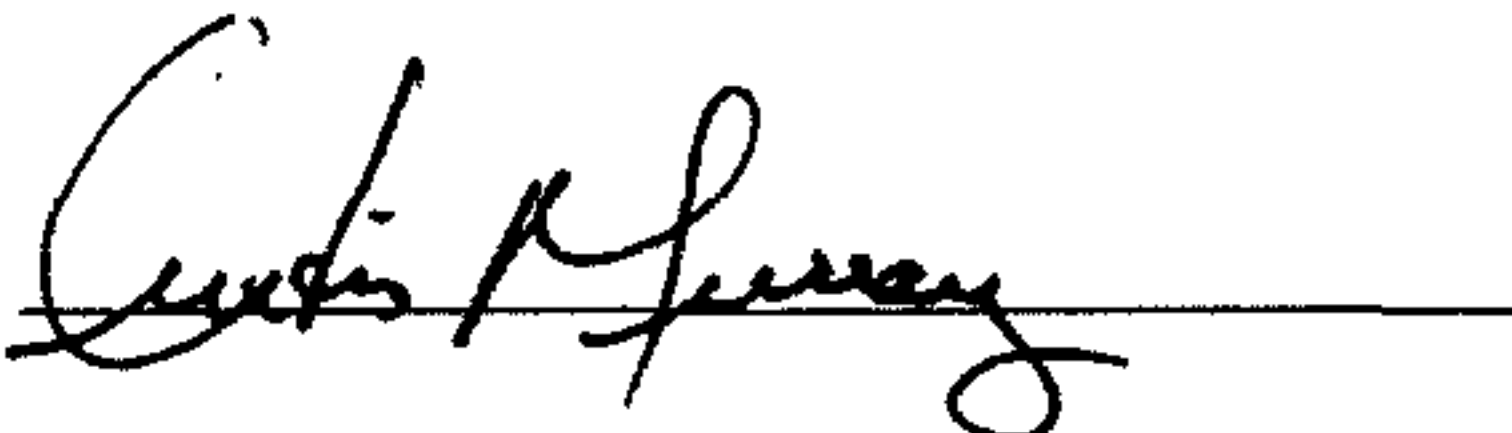
SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-470- Administrative Variance**

The Office of Planning is concerned about the petitioner's variance request and that the construction occurred without previous property line setback relief. The Office of Planning normally requests 10-foot minimum side yard setbacks.

If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning has no objection.

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

Prepared By:



Division Chief:

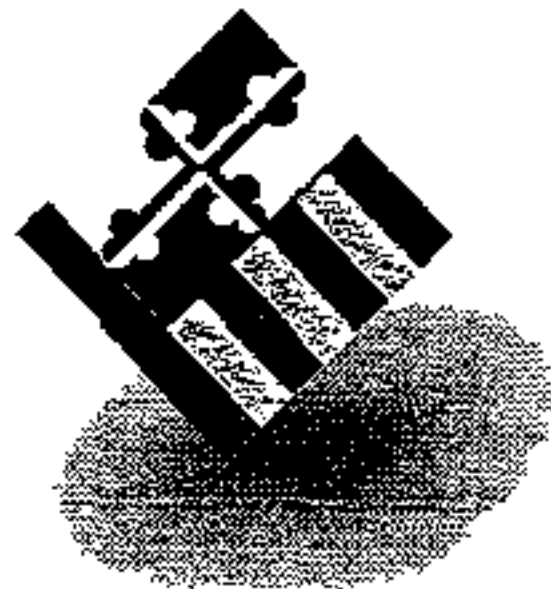


CM/LL

RECEIVED

APR 24 2006

OFFICE OF PLANNING



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 7, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Ernest J. Young
1621 Burke Road
Baltimore, Maryland 21220

RE: **MOTION FOR RECONSIDERATION – PETITION FOR
ADMINISTRATIVE VARIANCE**
S/S Burke Road, 280' E of the c/l Holly Neck Road
(1621 Burke Road)
15th Election District – 6th Council District
Ernest J. Young, et ux - Petitioners
Case No. 06-470-A

Dear Mr. & Mrs. Young:

This is to confirm that your letter of June 4, 2006 has been accepted as a Motion for Reconsideration of the Order issued by me in the above-captioned matter on May 10, 2006. Pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, any party may file a Motion for Reconsideration within thirty (30) days of the date of an Order. Thus, the Motion in this case was timely filed. Rule 4K further provides that, "At his discretion, the Zoning Commissioner may convene a hearing to receive testimony and/or argument on the Motion".

You set forth evidence that at the very least there was confusion with regard to the type of relief you were requesting when the Department of Permits and Development Management took in the petition. I have met with both Mr. Carl Richards, Supervisor, Zoning Review Office, and Joe Merrey to discuss this matter and the apparent oversight. In view of those discussions, your property will be reposted to provide notice to your neighbors and interested parties that you are asking for a 3-ft. side yard setback in lieu of the 50-ft. required in the R.C.5 zone. I realize that you have obtained written support for your proposed new garage from all of the adjacent neighbors affected by this proposal. I further understand that you have been a long-time resident in the area and that the structure that was previously approved by my Order of May 10, 2006 will appear exactly the same as an attached garage from the standpoint of those viewing the property from Burke Road. Nevertheless, the zoning regulations differentiate between a detached accessory structure and an attached structure, therefore, the requirement to repost is deemed necessary.

I trust that you will contact my office once the property is reposted and that you understand the reasons for proceeding in this fashion.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", with a long horizontal line extending to the right.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Development Plans Review, DPDM; Office of Planning, DEPRM
People's Counsel; Case File

bc: Joe Merry –

Please let me know when the property is reposted and perhaps a photograph of the sign indicating the relief being requested and the 15-day expiration date. It will be necessary that I receive the Permits and Development Management file at the time of expiration. Thank you for your assistance in this unfortunate matter.

Debra Wiley - Re: Comments - Develop. Plans Review

From: Dennis Kennedy
To: Wiley, Debra
Date: 05/11/06 1:32 PM
Subject: Re: Comments - Develop. Plans Review

Deb:
We had no comment on either 06-470 or 06-478.
Dennis

>>> Debra Wiley 05/11/06 1:14 PM >>>
Hi Dennis,

As you may or may not know, Bette Schuhmann is doing some work from home. She has indicated to me that the file is either missing the comment or since we have the order and she has the file, we just simply need a duplicate comment from you.

Can you check your files to see if they have been completed on your end and either fax or email them to me at your convenience. Bill has signed them and they're ready to go out. They are as follows:

06-470-A - Young - 1621 Burke Road

06-478-A - Davie - 1263 Willow Road

Thanks for your usual cooperation and have a great day!

CARL -

10:47

Ernie Young -

410 - 335 - 4867

I've spoken to
him. He would
like to speak w/
you.

Joe

IMPORTANT MESSAGE

FOR JOE

DATE 5/31 TIME 9:40 A.M. P.M.

M Ernie Young

OF _____

PHONE _____

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		WILL FAX TO YOU	

MESSAGE _____

permit for detached
632100 gareth
Jeannie Trout
gave it to him.

SIGNED _____



FORM 4009
MADE IN U.S.A.

=== COVER PAGE ===

TO: _____

FROM: ERNIE YOUNG

FAX: 410335498600

TEL: 4103354867

COMMENT:

Ernest J. Young Sr.

1621 Burke Road
Baltimore, Md. 21220
phone 410-335-4867
fax 410-335-4986
ejyoung1@a.comcast.net

June 4, 2006

Mr. William J. Wiseman III

Case# 06-470-A

This is my 1st time filing for any type of project. I wanted a attached garage to the side of my house not a detached, after filing with Mr. Joe Merrey on 3/27/06 he must have either misunderstood what I was telling him or he forgot to put it on his format as a attached garage, my property line is 27' from the side of my house to the wooded lot next door. I needed a 3'0 set back off the property line. The garage that I wanted to build is 24'wide X 30'length I have sketches that shows it. On that note I went to the building dept. and they told me that I must remove all the windows from the side of my house and put up fireproof plywood. I also went over and talked to the Environmental Protection Department and they told me what I needed to do. When the sign came down off my property, I called the Permit Dept. and they told me that you don't have any complaints as of right now. I then received a letter on May 14th that everything was ok except that I noticed that somebody put the word detached instead of attached, then I took pictures of the side of my house showing the Zoning Dept. why would I do this if I thought the house was detached. Then they told me I would have to refile all over again and I stayed there all day to try and get the changes in every dept. I even asked to talk to higher management but everybody with any authority was on vacation I am asking you to talk to Mr. Carl Richard and he thinks that it was a confusing oversight of myself and some of his Dept. I have a Permit #632100 being filed as of 5/30/06.

Ernie

P.S. I think I know what happen my meeting with Joe M. I gave him a plank copy of the plat to accompany petition for zoning and he installed the lines and I noticed that he miss the side of the house and got the deck edge instead then he went back and made the copy and I had my orig. with me.

I'll be at Zoning Dept @ 8:00 am Monday morning 6/7/06

Ernest J. Young Sr.

1621 Burke Road
Baltimore, Md. 21220
phone 410-335-4867
fax 410-335-4986
ejyoung1@comcast.net

June 3, 2006

Mr. William J. Wiseman III

Case# 06-470-A

This is my 1st time filing for any type of project . I wanted a attached garage to the side of my house not a detached , after filing with Mr. Joe Merrey on 3/27/06 he must have either misunderstood what I was telling him or he forgot to put it on his format as a attached garage, my property line is 27' from the side of my house to the wooded lot next door. I needed a 3'0 set back off the property line .The garage that I wanted to build is 24'wide X 30'length I have sketches that shows it. On that note I went to the building dept. and they told me that I must remove all the windows from the side of my house and put up fireproof plywood. I also went over and talked to the Environmental Protection Department and they told me what I needed to do . When the sign came down off my property ,I called the Permit Dept. and they told me that you don't have any complaints as of right now . I then received a letter on May 14th that everything was ok except that I noticed that somebody put the word detached instead of attached ,then I took pictures of the side of my house showing the Zoning Dept. why would I do this if I thought the house was detached . Then they told me I would have to refile all over again and I stayed there all day to try and get the changes in every dept. I even asked to talk to higher management but everybody with any authority was on vacation I am asking you to talk to Mr. Carl Richard and he thinks that it was a confusing oversite of myself and some of his Dept. I have a Permit #632100 being filed as of 5/30/06 .

Ernie

15TH ELECTION DISTRICT

Lewis BALTIMORE COUNTY RIST

BURKE ROAD

Biemers

owe Hse & Lot

THEY owe HSE & LOT

RIST

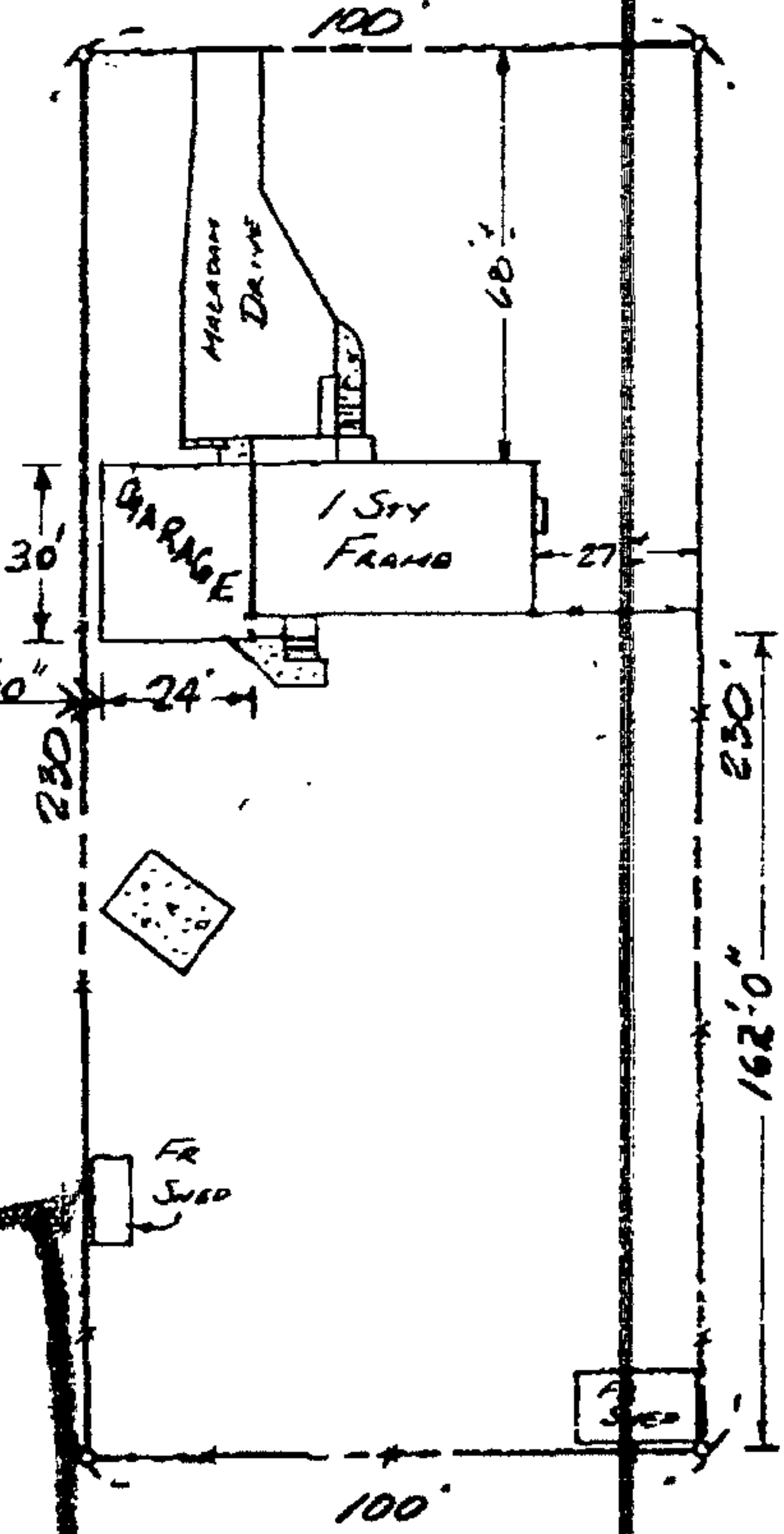
Biemers

HOUSE LOCATION
16 1621 BURKE ROAD
Lots 79 & 100
PAR 16 3
OF
BOWLEY'S QUARTERS
REVISED

REF: PB 7 FOLIO 56

MR. WISEMAN: THEY ALL GOT
A COPY OF THIS PLAT. SHOWING
THEM JUST WHERE IT WILL BE
LOCATED.

Ernie 6/6/2006



NOTE: The information on this plat shows only that the improvements indicated herein are contained within the outline of the lot upon which they are located and this Plat is not to be construed as an establishment of property lines

THIS IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS, AND THAT THEY ARE LOCATED ON THE LOT AS SHOWN HEREON.

SURVEYOR
REG. NO. MD 126 DATE 6/17/93

File No: 15B-6207

NFIP DATA
Map DATED 3/2/01
Community No: 800010
Panel No: 0445B
Zone: A

Scale: 1"=40'	Date: 6/17/93
J. Finley Ransome & Associates Registered Land Surveyors P.O. Box 10180 Towson, Maryland 21285-0180	

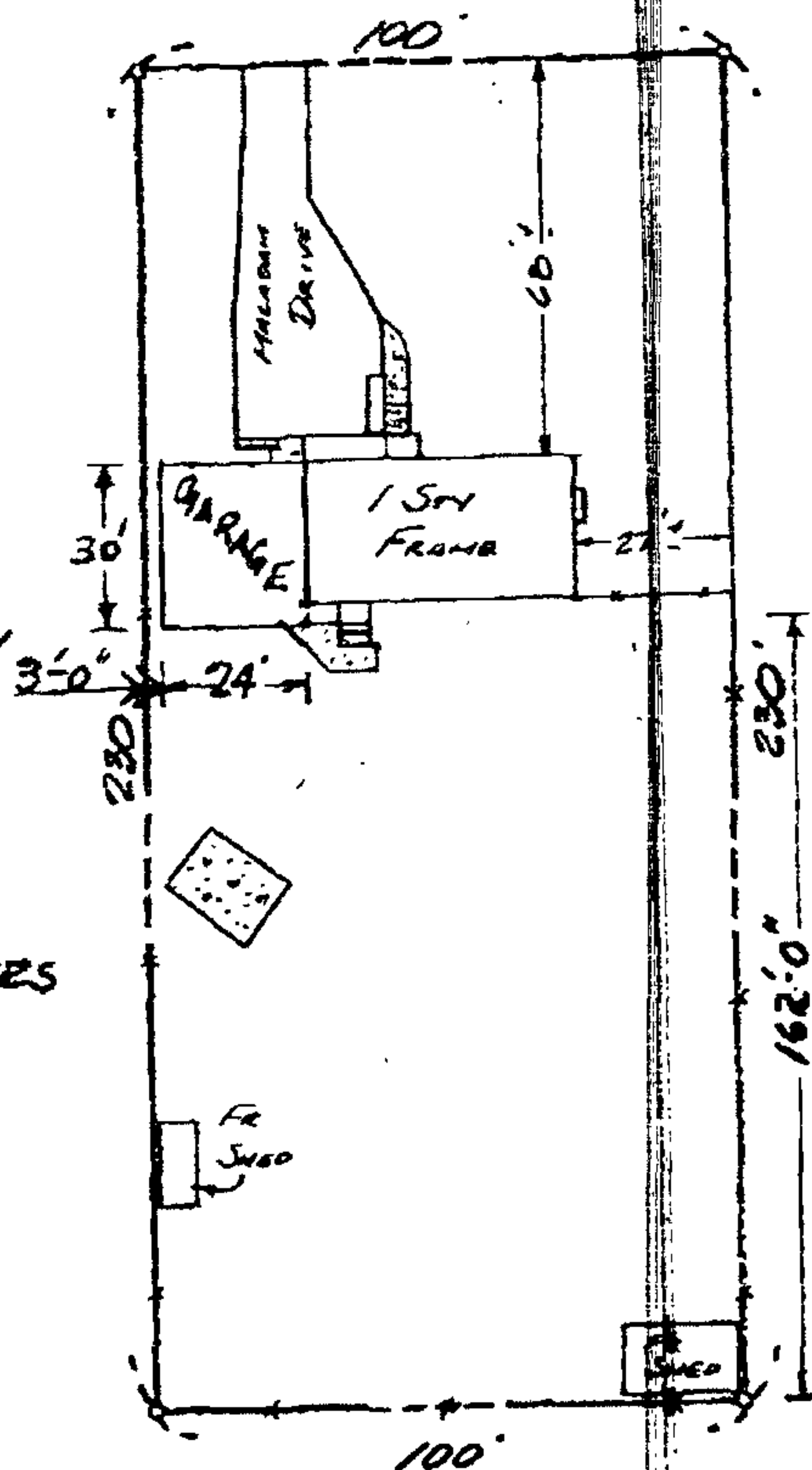
15TH ELECTION DISTRICT

BALTIMORE COUNTY

BURKE ROAD

HOUSE LOCATION
 16 1621 BURKE ROAD
 Lots 79 & 100
 Plat 16 3
 OF
 BOWLEY'S QUARTERS
 REVISED

REF: PB 7 FOLIO 56



NOTE: The information on this plat shows only that the improvements indicated herein are contained within the outline of the lot upon which they are erected and this Plat is not to be construed as an establishment of property lines.

THIS IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS, AND THAT THEY ARE LOCATED ON THE LOT AS SHOWN HEREON.

SURVEYOR
 REG. NO. 440134 DATE 6/17/93

File No.: 15B-6267

NFIP DATA

Map Dated 3/2/81
 Community No: 200010
 Panel No: 0445B
 Zone: A

Scale: 1" = 40'

Date: 6/17/93

J. Finley Ransome & Associates
 Registered Land Surveyors
 P.O. Box 10180
 Towson, Maryland
 21285-0180

Ernest & Dian Young

1621 BURKE ROAD
MIDDLE RIVER, MARYLAND 21220
410-335-4867

June 6, 2006

Mr. William J. Wiseman III

**I Michael & Mildred Rist do not have a
problem with Ernie & Dian bulding a
new attached garage to the side of their
house with a 3'0 set back from the
Biemer's property line. The dimension's
of the new Garage are 24' wide & 30'
long it will match up the existing
structural of the house.**

Michael L. Rist

Mildred C. Rist

6/6/2006

THESE PEOPLE LIVE NEXT TO ROBERT & JILL LEWIS & own
THE LOT NEXT TO ME on EAST SIDE

1610 BURKE ROAD

Ernest & Dian Young

1621 BURKE ROAD
MIDDLE RIVER, MARYLAND 21220
410-335-4867

June 6, 2006

Mr. William J. Wiseman III

I Robert & Jill Lewis do not have a problem with Ernie & Dian building a new attached garage to the side of their house with a 3'0 set back from the Biemer's property line. The dimension's of the new Garage are 24' wide & 30' long it will match up the existing structural of the house.

[Signature]
6/6/06

THESE People LIVE RIGHT ACROSS FROM US.

1612 BURKE ROAD.

Ernest & Dian Young

1621 BURKE ROAD
MIDDLE RIVER, MARYLAND 21220
410-395-4867

June 6, 2006

Mr. William J. Wiseman III

**I George & Dorothy E. Biemer do not
have a problem with Ernie & Dian
bullding a new attached garage to the
side of their house with a 3'0 set back
from the Biemer's property line. The
dimension's of the new Garage are 24'
wide & 30' long it will match up the
existing structural of the house.**

6/6/06
George Biemer

410-665-2386

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 24' x 30' detached garage on the west side of their home, at the end of an existing macadam driveway. Although not waterfront, the property is located across Burke Road from houses that have frontage on Galloway Creek, and is located in a floodplain. Thus, to require strict compliance with the regulations would require the extension of the existing driveway, resulting in increased impervious surface area on the property, and the removal of trees in the rear yard. The proposed structure will meet all setback requirements, but for the height. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. 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 close proximity to the water 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).

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 10th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard, 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).
- 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.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 470 -A

Address 1621 Burke Rd.

Contact Person: J. MERREY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3.27.06

Posting Date: 4.9.06

Closing Date: 4.24.06

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 property on or before date. **KAISER PERMANENTE. thrive**  **kp.org** 234329 6/05 notice sign must be visible on the d remain there through the closing
- DEADLINE:** The clerk a formal request for a public hearing. **ERNIE Young** **1621 Burke Road 21220** it or owner within 1,000 feet to file d that even if there is no formal the closing date.
- ORDER:** After the commissioner. He order that the matter (typically within 7 to denied, or will go to public hearing. The order will be mailed to you by First Class mail. **410-335-4867 Home** **410-335-4986 FAX** **ej.young1@comcast.net** by the zoning or deputy zoning) deny the requested relief; or (c) ou will receive written notification her the petition has been granted,
- 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- 470 -A

Address 1621 Burke Rd.

Petitioner's Name ERNEST YOUNG

Telephone _____

Posting Date: 4.9.06

Closing Date: 4.24.06

Wording for Sign: A VARIANCE
To Permit AN ALLESCOPY STRUCTURE (GARAGE) TO
BE LOCATED IN THE SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD.

WCR - Revised 6/25/04

15TH ELECTION DISTRICT

BALTIMORE COUNTY

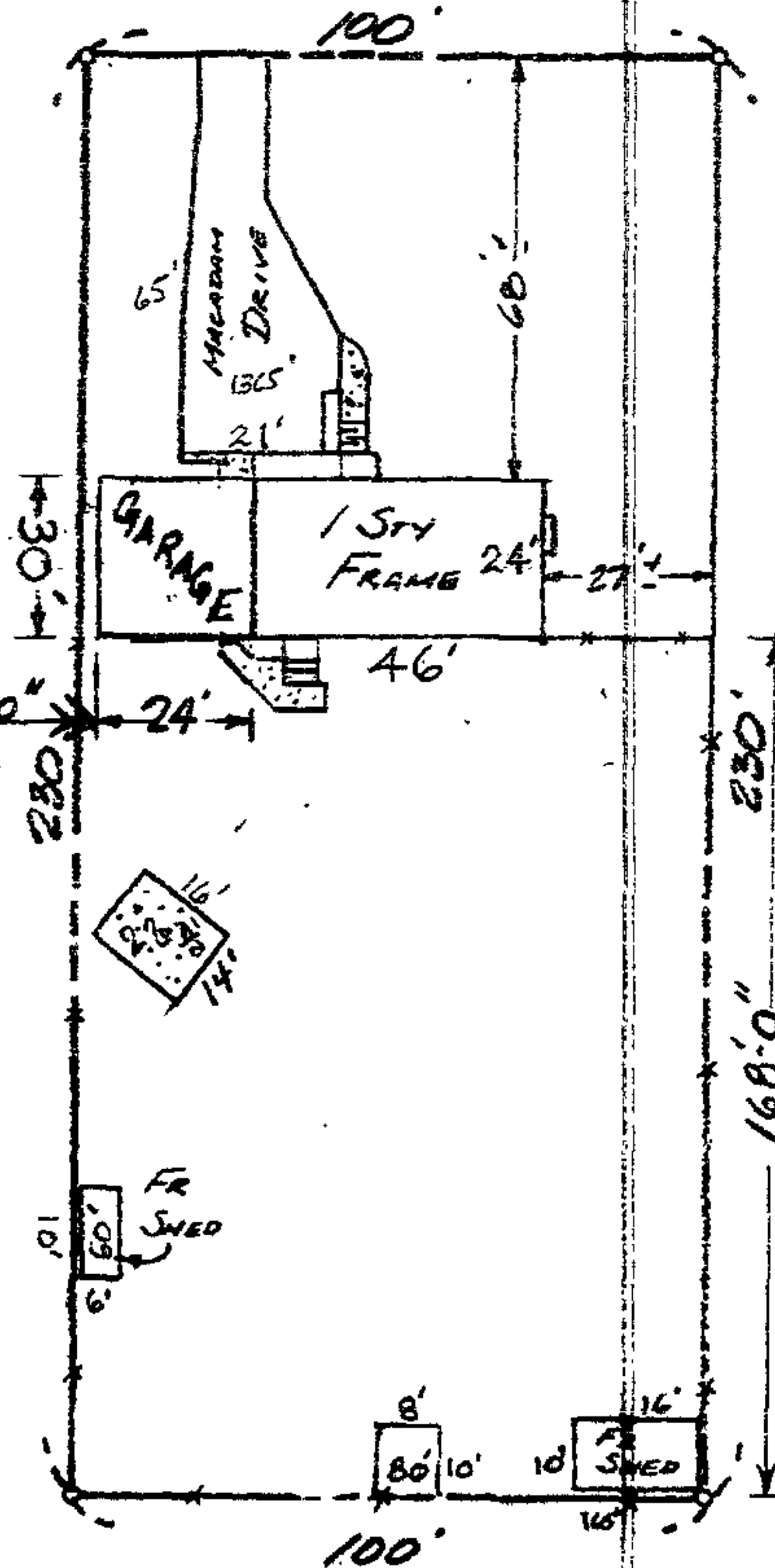
280' To HOLLY TREE RD. *

BURKE ROAD

HOUSE LOCATION
 16 1621 BURKE ROAD
 LOTS 99 & 100
 PLAT 16 3
 OF
 BOWLEY'S QUARTERS
 REVISED

REF: PB 7 F01056

ERNEST & DIAN YOUNG
 15-19-321970
 7254/022



NOTE: The information on this plat shows only that the improvements indicated hereon are contained within the outlines of the lot upon which they are erected and this Plat is not to be construed as an establishment of property lines.

NFIP DATA
 Map Dated 3/2/81
 Community No: 200010
 Panel No: 0445B
 Zone: A

THIS IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS, AND THAT THEY ARE LOCATED ON THE LOT AS SHOWN HEREON.

SURVEYOR
 REG. NO. 1428 DATE 6/17/93

File No: 15B-6267

Scale: 1" = 40'

Date:

J. Finley Ransone & Associates
 Registered Land Surveyors
 P.O. Box 10180
 Towson, Maryland
 21285-0180

LOTS $100' \times 230' = 23000.00$
 $\times 25$

 5750.

1. HSE $46' \times 24' = 1104'$

2. DRIVEWAY
 WALKWAY $65' \times 21' = 1365'$

3. CONC. PAD $16' \times 14' = 224'$

4. Shed $10' \times 6' = 60'$

5. Shed $10' \times 8' = 80'$

6. Shed $16' \times 10' = 160'$

7. Pool $32' \times 16' = 512'$
 SIDEWALK $3'-0" \text{ WALKWAY} = 288'$

 3793'

8. New Garage $30' \times 24' = 720'$

 4513'

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**BALTIMORE COUNTY,
MARYLAND**
(UNINCORPORATED AREAS)

PANEL 445 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

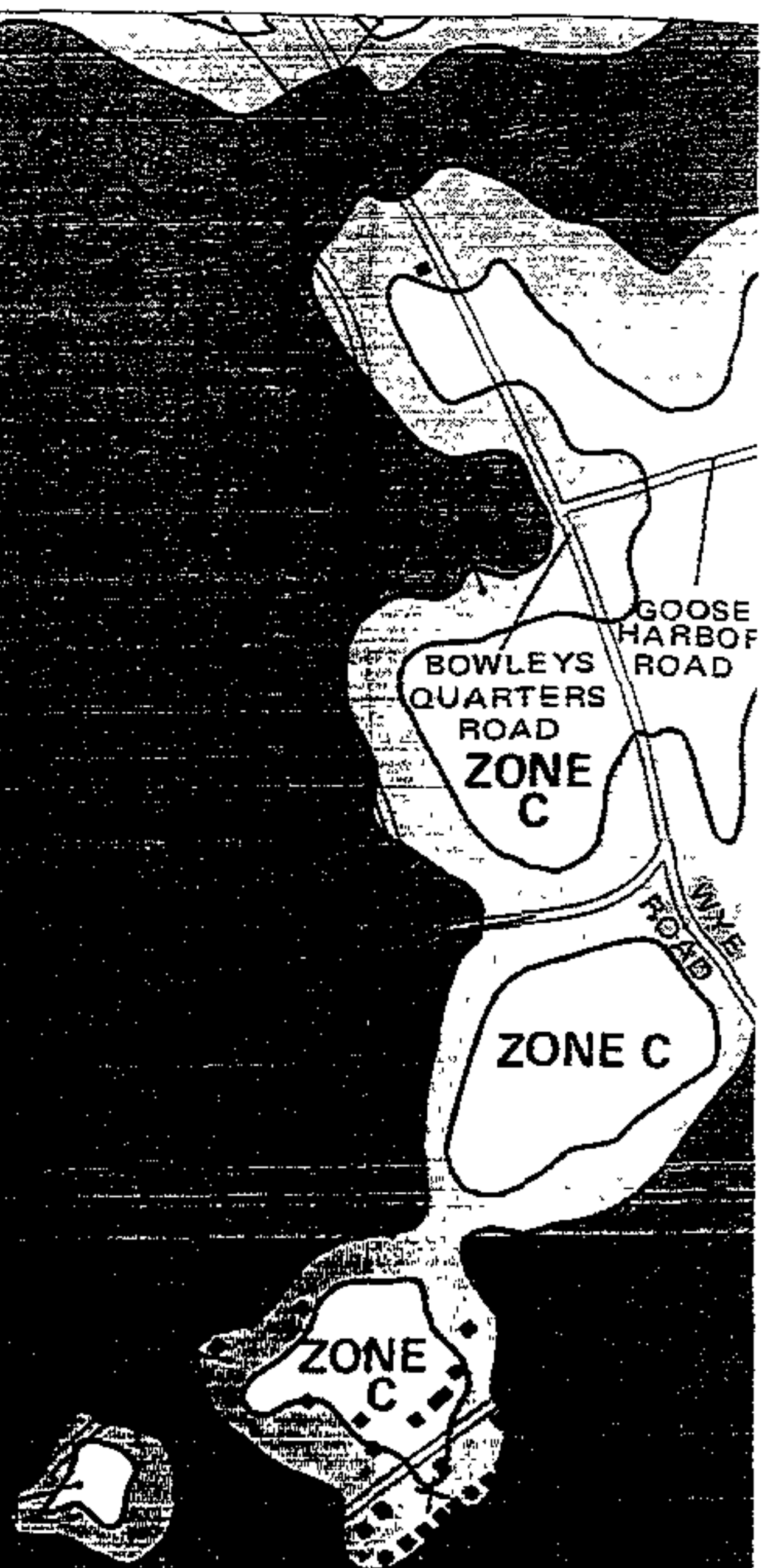
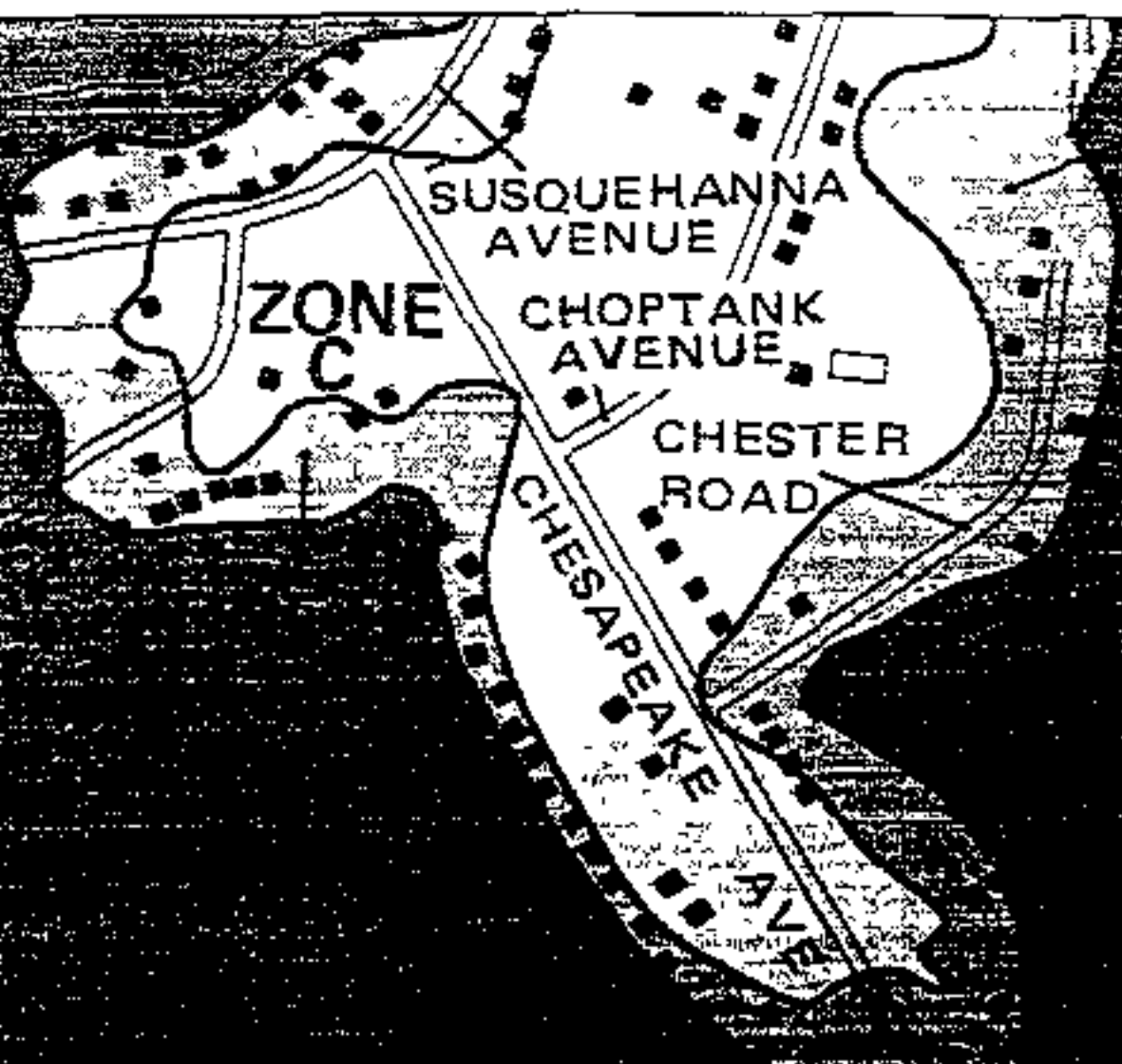
COMMUNITY-PANEL NUMBER
240010 0445 C

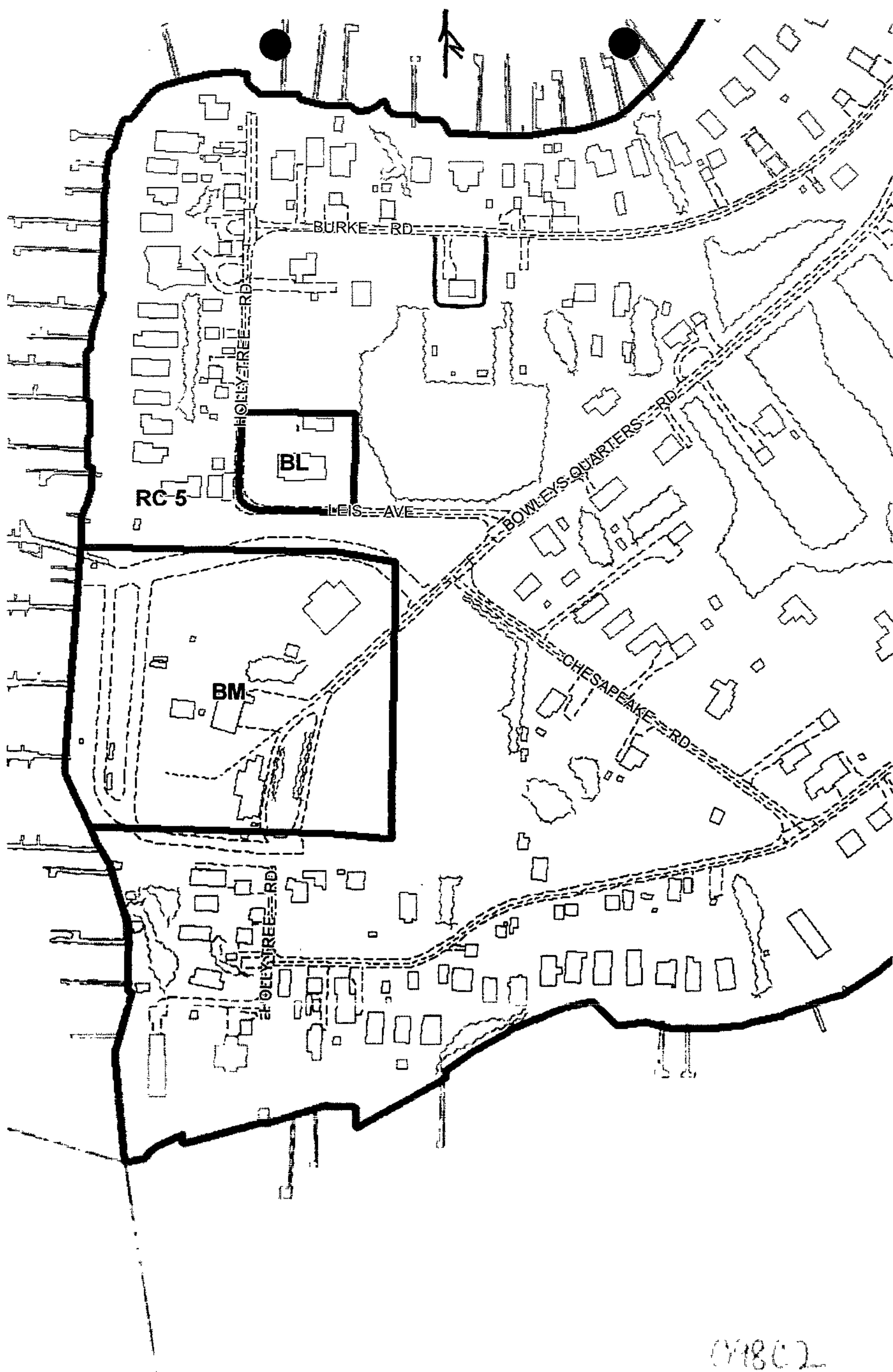
MAP REVISED:
NOVEMBER 17, 1993



Federal Emergency Management Agency

0435





09802

Kevin & Jeff

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1621 Burke Road

SUBDIVISION NAME Bowleys Quarter

PLAT BOOK # 3 FOLIO # 56 LOT # 99 SECTION #

OWNER ERNEST & DIAN YOUNG

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

AND BLDG PERMIT PLANN

CASE# 06-470-A

PREPARED BY E.Y.

SCALE OF DRAWING: 1" = 50'

LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 6TH

1" = 200' SCALE MAP # NE-1-L

ZONING RC-5

LOT SIZE 0.780 ACRES 23,200 SQ. FT.

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ YES ☐ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

VICINITY MAP

SCALE: 1" = 1000'

SEE SHEET 2 OF 2

(12)

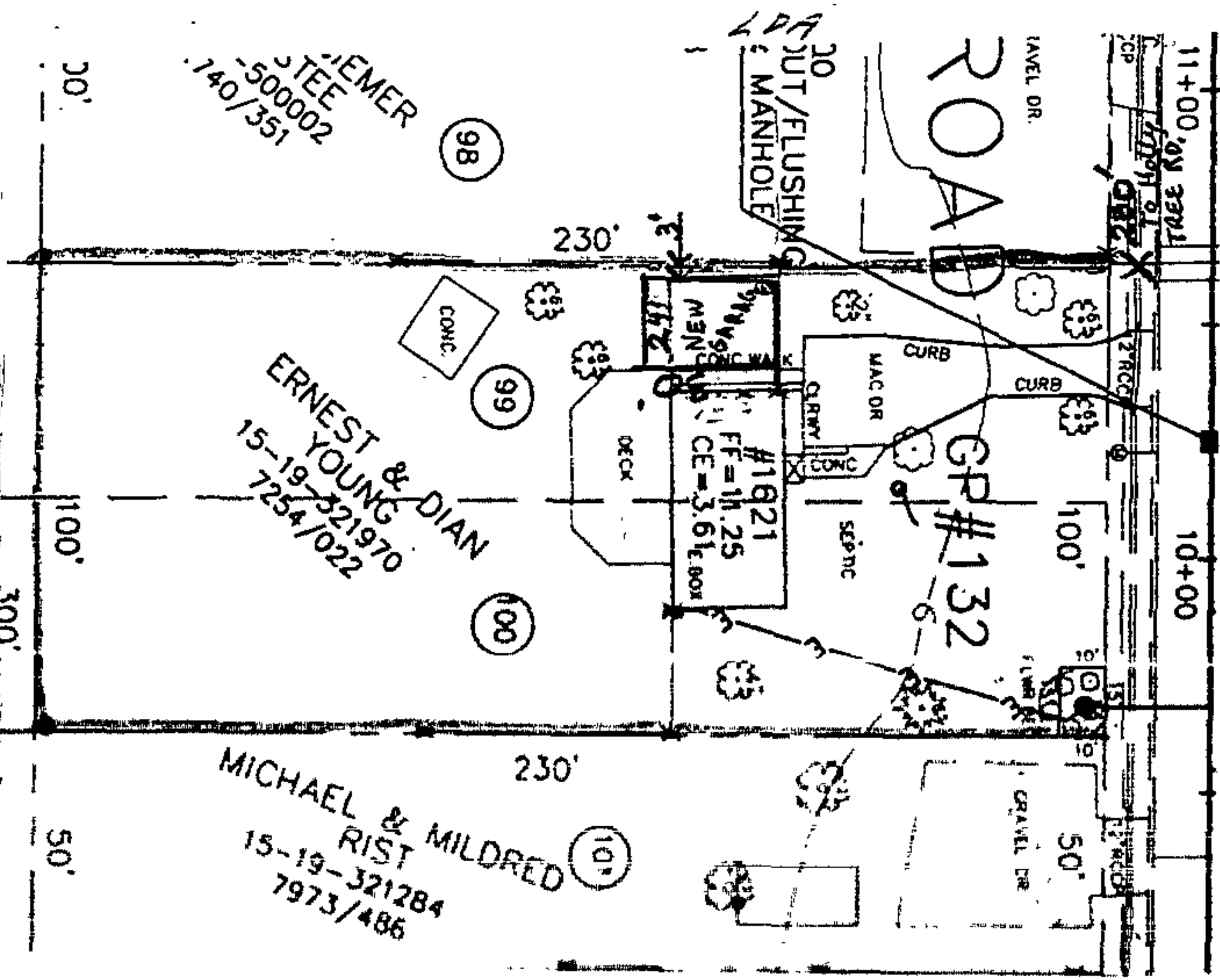
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1621 BURKE ROAD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Quarter

PLAT BOOK # 3 FOLIO # 56 LOT # 99 SECTION # 1

OWNER ERNEST & DIAN YOUNG



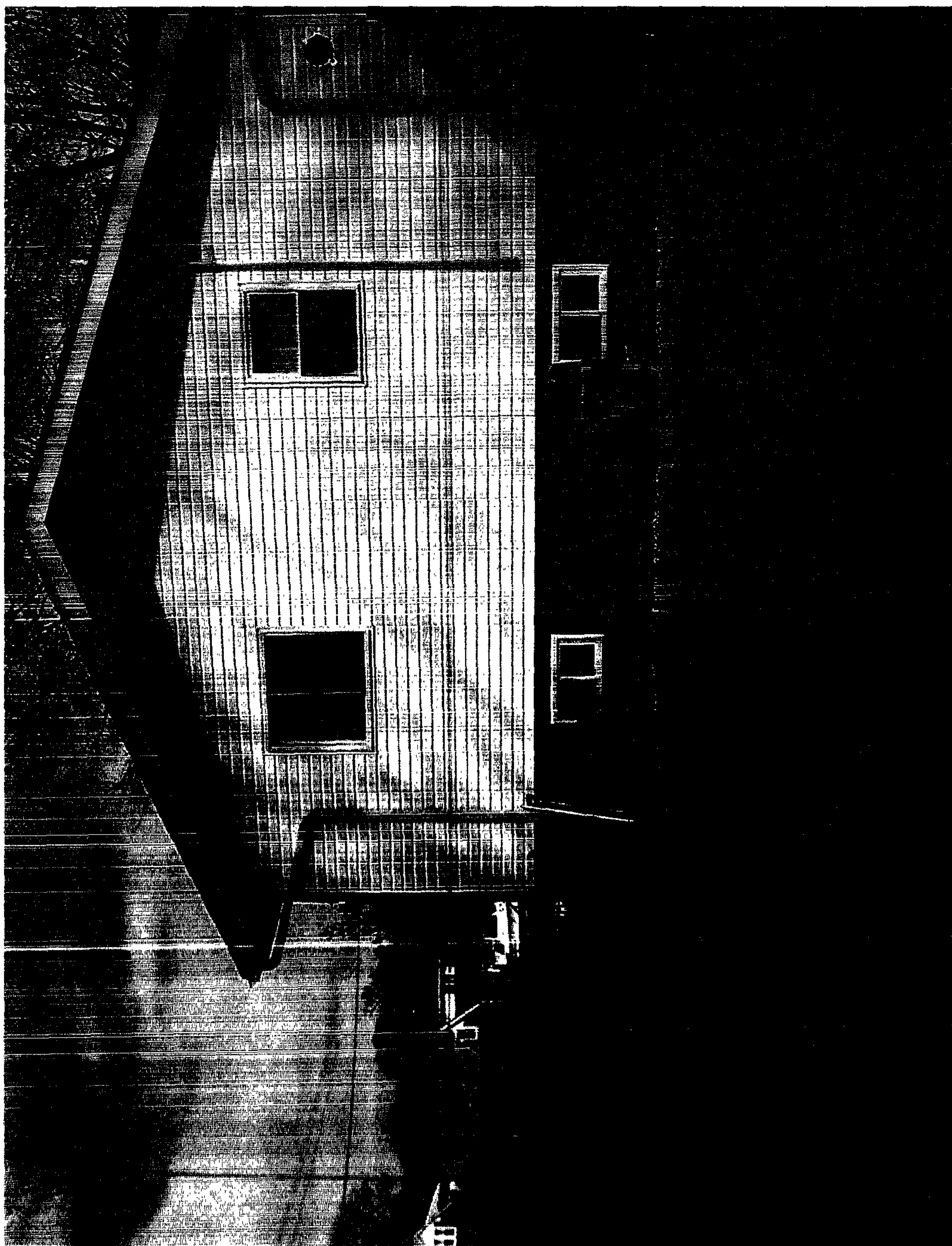
SCALE OF DRAWING: 1" = 50'

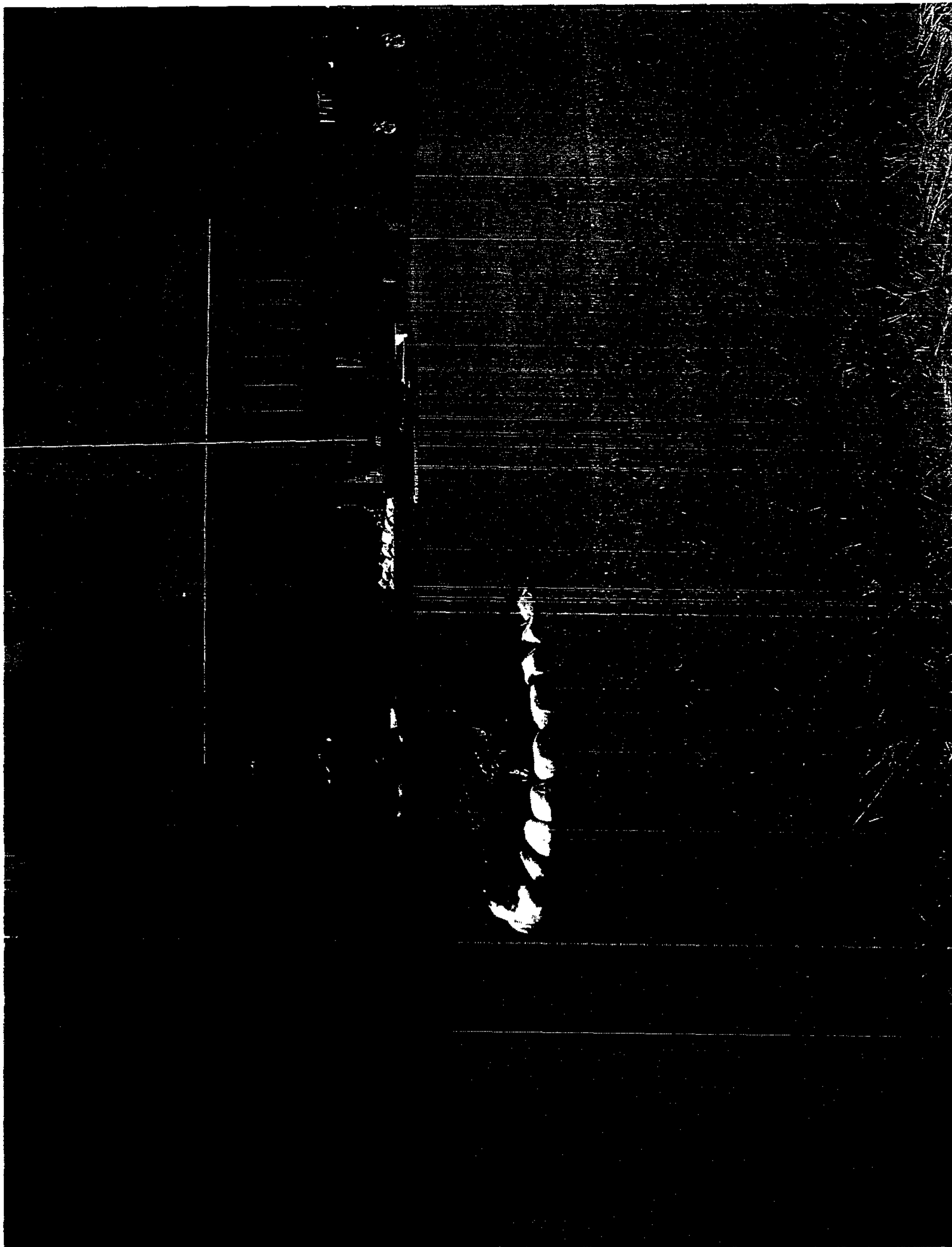
PREPARED BY E.Y.

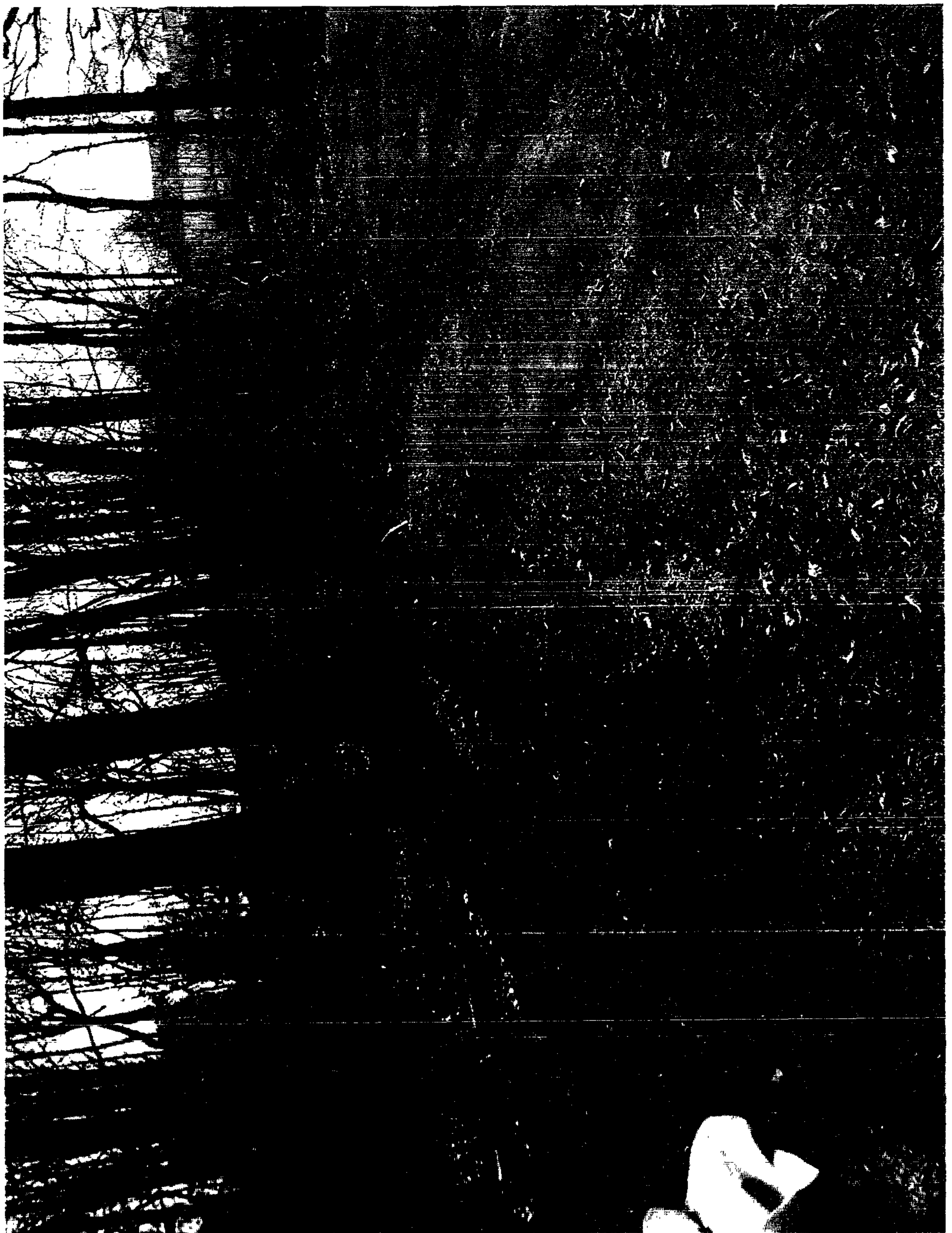
-15-

PA. 6x. L

VICINITY MAP SCALE: 1" = 1000'	
LOCATION INFORMATION ELECTION DISTRICT <u>15TH</u> COUNCILMANIC DISTRICT <u>6TH</u> 1" = 200' SCALE MAP # <u>NE-1-L</u> ZONING <u>RC-5</u> LOT SIZE <u>0.780</u> ACRES <u>23,000.0</u> SQUARE FEET SEWER ☒ PUBLIC ☒ PRIVATE ☐ WATER ☒ ☐ CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO ☐ 100 YEAR FLOOD PLAIN ☒ YES ☐ NO ☐ HISTORIC PROPERTY / BUILDING ☐ PRIOR ZONING HEARING ☐	
ZONING OFFICE USE ONLY REVIEWED BY <u>ITEM #</u> CASE #	









2004 H. B. M.
107
KM

South-Side
House

06-470-A

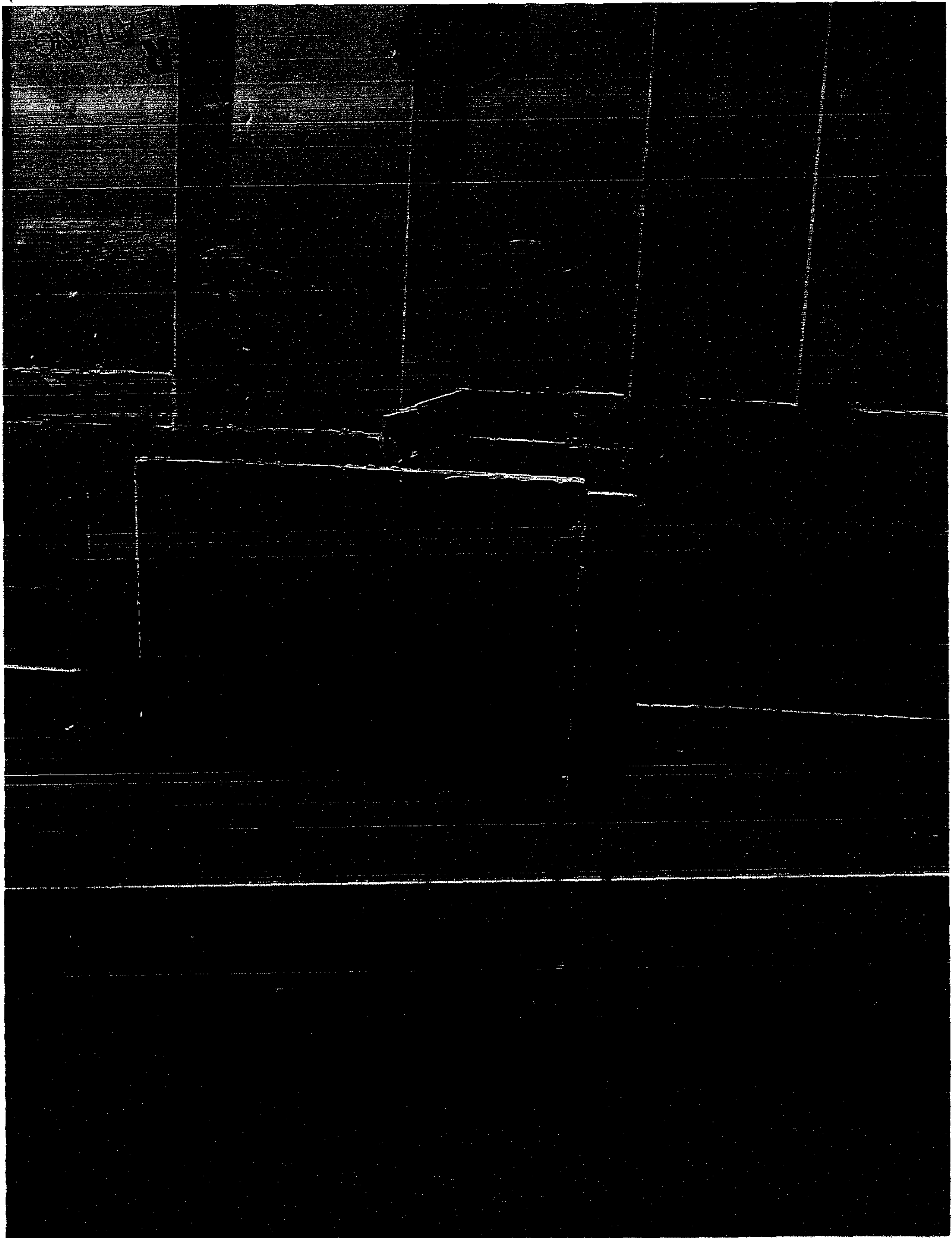
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1621



15



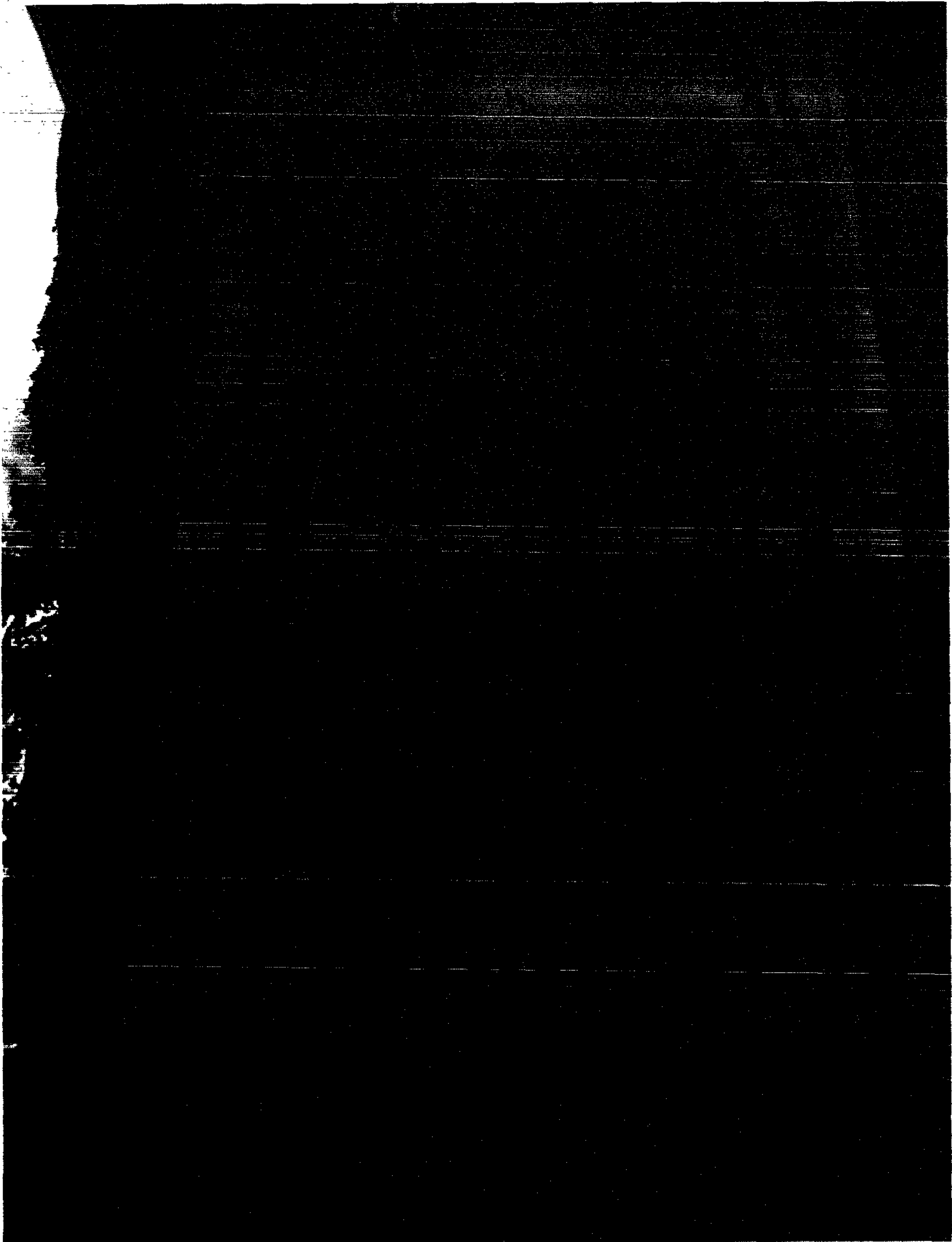
COMM 3502 3015 77A

Fire Stamps

close
W

close
W

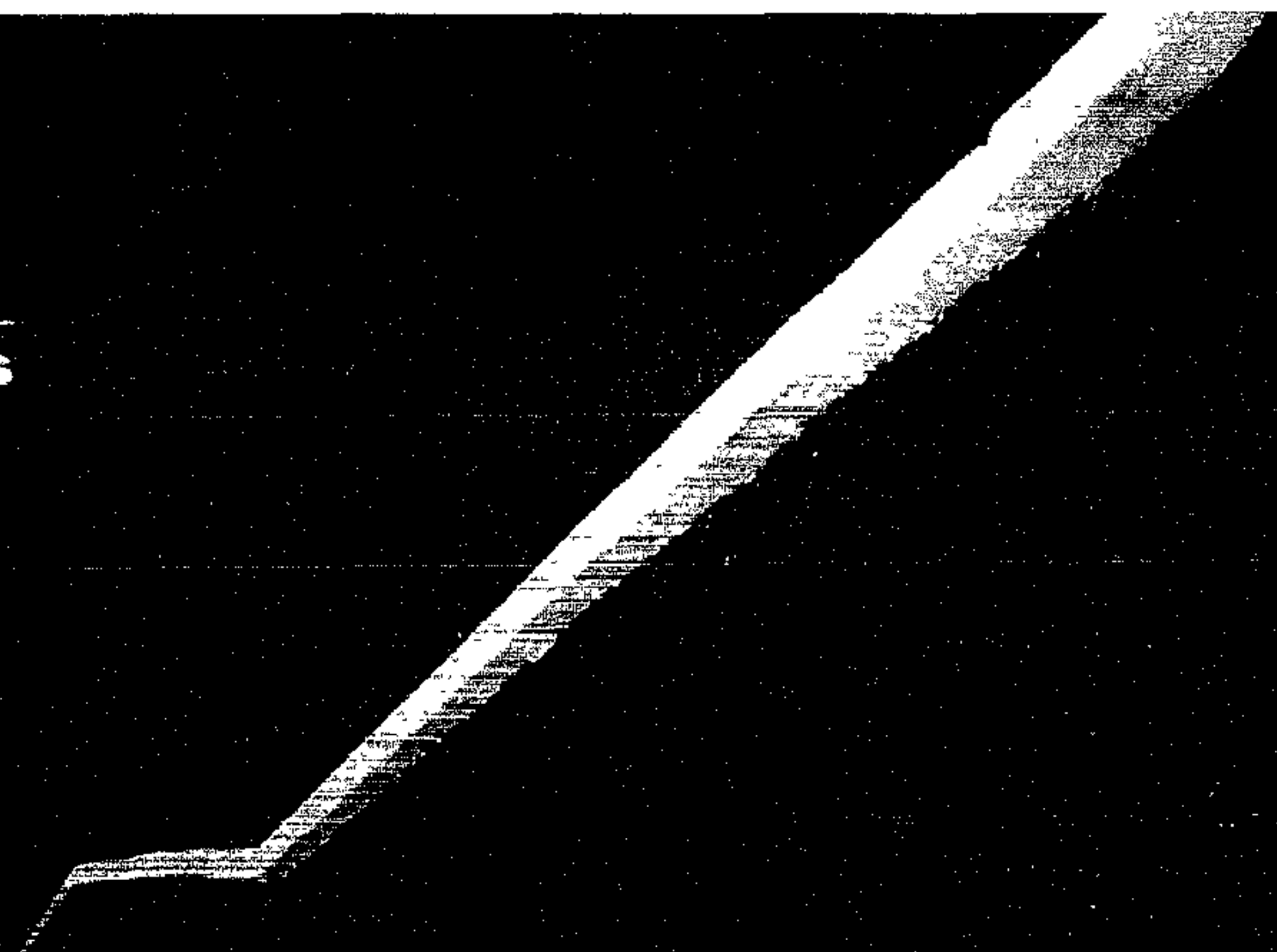
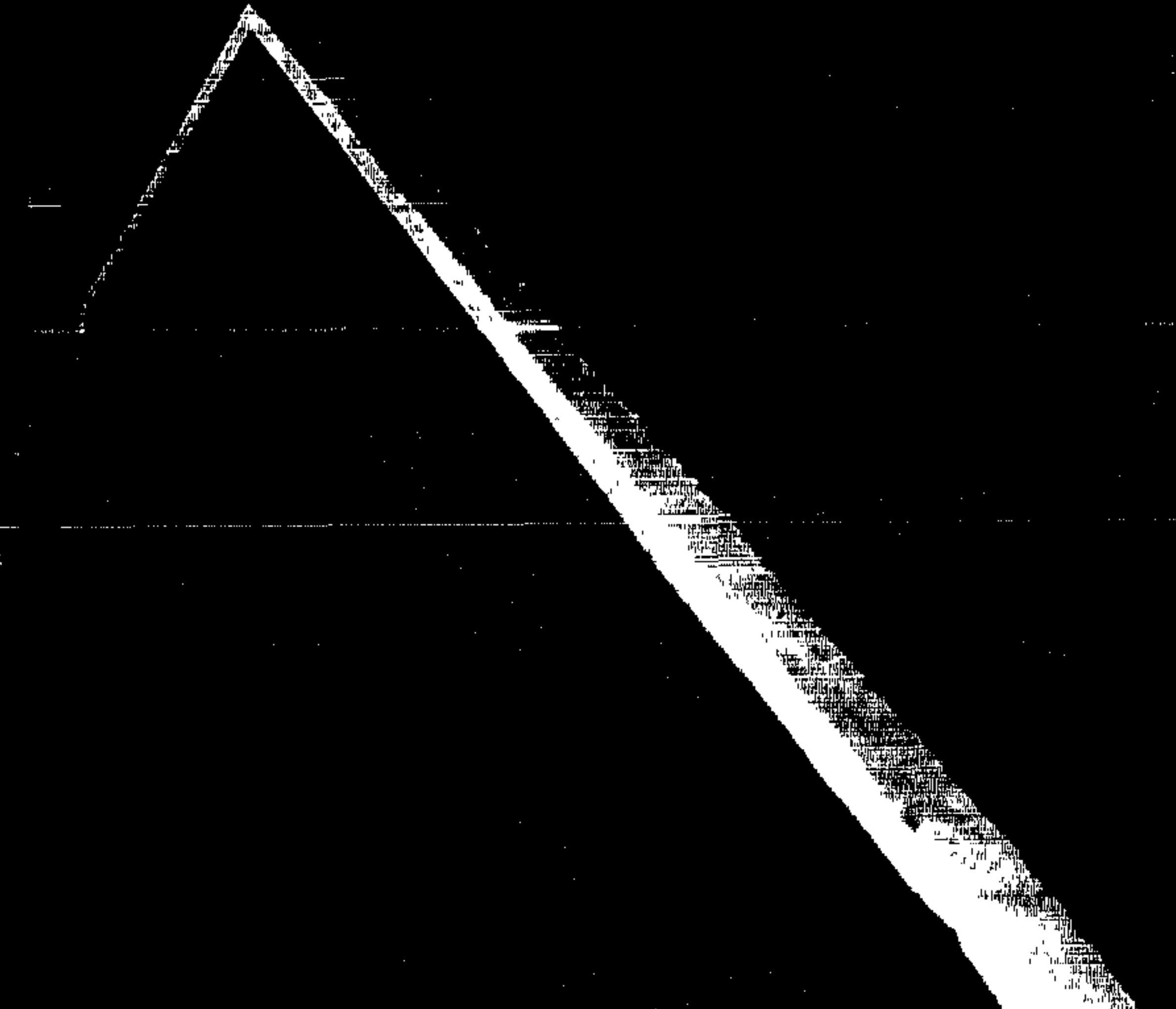
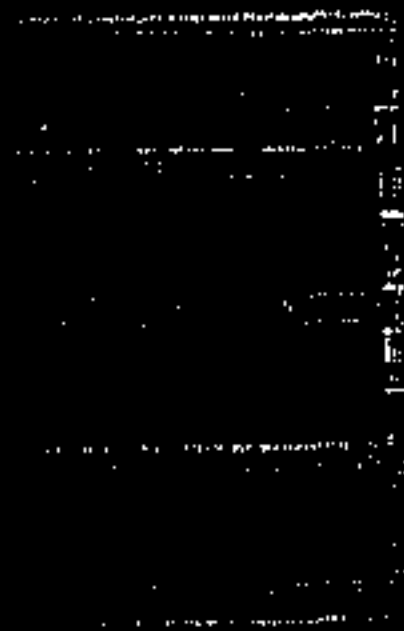
W



← 24'-0" Wide →

NEW
GARAGE
AREA

← 3'-0" SET
BACK



NORTH
SIDE



BURKE RD. STREET

