IN RE: PETITION FOR SPECIAL HEARING
NE side of Liberty Road, 700 feet S of
C/l of Lyons Mill Road
2<sup>nd</sup> Election District
4<sup>th</sup> Councilmanic District
(10414 Liberty Pers.)

(10414 Liberty Road)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

James L. and Patricia M. Burck

Petitioners

CASE NO. 07-199-SPH

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 10414 Liberty Road by James L. and Patricia M. Burck, legal property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed dwelling on a single lot of record that does not meet the minimum acreage (1.5 acres) requirement with side setbacks of 9-feet and 10-feet and a setback of 65-feet to the centerline of the street in lieu of the required 50-feet and 150-feet, respectively.

The property was posted with Notice of Hearing on December 10, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on December 19, 2006, to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

D-DIESTER OF THE PARTY OF THE P

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 6, 2006, which requested additional information. Subsequently the Planning Office after receiving the requested information filed a revised comment dated February 23, 2007 supporting approval of the variances provided certain architectural features are added to the proposed home, a copy of which is incorporated herein and made a part hereof the file. In addition the State Highway Administration indicated in their November 9, 2006 ZAC comment that a residential access permit is required for an entrance onto Liberty Road. Subsequently SHA after further review filed a revised comment dated January 29, 2007 indicating that a residential access permit will not be required for an entrance onto Liberty Road.

### **Interested Persons**

Appearing at the hearing on behalf of the requested special hearing were James L. and Patricia M. Burck, the Petitioners, and Bernadette Moskunas, with Site Rite Surveying, Inc. There were no protestants or citizen at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### **Testimony and Evidence**

The subject property presently contains 0.42 acres zoned RC 5 and is vacant. The Petitioners purchased the property in 2005 as a vacant lot with the intention of building a retirement home for themselves as shown on exhibit 1.

Ms. Moskunas indicated that the lot is 79 feet wide x 231 feet long (average) and has been a lot of record since 1925. She presented a deed dated 1993 which indicated that the property was a lot of record before the RC 5 regulations were imposed on the property. She

2



proffered that the lot had been improved by a single family dwelling for many years which was razed several years ago. However she has not been able to find any record of the razing permit. However in support of her contention she presented an aerial photograph of the lot which shows the prior dwelling as well as a zoning map which again shows the outline of the house. See exhibits 3A and 3B. Finally she presented aerial photographs of the lot presently showing the prior home was razed. See exhibit 4A and 4B.

The new home's dimensions of 60 x 40 feet are set by the location of the well and septic systems rather than a particular design. In fact at the time of the hearing, there were no architectural drawings available so as to comply with the request for information by the Planning Office so that they could make their finding of compatibility. Ms. Moskunas indicated that she would resolve the issue of a curb cut on State Highway Rt. 26, Liberty Road, in accord with the SHA comment. SHA after further review filed a revised comment dated January 29, 2007 indicating that a residential access permit will not be required for an entrance onto Liberty Road.

Subsequently revised comments from the Planning Office indicated after receiving the requested information filed a revised comment dated February 23, 2007 supporting approval of the variances provided certain architectural features are added to the proposed home.

In regard to the special hearing, she noted that the lot was 79 feet wide and could not possibly meet the RC 5 property line setback of 50 feet. She noted that her clients owned no other land in the area which could be combined with the subject lot to make it larger. In regard to the setback from the centerline of the street, she indicated that the proposed house was basically where the old house used to be and is in line with the other homes along that portion of Liberty Road. This meant that the setback from the centerline of the street is 65 feet instead of the required 150 feet. If the new home were to be setback another 85 feet to meet the street

THE PARTY OF

setback requirement not only would the new home be in the back yard of both neighbors but the new home would cover a large part of the septic reserve area. Again see exhibit 1.

Ms. Moskunas agreed that the record of this case remain open to give the Petitioner time to present architectural information to the Planning Office which would allow them to make a finding of compatibility. Having provided this information the Planning Office recommends approval.

### Findings of Fact and Conclusions of Law

It is my understanding that the Petitioner agrees to the architectural features requested by the final comment from the Office of Planning and so I will require these features in the design of the home.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I have no reason to doubt Ms Moskunas' assertion that this lot was created much before the zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district and so I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly a 79 foot wide lot can not meet 50 foot setbacks from each property line.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as this is a replacement home.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety

and general welfare. The pattern of development shown by the Petitioner is similar to this proposal so there will be no change to the character of the neighborhood.

My only concern is that this Commission traditionally requires 10 feet minimum side yard setback for emergency access in situations similar to the proposed dwelling. Consequently I will grant a 10 foot side yard setback rather than the requested 9 foot side yard setback.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing should be granted.

- 1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition: and
- 2. The Petitioner shall install brick or stone veneer up to the roof eaves along the front elevation and up to the undersides of the windows on the sides and rear of the proposed house and bifurcate and provide windows on the garage doors.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

ST T

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

February 27, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

JAMES L. AND PATRICIA M. BURCK 3703 CATTAIL GREENS COURT GLENWOOD MD 21738

Re: Petition for Special Hearing
Case No. 07-199-SPH
Property: 10414 Liberty Ros

Property: 10414 Liberty Road

Dear Mr. and Mrs. Burck:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10414	Liberty Road
which is presently	zoned

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 1A04.3B.1.b. (1) - 1A04.3B.2. (OCTR)

A proposed dwelling on a single lot of record that does not meet the minimum acreage (1.5 Acres) requirement with side setbacks of 9-feet and 10-feet and a setback of 65-feet to the centerline of the street in lieu of the required 50-feet and 150-feet, respectively.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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:		Legal Owner(s):
			James L. Burck
Name - Type or Print		. Na	me-Type or Print Bunk
Signature			Patricia M. BWK
Address		Telephone No.	Name - Type or Print Fatricia M. Buck
City	State	Zip Code	Signature 3703 Cattail Gruns Ct. 1-410-489-519
Attorney For Petitio	orier.		Address address 21738
Name - Type or Print		Cit	
			Representative to be Contacted:
Signature			Site Rite Surreying Inc.
Company	· · · · · · · · · · · · · · · · · · ·		200 E-JOPPA ROLD RW101 4108289061
Address		Telephone No.	Address Telephone No.  TOWSON, MD 21286
City	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
	,		ESTIMATED LENGTH OF HEARING
Case No. 07-19	19-SPH		UNAVAILABLE FOR HEARING
DE1/0/15/00		Re	viewed By D.T. Date 11106
REV 9/15/98	ioevic ru		
	シント ハート		

### **ZONING DESCRIPTION FOR #10414 LIBERTY ROAD**

BEGINNING AT A POINT ON THE NORTHEAST SIDE OF LIBERTY ROAD (MARYLAND STATE ROAD ROUTE NO. 26) WHICH IS 66
FEET WIDE AT THE DISTANCE OF 700 FEET SOUTH OF THE CENTERLINE OF LYONS MILL ROAD WHICH IS 50 FEET WIDE.
AS RECORDED IN DEED LIBER 22445, FOLIO 475 AND RUNNING THENCE NORTH 39 DEGREES 07 MINUTES 00 SECONDS EAST, 213.77 FEET; THENCE SOUTH 50 DEGREES 53 MINUTES 00 SECONDS EAST, 79.00 FEET; THENCE SOUTH 39 DEGREES 07 MINUTES 00 SECONDS WEST, 249.33 FEET AND THENCE NORTH 26 DEGREES 39 MINUTES 00 SECONDS WEST, 86.33 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.420 ACRES, MORE OR LESS. ALSO KNOWN AS #10414 LIBERY ROAD AND LOCATED IN THE 2<sup>ND</sup> ELECTION DISTRICT, 4<sup>TH</sup> COUNCILMANIC DISTRICT.

MICHAEL V. MOSKUNAS REG. NO. 21175

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SHELL BUILDING, ROOM 101 TOWSON, MD 21286 (410)828-9060

-	
•	
,	
•	
	Š.
-	
•	
•	
-	
	The state of the s
•	
-	
•	
••	
	2 9
· · · · · · · · · · · · · · · · · · ·	
	3 3 5 5
•	
	A O A
	M E M
بهدر	
•	
	PECEN PECEN PARE PARE PARE PARE PARE PARE PARE PARE
	© 2 0 ≥ 8 ¥ 4
·	The state of the s
	•

•

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 07-199-SPH

10414 Liberty Road

Neast side of Liberty Road, 700 feet south of centerline of Lyons Mill Road

2nd Election District - 4th Councilmanic District

Legal Owner(S): James L. & Patricia M. Burck

Special Hearing: to approve a proposed dwelling on a single lot of record that does not meet the minimum acreage (1.5 acres) requirement with side setbacks of 9 feet and 10 feet and a setback of 65 feet to the centerline of the street in lieu of the required 50 feet and 150 feet respectively.

Hearing: Thursday, January 4, 2007 at 10:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

FY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTI

successive weeks, the first publication appearing 0 once in each of

The Jeffersonian

Catonsville Times

Times

Arbutus

- Times Towson
- Owings Mills Times
- NE Booster/Reporter
- North County News

Mulusy.

LEGAL ADVERTISING

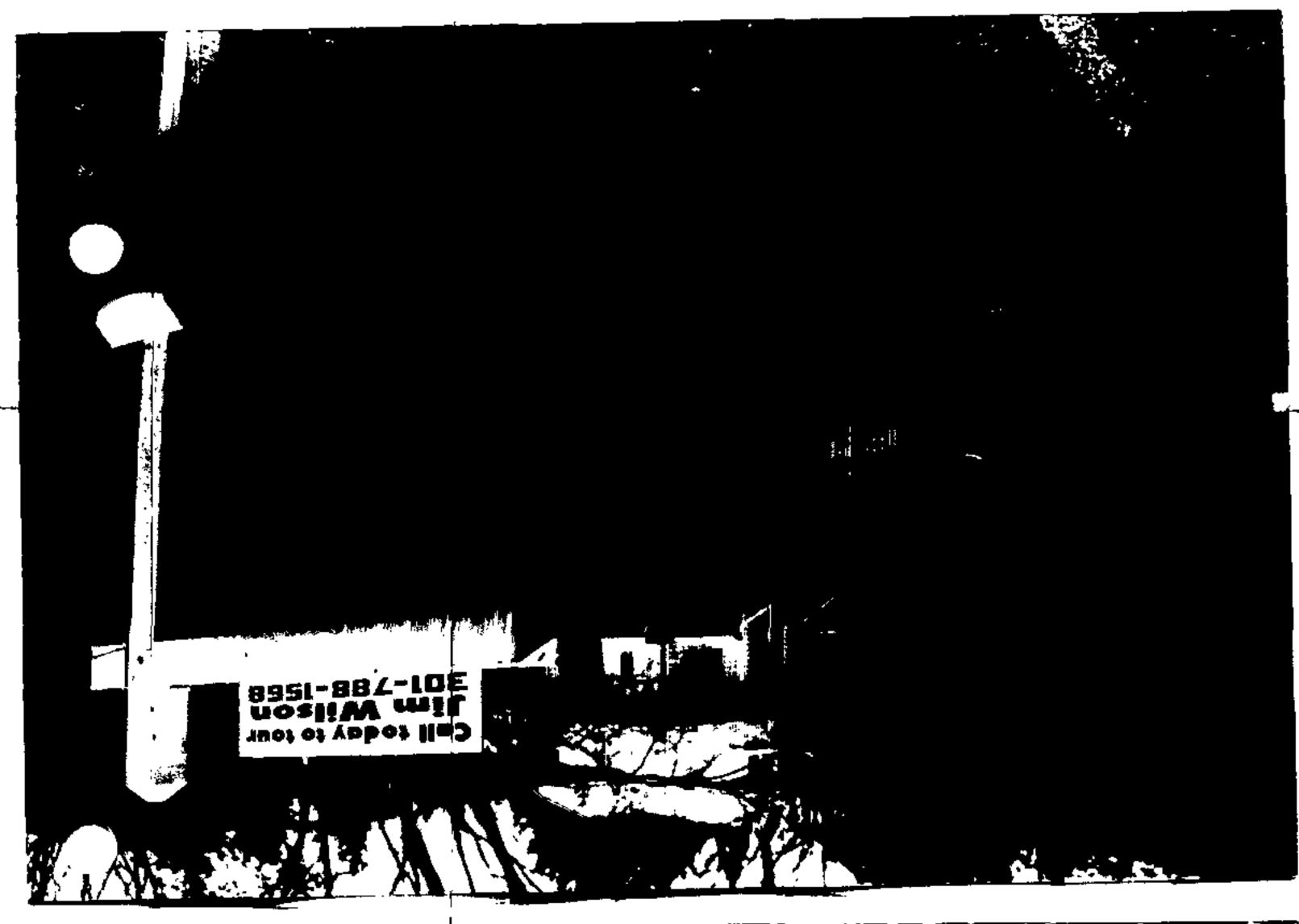
### CERTIFICATE OF POSTING

	· ·
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Fowson, MD 21204	
Attention: Christen Matthews	•
Ladies and Gentlemen: This letter is to certify under the per	nalties of perjury that the necessary sign(s)
equired by law were posted conspicuously on the propery	
# 10414 LIBERTY	ROAD
The sign(s) were posted on	2006 (Month, Day, Year)
	Sincerely,
	Signature of Sign Poster and Date)
	CTAPLAGEDE, MOORE (Printed Name)
	3225 RYELSON CIRCLE (Address)
	BAUTIMORE, MD, 21227 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: 07-199-5PH

Petitioner/Developer: JAM 55 PURCK

Date of Hearing/Closing: JAM 4, 2007





RE: PETITION FOR SPECIAL HEARING
10414 Liberty Road; NE/S Liberty Road,
700' S c/line Lyons Mill Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): James & Patricia Burck
Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 07-199-SPH

### **ENTRY OF APPEARANCE**

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

NOV 1 3 2006

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

### Department of Permits and Development Management

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



### Baltimore County

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

November 20, 2006

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-199-SPH

10414 Liberty Road

N/east side of Liberty Road, 700 feet south of centerline of Lyons Mill Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: James L. & Patricia M. Burck

Special Hearing to approve a proposed dwelling on a single lot of record that does not meet the minimum acreage (1.5 acres) requirement with side setbacks of 9 feet and 10 feet and a setback of 65 feet to the centerline of the street in lieu of the required 50 feet and 150 feet respectively.

Hearing: Thursday, January 4, 2007 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Burck, 3703 Cattail Greens Court, Glenwood 21738 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 20, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 19, 2006 Issue - Jeffersonian

Please forward billing to:

James & Patricia Burck 3703 Cattail Greens Court Glenwood, MD 21738

1-410-489-5195

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-199-SPH

10414 Liberty Road

N/east side of Liberty Road, 700 feet south of centerline of Lyons Mill Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: James L. & Patricia M. Burck

Special Hearing to approve a proposed dwelling on a single lot of record that does not meet the minimum acreage (1.5 acres) requirement with side setbacks of 9 feet and 10 feet and a setback of 65 feet to the centerline of the street in lieu of the required 50 feet and 150 feet respectively.

Hearing: Thursday, January 4, 2007 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

### 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 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.

Item Number or Case Number:	07-199-SPH
Petitioner: James and Pathina	Burck
Address or Location: 10414 16	berty Poad
· · · · · · · · · · · · · · · · · · ·	
PLEASE FORWARD ADVERTISING E	BILL TO:
Name: James and Patrica	Burcl
Name: James and Patwara	Burck- veens Court :
——————————————————————————————————————	Burck- veens Court :



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 28, 2006

James L. Burck Patricia M. Burck 3703 Cattail Greens Court Glenwood, MD 21738

Dear Mr. and Mrs. Burck:

RE: Case Number: 07-199-SPH, 10414 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

### 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 November 9,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): 193 through 201

199

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: November 9, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 13, 2006

Item Nos. 07-193, 197, 198, 199, 200 and 201

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-11132006.doc

Dm 1/4

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 6, 2006

DIC 1. " 200)

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

10414 Liberty Road

**INFORMATION:** 

Item Number:

7-199

Petitioner:

James Burke

Zoning:

RC 5

Requested Action:

Variance

### **SUMMARY OF RECOMMENDATIONS:**

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

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Dave Green with the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director

DATE: February 23, 2007

Dept. of Permits & Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

10414 Liberty Road

**INFORMATION** 

Item Number:

7-199

Petitioner:

James Burke

Zoning:

RC 5

Requested Action:

Variance

### RECOMMENDATIONS ON THE PROPOSAL

The Office of Planning has reviewed the photos of houses in the surrounding community and the proposed building elevation submitted by the petitioner. In order to provide a house more compatible with the houses in the neighborhood, and 1A04.4G1e of the Baltimore County Zoning Regulations (Attached), The Office of Planning recommends the petitioner provide the following changes to the proposed house to be constructed on this property: Install brick or stone veneer up to the roof eaves along the front elevation and up to the undersides of the windows on the sides and rear of the proposed house and bifurcate and provide windows on the garage doors.

The Office of panning recommends approval of the requested variances provided the petitioner provides the aforementioned.

Prepared by:

Approved by:

Section Unie

AFK:TD

- 2. Incorporate significant features, such as stands of trees, into open areas.
- 3. In addition to plant material, use fences, walls or earth forms to provide effective and attractive screens and buffers where necessary. Buffer quantities are not limited by the Baltimore County Landscape Manual.

### F. Landscape design.

- 1. A development proposal shall be landscaped to maintain and enhance a rural character, especially as visible from an arterial or connector road. This may include a provision for contiguous tree growth of the same species or trees with design characteristics and growth habits that are similar to those of the surrounding rural area.
- 2. Community signage shall be designed with natural materials that reflect a rural character. The design for community signage, including the size of lettering, shall be shown on the schematic landscape plan or included in the final development plan and shall be part of the approval process before issuance of any building permits.

### G. Buildings.

- 1. A development proposal shall:
  - a. Allow variety in housing type or design, while maintaining continuity in scale, rhythm, proportion and detail.
  - b. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops in front building facades.
  - c. Provide for the coordinated architectural design of decks, balconies, windows, dormers, chimneys and porches as components of the building following dominant building lines, proportions, style and scale. Decks shall be screened to minimize visibility from a public street.
  - d. Design accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
  - e. Ensure that exteriors of all buildings use the same finish materials and architectural details on all front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
- 2. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.



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

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

### MARYLAND DEPARTMENT OF TRANSPORTATION

November 9, 2006

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

RE: Baltimore County

Item No. 07-199-SPH MD 26 (Liberty Road)

700' south of Lyons Mill Road Variance- To permit a proposed dwelling in lieu of the required

minimum acreage

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda plan on the subject of the above captioned, which was received on November 6<sup>th</sup>. We understand that the aforementioned submission illustrates request to a residential dwelling on constructed on a lot less than 1.5 acre minimum as require by Baltimore County Zoning Ordinance.

We have reviewed the referenced plan and have no objection to approval with regard to County land use approval. However, a field inspection reveals that a permit is required for access to MD 26 (Liberty Road). Prior to the issuance of building permits coordination with Mr. Michael Pasquariello, Utility Engineer at our District Four Office is necessary to obtain a residential entrance permit. You may reach him at 410-321-2843. Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailto:mbailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

y N

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Cc: Jam

James & Patricia Burck, Applicants

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. John Vaughn, RME-Owings Mills, SHA

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



Martin O'Malley, Governor Anthony Brown, Lt. Governor

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

### Maryland Department of Transportation

January 29, 2007

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

RE: Baltimore County

Item No. 07-199-SPH MD 26 (Liberty Road)

700' south of Lyons Mill Road Variance- To permit a proposed dwelling in lieu of the required

minimum acreage

Dear Ms. Matthews:

This is in reference to our ongoing review of the ZAC Agenda plan on the subject of the above captioned. We understand that the aforementioned submission illustrates request to a residential dwelling on constructed on a lot less than 1.5 acre minimum as require by Baltimore County Zoning Ordinance.

Based on further review and evaluation of the existing driveway entrance onto the property from MD 26 the inspection reveals that a permit is not required for access to MD 26 (Liberty Road). Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailto:mbailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

Engineering Access Permits

Division

SDF/MB

Cc: James & Patricia Burck, Applicants

Ms. Burnadette Moskunas, Associate, Site Rite Surveying, Inc.

Mr. John Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. John Vaughn, RME-Owings Mills, SHA

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



Martin O'Malley, Governor
Anthony Brown, Lt. Governor

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

### Maryland Department of Transportation

February 1, 2007

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

RE: Baltimore County

Item No. 07-199-SPH MD 7 (Philadelphia Road)

n/e of Beatty Avenue

Special Exception- Use as professional office space (attorney) as permitted by - · special exception under Baltimore

County Zoning regulation Section 1B01

(a)(12).

Dear Ms. Matthews:

This is in reference to our ongoing review of the ZAC Agenda plan on the subject of the above captioned. We understand that the aforementioned submission illustrates request to a changes use of residential dwelling to allow a professional office use with on site parking.

Based on a review and evaluation of existing conditions our inspection reveals that a permit may be required to widen or alter the access driveway onto MD 7 (Philadelphia Road). In accordance with the State Highway Access Manual guidelines a two-way commercial entrance is required for the above noted change in use. Further consultation with this office is necessary. Please include our remarks in your staff report to the Zoning Commissioner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailto:mbailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

A Steven D. Foster, Chief

FOR Engineering Access Permits

Division

### SDF/MB

Cc: Mr. Robert P. Grim, Consultant Engineer, McKee & Associates, Inc.

Mr. David B. Love, Esq., Applicant

Mr. John Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA



JAMES T. SMITH, JR. County Executive

February 7, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

BERNADETTE MOSKUNAS SITE RITE SURVEYING, INC. 200 EAST JOPPA ROAD, ROOM 101 TOWSON MD 21286

> Re: Petition for Special Hearing Case No. 07-199-SPH Property: 10414 Liberty Road

Dear Ms. Moskunas:

As I recall I was to hold the record in the above case open to enable the Petitioner to submit requested information to the Office of Planning per their comment. They would then issue a revised comment and finding so that I could make my decision on this case.

As the hearing occurred over one month ago, I was wondering about the status of your efforts with the Planning Office.

Very truly yours,

John V. Murphy

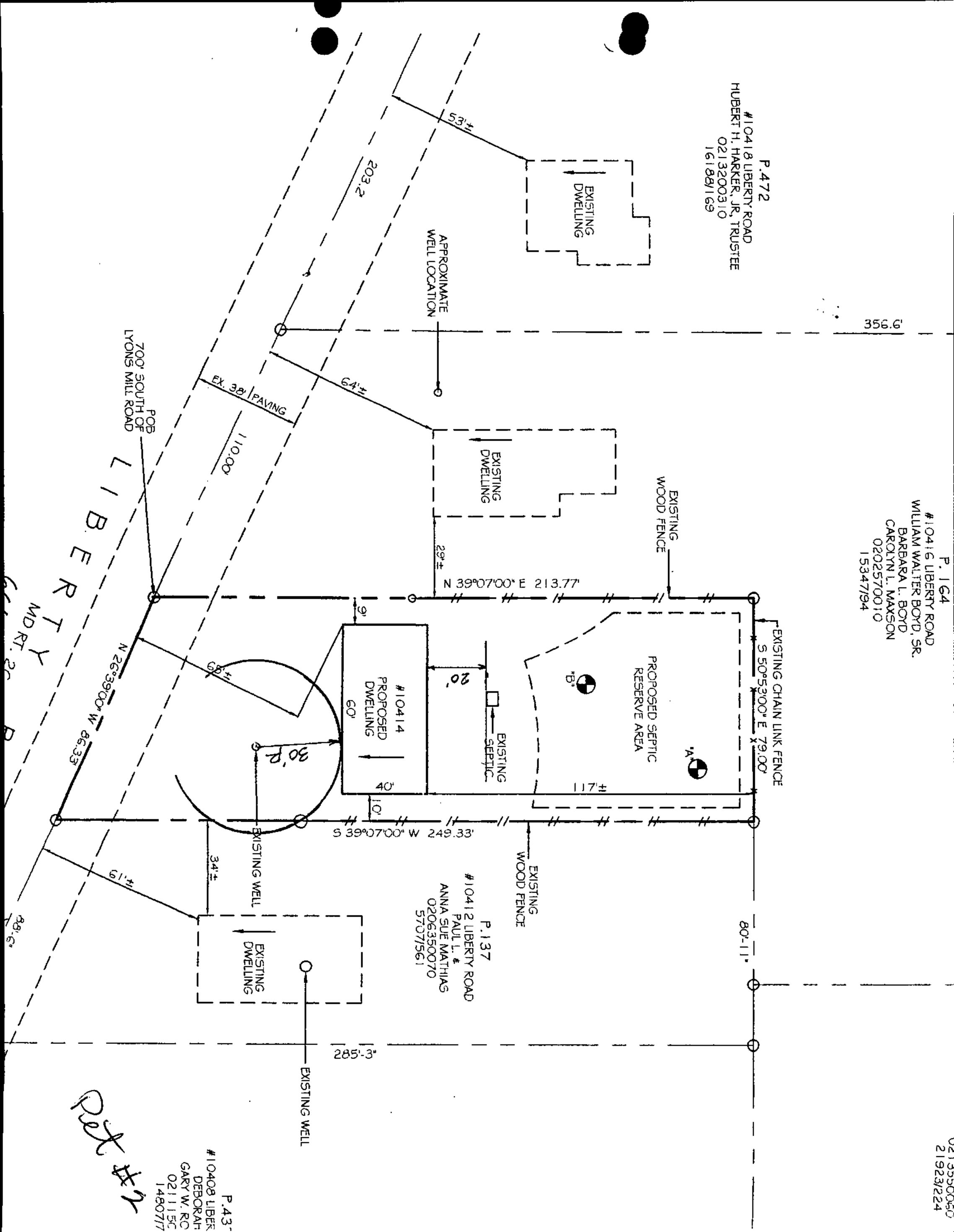
Deputy Zoning Commissioner

for Baltimore County

JVM:pz

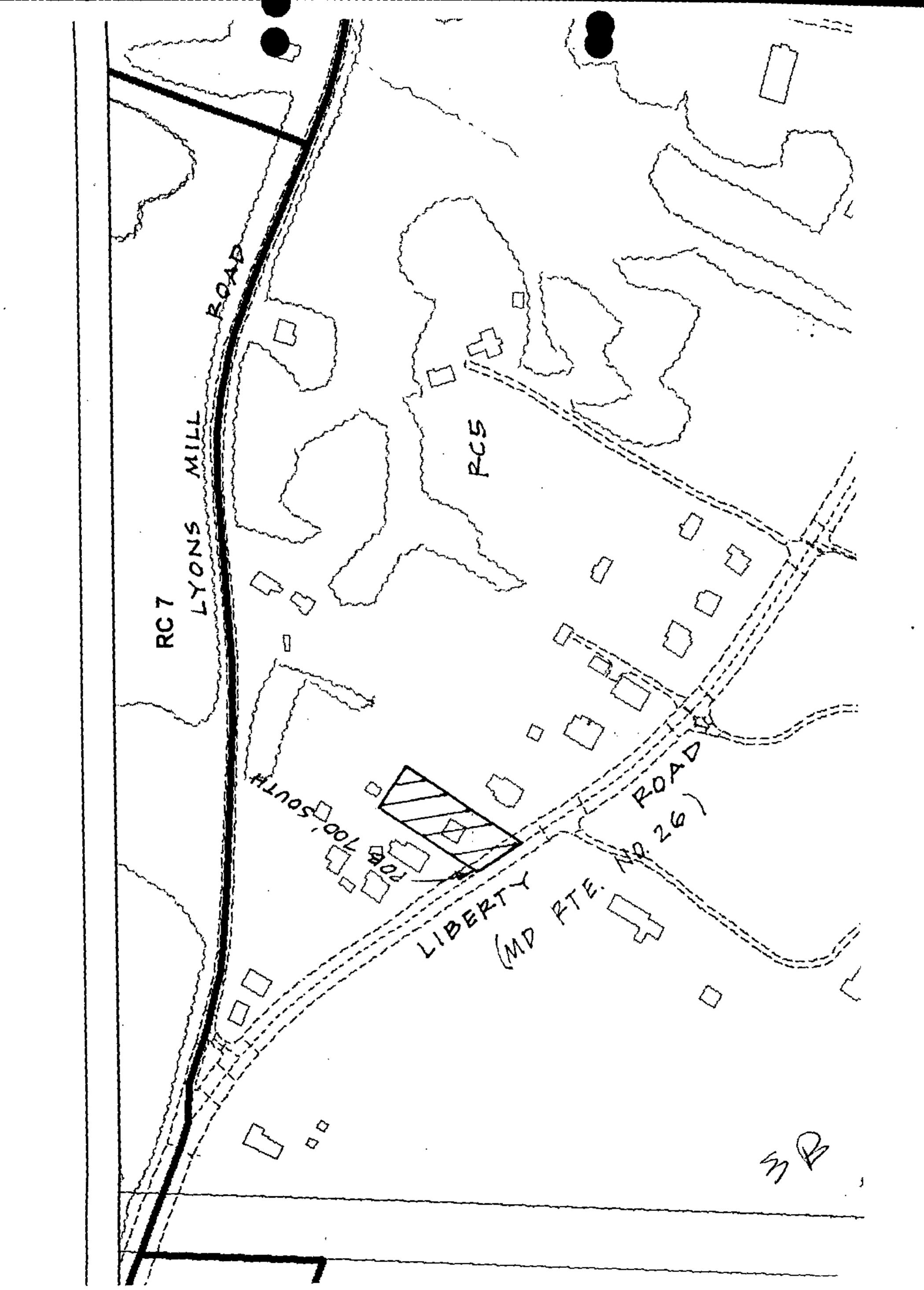
Enclosure

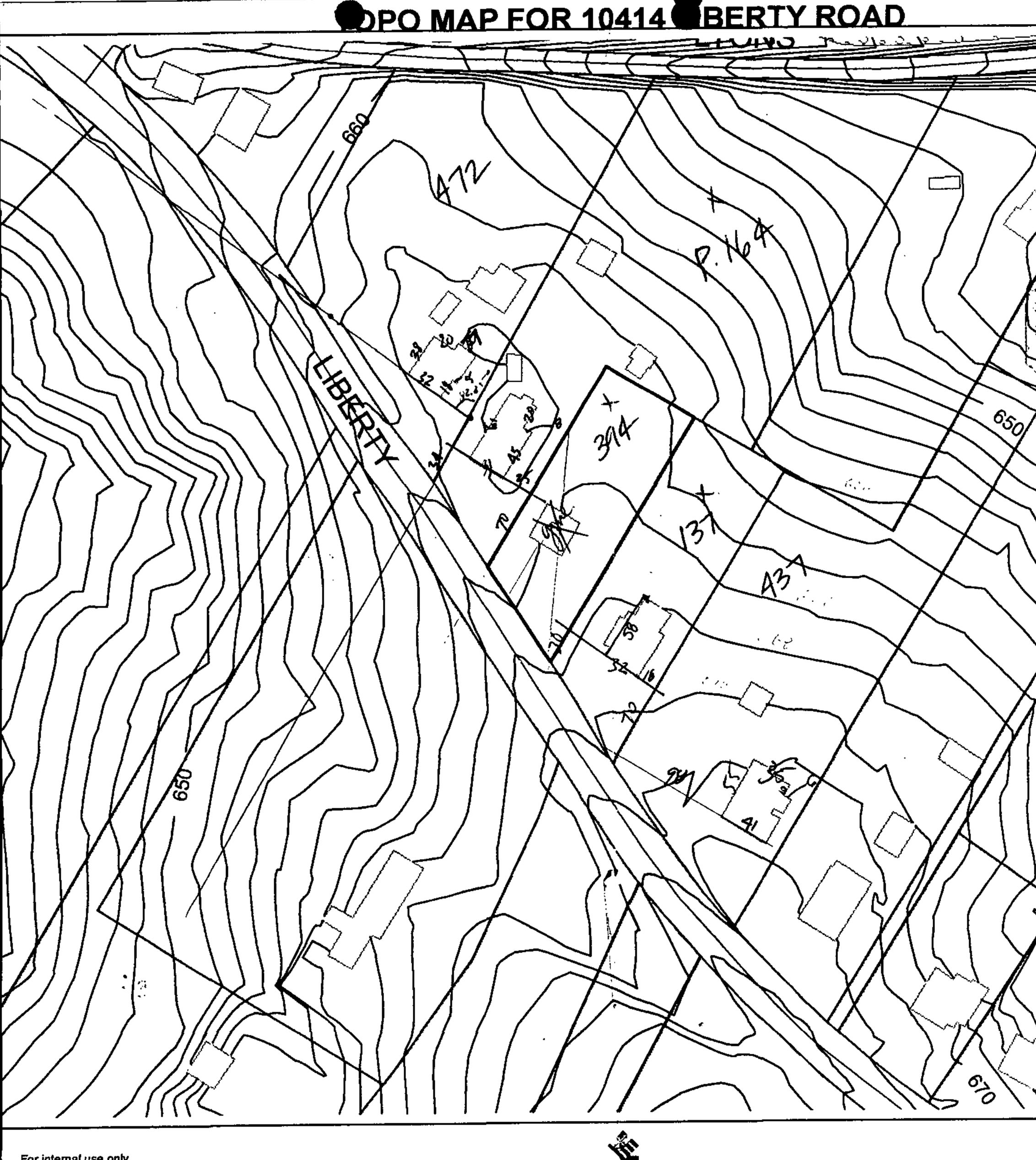
c: James L. and Patricia M. Burck, 3703 Cattail Greens Court, Glenwood MD 21738





Dil 427 2/6/2006



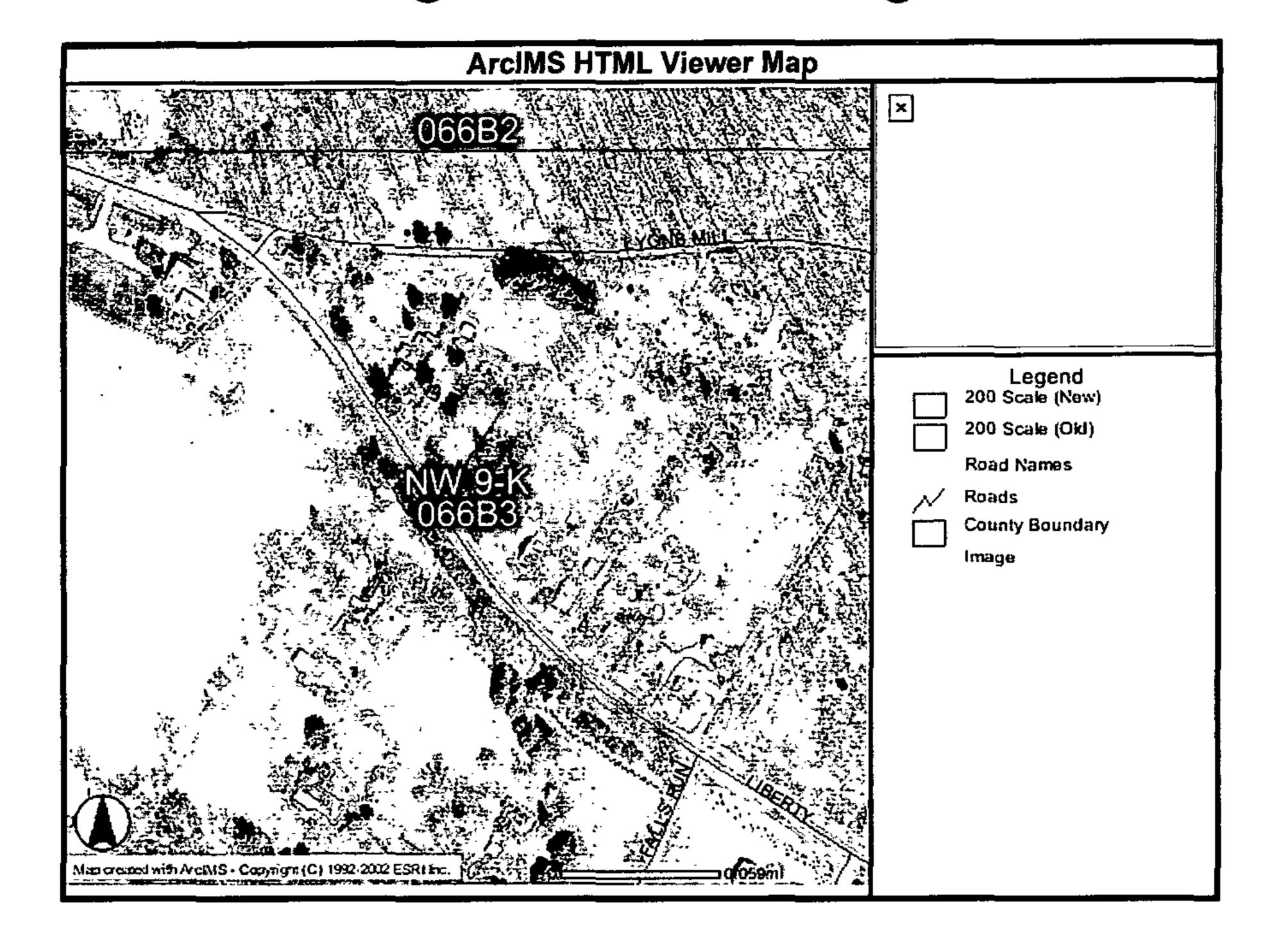


For internal use only. The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. This survey information was not field checked and certified by a licensed land surveyor.



Battimore County, MD Department of Public Works **GIS Services** 





Piet



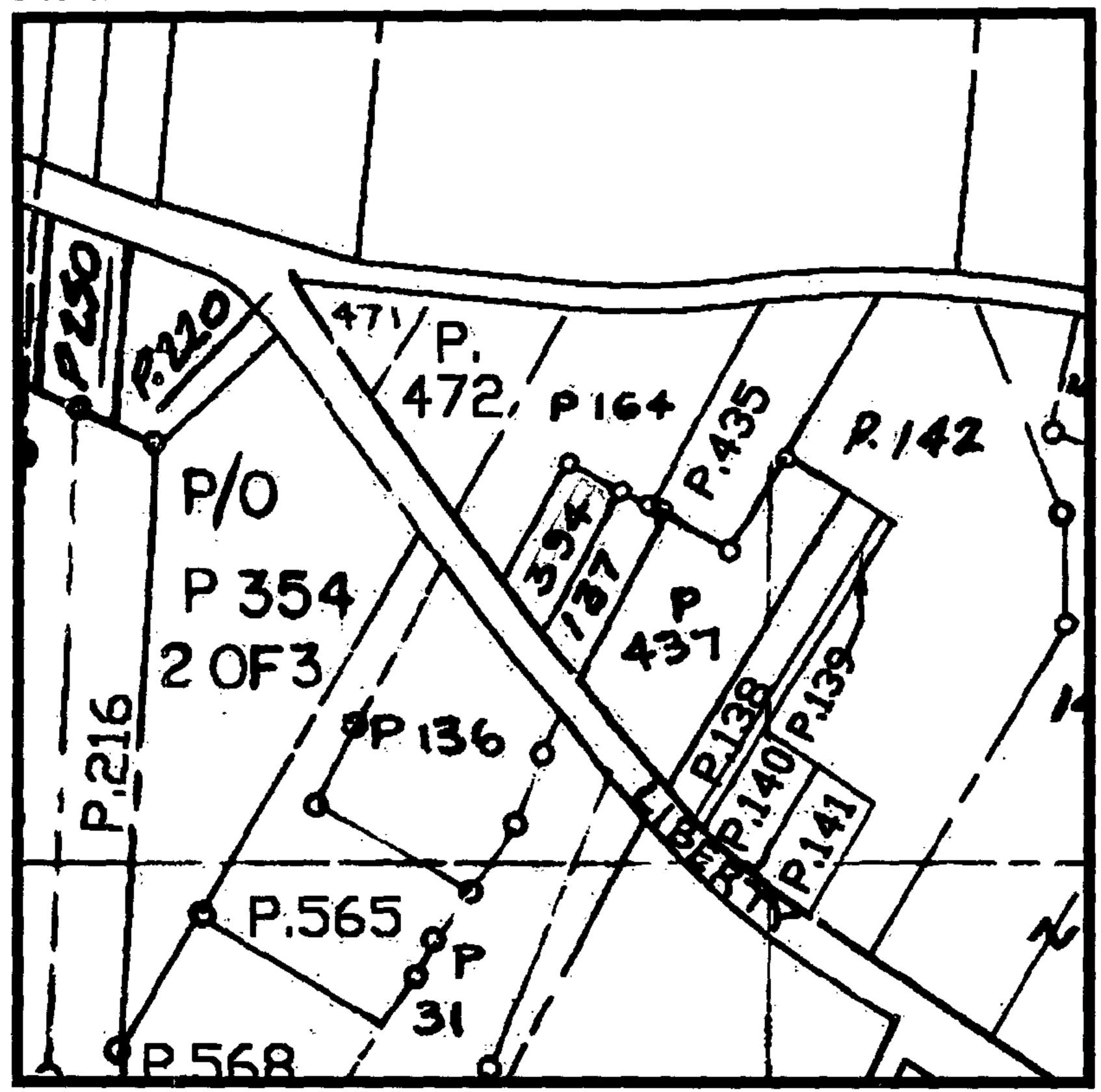




Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

District - 02Account Number - 0220450281



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/webcom/index.html">www.mdp.state.md.us/webcom/index.html</a>

Det 5

### LIBER 1 0 2 0 4 PAGE 5 6 9

### DEED

THIS DRED, made this 4 day of November, 1993, between William O'B. Finch, Jr., Trustee, Grantor, as hereinafter mentioned, party of the first part, and

Benjamin Nathanson and Beverly P. Nathanson, Grantees

WITNESSETH, whereas by a decree of the Circuit Court of Baltimore County dated March 1, 1993 and passed in a cause in said Court, between Nilda M. Ervin, Plaintiff and Paul N. Ervin, Defendants, Case No. 91-CSP 00059/72/722, the above named William O'B. Finch, Jr. was appointed Trustee with authority to sell the fee simple property in the proceedings in said cause mentioned, and the said Trustee after complying with all the previous requisites of the decree, did, on or about the 7th day of June, in the year one thousand nine hundred and ninety three, sell unto the said Benjamin Nathanson, at private sale (after an unsuccessful attempt at Public Sale), at and for the sum of Sixty five Thousand (55,000.00) dollars, current money, the aforesaid fee simple property, situate in Baltimore County, Maryland, described as follows:

BEGINNING FOR THE SAME in the center of the Liberty road on the second line of WPC No. 577, folio 86, 110 feet from the beginning thereof and being in the beginning of Lot No. 1 conveyed by WPC No. 577, folio 89 and running thence North 39 degrees 7 minutes East 214 feet 3 inches and South 50 degrees 53 minutes East 79 feet thence south 39 degrees 7 minutes West 249 feet 4 inches to the center of Liberty Road and thence with the center of said road North 26 degrees 39 minutes West 86 feet 4 inches to the beginning. Containing 0.42 acres of land, more or less. The improvements thereon being known as No. 10414 Liberty Road.

WHEREAS the aforesaid private sale has been duly reported to, ratified and confirmed by the said Circuit Court of Baltimore County, October 20, 1993, and the purchase money aforesaid has been fully paid and satisfied to the said Trustee, he is authorized by the said decree to execute these presents.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-10059] SM 10204, p. 0568 Printed 10/12/2006. Image available a of 03/03/2005.

## PLEASE PRINT CLEARLY

CASE NAME#10414 Wouth Pa CASE NUMBER 07-199.5PH DATE JAM. 4, 2007

# FHEILS OF STATES OF THE STATES

E-MAIL HM1MM @ aol.com restmanor@hotmail.com					
CITY, STATE, ZIP TOWSON, MD 21286 GLENWOOD, MD 21738					
200 E. JODPA ROAD RM 101 3703 Cattoil Greens Ct. 3703 Cattoil Greens Ct.					
SITE RITE SUMMING INC. James L. Burck WHEIGH M. BUNCK					

07-199-SP