BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 9, 2007

FREDERICK JOSEPH AND MICHELLE Y. BURGESEN
19 EAST PLEASANT HILL ROAD
REISTERSTOWN MD 21136

Re: Petition for Variance
Case No. 07-244-A
Property: 19 East Pleasant Hill Road

Dear Mr. and Mrs. Burgesen:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: E. Stephen Snyder, 1311 Hanover Pike, Hampstead MD

2-5-07

IN RE: PETITION FOR VARIANCE NE side of E. Pleasant Hill Road, 700 feet NE of Reisterstown Road Election District Councilmanic District **(19 East Pleasant Hill Road)** Frederick Joseph and Michelle Y. Burgesen *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 07-244-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Frederick Joseph and Michelle Y. Burgesen. The Petitioners are requesting variance relief for property located at 19 East Pleasant Hill Road. The variance request is from Section 1B02.3.B (Section 1B01.2.C.2.a and 504 of the 1970 zoning regulations and Section V.B.5.a and V.5.5.b of the 1970 C.M.D.P) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a window and building to tract boundary setback of 15 feet for both sides in lieu of the minimum required 35 feet and 30 feet, respectively, for both sides.

The property was posted with Notice of Hearing on January 15, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 18, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances.*

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

ORDER RECEIVED FOR FILING
Date 2-9-07
By

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 Department of Environmental Protection and Resource Management dated January 25, 2007 which contains restrictions, and the Office of Planning dated December 12, 2006 which contains restrictions. Copies of these documents are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Stephen Snyder and Frederick J. Burgesen, Petitioner. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.68 acres zoned DR 16 and DR 10.5 and is improved by an existing single family dwelling. The subject property is lot 2 B of a minor subdivision which the Petitioner indicated was approved by the County in 1997 as shown on exhibit 1. The Petitioner leases the existing house on lot 2 A and now would like to build a home to lease on lot 2 B.

ORDER RECEIVED FOR FILING
Date 2-9-07
By B

While the home depicted on lot 2 B on the subdivision plat meets all County regulations, the Petitioner would like to rotate the house 90 degrees as shown in exhibit 2 in order to better match the orientation of the existing house on lot 3 on the adjacent minor subdivision as shown in exhibit 3. He explained that he owns the houses on adjacent subdivision as well. The house on lot 3 faces a private road (Wanner Road) which is the only access for each of the houses to a public road. He would like to orient the proposed home on the subject property in the same manner.

Rotating the house 90 degrees causes the need for window and building to tract boundary setback variances. The Petitioner proposes 15 feet on each side with the front facing Wanner Road. 35 feet and 30 feet are required.

Mr. Bergesen indicated that these two minor subdivisions are single family enclaves between the high density development to the north (Enchanted Hills apartments) and south (Summer Woods town homes). As such they are a world to their own and should be arranged to be compatible as possible. By rotating the proposed house 90 degrees he indicated that he would have greater flexibility to add on to the house in the future as such addition would likely be built toward the rear of the house.

Findings of Fact and Conclusions of Law

As I mentioned at the hearing, the minor subdivision approved in 1997 shows a house on the lot 2 B which requires no variances. Consequently under conventional wisdom since a house can be built on the property, there is no hardship and the requested variance should be denied.

However the Petitioner argues that this subdivision and the adjacent subdivision, all of which he owns is a world of single family dwellings onto itself between apartments and town homes. He wants to rotate the proposed house to be compatible with his house on the adjacent subdivision. The 1997 subdivision has the front of the house on the narrow end of the building.

2-5-02

Apparently this gives the Petitioner some problem selecting a house design as fronts are generally on the wider dimension of the house. He feels this is the most compatible design.

Interestingly the Planning Office does not take issue with this request even though variances are needed apparently accepting the world unto its own reasoning. They seem satisfied with the request as long as they can review the construction details of the proposed house.

I see no adverse impact on the community given the circumstances. I assume, but do not know, that the Petitioner processed two minor subdivision plats to avoid a major subdivision which certainly would have organized the house orientations in a better manner which are now inconsistent. He now wants to make at least the last two homes configured the same way.

I find the property unique from a zoning standpoint given the odd configuration of homes on the two adjacent subdivisions. I also find that strict compliance with the DR 16 regulation would cause the Petitioner practical difficulty in having a house per the 1997 subdivision which would have the front on the narrow end of the building. Finally I find the requested variances can be granted within the spirit and intent of the regulations and will not adversely affect the health safety or welfare of the community.

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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 9th day of February 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1B02.3.B (Section 1B01.2.C.2.a and 504 of the 1970 zoning regulations and Section V.B.5.a and V.5.5.b of the 1970 C.M.D.P) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a window and building to tract boundary setback of 15 feet for both sides in lieu of

ORDER RECEIVED FOR FILING
Date 2-5-07
By B

the minimum required 35 feet and 30 feet, respectively, for both sides is hereby GRANTED subject to the following.

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition. The Petitioner's accepted the condition of approval that they could not obtain a building permit until the public sewer line was operational at their property.
2. 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.
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code.
4. Submit architectural elevation drawings to the Office of Planning for review and approval prior to application of any building permit.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

2902

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 19 E. PLEASANT HILL RD

which is presently zoned DR16 / DR10.5

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) 1B02.3.B, BCZR (Section 1B01.2.C.2.a & 504 of the 1970 Zoning Regulation, and Section V.B.5.a & V.B.5.b of the 1970 C.M.D.P.) to permit a proposed dwelling with a window and building to tract boundary setback of 15 feet for both sides in lieu of the minimum required 35 feet and 30 feet, respectively, for both sides.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT THE HEARING

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

Legal Owner(s):

FREDERICK JOSEPH BURGESEN
Name - Type or Print

Signature

MICHELLE Y. BURGESEN
Name - Type or Print

Signature

109 NICODEMUS RD — 410-833-0071
Address — Telephone No.

REISTERSTOWN — MD — 21136
City — State — Zip Code

Representative to be Contacted:

FRED BURGESEN
Name

109 NICODEMUS RD — 410 802 1079
Address — Telephone No.

REISTERSTOWN — MD. — 21136
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-244-A

Reviewed By JNF Date 11/29/06

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744 (410) 374-9695 phone/fax

Zoning Description

#19 East Pleasant Hill Road

Lot 2B

The Moore Property

November 8, 2006

Beginning on the Northeast side of East Pleasant Hill Road, approximately 700 feet Northeast of Reisterstown Road; thence,

1.) N 45° 30′ 24″ E 600.00 feet

2.) S 43° 49′ 15″ E 100.03 feet

3.) S 45° 22′ 27″ W 292.67 feet

4.) N 44° 22′ 03″ W 90.63 feet

5.) S 45° 30′ 24″ W 336.61 feet

6.) N 43° 00′ 36″ W 20.00 feet to the point of beginning

Containing 0.68332 acres of land, more or less.

Being a part of that land which was conveyed to Frederick J. Burgesen and Michelle Y. Burgesen from David R. Moore and Bettie M. Moore, by deed dated November 30, 1992 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9496 folio 623 etc., known as Lot 2B of The Moore Property recorded among the said Land Records in The book of Minor Subdivisions and Greenways SM1 folio 162 and also known as #19 East Pleasant Hill Road and located in the Fourth Election District and Second Councilmanic District of Baltimore County, Maryland.

07-244-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22787

DATE 11/29/06 ACCOUNT R-001-006-6150

AMOUNT $ 50.00

RECEIVED FROM: Burgeson

FOR: Variance - 19 E. Pleasant Hill Road
07-244-A (Burgeson)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
11/30/2006 11/29/2006 14:46:20 1
REG WSOT WALKER JTC JHR
RECEIPT # 311162 11/29/2006 OPLN
Rcpt 5 528 ZONING VERIFICATION
CR NO. 022787
Rcpt Tot $50.00
$42.00 CR $8.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22970

DATE 11/29/06 ACCOUNT R-001-006-6150

AMOUNT $ 15.00

RECEIVED FROM: Burgeson

FOR: Variance - 19 E. Pleasant Hill Road
07-244-A (Burgeson)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
11/30/2006 11/29/2006 15:01:53 4
REG WSOT WALKER ROBINSON
RECEIPT # 320469 11/29/2006 OPLN
Rcpt 5 528 ZONING VERIFICATION
CR NO. 022970
Rcpt Tot $15.00
$15.00 CR $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #07-244-A
19 E. Pleasant Hill Road
Northeast side of E. Pleasant Hill Road, 700 feet northeast of Reisterstown Road.
4th Election District - 2nd Councilmanic District
Legal Owner(s): Frederick Joseph and Michelle Y. Burgesen

Variance: To permit a proposed dwelling with a window and building to tract boundary setback of 15 feet for both sides in lieu of the minimum required 35 feet and 30 feet, respectively, for both sides.

***Hearing: Thursday, February 8, 2007 at 11:00 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 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.

1/186 Jan. 18 121873

CERTIFICATE OF PUBLICATION

1/18/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/18/, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-244-A

Petitioner/Developer: FREDERICK JOSEPH & MICHELE Y BURGESEN

Date Of Hearing/Closing: 2/8/07

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 19 E PLEASANT HILL RD

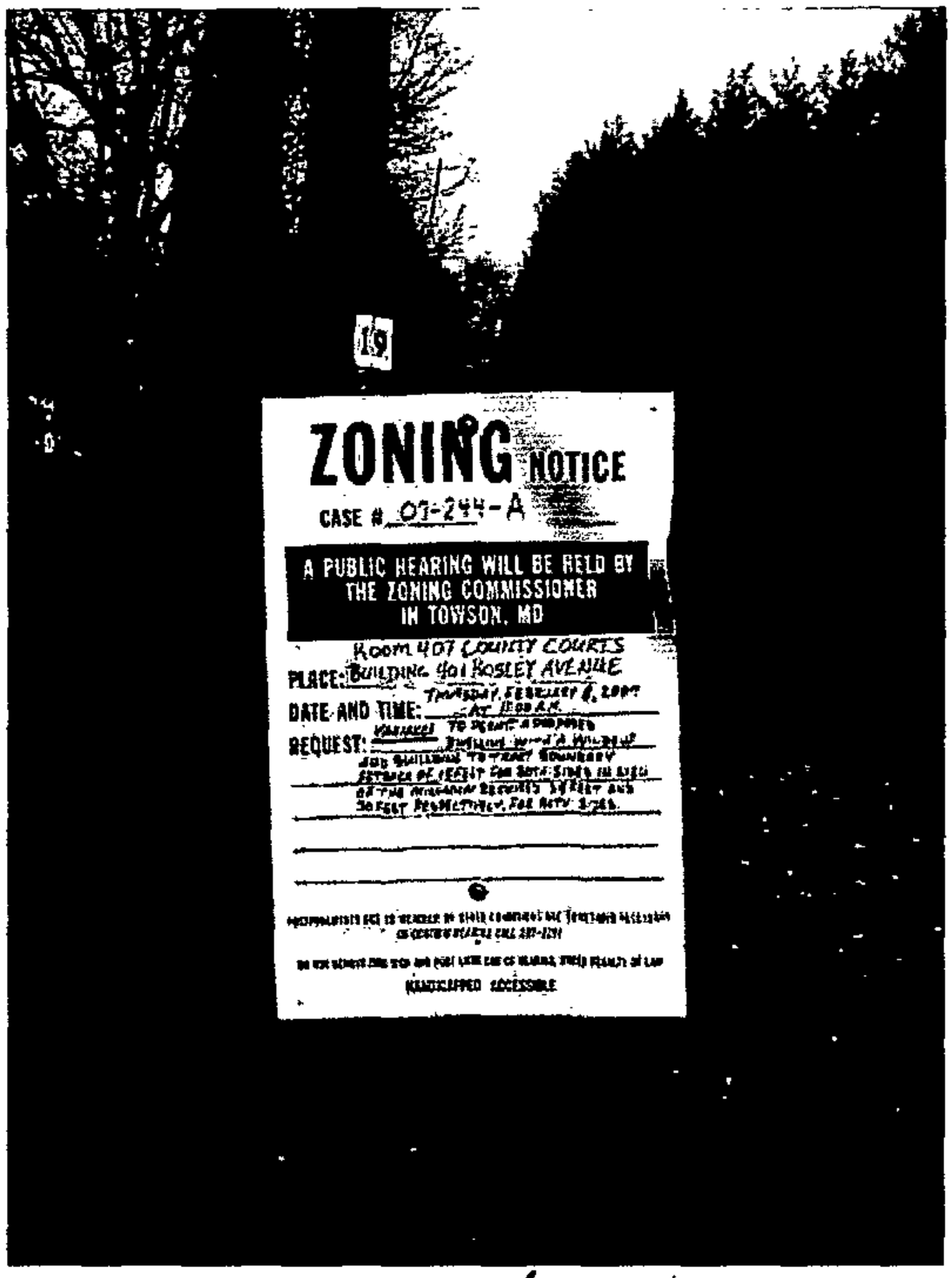
This sign(s) were posted on January 15, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 1/15/07
(Signature of Sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000974 (432x576x24b jpeg)



1/15/07

RE: PETITION FOR VARIANCE 19 E. Pleasant Hill Road; NE/S E. Pleasant Hill Road, 700' NE Reisterstown Road 4th Election & 2nd Councilmanic Districts Legal Owners: Frederick & Michelle Burgesen Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-244-A

* * * * * * * * * * * * *

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/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 11th day of December, 2006, a copy of the foregoing Entry of Appearance was mailed to, Fred Burgesen, 109 Nicodemus Road, Reisterstown, MD 21136, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
DEC 11 2006
Per.....

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 13, 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: 07-244-A
19 E. Pleasant Hill Road
Northeast side of E. Pleasant Hill Road, 700 feet northeast of Reisterstown Road.
4th Election District – 2nd Councilmanic District
Legal Owner(s): Frederick Joseph and Michelle Y. Burgesen

Variance To permit a proposed dwelling with a window and building to tract boundary setback of 15 feet for both sides in lieu of the minimum required 35 feet and 30 feet, respectively, for both sides.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in Room 407 in the County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: Frederick Joseph Burgesen Michelle Y. Burgesen 109 Nicodemus Road Reisterstown 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 18, 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.

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: 07-244-A

Petitioner: Bergesen

Address or Location: 19 E Pleasant Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRED BURGESEN

Address: 109 NICODEMUS RD
RESTERS TOWN, MD. 21136

Telephone Number: 410-802-1079

Revised 7/11/05 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

January 31, 2007

Frederick Joseph Burgesen
Michelle Y. Burgesen
109 Nicodemus Road
Reisterstown, MD 21136

Dear Mr. and Mrs. Burgesen:

RE: Case Number: 07-244-A, 19 E. Pleasant Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 29, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

December 7,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 4, 2006

Item Number(s): 240 through 251 244

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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 11, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2006
Item Nos. 07-240, 242, 244, 245, 246, 247, 249 and 251

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-12112006.doc

Jm 218

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 9 - 2007

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination DWL

DATE: January 25, 2007

SUBJECT: Zoning Item # 07-244-A
Address 19 E. Pleasant Hill Road
(Burgeson Property)

Zoning Advisory Committee Meeting of December 4, 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:

_X_ 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).

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

____ 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:

Reviewer: Michael S. Kulis Date: 12/26/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-244-A.doc

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/6/2006

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

RE: Baltimore County
Item No. 7-244-A
19 E. PLEASANT HILL RD
BURGESEN PROPERTY
VARIANCE-PERMIT PROPOSED
DWELLING IN LIEU OF MIN.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-244 A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

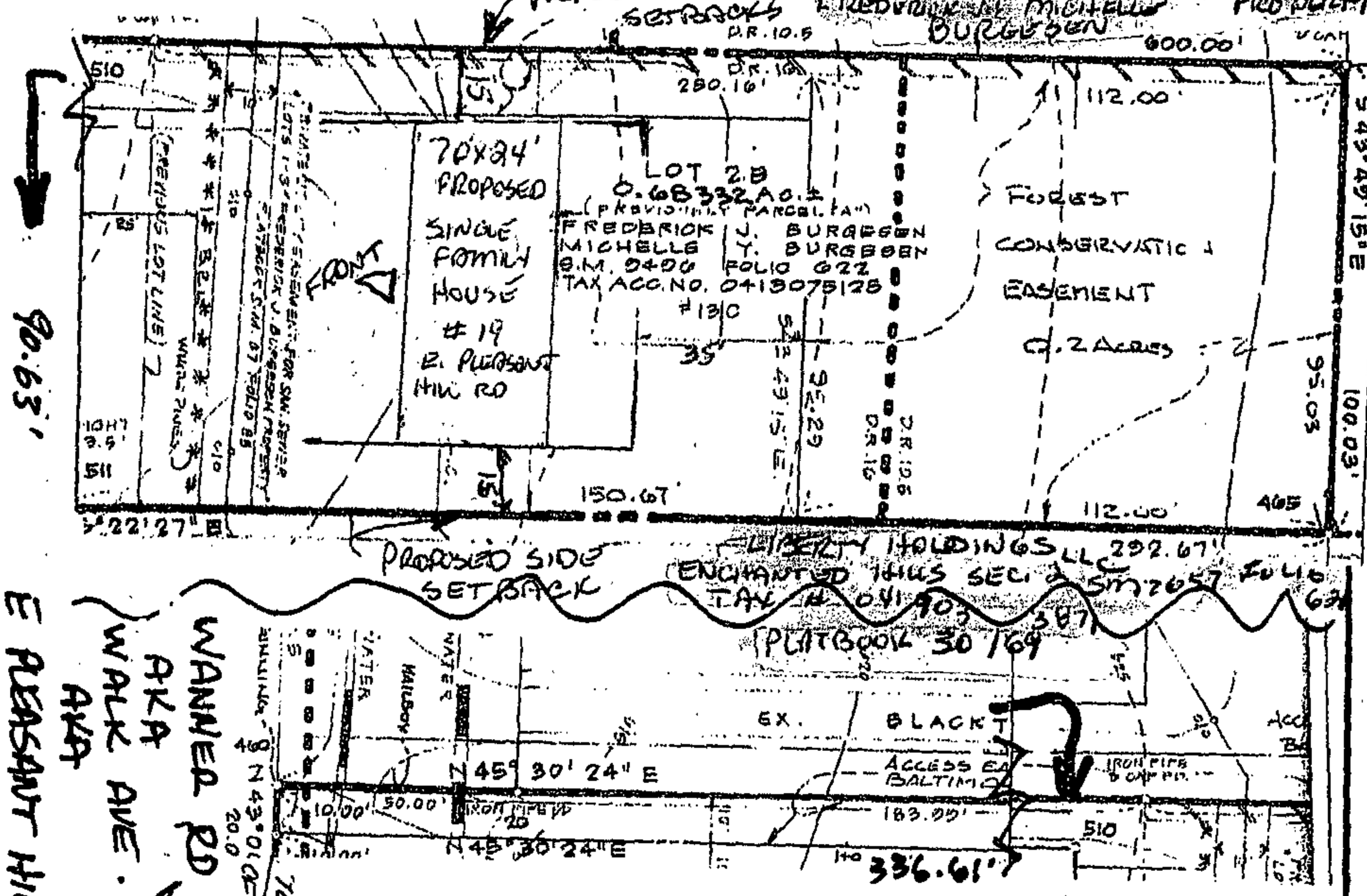
PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

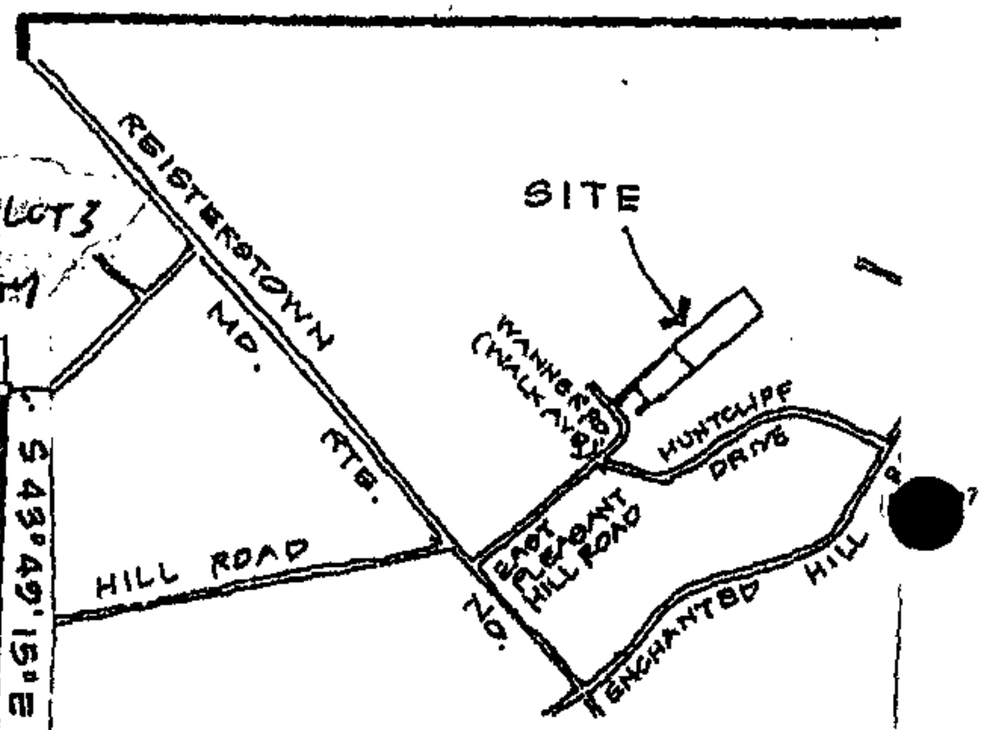
PROPERTY ADDRESS 19 E. PLEASANT HILL RD. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME THE MOORE PROPERTY

PLAT BOOK # 1 FOLIO # 162 LOT # 2B SECTION #

OWNER FREDERICK J & MICHELLE Y. BURGESEN / SM 67 FOLIO 88 LOT 3 THE FREDERICK J. BURGESEN PROPERTY





VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT #4

COUNCILMANIC DISTRICT #2

1"=200' SCALE MAP # 058 A2

ZONING DR16 / DR 10.5

LOT SIZE 0.68332 ACREAGE / 29,765 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[X]	[ ]
WATER	[X]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY/ BUILDING	[ ]	[X]
PRIOR ZONING HEARING	N/A NONE	

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
		Pet #2

MS# 96103 M

TAX I.D #058 A2

PREPARED BY Fred Burgesen

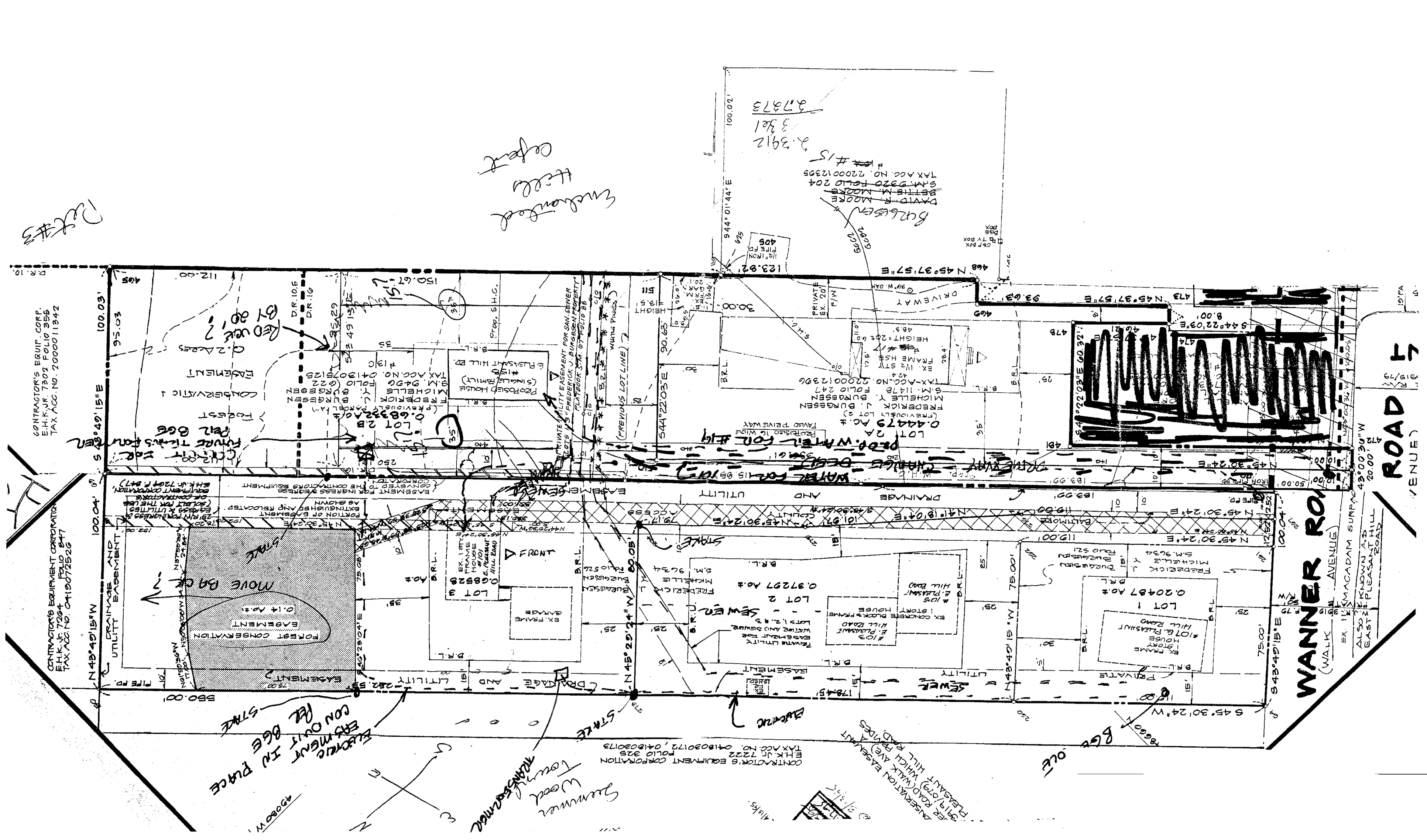
SCALE OF DRAWING: 1" = 40

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

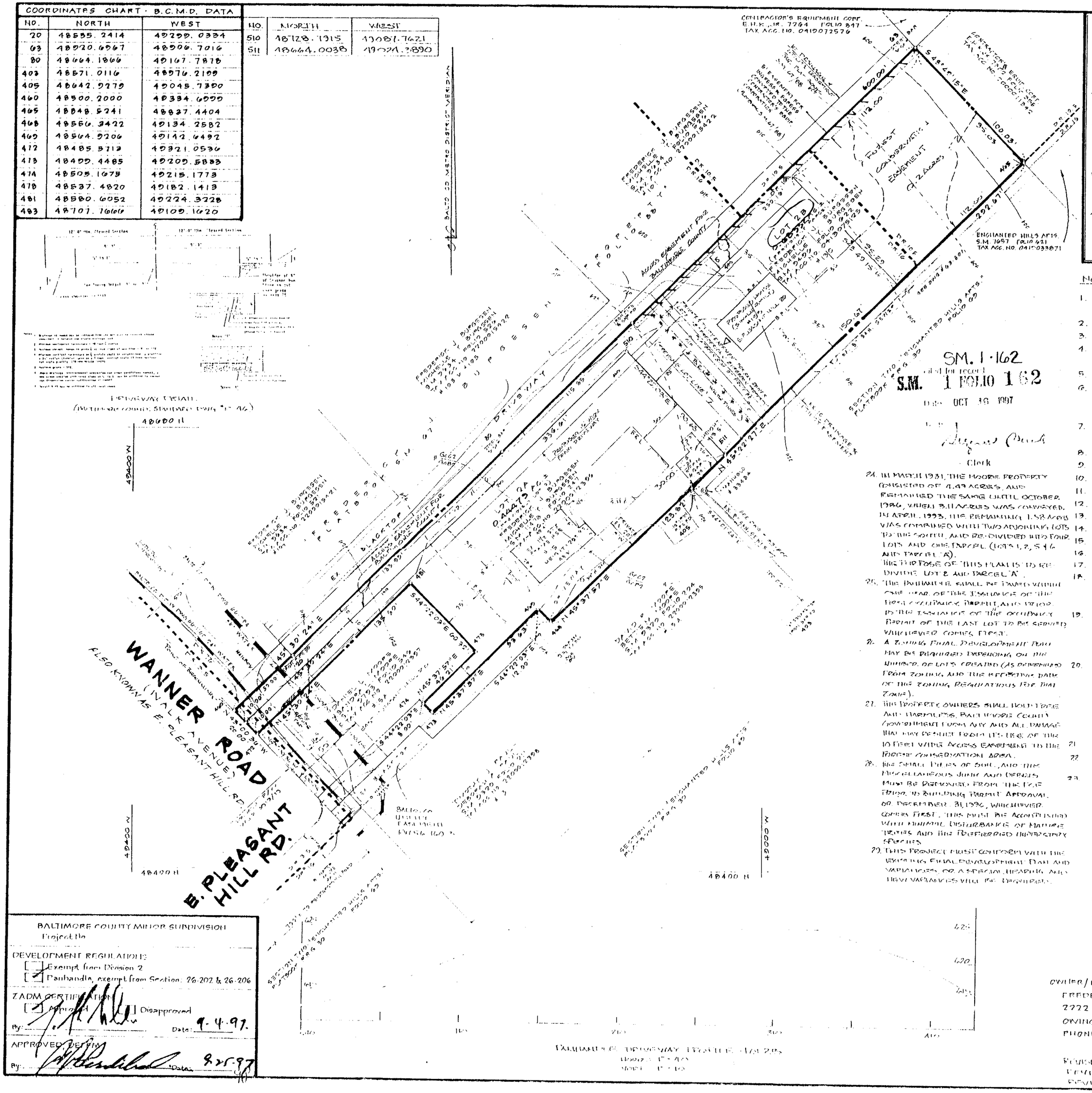
PETITIONER'S SIGN-IN SHEET

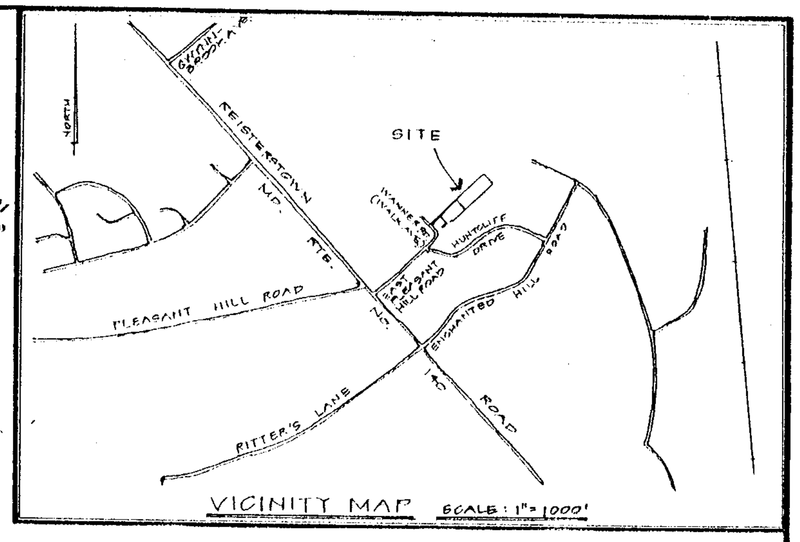
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
FREDERICK J. BURGESEN	109 MCCDEMUS RD	REISTERSTOWN, MD.	FBURGESEN@AOL.COM
E. STEPHEN SNYDER	1911 HANOVER PIKE	HAMPSTEAD, MD.	alssurveyor@erols.com


WANNER ROAD
(WALK AVENUE)
EX. 17' MACADAM SURFACE
ALSO KNOWN AS EAST PLEASANT HILL ROAD
S 43°49'15"E
S 45°30'24"W
N 45°30'24"E
N 43°49'15"W
N 45°29'24"W
S 44°22'03"E
N 45°37'57"E
S 44°22'03"E 60.32'
S 44°22'03"E 8.00'
N 45°30'24"E 183.99'
N 45°30'24"E 119.00'
N 45°30'24"E 79.17'
N 45°30'24"E 101.97'
N 41°18'04"E
N 45°30'24"E 119.00'
S 45°30'24"W 119.00'
S 43°49'15"E 75.00'
N 43°49'15"W 75.00'
N 45°29'24"W 80.05'
S 44°22'03"E 90.68'
S 44°22'03"E 30.00'
N 45°37'57"E 93.63'
N 45°37'57"E 123.82'
N 44°01'44"E 100.02'
S 44°01'44"E 100.03'
N 43°49'15"W 100.04'
S 43°49'15"E 100.03'
N 43°49'15"W 100.04'
S 43°00'30"W 20.00'
S 45°30'24"W 182.52'
S 45°30'24"W 182.52'
S 45°30'24"W 182.52

COORDINATES CHART · B.C.M.D. DATA		
NO.	NORTH	WEST
20	48555.2414	49299.0334
63	48920.6967	48906.7016
80	48664.1866	49167.7878
403	48571.0116	48976.2109
405	48642.9279	49045.7390
460	48500.2000	49384.6099
465	48048.5241	48837.4404
468	48556.3422	49134.2582
469	48564.9206	49142.6492
472	48485.5712	49321.0536
473	48499.4485	49209.5883
474	48505.1673	49215.1773
478	48537.4820	49182.1413
481	48580.6052	49224.3728
483	48707.1666	49109.1620

NO.	NORTH	WEST
510	48728.1315	49087.7621
511	48664.0038	49094.3890





SM. 1·162
filed for record
S.M. 1 FOLIO 162
DATE OCT 16 1997
Clerk

NOTES

1. CURRENT TITLE REFERENCE: S.M. 9496 FOLIO 627, FREDERICK J. BURGESEN & MICHELLE Y. BURGESEN; S.M. 11478 FOLIO 247, FREDERICK J. BURGESEN & MICHELLE Y. BURGESEN
2. CURRENT ZONING CLASSIFICATION: D.R. 1C (0.91 Ac.±), D.R. 10.5 (0.21 Ac.±) (SEE 1"=200' ZONING MAP NW 13 I)
3. SOILS MAP: 27
4. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY TOPO MAP N.W. 13 I.
5. GROSS AREA: 1.12811 Ac.± NET AREA: 1.12811 Ac.±
6. DENSITY CALCULATION:
   LOTS ALLOWABLE: 16 (0.91 Ac. x 16 = 14.56; 0.21 Ac. x 10.5 = 2.205)
   LOTS PROPOSED: 2
7. NO WELLS AND/OR SEPTICS LOCATED WITHIN 100 FEET OF SITE UNLESS OTHERWISE SHOWN HEREON.
8. THERE ARE NO UNDERGROUND FUEL OR PESTICIDE TANKS ON SITE.
9. WATERSHED: GWYNNS FALLS
10. SUBBSEWERSHED: 67
11. SCHOOL DISTRICT: 24, OWINGS MILLS
12. REGIONAL PLANNING DISTRICT: 306B
13. EXISTING DWELLING IS AND WILL REMAIN A SINGLE FAMILY RESIDENCE.
14. THE PROPERTY SHOWN HEREON HAS BEEN HELD INTACT SINCE DEC. 8, 1995. (SEE NOTE 24)
15. TAX MAP: 58, BLOCK: 14, PARCEL: 151, 875
16. TAX ACCOUNT NO. 0413075125, 2200012396
17. THERE ARE NO STREAMS OR WETLANDS WITHIN 200 FEET OF THE SITE.
18. ANY FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT THE DISTURBANCE AND USE OF THESE AREAS
19. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
20. COORDINATES AND BEARINGS SHOWN ON THE PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES AS ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT, BASED ON THE FOLLOWING TRAVERSE STATIONS:
   # X2174A; N 48671.97, W 50417.61
   # 13184; N 48022.32, W 49709.04
21. SEE THE FOLLOWING ZONING CASES: 91-135MP; 94-112A; 95-110SPHA
22. A REQUEST FOR A WAIVER OF LOCAL OPEN SPACE HAS BEEN APPLIED FOR AND THE FEE HAS BEEN PAID.
23. A ZONING FINAL DEVELOPMENT PLAN IS REQUIRED.
24. IN MARCH 1931, THE MOORE PROPERTY CONSISTED OF 4.49 ACRES, AND REMAINED THE SAME UNTIL OCTOBER 1986, WHEN 3.11 ACRES WAS CONVEYED. IN APRIL 1993, THE REMAINING 1.38 ACRES WAS COMBINED WITH TWO ADJOINING LOTS TO THE SOUTH, AND RE-DIVIDED INTO FOUR LOTS AND ONE PARCEL (LOTS 1, 2, 5 & 6 AND PARCEL "A"). THE PURPOSE OF THIS PLAN IS TO RE-DIVIDE LOT 2 AND PARCEL "A".
25. THE PATHWAYS SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT, AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED WHICHEVER COMES FIRST.
26. A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED DEPENDING ON THE NUMBER OF LOTS CREATED (AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE).
27. THE PROPERTY OWNERS SHALL HOLD THE ADC HARDLINES, BALTIMORE COUNTY CONTAINMENT FORM ANY AND ALL DAMAGE THAT MAY RESULT FROM ITS USE OF THE 10 FEET WIDE ACCESS EASEMENT TO THE FOREST CONSERVATION AREA.
28. THE SMALL PILES OF SOIL, AND THE MISCELLANEOUS JUNK AND DEBRIS MUST BE REMOVED FROM THE PLAT PRIOR TO BUILDING PERMIT APPROVAL, OR DECEMBER 31, 1996, WHICHEVER COMES FIRST. THIS MUST BE ACCOMPLISHED WITH MINIMAL DISTURBANCE OF MATURE TREES AND THE PREFERRED HARDSCAPE SPECIES.
29. THIS PROJECT MUST CONFORM WITH THE EXISTING FINAL DEVELOPMENT PLAN AND VARIANCES, OR A SPECIAL HEARING AND NEW VARIANCES WILL BE REQUIRED.

FLAT RECORDING	15.00
TOTAL	15.00
Rec'd BA82	Rcpt # 2512
SH	BK # 1156
DATE 10/31/97	TIME 11:27

FIRST AMENDED MINOR SUBDIVISION PLAN OF LOT 2 AND PARCEL "A" OF THE MOORE PROPERTY

PREVIOUSLY RECORDED IN FLATBOOK OF MINOR SUBDIVISIONS & GREENWAYS S.M. 1 FOLIO 54

FOURTH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
COUNCILMANIC DISTRICT: 3 — CENSUS TRACT: 4042.02
SCALE: 1" = 40" — DATE: JUNE 04, 1996

OWNER/DEVELOPER:
FREDERICK J. BURGESEN
2222 CAVES ROAD
OWINGS MILLS, MD. 21117
PHONE: 410-252-3277

REVISED 8-6-97
REVISED 12-17-96
REVISED 9-25-96

STATE OF MARYLAND — ALBERT LEROY SNYDER — REGISTERED PROPERTY LINE SURVEYOR — No. 25

PREPARED BY:
A. L. SNYDER SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
410-239-7744

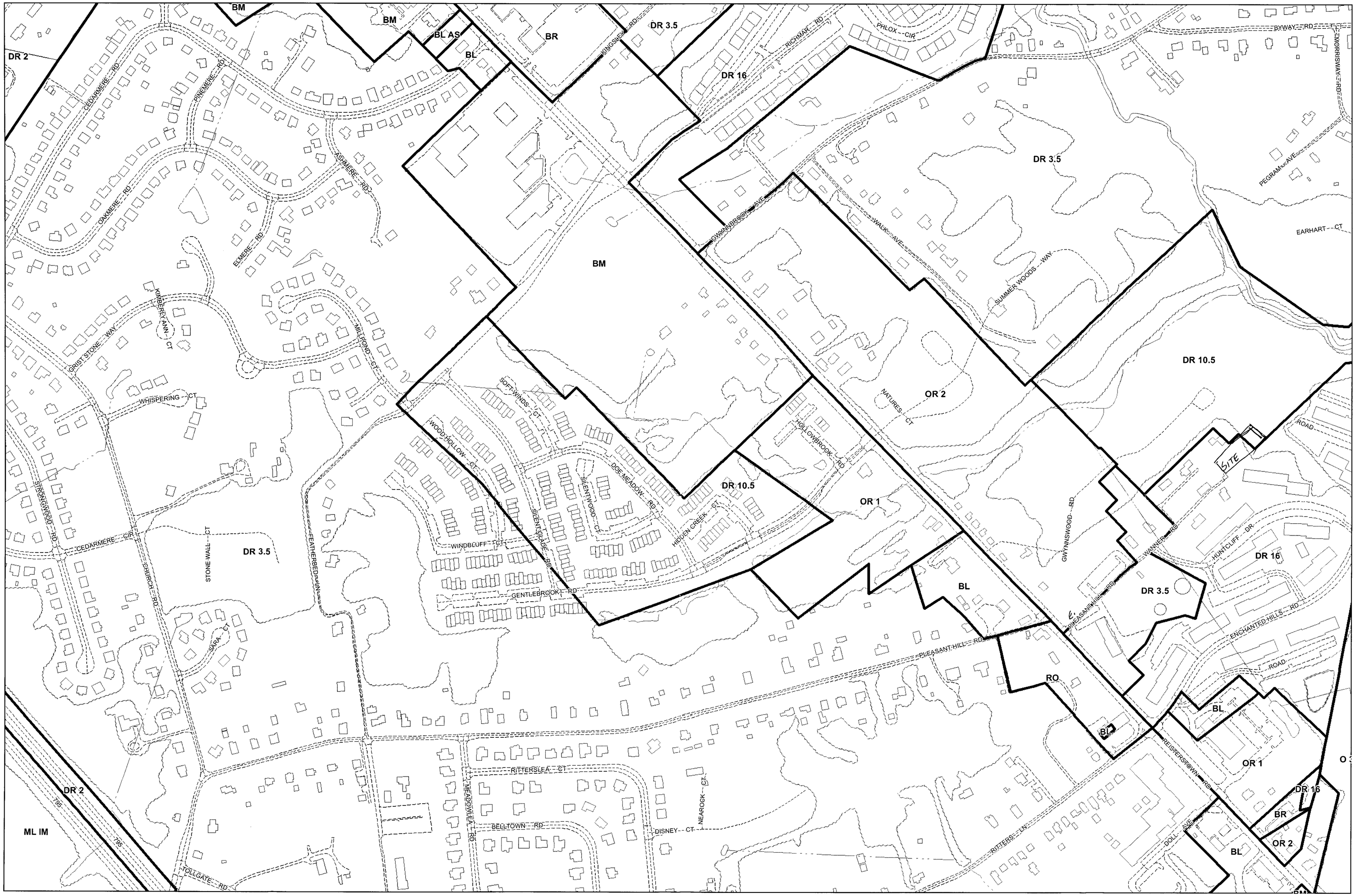
COUNTY FILE NO. 96103M
JOB NO. 95039

BALTIMORE COUNTY MINOR SUBDIVISION
Project No.

DEVELOPMENT REGULATIONS:
[ ] Exempt from Division 2
[✓] Panhandle, exempt from Section: 26-202 & 26-206

ZADM CERTIFICATION
[✓] Approved [ ] Disapproved
By: Date: 9-4-97

APPROVED BY DPW
By: Date: 8-25-97



Plan Sheet: *058A2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

057B1	057C1	058A1	058B1	058C1
057B2	057C2	058A2	058B2	058C2
057B3	057C3	058A3	058B3	058C3

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

07-244-A

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 18, 2007 Issue - Jeffersonian

Please forward billing to:
Fred Burgesen
109 Nicodemus Road
Reisterstown, MD 21136

410-802-1079

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: 07-244-A
19 E. Pleasant Hill Road
Northeast side of E. Pleasant Hill Road, 700 feet northeast of Reisterstown Road.
4th Election District – 2nd Councilmanic District
Legal Owner(s): Frederick Joseph and Michelle Y. Burgesen

Variance To permit a proposed dwelling with a window and building to tract boundary setback of 15 feet for both sides in lieu of the minimum required 35 feet and 30 feet, respectively, for both sides.

Hearing: Thursday, February 8, 2007 at 11:00 a.m. in Room 407 in the 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.

2/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 12, 2006

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

SUBJECT: 19 East Pleasant Hill Road

INFORMATION:

Item Number: 7-244

Petitioner: Frederick Joseph Burgesen

Zoning: DR 16 and DR 10.5

Requested Action: Variance

The property in question is Lot 2B shown on the minor subdivision plan known as first amended minor subdivision plan of Lot 2 and Parcel A of the Moore Property. The petitioner requests a window and building to tract boundary setback of 15 feet for each side yard in lieu of the required 35 feet and 30 feet.

SUMMARY OF RECOMMENDATIONS:

Should the Zoning Commissioner grant the requested variances, the Office of Planning requests that the applicant submit architectural elevation drawings for review and approval prior to application of any building permits.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewed by: Cindy Schwarz

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\7-244.doc