IN RE: PETITION FOR VARIANCE

W side of Burke Road, 1500 feet N of Bowleys Quarters Road 15<sup>th</sup> Election District 6<sup>th</sup> Councilmanic District

(1326 Burke Road)

1326 Burke Road, LLC;
Dean Geber, Authorized Member

Petitioners
Robert Pedrick

Contract Purchaser

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\*

CASE NO. 07-531-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 owner of the subject property, 1326 Burke Road, LLC, by its authorized member, Dean Geber, and the contract purchaser, Robert Pedrick. Petitioners are requesting variance relief from Sections 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling on an existing lot of record with side yard setbacks of seven feet in lieu of the required 50 feet and to allow building coverage of 22% in lieu of the maximum 15%. The subject property is more particularly described on the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing as Petitioners in support of the variance request were Robert Pedrick, the contract purchaser, and Pam Pedrick. Benjamin Bronstein, Esquire represented Petitioners. Tom Church of Development Engineering Consultants, Inc. prepared the site plan. There were no protestants or other interested citizens at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot and contains 11,350 square feet, or 0.261 acres zoned R.C.5. The property is located along the shoreline of Galloway Creek in Bowley's Quarters. The dwelling that once stood on the lot

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was severely damaged by Hurricane Isabel in September 2003. The dwelling has since been razed and the lot is now vacant with no improvements.

Petitioners recently purchased the lot and desire to construct a dwelling, which will maintain the required setbacks to the front and rear, but cannot satisfy the 50-foot setback on each side of the proposed structure required of the R.C.5 zone. As a result, Petitioners desire variance relief to allow a seven-foot setback on each side, as well as to allow the total square footage of the improvement of 22% to exceed the maximum allowed 15% total square footage of the lot. As is often the case with lots in older subdivisions, the subject lot was laid out many years ago, well prior to the adoption of any zoning regulations in Baltimore County. As such, many of the lots in the immediate area are undersized and do not meet current area and width requirements. The subject lot is approximately 50 feet wide and 224 feet deep on the north side and 200 feet deep on the south side.

Testimony indicated that Petitioners desire to construct a two-story dwelling approximately 36 feet wide and 56 feet deep, with a front porch adding an additional 8 feet to the depth of the structure. This is shown more fully on Petitioner's Exhibit 1. The dwelling is to be centered on the lot; however, given the narrow shape of the property on each side, the proposed dwelling will extend into the side area setbacks, thereby necessitating the requested variance relief for a seven-foot side yard setback. The recent Zoning Advisory Committee ("ZAC") comment from the Office of Planning dated July 13, 2007 indicates the proposed dwelling should be sited on the lot to allow for 10-foot side yard setbacks. In support of the variance request, Petitioners sent a letter dated April 13, 2007 to the adjacent neighbors outlining their plans for the property and requesting their approval prior to applying for the variance. As shown in Petitioner's Exhibit 4, the adjacent neighbors, Anthony Lombardi and Russell and June Lates, signed the second page of the letter indicating their support of Petitioner's variance request.

MAN CONTRACTOR OF STREET

In addition, Petitioner's attorney, Mr. Bronstein, pointed out that the R.C.5 zoning classification was placed on the properties when utility services were non-existent and now that they have been provided, the zoning classification should rightly be changed to D.R.5.5. Mr. Bronstein also indicated other homes that have been built in the community are on similarly small or narrow lots and demonstrate the pattern of development that is consistent with the neighborhood, often with side yard setbacks of less than 10 feet. He indicated Petitioners wish to construct a home for themselves that will be in keeping with that consistency.

In support of the additional variance request to exceed the 15% allowable total building square footage of the lot to 22%, Mr. Church, who prepared the site plan, testified that the critical area requirements for allowable impervious area is 31.25%, while the proposed impervious area will be 22% of the site -- almost 10% less than what is required. Mr. Church also indicated that the proposed driveway would be pavers rather than macadam. The recent ZAC comments from the Department of Environmental Protection and Resource Management ("DEPRM") dated July 16, 2007 indicate that grid pavers are considered impervious and must be included in the impervious surface calculations. However, Mr. Church, a registered professional engineer, testified that pavers were more desirous than a macadam or asphalt driveway, and would be more permeable and better foster drainage. Mr. Church also testified that Petitioner's proposal for tree coverage of 19% exceeded the County's afforestation requirement of 15%. Hence, according to Petitioners, when taken in totality and balancing the percentage requirement of total building square footage with the allowable impervious area and the afforestation percentage requirements, the proposed development meets the standards for variance relief.

Based on the testimony and evidence, I find that special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance requests. The site plan shows a 50-foot wide lot with proposed construction of a 36-foot wide structure. The zoning

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TO COST

regulations require a 50-foot setback on each side. The regulations also require a maximum of 15% allowable total building square footage of the lot. I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty. There is no land on either side of the lot for the Petitioners to acquire and avoid the variance request. They cannot meet the regulations under any circumstance; however, Petitioners have satisfied the requirements of Section 307 and Cromwell v. Ward, 102 Md. App. 691 (1995) for relief to be granted. In addition, as indicated in Petitioner's Exhibit 4, the adjacent neighbors have expressed their support of the requested variance. It should also be noted that, as the site plan indicates, the neighbor to the north, Russell and June Lates, occupy a "double" lot, approximately 100 feet wide. The closest part of their dwelling is approximately 60 feet from their property line, and an additional seven feet from Petitioner's proposed side setback.

The proposed development must also comply with the Chesapeake Bay Critical Area regulations, which require that the house and improvements be set back from the waterfront as great a distance as possible, placing it further towards Burke Road, which is indicated on the site plan. No increase in residential density beyond otherwise allowable by the zoning regulations would result by granting these variances. Finally, I find that these variances shall be granted in strict harmony with the spirit and intent of the said regulations and the ZAC comments, and in such a manner as to grant relief without injury to the public, health, safety or general welfare. The proposed replacement home will be compatible with the pattern of development in the neighborhood. Thus, I find that relief can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

While the property is technically in a "subdivision", this office has traditionally treated old Land Record subdivisions as simply "lots of record". This lot was created prior to Council Bill 55-04, which provides for an exception through a special hearing for undersized lots. See, Section 1A04.3.B.1(b).

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 Deputy Zoning Commissioner for Baltimore County, this 19th day of July 2007 that the Petition for Variance seeking relief pursuant to Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling with side yard setbacks of seven feet in lieu of the minimum required 50 feet, and 1A04.3.B.3 to permit building coverage of 22% in lieu of the required 15%, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

- 1. Petitioners may apply for their building permit 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 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 the Zoning Advisory Committee (ZAC) comments submitted by the Bureau of Development Plans Review, DEPRM, and the Office of Planning, consistent with the relief granted in this Order, relative to Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of these comments, dated July 7, 2007, July 16, 2007, and July 13, 2007 respectively, have been attached hereto and made a part hereof.
- 3. Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area.
- 4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

THB:pz

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 19, 2007

BENJAMIN BRONSTEIN, ESQUIRE SUITE 205, SUSQUEHANNA BUILDING 29 W. SUSQUEHANNA AVENUE TOWSON, MD 21204

Re: Petition for Variance
Case No. 07-531-A
Property: 1326 Burke Road

Dear Mr. Bronstein:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Thomas Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore MD 21212 Robert and Pam Pedrick, 2702 Merrick Way, Abingdon MD 21009



### Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1326 Burke Road

which is presently zoned RC-5

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A04.3.B.2.b and 1A04.3.B.3 to permit a replacement dwelling on an existing lot of record with a side yard setback from side lot lines of 7 ft in lieu of the required 50 ft and to allow building coverage of 22 percent in lieu of the maximum of 15 percent.

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

- 1. Site is an existing lot of record in an existing subdivision;
- 2. Site has public water and sewer;
- 3. Configuration of lot;
- 4. And for such other and further reasons as may be demonstrated at the time of 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.

			is the subject of this Petition.		
Contract Pu	ırchaser/Lessee:		Legal Owner(s):		
Robert Pedrick			1326 Burke Road, LLC		
Name - Type or F	Padrick		Name - Type or Print		
Signature			Signature		
2702 Merrick V	Vay	410-515-2049	Dean Geber, Authorized Mem	iber	,
Address		Telephone No.	Name - Type or Print		
Abingdon	Maryland				
City	State	Zip Code	Signature		
Attornev Fo	r Petitioner:		3111 Automobile Boulevard		
			Address	<del></del>	Telephone No.
Benjamin/Bron	stein /		Silver Spring	Maryland	20904
vame - Type or F	<del></del>	<del></del>	City	State	Zip Code
All.	1 1 <del>1 1 1 1</del> 1		Depresentative to be C	antacted:	
Signature L		<del></del>	Representative to be C	Villacteu.	
			Thomas A. Church (#647	19)	
Company			Development Engineering Con	nsultants, Inc.	
29 West Susqu	ehanna Avenue, Suite 205	410-296-0200	6603 York Road	<u> </u>	110-377-2600
Address		Telephone No.	Address	<b></b>	Telephone No.
Towson	Maryland	21204	Baltimore	Maryland	21212
City	State	Zip Code	City	State	Zip Code
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220 9115198	FOR RECEIVED FOR		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
	7-19-07				
•					

### DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

### ZONING DESCRIPTION FOR 1326 BURKE ROAD

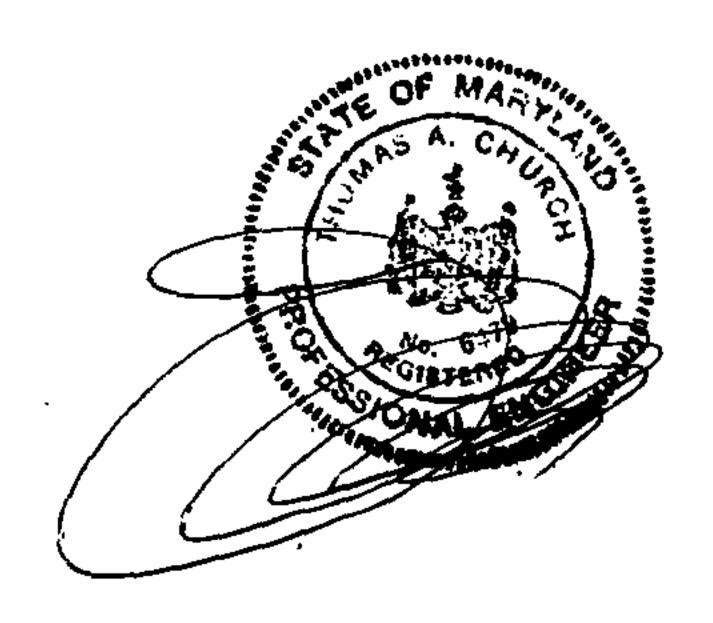
BEGINNING FOR THE SAME on a point on the west side of Burke Road, 30 feet wide more or less, said point being 1,500 feet more or less from the centerline of Bowleys Quarter Road, 40 feet wide more or less.

Thence the following:

- 1. North 77 degrees, 24 minutes 55 seconds West, 200 feet
- 2. North 13 degrees 03 minutes 23 seconds West, 55.5 feet
- 3. South 77 degrees 24 minutes 55 seconds East, 224 feet
- 4. South 12 degrees 36 minutes 05 seconds West, 50 feet to the point of beginning

Containing 10,600 square feet or 0.243 acres of land, more or less.

Also known as 1326 Burke Road, located in the 15 Election District, Baltimore County, Maryland.



### 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.

	paper Advertising:	•
Item Numb	ber or Case Number:	
Petitioner:	M. Burk 1326 Burk	ce Road, LC
Address o	r Location: 1326 Burke Road	
PLEASE F	FORWARD ADVERTISING BILL TO:	
Name:	Mr. Thomas A. Church, Development En	gineering Consultants, Inc.
Address:	6603 York Road	
	Baltimore, MD 21212	
~-	, 	<del></del>
Telephone	Number: 410 377-2600	

### HOTICE OF ZONING HEAMING

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: # 07-531-A

1326 Burke Road

W/side of Burke Road, 1500 feet north of Bowleys Quarters Road

15th Election District - 6th Councilmanic District
Legal Owner(s): 1326 Burke Road, LLC, Dean Geber, Authorized Member

Contract Purchaser: Robert Pedrick

It to permit a replacement dwelling on an exist-if record with a side yard setback from side lot I feet in lieu of the required 50 feet and to allow coverage of 22 percent in lieu of the maximum of lines of 7 building c 15 percen Hearing:

15 percent. Hearing: Friday, July 13, 2867 at 11:00 e.m. in Room 407, County Courts Building, 401 Bostey 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.

6/339 June 28

# OF PUBLICATION

7, that the annexed advertisement was published successive weeks, the first publication appearing ewspaper published in Baltimore County, Md., in the following weekly n THIS IS TO CERTIFY once in each of

The Jeffersonian

Times Arbutus Times Catonsville

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

Wullus

LEGAL ADVERTISING

CASHER'S VALUDATION	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
	107-531-A (1316 Borke Road, 100)
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	BALTIMORE COUNTY, MARYLAND  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 26, 2007 Issue - Jeffersonian

Please forward billing to:

Thomas Church

410-377-2600

Development Engineering Consultants

6603 York Road Baltimore, MD 21212

### 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: 07-531-A

1326 Burke Road

W/side of Burke Road, 1500 feet north of Bowleys Quarters Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: 1326 Burke Road, LLC, Dean Geber, Authorized Member

Contract Purchaser: Robert Pedrick

<u>Variance</u> to permit a replacement dwelling on a existing lot of record with a side yard setback from side lot lines of 7 feet in lieu of the required 50 feet and to allow building coverage of 22 percent in lieu of the maximum of 15 percent.

Hearing: Wadnesday, July 11, 2007 at 9:00 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.



JAMES T. SMITH, JR. County Executive

June 4, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
NG
Development Management

### NOTICE OF ZONING HEARING

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CASE NUMBER: 07-531-A

1326 Burke Road

W/side of Burke Road, 1500 feet north of Bowleys Quarters Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: 1326 Burke Road, LLC, Dean Geber, Authorized Member

Contract Purchaser: Robert Pedrick

<u>Variance</u> to permit a replacement dwelling on a existing lot of record with a side yard setback from side lot lines of 7 feet in lieu of the required 50 feet and to allow building coverage of 22 percent in lieu of the maximum of 15 percent.

Hearing: Wednesday, July 11, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Benjamin Bronstein, 29 West Susquehanna Avenue, Ste. 205, Towson 21204
Dean Geber, 3111 Automobile Blvd., Silver Spring 20904
Robert Pedrick, 2702 Merrick Way, Abingdon 21009
Thomas Church, 6603 York Road, Baltimore 21212

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 26, 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 3, 2007

Benjamin Bronstein 29 West Susquehanna Avenue, Suite 205 Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Case Number: 07-531-A, 1326 Burke Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 21, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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WCR:amf Enclosures

c: People's Counsel

Robert Pedrick 2702 Merrick Way Abingdon 21009

Thomas A. Church Development Engineering Consultants, Inc. 6603 York Road Baltimore 21212

1326 Burke Road, LLC Dean Geber, Authorized Member 31111 Automobile Boulevard Silver Spring 20904

### 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 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 04, 2007

531

Item Number: 526 Through 541

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





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

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

Maryland Department of Transportation

Date: June 6,2007

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

RE:

**Baltimore County** 

Item No. 7-536-A

1326 BURKE ROAD

PEDRICK PROPERTY

VARIANCE

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. 7-53 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,

Steven D. Foster, Chief J Engineering Access Permits

Division

SDF/MB

Same Same

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** July 13, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

IECEIVE JUL 13 2007

SUBJECT:

1326 Burke Road

INFORMATION:

Item Number:

07-531

Petitioner:

Dean Geber

Zoning:

RC 5

Requested Action: Variance from Section 1A04.3.B.2b and1A04.3.B.3 to permit a replacement dwelling on an existing lot of record with a side yard setback from side lot lines of 7 feet in lieu of the required 50 feet and to allow building coverage of 22 percent in lieu of the maximum of 15 percent.

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has the following comments:

The proposed dwelling should be sited on the lot to allow for 10-foot side yard setbacks on both sides.

The proposed dwelling shall be compatible in size, exterior building materials, color and architectural detail to those in the surrounding community.

The applicant shall submit the required documentation for the RC 5 compatibility finding.

Prepared by:

Division Chief:

AFK/LL: CM

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 7, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 11, 2007 Item No. 07-531

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

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

The flood protection elevation for this site is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw cc: File ZAC-ITEM NO 07-531-06072007.doc

7-19-07



### **Inter-Office Correspondence**



DECEIVED JUL 17 2007

TO:	Timothy M. Kotroco				
		Coordination			
FROM:	Dave Lykens, DEPRM - Development	Coordination			
DATE:	July 16, 2007	-			
SUBJECT:	Zoning Item # 07-531-A Address 1326 Burke Road				
Zonir	ng Advisory Committee Meeting of July 1	3, 2007			
	Department of Environmental Protection and nents on the above-referenced zoning item	<del>-</del>			
<del></del>	Department of Environmental Protection and aments on the above-referenced zoning it				
	Development of the property must con- Protection of Water Quality, Streams, 101 through 33-3-120 of the Baltimore	Wetlands and Floodplains (Sections 33-	3-		
<del>-</del>	Development of this property must concentration Regulations (Sections 33 County Code).	mply with the Forest 8-6-101 through 33-6-122 of the Baltimo	ore		
<u>X</u> Critic	Development of this property must consal Area Regulations (Sections 33-2-101 t	• -			

Additional Comments:

The site is in a Limited Development Area and must meet all LDA requirements, including impervious surface limits. This property is limited to 31.25% impervious surface. Grid pavers used for driveways are considered to be impervious and must be included in the impervious surface calculations. 15% afforestation must also be addressed.

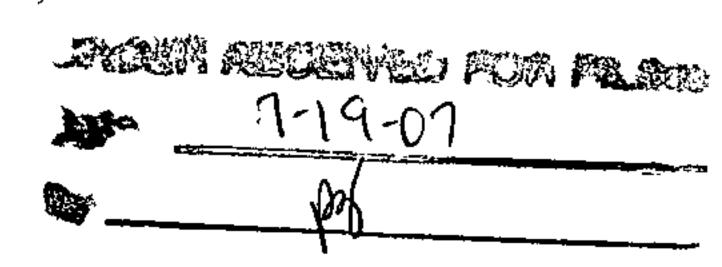
Reviewer:

Regina Esslinger

other Sections, of the Baltimore County Code).

Date:

July 16, 2007



Document1

### Patricia Zook - 07-531-A - hearing is Friday, July 13 at 11:00 am

From:

Patricia Zook

To:

Livingston, Jeffrey; Murray, Curtis

Date:

7/9/2007 3:20 PM

Subject: 07-531-A - hearing is Friday, July 13 at 11:00 am

Hello Jeff and Curtis -

We are in need of comments from your respective departments. The above-referenced case is scheduled for a hearing on Friday, July 13 at 11:00. The subject property is located at 1326 Burke Road.

The case is being heard by the new Deputy Zoning Commissioner, Tom Bostwick.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

### BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

May 17, 2007

Timothy Kotroco, Director Dept of Permits & Development Mgt County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: 1326 Burke Road

Dear Mr. Kotroco:

In reference to the above-entitled property I am hereby enclosing the following:

- 1. Petition for Variance in triplicate;
- 2. Twelve (12) copies of the Plat to Accompany Petition;
- 3. Three copies of the description under seal;
- 4. Copy of the 200 Scale Zoning Map; and
- 5. My check to cover costs.

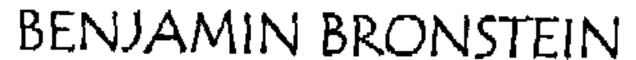
There are no violations. except not commented to public server are # 07-32381

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very truly yours,

Benjamin Bronstein

BB/mlh Enclosures



ATTORNEY AT LAW SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719 Benbronstein@terralaw.net

June 11, 2007

Via Fax: 410-887-3048

Kristin Zoning Office for Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

> 1326 Burks .... Case No.: 04-531-A RE: 1326 Burke Road

Berjanuk pronstein/melh

Dear Kristin:

Reference is made to my phone conversation with you on June 8, 2007 pertaining to the above-entitled case. This is to confirm that I have requested that the case be rescheduled since I have a development plan conference at the same date and time. This also confirms that July 13, 2007 at 11:00 a.m. is an acceptable date.

Thank you for your kind cooperation.

Very truly yours,

Benjamin Bronstein

BB/mlh

### BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

May 29, 2007

Timothy Kotroco, Director Dept of Permits & Development Mgt County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Kotroco:

I would appreciate your office not scheduling any cases beginning June 19 through July 5, 2007 in which I have my appearance. I will be on vacation during that period of time.

Thank you for your kind consideration.

BB/mlh

Benjamin Brønstein

Very truly yours

**RE: PETITION FOR VARIANCE** 

1326 Burke Road; W/S Burke Road, 1500'

N Bowleys Quarters Road

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): 1326 Burke Road, LLC

Contract Purchaser(s): Robert Pedrick

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 07-531-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 and documentation filed in the case.

RECEIVED

JUN 0 702007

Permanana

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 7th day of June, 2007, a copy of the foregoing Entry of Appearance was mailed Thomas A. Church, P.E., Development Engineering Consultants, 6603

York Road, Baltimore, MD 21212 and Benjamin Bronstein, Esquire, 29 West Susquehanna

Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

## PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

# PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP	Townshall of Mal	100 C								
SS	234 W Sungalanna Aut.	Uh			•					
NAME	Lan Lean town	Bob Podrick Com Church								

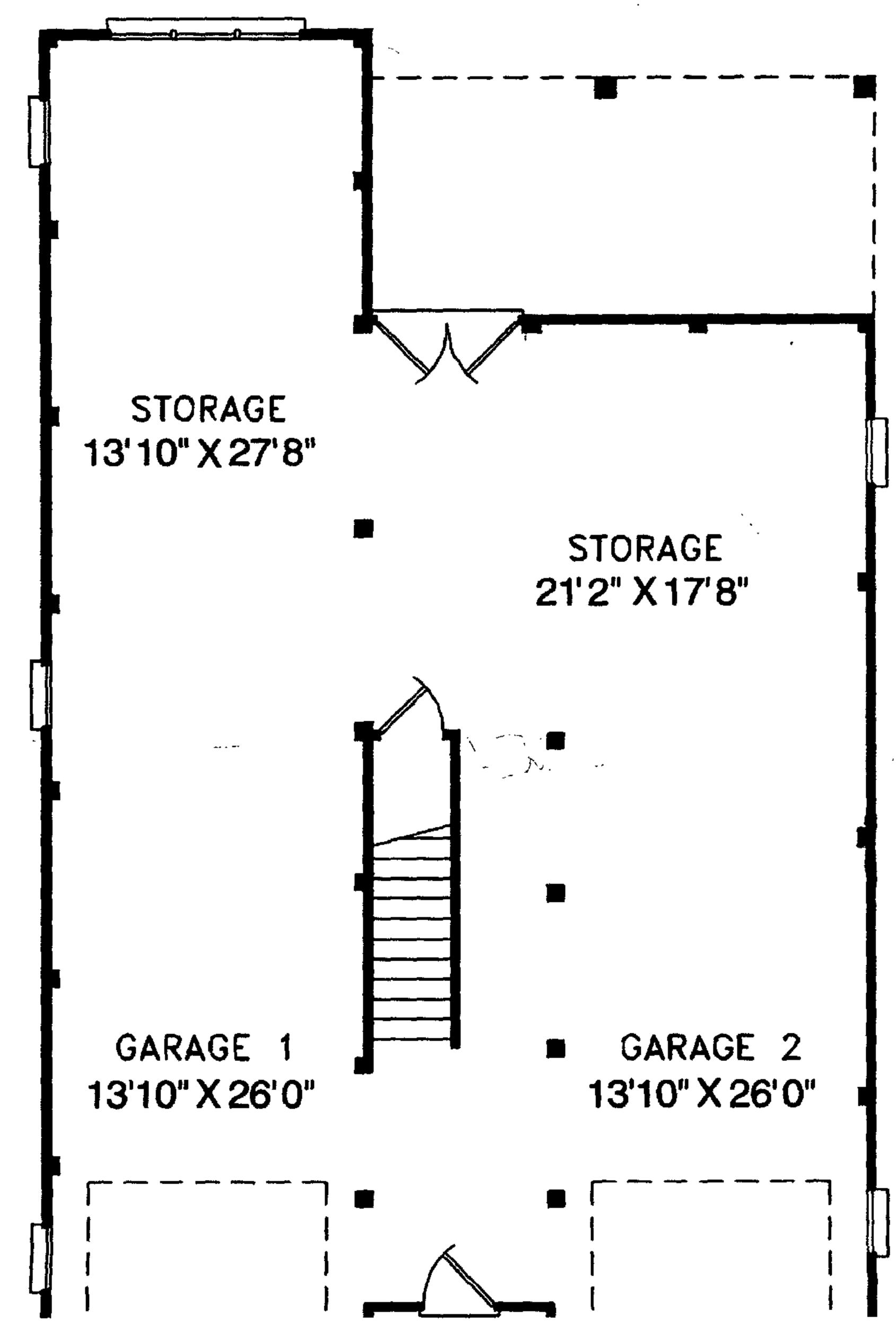
### Plan # SDC-003-B

Front

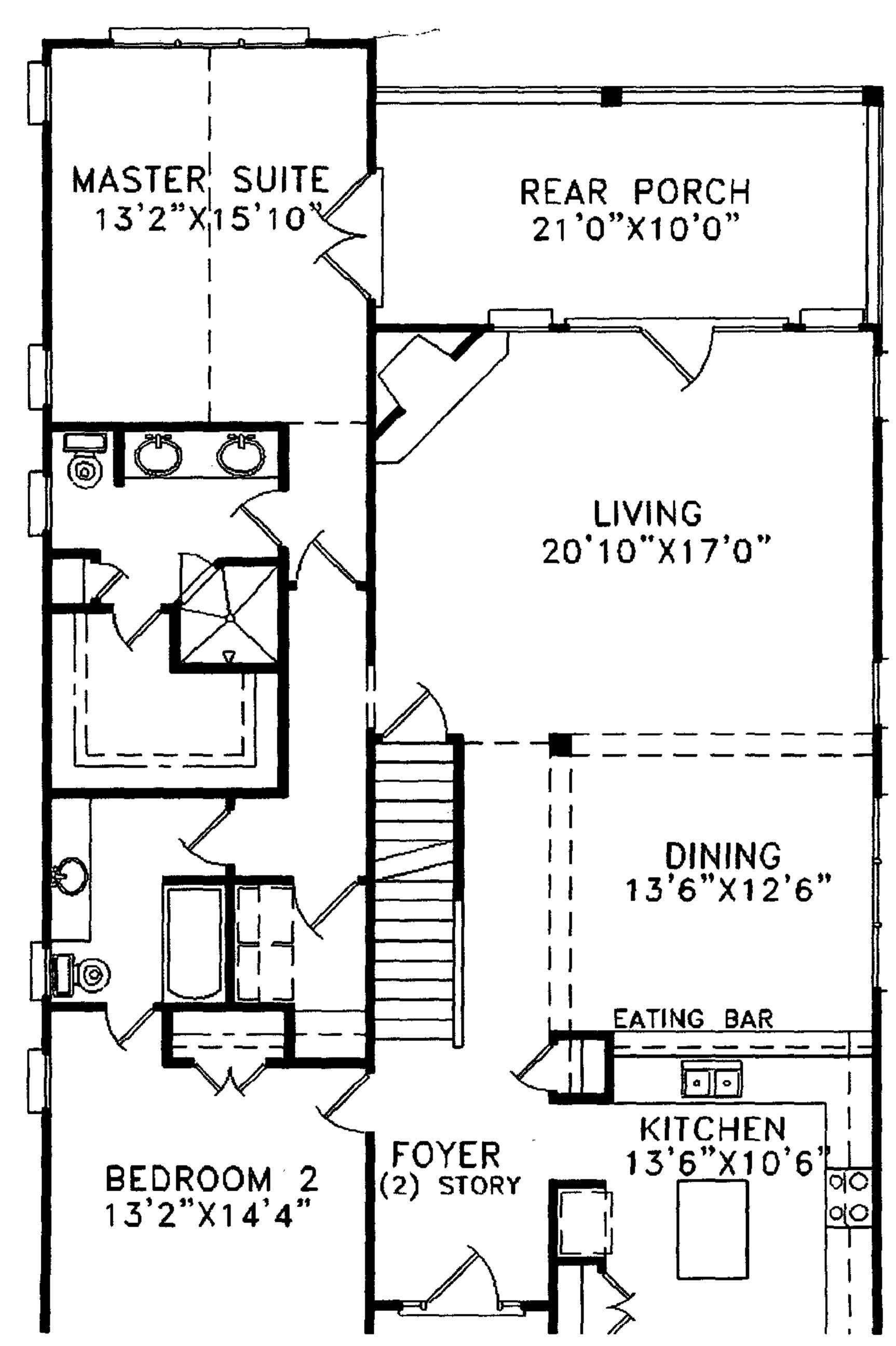
PETITIONER'S

EXHIBIT NO.

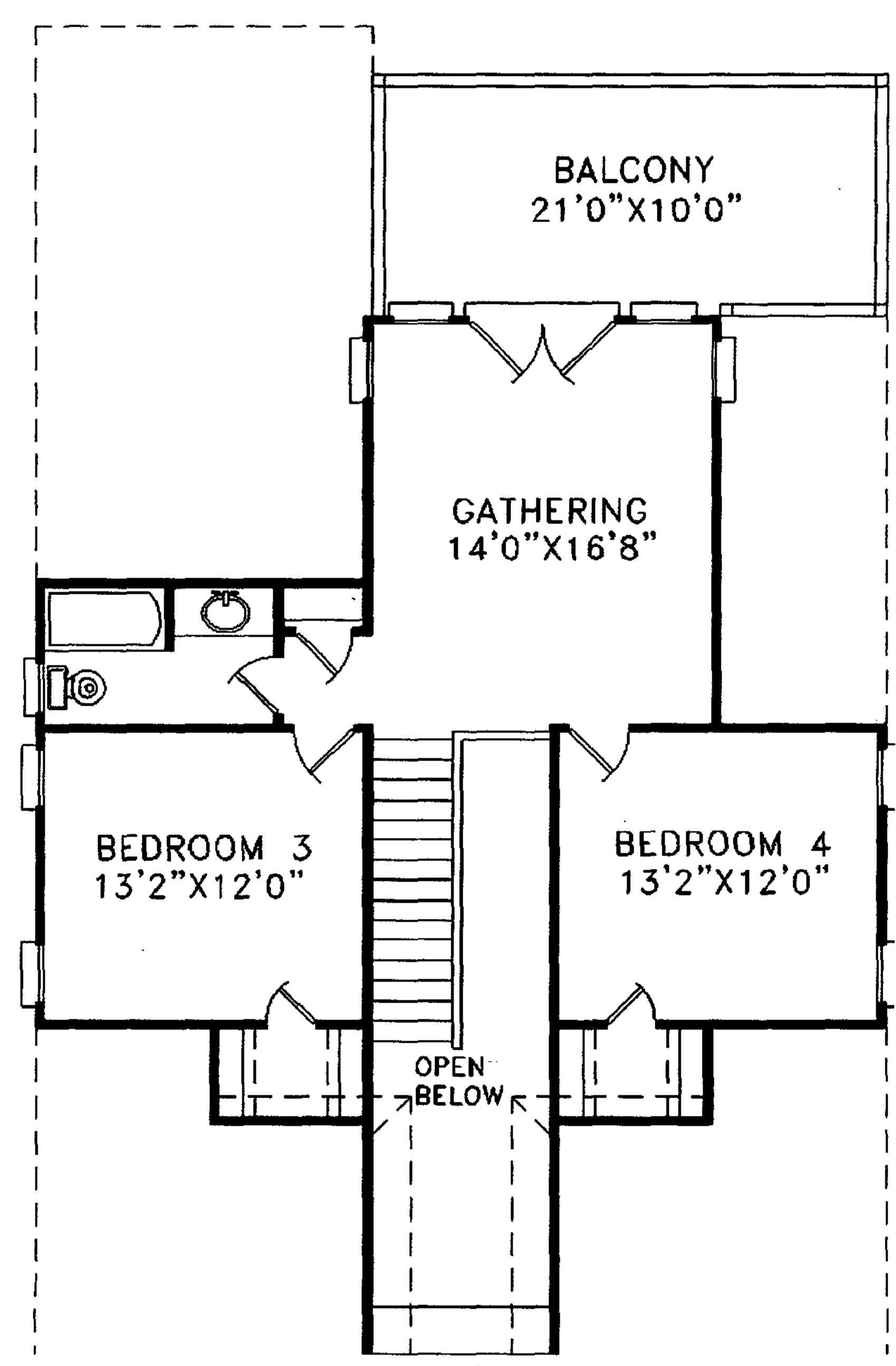
July 30 - settement



http://www.houseoftheweek.com/exec/action/planimage/hspos/hownet/PlnMdID/119422/s... 3/27/2007



http://www.houseoftheweek.com/exec/action/planimage/hspos/hownet/PlnMdID/119418/s... 3/27/2007



http://www.houseoftheweek.com/exec/action/planimage/hspos/hownet/PlnMdID/119420/s... 3/27/2007

vanity.

Bar F. F.

### back to top Similar Plan **Detailed Specifications** More by this Home Plan SDC-003-B More by any The Coral Drive Title Beach/Coastal, Country, Recreation/Vacation, Style(s) / Influences Southern Home Type Adaptable, Indoor/Outdoor, Narrow-Lot Exterior Wall Framing 2x4 Available Foundation(s) Pole/Pier Exterior Materials Cedar Shake Shingles, Wood **Dwelling Type** Single Family Bedrooms 4 actual, 4 possible Baths 3 full Floors 3 Living Area (Sq. Ft.) Finished Unfinished Level 1680 First 1629 Lower 739 Second 2419 Total Living Area 1629 35' x 64' x 25' (width x depth x height) Dimensions Laundry Floor First Master Suite Floor First Fireplaces Island, Nook, Open Layout, Pantry, Snack Kitchen Features Porch **Extra Features** Roof Style Gable **Roof Construction** Stick **Roof Plane** Pitch **Plane** 8.00/12.00 Main Garages Style **Stalls** Area (sq. ft.) 1629 Tuck-under **Room Information** Ceiling Room Floor Height Loft/Balcony Second Plan Package & Option Pricing Select a Home Plan Package/Which set do I Select a Foundation need? 🚳 Pole/Pier 🔞 \$872.00 Reproducible + 1 set 🖾 Select Accessories Best for construction/modification. Generic How-to Diagrams -(Includes one free blueprint) Package 2 \$725.00 Construction Set - 9 Sets 2 Generic How-To Diagram - Fran Full construction drawings, Includes nine sets of blueprints. & Foundation Conversion @ \$40.00 Additional sets ordered Generic How-To Diagram -

Plumbing 8

Heating 🔞

Generic How-To Diagram - Sola

Generic How-To Diagram - Wiri

(Prices vary if ordering

after this date. Call for

Mirrored (reverse print)

now.

more info.)

### **Exhibit Sheet**

### Petitioner/Developer

### Protestant

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No.46	marked Site Plan			•		
No. 3	and plato.					
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http://bamaps1.co.ba.md.us/arcims\_path/bcgims?ServiceName=Zoning&ClientVersic

PETITIONER'S

EXHIBIT NO.

April 13, 2007

Anthony Lombardi 1328 Burke Road. Baltimore, MD 21220 Lot 135

Russell and June Lates 1322 Burke Road Baltimore, MD 21220 Lot 133

Re: 1326 Burke Road

Greetings -

My name is Pam Pedrick and my husband Bob and I have purchased the property at 1326 Burke Road. As you know, there is no building on the property at this time and because the home we would like to build is larger then the previous building, we need to apply for a variance. What this means is that the building we would like to construct will be closer to the property lines then the building that was on the property in the past. Specifically, the proposed building will be 7 feet away from the Lombardi's property line and 7 feet away from the Lates.

The architect we hired to help with the construction suggested we contact you and ask for your approval before we apply for the variance. In doing so, it would speed up the zoning approval process when we file the paperwork. The second page of this letter has a space for your signature indicating your approval.

I realize that you may want some more information regarding this matter and Bob and I would be willing to speak to you over the phone or arrange a meeting to discuss the details. If you would like to contact me by phone, please call 410.515.2049.

We appreciate your consideration on our behalf and look forward to speaking with you.

Regards,

Pam and Bob Pedrick

PETITIONER'S

EXHIBIT NO.

4

Anthony Lombardi Russell and June Lates April 13, 2007 Page Two

I / we have received and read the letter from Pam and Bob Pedrick and understand that they are proposing to construct a home whose dimensions are 7 feet away from the Lombardi's property line on Lot 135 and 7 feet away from the Lates property line on Lot 133 and they are seeking our approval in order to construct this building.

My / our signature on this document indicates that approval.

Date:

2770

Name: M. Landunch

Name:

Russell LATES

Witness:

BALT1\4334369.1

April 13, 2007

Anthony Lombardi 1328 Burke Road. Baltimore, MD 21220 Lot 135

Russell and June Lates 1322 Burke Road Baltimore, MD 21220 Lot 133

Re: 1326 Burke Road

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Anthony Lombardi Russell and June Lates April 13, 2007 Page Two

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My / our signature on this document indicates that approval.

Date:

5-14-07

Name: Lussell files

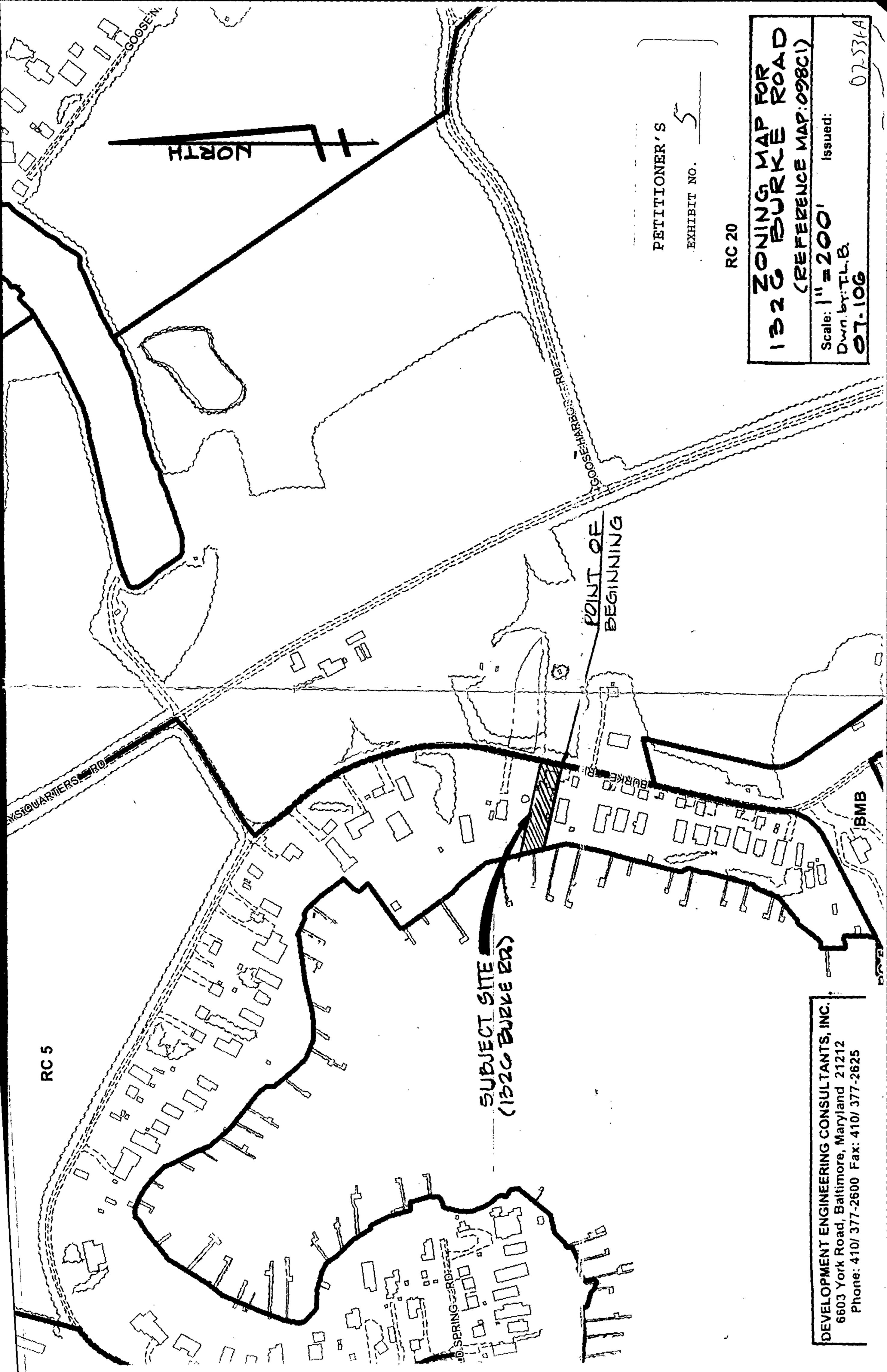
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
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



Go Back View Map **New Search** GroundRent

Account Identifier:	District -	15 Account N	lumber - 15	187210	010				
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Premises Address					-	Legal	Description		
1326 BURKE RD									
		WATERFRON	IT				SURKE RD YS QUARTER	.s	
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							<del>-</del>		









### CERTIFICATE OF POSTING

<b>14-</b>	\$ X <sup>5</sup> , 7	RE: Case No.: 0 1-53/-1
		Petitioner/Developer: ROBERT  FIDRICK
		Date of Hearing/Closing: 7-13-67
Himore County Department of rmits and Development Manageme unty Office Building, Room 111 I West Chesapeake Avenue	<b>nt</b>	
wson, Maryland 21204		
TN: Kristen Matthews ((410) 887	<b>-3394</b> }	·
dies and Gentlemen:		The state of the s
	lties of nerions 41	at the necessary sign(s) required by law were
an	located at:	at the necessary mge(s) required by law were
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	Sincere	ely,
		River RI 1 min
	•	(Signature of Sign Poster) (Date)
		SSG Robert Black
		-(Print Name)
		1508 Leslie Road
		(Address)
		Dundaik, Maryland 21222
		(City, State, Zip Code)
		(410) 282-7940
		(Telephone Number)



ETITIONER'S EXHIBIT

EWS!

