

PETITION OF: J. GARY AND
BARBARA MUELLER

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD
OF APPEALS OF BALTIMORE CO.

IN THE CASE OF:

J. GARY AND BARBARA MUELLER

IN THE

CIRCUIT COURT

FOR BALTIMORE COUNTY

Case No.: 03-C-09-07062

* * * * *

OPINION AND RULING

This matter comes before this Court on a Petition for Judicial Review of the May 18, 2009 decision by the County Board of Appeals of Baltimore County (hereinafter "the Board").

BACKGROUND

The Petitioners in this case live in a 4600-square-foot single family home that sits on a 1.78acre lot in the Cockeysville area of Baltimore County. Behind the Petitioners' home to the rear of the property there is a detached garage which the Petitioners have upgraded and turned into a separate living space for their son Cole who is a college student. It is the converted garage structure which is the subject of the zoning dispute in this case.

The Petitioners originally sought to have this use ratified by the Office of the Zoning Commissioner of

Baltimore County and then after being denied subsequently took a de novo appeal to the Board. In its opinion denying the use requested by the Petitioners the Board found that the converted garage was an "accessory structure" and that the in-law apartment use as an accessory structure was not permitted by the Baltimore County Zoning Regulations (hereinafter, "BCZR"). The Petitioners now take this appeal of the Boards' decision.

STANDARD OF REVIEW

"Judicial review of administrative agency action is narrow". United Parcel Service, Inc. v. People's Counsel for Baltimore County, 336 Md. 569, 576 (2000). This Court may not substitute its own judgment for that of the administrative agency. Id. at 576-77. "[The] Court's role is limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." Id. at 577.

OPINION

The Petitioners argue, and this Court agrees, that if the Board makes a finding that an "accessory structure" exists the Board must then consider whether the specific use of that structure is proper in light of BCZR § 502.1.

The record clearly establishes that the converted garage at issue here was found to be an "accessory structure" by the Board. The Board's next step therefore should have been to determine by way of a hearing if the specific use Petitioners had requested, a living area for their son Cole, is permissible under BCZR § 502.1.

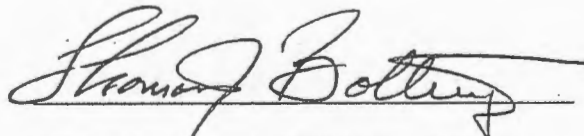
This Court finds that the Board erroneously concluded that an "accessory structure" may never be occupied by any person, including family members. The Board suggests in its May 18, 2009 opinion that it "cannot find anything in the BCZR that permits such an apartment as an accessory structure." The Board is correct that nothing in BCZR specifically allows a person use an accessory structure as a living space. This Court notes, however, that there is also nothing in the BCZR that specifically prohibits a person from living in an accessory structure.

This Court views that lack of prohibition in the BCZR together with a documented history of in-law apartments having being allowed in the past in determining that use of accessory structures as in-law type apartments are not prohibited. The one qualification of this general rule has always been that the occupants of the in-law apartment must be members of the same immediate family.

It is undisputed that the Petitioners' son is the person who occupies the accessory structure at issue here and the he is a member of their immediate family. Therefore, the sole issue left for the Board to decide is if the use by the Petitioners' son is somehow detrimental to the health, safety and general welfare of the area.

RULING

Accordingly, on this 15th day of March, 2010, the Circuit Court of Baltimore County hereby REVERSES the Opinion and Order of the County Board of Appeals of Baltimore County and REMANDS for a hearing on whether the specific use is permissible under BCRZ 502.1.



THOMAS J. BOLLINGER, JUDGE

CC: Lawrence E. Schmidt, esq.
Carole DeMillo, esq.
Michael R. McCarr, esq.



Flood Plains Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1514 Burke Road, Baltimore, Maryland 21220
which is presently zoned R.C. 5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

See attached.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP

Company

One W. Pennsylvania Ave., St. 300 410-832-2000

Address

Telephone No.

Towson Maryland 21204

City

State

Zip Code

Legal Owner(s):

James M. Anders, Jr.

Name - Type or Print

Signature

Debra L. Anders

Name - Type or Print

Signature

1514 Burke Road

Address

Telephone No.

Baltimore, Maryland 21220-4419

City

State

Zip Code

Representative to be Contacted:

John B. Gontrum

Name

One W. Pennsylvania Ave., St. 300 410-832-2000

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No.

REV 9/15/98

Reviewed By

Date

2011-0345-SPH

A. T. S. J.

5/25/2011

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1. To permit an in-law apartment.

421817

2011-0345-SPH

ZONING DESCRIPTION FOR 1514 BURKE ROAD
BALTIMORE, MARYLAND 21220

Beginning at a point on the north side of Burke Road which is thirty feet (30') wide at the distance of 477 feet west of the centerline of the nearest improved street Bowleys Quarters Road which is thirty feet (30') wide. Being Lot # 168 in the subdivision of Bowleys Quarters, Plat 1 as recorded in Baltimore County Plat Book # 7, folio #12 containing 15,939 square feet. Also known as 1514 Burke road and located in the 15th Election District, 6th Councilmanic District.

2011-0345-SPH

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: 2011-0345-SPH
Petitioner: DEBRA L ANDERS
Address or Location: 1514 BURKE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: James Anders
Address: 1514 Burke Road
Baltimore, MD 21220

Telephone Number: _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: June 30, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1514 Burke Road

INFORMATION:

Item Number: 11-345

Petitioner: James M. Anders, Jr.

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office does not recommend approval of living quarters or commercial uses in accessory structures as they can result in creating problems with parking, noise and outdoor storage that are a nuisance to the surrounding community. Additionally this property is the subject of a code violation notice.

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

Prepared by:

Division Chief:
JM/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2011
Item No. 2011-345

DATE: June 9, 2011

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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
cc: File
ZAC-ITEM NO 11-345-06202011.doc



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6-7-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

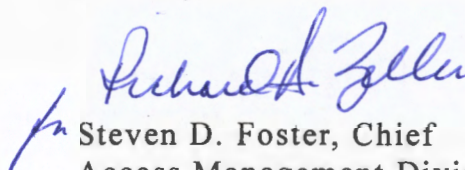
RE: Baltimore County
Item No. 201-0345-SPH
Special Hearing.
James and Debra Anders, Jr.
1514 Burke Road.

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. 201-0345-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 3, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 6, 2011**

Item No.:

Special Hearing: ~~2011-0345~~-SPH, 2011-0346—SPHA.

Variance: 2011-0339A – 0340A, 2011-0344A, 2011-0346—SPHA.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov

RE: PETITION FOR SPECIAL HEARING
1514 Burke Road; N/S Burke Road, 477'
W of c/line Bowleys Quarters Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): James & Debra Anders
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-345-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

JUN 06 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2011, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 1 W Pennsylvania Avenue, Suite 300, Towson, MD 21204,, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

February 15, 2011

M. Stuart Kelly
Code Enforcement Officer
County Office Building, Room 213
111 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: Case No. CO 88837
1514 Burke Road**

Dear Mr. Kelly:

Our office represents Mr. and Mrs. James M. Anders, Jr., the owners of 1514 Burke Road. It is our understanding that Mr. and Mrs. Anders have been cited for having 2 dwellings on the same residential lot.

We also understand that Mr. Anders discussed this issue with you at some length and that the intention is for the concrete block building to continue as living quarters for Mr. and Mrs. Anders' mother. The Anders family is more than willing for the use to be limited to an "in-law" apartment. As Mr. Anders may have mentioned, the building was known as a garage, but included a stove and kitchen area when Mr. Anders purchased the property in the mid-1990's. It was renovated after Hurricane Isabel, and some of the allowances received went for replacement of the kitchen area.

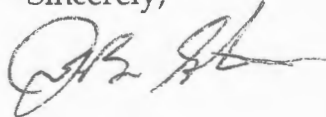
As you may know, Baltimore County's practice of allowing in-law apartments as an accessory use was approved by Judge Bollinger in Circuit Court Case No. 03-C-09-07062. As he recited in his opinion, a copy of which is attached, it has been a long-standing practice of the county to permit such use as part of an accessory use. Unfortunately, that long-standing practice is under attack, and the Office of People's Counsel has appealed that case to the Court of Special Appeals and a subsequent case decided by the Zoning Commissioner in December has been appealed as well. People's Counsel does not believe that the use is permitted under the zoning regulations.

M. Stuart Kelly
February 16, 2011
Page 2

People's Counsel has indicated that virtually all cases involving such issue are now going to be appealed even if granted until the appellate courts make a ruling. If the court rules that the practice is not allowed, either legislation will have to be adopted to permit the use, or such uses will be abolished as illegal. If the court rules that the practice is allowed, then the outcome of the case will dictate whether a special hearing is required. In either event conducting a hearing at this time would appear to be a waste of time.

We would respectfully request that with my clients' letter limiting the use of the site in the file that no hearing should be required until a final determination is made on the legal standing of the use. I am enclosing a draft of a Declaration of Understanding, which my clients are also prepared to sign upon your approval. Mr. and Mrs. Anders have had this use for their parent for many years without complaint, and we would suggest that many in the county are in a similar position. There is absolutely no intention to extend the use beyond the immediate family member.

Sincerely,

A handwritten signature in dark ink, appearing to read "JBG", with a long horizontal flourish extending to the right.

John B. Gontrum

JBG:jbg

Enclosure

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this _____ day of February, 2011, by and between JAMES M. ANDERS, Jr. and DEBRA L. ANDERS, his wife, (hereinafter collectively referred to as the "Declarants") and the Department of Permits, Approvals and Inspections of Baltimore County, Maryland (hereinafter referred to as "PAI").

RECITALS

- A. The Declarants own property improved with a dwelling and accessory structure known as 1514 Burke Road, Middle River, Maryland 21220, and more particularly described in Exhibit A (the "Property") attached hereto and made a part hereof. The property is zoned R.C. 5, which is the particular zone where the Property is located.
- B. The Declarants and their predecessors in title have used the accessory structure as an accessory dwelling for immediate relatives of the owners of the Property, complete with kitchen. The Declarants wish to continue the use of the accessory structure as an in-law apartment. The Declarants propose to continue the use of the in-law apartment for Declarants' elder parents with the benefit of being attached to her family. The second kitchen will be removed, and the addition will be taken over by the Declarants upon their parents leaving or moving from the residence, or if the Declarants move or sell the Property, whichever first occurs.
- C. As a condition to its approval of the Declarants' request, PAI has required the filing of this Declaration among the land records of Baltimore County to provide notice to any future owners, subsequent bona fide purchasers of this Property, that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvement shall only be used as a single family residence, unless otherwise approved by and at the discretion of PAI.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and PAI hereby declare as follows:

- 1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.
- 2. The in-law apartment and kitchen will continue to be used as part of the existing structures on the Property and shall be an accessory use to the principal use of the Property as a single-family residence. Living quarters for the in-laws shall be used only by the in-laws and not as an independent residential unit, and shall not be used by any other person as living quarters.

3. Upon the vacation of the in-law apartment by the in-laws or upon the sale of the Property by the Declarants, whichever first occurs, the kitchen in the accessory structure shall be removed.
4. The Covenants, conditions, and restrictions above shall run with and bind the Property and shall be enforceable by Baltimore County, Maryland and by the owners or all or any portion of the Property.
5. Enforcement of this Declaration of Understanding shall be by proceedings at law or equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the Declarants have duly executed this Declaration under seal on the date first above written.

WITNESS:

James M. Anders, Jr.

Debra L. Anders

State of Maryland, County of Baltimore, to wit:

I HEREBY CERTIFY that on this _____ day of February, 2011, before the Subscriber, a Notary Public of the State of Maryland, personally appeared James M. Anders, Jr. and Debra L. Anders, the Declarants herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the above instrument, and they acknowledged that they executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Notary Public

My Commission Expires:

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot No. 168, as shown on the Plat entitled "Bowleys Quarters, Plat No. 1", which Plat is recorded among the land records of Baltimore County, Maryland in Plat Book No 7, page 12.

The improvements thereon are known as 1514 Burke Road.

BEING the same property which by deed dated August 13, 1990 and recorded among the land records of Baltimore County in Liber 8580, folio 469, was granted and conveyed by MARY ANNE CRAWFORD unto JAMES M. ANDERS, Jr. and DEBRA L. ANDERS, his wife.



FA 0029741

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER CO 88837	PROPERTY TAX ID 15-03-67132-1	DATE ISSUED 2/2/11
NAME(S): JAMES M. ANDERS JR DEBRA L ANDERS		
MAILING ADDRESS 1514 BURKE RD		
CITY BALTIMORE	STATE MD	ZIP CODE 21220
VIOLATION ADDRESS Same		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☒ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER:

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement. |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM: |

Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

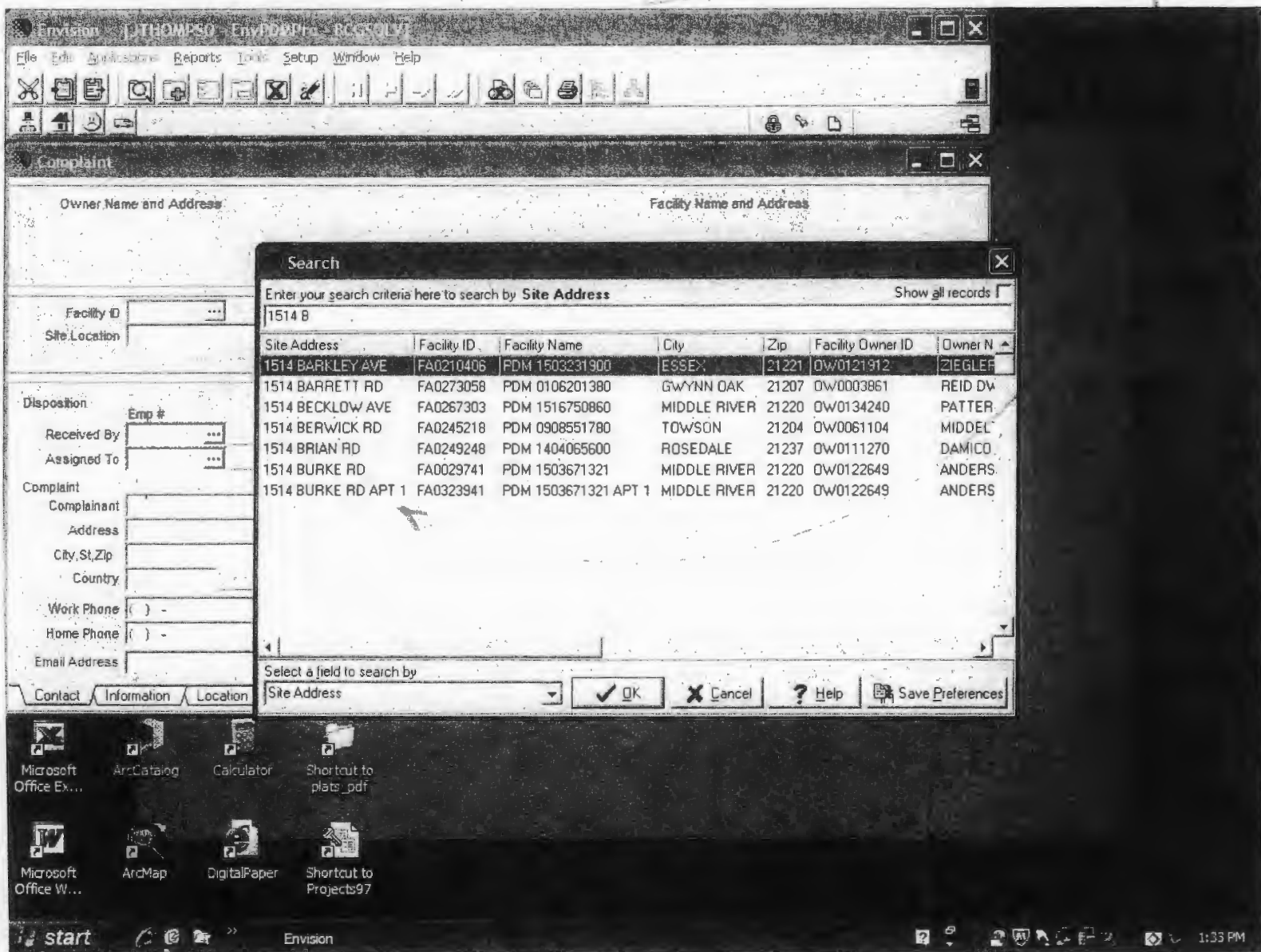
BCZR 1A04.3, B3.5
ONLY 1 Dwelling is Allowed on an RC 5 lot a Failure to RAZE EXISTING BUILDING AFTER construction of New Dwelling Unit

☐ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☐ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 3.4.11

INSPECTOR NAME: M. Stewart Kelly
PRINT NAME (Rev 9/05)



Facility No.: FA 002974

Record No.: CO 88837

Date of Photograph(s): 2-2-11

1514 BURKE RD



I HERE
photog
of the :



at these
the subject

f Kelly
(ficer)

098C1

NE 1-L

6 CD 15 ED

RC 5

RC 2

098C2

BURKE RD

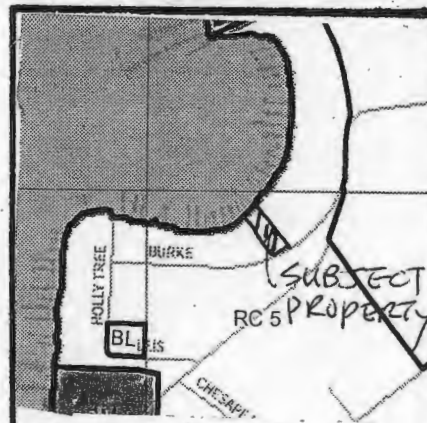
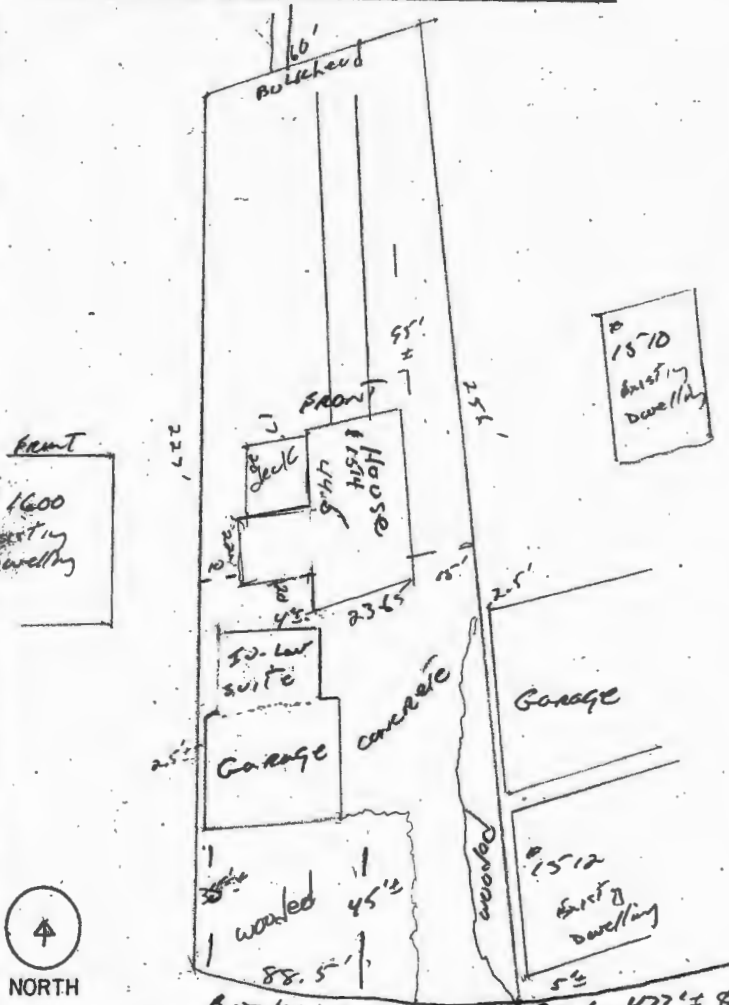
BOWLEYS' QUARTERS ROAD

2011-0345-SPH

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 1514 Burke Road
 SUBDIVISION NAME Bowlers Quarters
 PLAT BOOK # 7 FOLIO # 12 LOT # 168 SECTION #
 OWNER James R. & Deborah L. Andrus

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



VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15th
 COUNCILMANIC DISTRICT 6TH
 1" = 200' SCALE MAP # 098C2
 ZONING RC5
 LOT SIZE .37 15535
 ACREAGE SQUARE FEET
 PUBLIC PRIVATE
 SEWER ☒ ☐
 WATER ☒ ☐
 CHESAPEAKE BAY CRITICAL AREA ☒ ☐ YES NO
 100 YEAR FLOOD PLAIN ☒ ☐
 HISTORIC PROPERTY/ BUILDING ☐ ☒
 PRIOR ZONING HEARING ☒ ☐

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

ATSUI | 0345 | 2011-0345-SPH

* CODE ENFORCEMENT

CITATION # CO 88837 - 2/2/11

ZONING CASES:

1996-0258 SPH
 1997-0046-A