

IN RE: PETITION FOR VARIANCE

E side of Burmont Avenue, 67.52' N
of the c/line of Lykens Court
2nd Election District
2nd Council District
(3621 Burmont Avenue)

Parcel 1206 3621 Burmont, LLC
Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0154-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Parcel 1206 3621 Burmont, LLC, by and through its attorney, Francis Borgerding, Esquire. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

1. Section 1B01.1.B.c(2) and Article 32-4-402 of the Baltimore County Code (B.C.C.), to permit a modification to the Residential Transition Area (R.T.A.) limits and buffer reduction;
2. Section 1B01.1.B.e(3), to permit a graded and landscaped R.T.A. buffer of varied width in lieu of the required 50 feet ungraded and uncleared buffer. And to permit drainage areas and stormwater management facilities within the required buffer;
3. Section 1B01.1.B.e(5), to permit a public road and parking lot within the 75 feet R.T.A. setback and a reduced buffer of 32 feet in lieu of the 50 feet required; and
4. Section 504.2 authorizing the Comprehensive Manual of Development Policies (CMDP) and Section A – Division of the CMDP, and Section 409 of the B.C.Z.R., to permit 16 continuous parking spaces without a landscape island separator in lieu of the required 10 continuous spaces and to permit a public road in the R.T.A.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing in support of the variance request were Rick Chadsey and

David Lloyd Martin, Landscape Architect with Martin & Phillips Design Association, Inc., the

ORDER RECEIVED FOR FILING

Date 2-15-12

By law

consultant who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

Testimony and evidence revealed that the subject property is 1.735 acres and is zoned DR-5.5. A development plan (Exhibit 1) for the property was approved by Order of Deputy Zoning Commissioner Murphy, by Order dated May 19, 2006 (PDM File No. 02-688). That plan envisioned the construction of eight duplexes and one single family dwelling on the subject premises. At present, and in light of certain market forces, the Petitioner proposes to construct adjoining townhomes, which of course triggers Residential Transition Area (RTA) requirements. It is from these requirements that the Petitioner seeks variance relief.

As explained by Petitioner's engineer, the houses now proposed are in fact located farther away from the adjoining single family dwellings than was the case with the duplexes. Mr. Martin also opined that the proposed plan would satisfy each of the elements set forth at Baltimore County Code (B.C.C.) § 32-4-402. In addition, and as with the previous plan, the developer will construct a 6' high board on board fence (the details are shown on Exhibit 2) that will effectively screen the single family dwellings located to the north of the subject property. As such, I find that the goals of the RTA regulations, as articulated at pp. 23-33 of the CMDP, will be satisfied. This is especially the case here, where only nine (9) townhomes are proposed.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 2-15-12

By 192

Based upon the testimony and evidence presented, I will grant the request for variance relief which, under the B.C.Z.R. and B.C.C. is more appropriately referenced as a "modification" of RTA standards. Even so, and employing the exacting standards for variance relief, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioner has met this test. Petitioner has an approved Final Development Plan (FDP) for the site, and needs relief only because the change in housing type generated RTA requirements, which certainly renders this tract unique.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any neighborhood opposition or negative comments from County agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 15 day of February, 2012 by this Administrative Law Judge that Petitioner's Variance request from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

ORDER RECEIVED FOR FILING

Date 2-15-12

By [signature]

1. Section 1B01.1.B.c(2) and Article 32-4-402 of the Baltimore County Code (B.C.C.), to permit a modification to the Residential Transition Area (R.T.A.) limits and buffer reduction;
2. Section 1B01.1.B.e(3), to permit a graded and landscaped R.T.A. buffer of varied width in lieu of the required 50 feet ungraded and uncleared buffer. And to permit drainage areas and stormwater management facilities within the required buffer;
3. Section 1B01.1.B.e(5), to permit a public road and parking lot within the 75 feet R.T.A. setback and a reduced buffer of 32 feet in lieu of the 50 feet required; and
4. Section 504.2 authorizing the Comprehensive Manual of Development Policies (CMDP) and Section A – Division of the CMDP, and Section 409 of the B.C.Z.R., to permit 16 continuous parking spaces without a landscape island separator in lieu of the required 10 continuous spaces and to permit a public road in the R.T.A.

be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

IEB:dlw
ORDER RECEIVED FOR FILING

Date 2-15-12

By rw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 15, 2012

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
Suite 600
Towson, MD 21204

RE: Petition for Variance
Case No.: 2012-0154-A
Property: 3621 Burmont Avenue

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a circular stamp.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3621 Burmont Ave., Reisterstown, MD 21136 which is presently zoned D.R. 5.5

Deed References: 21049/82 10 Digit Tax Account # 0213200630

Property Owner(s) Printed Name(s) Parcel 1206 3621 Burmont, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Francis X. Borgerding, Jr.

Name- Type or Print

Signature

409 Washington Ave., #600, Towson, MD

Mailing Address City State

21204 410-296-6820

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Parcel 1206

3621 Burmont LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1010 Middle River Rd., Baltimore MD

Mailing Address City State

21220 410-561-1400

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

Zip Code

City

Telephone #

State

Email Address

CASE NUMBER 2012-0154-A Filing Date 1/4/12

Do Not Schedule Dates:

Reviewer DT

1. Pursuant to the provisions of Section 1B01.1.B.c(2) of the B.C.Z.R. and Article 32-4-402 of the County Code to permit a modification to the R.T.A. limits and buffer reduction.
2. Pursuant to Section 1B01.1.B.e.(3) of the B.C.Z.R. to permit a graded and landscaped R.T.A. buffer of varied width in lieu of the required 50' ungraded and uncleared buffer. And to permit drainage areas and stormwater management facilities within the required buffer.
3. Pursuant to Section 1B01.1.B.e.(5) of the B.C.Z.R. to permit a public road and parking lot within the 75' R.T.A. setback and a reduced buffer of 32' in lieu of the 50' required.
4. Pursuant to Section 504.2 authorizing the comprehensive manual of design (CMDP) and Section A - Division 2 of the CMDP and Section 409 of the B.C.Z.R. to permit 16 continuous parking spaces without a landscape island separator in lieu of the required 10 continuous spaces and to permit a public road in the R.T.A.

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

December 29, 2011

ZONING DESCRIPTION

Levin Property
PAI # 02-688
3621 Burmont Avenue, Baltimore, MD 21133

Beginning for the same property, recorded in the land records of Baltimore County deed ref. 21049 / 00082 and located on Tax Map 77 Parcel 1206, at a point at the centerline intersections of Burmont Avenue having a varied right of way and Lykens Court 44' wide thence N 73° 49' 52" E, 67.52' feet more or less to a point of beginning at the southwestern corner of the subject property, thence the following courses and distances:

- 1) N59° 25' 47"E, 200.60', thence
- 2) S59° 39' 55"E, 353.40' thence
- 3) S28° 43' 08"W, 175.20', thence
- 4) N59° 40' 44"W, 455.80', back to the point of beginning

Containing 75,576.60 square feet or 1.735 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **78292**

Date: **1/4/12**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		0150					385.00

Total: **385.00**

Rec
From: **MARTIN - PHILLIPS**

For: **2012-0154-A**
PARCEL 1206, 3621 BURMONT AVE.

D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

RECEIVED BY: _____
 DATE: 1/4/12
 AMOUNT: \$385.00
 BY: _____
 TITLE: _____
 OFFICE: _____
 BALANCE: _____

**CASHIER'S
 VALIDATION**

M E M O R A N D U M

DATE: March 19, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0154-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 16, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

PLEASE PRINT CLEARLY

CASE NAME 3621 Beaumont LLC

CASE NUMBER 2012-0154-A

DATE 2-8-12 10 Am

PETITIONER'S SIGN-IN SHEET

[illegible]

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0154-A

3621 Burmont Avenue
E/side of Burmont Avenue, 67.52 feet north of
centerline of Lykens Court
2nd Election District - 2nd Councilmanic District
Legal Owner(s): Parcel 1206, 3621 Burmont Avenue

Variance: to permit a modification to the R.T.A. limits and buffer reduction; to permit a graded and landscaped R.T.A. buffer of varied width in lieu of the required 50' ungraded and uncleared buffer; and to permit drainage areas and stormwater management facilities within the required buffer. Variance: to permit a public road and parking lot with the 75' R.T.A. setback and a reduced buffer of 32' in lieu of the 50' required; to permit 16 continuous parking spaces without a landscape island separator in lieu of the required 10 continuous spaces and to permit a public road in the R.T.A.

Hearing: Wednesday, February 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/1/697 Jan. 24 295466

CERTIFICATE OF PUBLICATION

1/26/2012

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 1/24/2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0154-A

RE: Case No.: _____

Petitioner/Developer: _____

Parcel 1206, 3621 Burmont Avenue

February 8, 2012

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

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 located at:

3621 Burmont Avenue

January 24, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

January 24, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

January 30, 2012

Parcel 1206
1010 Middle River Road
Baltimore MD 21220

RE: Case Number 2012-0154-A, 3621 Burmont Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4 2012. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Francis X. Borgerding Jr., 409 Washington Ave #600, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Hearings
2/8/12

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

DATE: January 18, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For January 16, 2011
Item Nos. 2012-152, 153, 154, 155
And 156

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01162012 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-9-12

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

RE: Baltimore County
Item No. 2012-0154-A
Variance
Parcel 1206 3621 Burmont LLC
3621 Burmont Avenue.

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. 2012-0154-A.

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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Inspections & Code Enforcement
January 18, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0154-A

3621 Burmont Avenue

E/side of Burmont Avenue, 67.52 feet north of centerline of Lykens Court

2nd Election District – 2nd Councilmanic District

Legal Owners: Parcel 1206, 3621 Burmont Avenue

Variance to permit a modification to the R.T.A. limits and buffer reduction; to permit a graded and landscaped R.T.A. buffer of varied width in lieu of the required 50' ungraded and uncleared buffer; and to permit drainage areas and stormwater management facilities within the required buffer. Variance to permit a public road and parking lot with the 75' R.T.A. setback and a reduced buffer of 32' in lieu of the 50' required; to permit 16 continuous parking spaces without a landscape island separator in lieu of the required 10 continuous spaces and to permit a public road in the R.T.A.

Hearing: Wednesday, February 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Francis Borgerding, Jr., 409 Washington Avenue, #600, Towson 21204
Parcel 1206, 1010 Middle River Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 24, 2012.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 24, 2012 Issue - Jeffersonian

Please forward billing to:
Rick Chadsey
1010 Middle River Road
Baltimore, MD 21220

410-561-1400

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0154-A

3621 Burmont Avenue

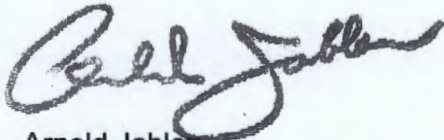
E/side of Burmont Avenue, 67.52 feet north of centerline of Lykens Court

2nd Election District – 2nd Councilmanic District

Legal Owners: Parcel 1206, 3621 Burmont Avenue

Variance to permit a modification to the R.T.A. limits and buffer reduction; to permit a graded and landscaped R.T.A. buffer of varied width in lieu of the required 50' ungraded and uncleared buffer; and to permit drainage areas and stormwater management facilities within the required buffer. Variance to permit a public road and parking lot with the 75' R.T.A. setback and a reduced buffer of 32' in lieu of the 50' required; to permit 16 continuous parking spaces without a landscape island separator in lieu of the required 10 continuous spaces and to permit a public road in the R.T.A.

Hearing: Wednesday, February 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
3621 Burmont Avenue; E/S Burmont Avenue, *
67.52' N c/line Lykens Court * OF ADMINISTRATIVE
2nd Election & 2nd Councilmanic Districts HEARINGS FOR
Legal Owners: Parcel 1206, 3621 Burmont LLC*
Petitioner(s) * BALTIMORE COUNTY
* 2012-154-A

* * * * *

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

JAN 13 2012

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 13th day of January, 2012, a copy of the foregoing Entry of Appearance was mailed to Francis Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0154-A

Petitioner: PARCEL 1206, 3621 BURMONT, LLC

Address or Location: PARCEL 1206, 3621 BURMONT AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. RICK CHADSEY

Address: 1010 MIDDLE RIVER RD.

BALTO. MD 21220

Telephone Number: 410-561-1400

Revised 2/17/11 DT

NW 8-J

Lot # 1

Pt. Bk./Folio # 065054

PDM # 020297

NW 8-I

Pt. Bk. 65, Folio 3700
2200015512

9319

Lot # A

Pt. Bk. 29, Folio 114
0207000970

Pt. Bk./Folio # 028034
PDM # 028034

9317

9315

Lot # 6
0202835510

Lot # 5
0206571490

20010367
20110034

19710160
19670006

2200008937

BR

2200020363 Lot # 3

2200020361

Lot # 1

Pt. Bk. 77, Folio 182
PDM # 020513

BURMONT AVENUE (3625) (PDM File/Project #)

3627

Lot # 2

20010128

2200020362

BURMONT AVE

3621

NW 7-J

0213200630

LEVIN PROPERTY (PDM File/Project # 2-688)

2 ED 077A1

4 CD DR-5.5

NW 7-I

LYKENS CT

Pt. Bk. 77, Folio 182
2400001848

Lot # 0

Lot # 18
2400001843

Lot # 17

Lot # 16

Lot # 15

Lot # 14

Lot # 0

2400001838
Lot # 13

Lot # 12

Lot # 11

Lot # 10

Lot # 1
2400001826

Lot # 2

Lot # 3

Lot # 4
2400001829

PDM # 020594

BURMONT AVE PROPERTY (PDM File/Project # 2-594)

2400001849

Lot # 0

0213750130

0219070290

2400001830

Lot # 5
9306

Lot # 6

Lot # 7

Lot # 0
2400001846

Pt. Bk./Folio # MP91134

0213550800

2012-0154-A

Case No.: 2012-0154-A

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	02-688 FDP	
No. 2	Plat to Accompany Zoning Hrg.	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

JB

2/8

10AM

SA 3/19/12

DW
2-15-12

Section 260. Residential Performance Standards [Bill Nos. 34-2001; 58-2001
EY(M2)]

- 260.1 Scope; statement of legislative intent performance standards.
- A. This section applies to all residential development of four or more lots in Baltimore County that is located within the urban/rural demarcation line.
- B. Intent; evaluation of compliance.
1. These performance design standards are intended to ensure that residential development in Baltimore County conforms with a higher quality of design.
2. The evaluation of compliance shall occur as part of the review of development proposals.
3. The Office of Planning may require the submittal of sufficient information, such as building elevations and grading plans, from which a finding can be made on compliance of the project with the standards.
4. Deviation from the standards may be allowed only if clearly necessary to:
- a. Comply with another standard;
- b. Comply with environmental regulations or otherwise protect resources; or
- c. Achieve the best possible development design, considering other goals in the Comprehensive Manual of Development Policies.
- C. Consideration of findings; deviation from standards.
1. The Office of Planning's findings shall be made by the Director of Planning and submitted to the hearing officer or to the Director of Permits and Development Management, as applicable.
2. The hearing officer or the Director of Permits and Development Management, as applicable, shall consider the findings presented by the Director of Planning or the Director's designee before a development plan is approved.
3. After considering the findings, the hearing officer or the Director of Permits and Development Management may deviate from the standards only in accordance with the

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requirements in Paragraph B.4 of this subsection.

260.2 Site planning.

- A. A development proposal shall:
1. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of that vegetation during construction.
2. Integrate locally significant features of the site, such as distinctive buildings, views, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks, ruins and gardens, into the site design, and retain the character of the features and their settings.
3. Coordinate building design, site layout, and grading so that grade transitions are gradual and respect the existing topography.
4. Provide a landscaped buffer between the rear yards of dwellings existing on May 25, 2001, and the rear yards of abutting new dwellings.
5. Provide for smooth transitions between neighborhoods by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding neighborhood.
6. Provide transitions with respect to setbacks, street patterns, and building-to-street grade relationships.
- B. Reverse-fontaine lots are permitted only if the petitioner can demonstrate that adequate setbacks, topography, herring, landscaping or building design will effectively screen private yard space and decks from the public view. Fences may not be located closer than 20 feet to a public right-of-way.
- C. Padmaude lots are not permitted as a matter of right. Padmaudes must conform to § 32-4-409 of the Baltimore County Code and the standards in the Comprehensive Manual of Development Policies. [Bill No. 137-2004]
- D. The minimum width for any single-family detached lot located in the South Perry Hall - White Marsh area north of Ridge Road is 75 feet as measured along both the front wall and rear wall of the dwelling unit. This subsection does not apply to alternative site design dwellings permitted in accordance with Section 1B01.1.A.1.b.
- E. Single-family detached lots in Middle River - Bird River area. [Bill No. 3-2002(BN03)]
1. For any single-family detached lot located in the Middle River - Bird River area, as

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the length of blocks, and employing the use of traffic management devices such as roundabouts, chokers, chicanes, etc., to accomplish traffic calming.

3. Allow on-street parking.
4. Provide pedestrian and bicycle access to commercial areas and community facilities on site within the development and to the surrounding neighborhood.
5. Provide street and parking accommodations which complement the surrounding neighborhood.
- B. Curb-de-sac may be used if it is demonstrated that a street connection is not feasible due to site conditions such as severe grade transitions or sensitive natural features, or an alternative site layout is not feasible. If curb-de-sac are used, developments should consist of a balance of street patterns (curb-de-sac and connections). If curb-de-sac are used, design elements such as center landscaping and traffic circles shall be used.
- C. Street widths and front yard setbacks may be reduced in accordance with traditional neighborhood design standards.
- 260.5 Landscape design.
- A. A development proposal shall:
1. Landscape public open spaces to invite users. Particularly emphasizing the intended entrance to the open space.
2. In addition to plant material, use fences, walls or earth forms to provide effective and attractive screens and buffers where necessary.
3. Provide for, or reinforce and maintain, a continuous street tree canopy by preserving healthy and mature trees and planting new trees if canopy openings exist. The trees shall be comprised of trees of the same species or trees with design characteristics and growth habits that are similar to those of the existing street trees.
4. Include the design for site signage on the schematic landscape plan. If this is not possible, the signage design may be included in the final development plan and shall be approved before issuance of any building permits.

260.6 Buildings.

- A. A development proposal shall:
1. Provide variety in housing type or design, while maintaining continuity in scale, rhythm,

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defined in County Council Bill 122-01:

- a. The minimum width is 75 feet as measured along both the front wall and rear wall of the dwelling unit;
- b. The minimum front yard setback is 20 feet; and
- c. The minimum rear yard setback is 40 feet, except for:
- (1) Unroofed additions, including patios and decks; and
- (2) Roofed additions which do not exceed in width 50% of the dwelling unit, and which do not extend more than 10 feet into the rear yard setback area.
2. This subsection does not apply to alternative site design dwellings permitted in accordance with Section 1B01.1.A.1.b.
- 260.3 Open space. A development proposal shall:
- A. Integrate open space areas into the proposed development by:
1. Creating focal points along streets;
2. Locating landscaped open green spaces in view of the development entrance or adjoining public street;
3. Planning a linked network of natural and landscaped open areas connected by pedestrian/bike trails; and
4. Orienting dwelling units around open areas or squares.
- B. Incorporate significant features, such as stands of trees, into open areas.
- C. Link the development's open areas to the surrounding neighborhood open areas, including public parks, walks, and bike trails, and create both functional and visual continuity, e.g., by matching the design of a bike trail in the proposed development to the bike trail located in the adjoining property.
- 260.4 Streets and parking.
- A. A development proposal shall:
1. Provide for at least one street connection to an adjoining neighborhood or an adjoining property, not including the principal access to the subdivision, in order to facilitate good traffic circulation.
2. Design streets to slow traffic by offsetting alignments. Reducing street width, reducing

3

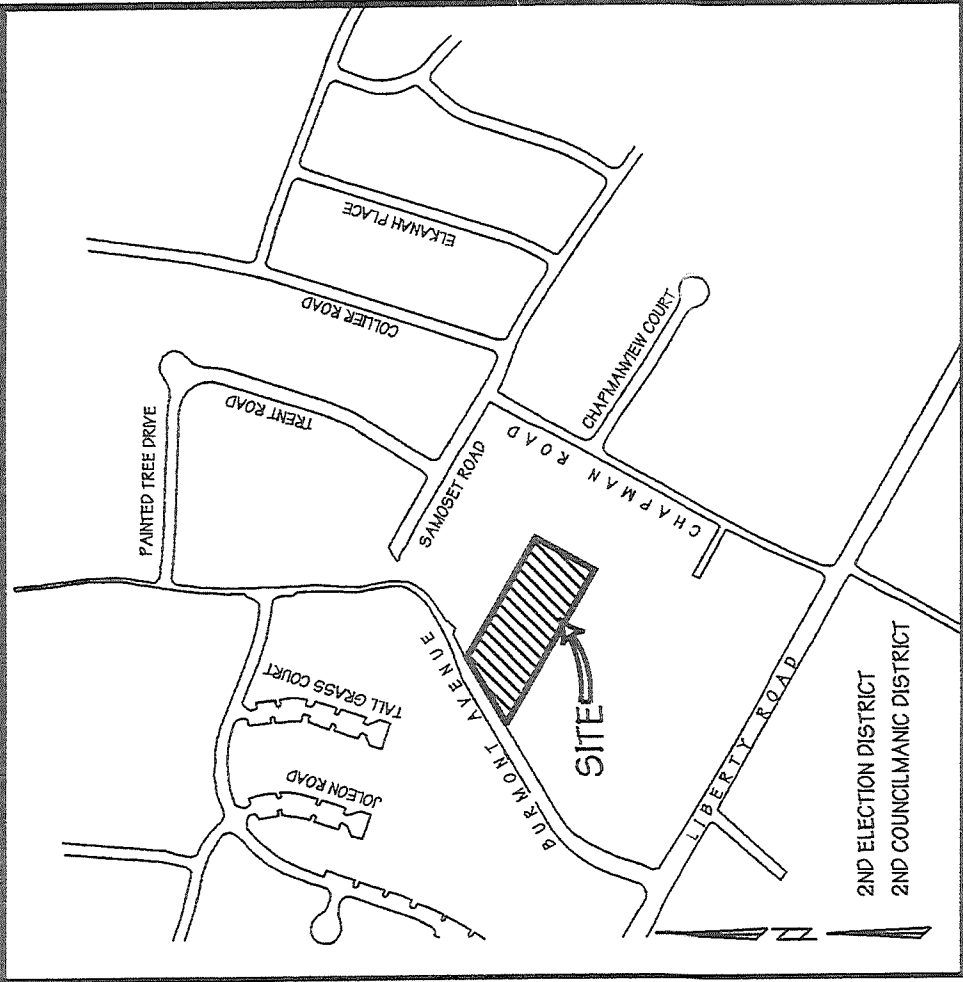
proportion and detail.

2. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops into front building facades.

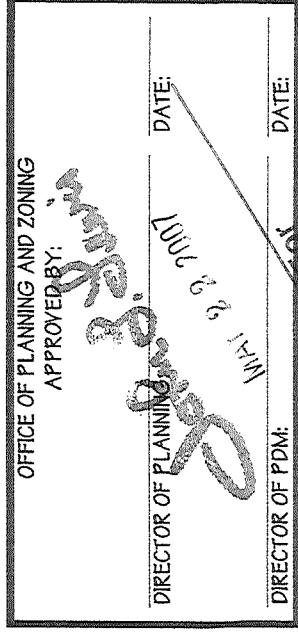
3. Adhere to a consistent front building setback for all dwellings on the same street or square, so that the fronts of dwellings define a uniform street edge.
4. Design decks, balconies and porches as components of the building following dominant building lines, proportions and style, and in a scale appropriate to the available space on the site. Decks shall be screened to minimize visibility from a public street.
5. Design accessory structures at a scale appropriate to the dwelling and design storage buildings and garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Extend the finish material of the exteriors of buildings to grade, or, if this is not possible, to within 12 inches of grade, on all sides of the building excluding foundation walls which shall use a finished quality material such as decorative concrete block, poured concrete with a brick pattern, or stucco, and provide landscaping along the foundation.
7. Use similar materials and design elements on all building facades and articulate all building features and ordered architectural features such as porches, windows, doors, chimneys, gables, and dormers.

B. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.

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VICINITY MAP
1" = 500'



PDM FILE # 02-688
FINAL DEVELOPMENT PLAN
FOR
LEVIN PROPERTY
2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY MARYLAND
JANUARY 8, 2007
SHEET 2 OF 2

