



KEVIN KAMENETZ  
*County Executive*

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

September 11, 2012

Todd and Lauren Rebbel  
1502 Burke Road  
Baltimore, Maryland 21220

RE: Petition for Variance  
Case No.: 2013-0011-A  
Property: 1502 Burke Road

Dear Mr. and Mrs. Rebbel:

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 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw  
Enclosure

c: Michelle Prettyman, 1500 Burke Road, Middle River, MD 21220

**IN RE: PETITION FOR VARIANCE**  
**(1502 Burke Road)**  
Todd & Lauren Rebbel  
Petitioners

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2013-0011-A**

\* \* \* \* \*

**ORDER AND OPINION**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners, Todd & Lauren Rebbel. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

1. § 1A04.3.B.2.b, to permit side setbacks of 15' and 12' in lieu of the required 50',
2. § 1A04.3.A, to permit a height of 39' in lieu of the maximum allowed height of 35',
3. § 1A04.3.B.1.b.1, to permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres, and
4. § 400.1, to permit an existing garage to be located in the front of the property in lieu of the required placement in the rear.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support for this case was Todd and Lauren Rebbel. Michelle Prettyman, a neighbor at 1500 Burke Road, also attended the hearing. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

**ORDER RECEIVED FOR FILING**

Date 9-11-12

By AW

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated July 31, 2012 indicating that Petitioners must comply with Baltimore County's various floodplain regulations and building code requirements. In addition, ZAC comments were submitted from the Department of Environmental Protection and Sustainability (DEPS) dated September 5, 2012, indicating that Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. § 500.14. Finally, ZAC comments were also received from the Department of Planning (DOP), which made certain recommendations designed to ensure the property satisfies the performance standards set forth at B.C.Z.R. § 1A04.4.

Testimony and evidence revealed that the subject property is 19,305 square feet and is zoned RC 5. The property is waterfront (facing Galloway Creek) and is improved with a dwelling constructed in 1937. The Petitioners plan to raze the existing home, and construct in its place a new home with almost the same footprint as the old structure. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

Petitioners have met this test.

The property is unique in at least two respects. First, though the site is less than ½ acre in size, it is zoned RC 5, which imposes stringent setback and height requirements. In addition, the property is improved with a dwelling and garage, and thus the Petitioners must contend with these existing site conditions. The Petitioners would experience a practical difficulty if the regulations

**ORDER RECEIVED FOR FILING**

Date 9-11-12

By pw

were strictly enforced, since they would be unable to construct the new home they have planned with their builder. Finally, I do not believe the zoning relief will be detrimental to the community's health, safety and welfare.

For the most part, the relief requested was uncontroversial, except for two items. Petitioners' neighbor, Michelle Prettyman, expressed concern with the adequacy of the storm water drainage on site. The Petitioners' indicated they shared this concern, and would ensure that the County's requirements were observed. In any event, DEPS will no doubt review (at the permit stage) this issue to ensure compliance.

The second issue concerned the height variance, and Ms. Prettyman indicated she was opposed to the request. The RC 5 zone permits 35', while the Petitioners' proposed home would be 39' in height. Even so, the dwelling itself will be under 35', and as a design element the Petitioners want to construct an "observatory" on the top of the home. Mr. Rebbel indicated this would be unfinished space, and would add about 4' to the height of the dwelling. See Exhibit 2 (sketch). In determining the height of a structure, the Zoning Commissioner's Policy Manual (ZCPM) indicates that "cupolas or towers may exceed 35' (in an RC 5 zone) when part of a conforming building." ZCPM, § 1-1.4. Though I am by no means an architect, the feature which Petitioners describe as an "observatory" is akin to a "widow's walk" (or watch) often found on coastal homes, and I believe it can properly be referred to as a "cupola."

As such, I do not believe that the Petitioners actually need variance relief for the construction of this "observatory," as shown on their building sketch. As noted by Petitioners, this is an aesthetic – rather than functional – feature that will complement the water-front nature of the home. To eliminate any doubt on the point, I will grant the relief for the height variance as requested, but as noted I do not believe such relief is required in the first instance.

**ORDER RECEIVED FOR FILING**

Date 9-11-12

By low

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

THEREFORE, IT IS ORDERED, this 11<sup>th</sup> day of September, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

1. § 1A04.3.B.2.b, to permit side setbacks of 15' and 12' in lieu of the required 50',
2. § 1A04.3.A, to permit a height of 39' in lieu of the maximum allowed height of 35',
3. § 1A04.3.B.1.b.1, to permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres, and
4. § 400.1, to permit an existing garage to be located in the front of the property in lieu of the required placement in the rear.

be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

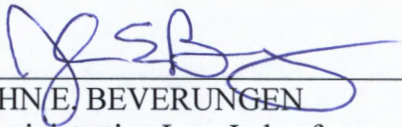
1. The Petitioners may apply for any building permits and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Petitioners must comply with the ZAC comments of DRP, DEPS and DOP; copies attached and made a part hereof.

**ORDER RECEIVED FOR FILING**

Date 9-11-12

By DW

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

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9-11-12

By DLW

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** <sup>DAK</sup>Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 06, 2012  
Item No. 2013-0011

**DATE:** July 31, 2012

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 9.5feet.

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

**ORDER RECEIVED FOR FILING**

ZAC-ITEM NO 13-0011-00002012.doc

Date

9-11-12

By

low

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 07 2012



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

DATE: September 5, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0011-A  
Address 1502 Burke Road  
(Rebbel Property)

Zoning Advisory Committee Meeting of July 23, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow a replacement single family dwelling with reduced lot size and setbacks and to exceed the height limits. The lot is waterfront and is developed with a dwelling, garage, and driveway. The proposed dwelling is not within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 31.25% (6,033 square feet), with mitigation required for new lot coverage over 25% (4,826 square feet). If the applicant can meet the lot coverage requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.
3. Lot coverage information was not included. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger; Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 9-11-12

By [Signature]

C:\DOCUME~1\dwiley\LOCALS~1\Temp\XPgrpwise\ZAC 13-0011-A 1502 Burke Road.doc

9/10 11am  
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

DATE: August 8, 2012

FROM: Andrea Van Arsdale  
Director, Department of Planning

SUBJECT: 1502 Burke Road  
INFORMATION:

RECEIVED

AUG 14 2012

Item Number: 13-011

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Todd Rebbel

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this department:

1. Building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
2. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
3. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
4. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Division Chief:

ORDER RECEIVED FOR FILING

Date

9-11-12

W:\DEVREVZACZACs 2013\13-011.doc

By

**CBCA****PETITION FOR ZONING HEARING(S)****FLOOD Plain**

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 1502 Burke Road Middle River MD 21220 which is presently zoned RC-5  
Deed References: 07476-0446 10 Digit Tax Account # 1503370880  
Property Owner(s) Printed Name(s) TOM REBER, LAUREN REBER(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:**

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0011-A Filing Date 7/19/12**Legal Owners (Petitioners):**

Name #1 - Type or Print

Signature #1

Mailing Address

Zip Code

Name #2 - Type or Print

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

**Representative to be contacted:**

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Do Not Schedule Dates: Reviewer

1A04.3.B.2.b To permit side setbacks of 15' & 12' in lieu of the required 50', respectively.

1A04.3.A To permit a height of 39' in lieu of the maximum allowed height of 35'.

1A04.3.B.1.b.1 To permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres.

400.1 To permit an existing garage to be located in the front of the property in lieu of the required placement in the rear.

ZONING PROPERTY DESCRIPTION

FOR

1502 BURKE ROAD

Beginning at a point on the northwest side of Burke Rd, which is 20 feet wide at the distance of 123 feet south of the centerline of Bowleys Quarters Road which is 30 feet wide.

Being Lot # 164-A in the subdivision of Bowleys Quarters as recorded in Plat Book 13, Folio 39, containing 19,305 square feet. Also known as 1502 Burke Road and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

2013-0011-A

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

No.

87104

Date:

7-18-12

PAID RECEIPT

BUSINESS ACTUAL 7/18/2012 7/18/2012 1312

RECEIPT # 87104 7/18/2012

RECEIPT # 87104 7/18/2012

Dept 5 500 ZONING (OFFICE)

CE # 087104

Receipt 10/12

\$75.00 CR

Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Sub Obj | Dept Obj | BS Acct | Amount  |
|------|------|------|----------|----------------|-----------------|----------|---------|---------|
| 001  | 806  | 0000 |          | 6150           |                 |          |         | \$75.00 |
|      |      |      |          |                |                 |          |         |         |
|      |      |      |          |                |                 |          |         |         |
|      |      |      |          |                |                 |          |         |         |
|      |      |      |          |                |                 |          |         |         |

Total: \$75.00

Rec From:

REBBEL

For:

2013-0011-SP4A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

# 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: 2013-0011-A

Petitioner: REBBEL

Address or Location: 1502 BURKE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: TOOD REBBEL

Address: 1502 BURKE ROAD

BALTIMORE MD 21220

Telephone Number: 443-690-3422

CERTIFICATE OF POSTING

RE: Case No. 2013-0011-A

Petitioner/Developer TODD  
REBBEL

Date Of Hearing/Closing: 9/10/12

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 1502 BURKE RD

This sign(s) were posted on August 20, 2012  
Month, Day, Year  
Sincerely,

Martin Ogle 8/20/12  
Signature of Sign Poster and Date  
Martin Ogle  
60 Chelmsford Court  
Baltimore, Md, 21220  
443-629-3411

# ZONING NOTICE

CASE # 2013-0011-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING 105

PLACE: WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY, SEPTEMBER 10, 2012  
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT SIDE SETBACKS OF  
15' AND 12' IN LIEU OF THE REQUIRED 50';  
TO PERMIT A HEIGHT OF 39' IN LIEU OF THE MAXIMUM  
ALLOWED HEIGHT OF 35'; TO PERMIT A DWELLING TO BE BUILT  
ON A LOT THAT IS 0.443 ACRES IN LIEU OF THE REQUIRED  
MINIMUM LOT SIZE OF 1.5 ACRES; TO PERMIT AN EXISTING  
GARAGE TO BE LOCATED IN THE FRONT OF THE PROPERTY IN  
LIEU OF THE REQUIRED PLACEMENT IN THE REAR.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 827-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE

*Yalant 8/20/12*

**NOTICE OF ZONING HEARING**

The Administrative Law Judge 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: #2013-0011-A**

1502 Burke Road

NW/s of Burke Road (20 ft. wide), 123 ft. south of centerline

of Bowleys Quarters Rd.

15th Election District - 6th Councilmanic District

Legal Owner(s): Todd & Lauren Rebbel

**Variance:** to permit side setbacks of 15' and 12' in lieu of the required 50'; to permit a height of 39' in lieu of the maximum allowed height of 35'; to permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres; to permit an existing garage to be located in the front of the property in lieu of the required placement in the rear.

**Hearing: Monday, September 10, 2012 at 11:00 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 08/656 August 21

869799



501 N. Calvert Street, Baltimore, MD 21278

August 23, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 21, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

*Susan Wilkinson*

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, August 21, 2012 Issue - Jeffersonian

Please forward billing to:  
Todd Rebbel  
1502 Burke Road  
Baltimore, MD 21220

443-690-3422

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## NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0011-A**

1502 Burke Road

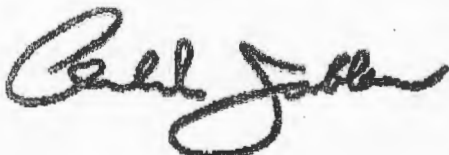
NW/s of Burke Road (20 ft. wide), 123 ft. south of centerline of Bowleys Quarters Rd.

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

Legal Owners: Todd & Lauren Rebbel

Variance to permit side setbacks of 15' and 12' in lieu of the required 50'; to permit a height of 39' in lieu of the maximum allowed height of 35'; to permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres; to permit an existing garage to be located in the front of the property in lieu of the required placement in the rear.

Hearing: Monday, September 10, 2012 at 11:00 a.m., 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.



KEVIN KAMENETZ  
County Executive

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

August 13, 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: 2013-0011-A**

1502 Burke Road

NW/s of Burke Road (20 ft. wide), 123 ft. south of centerline of Bowleys Quarters Rd.

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

Legal Owners: Todd & Lauren Rebbel

Variance to permit side setbacks of 15' and 12' in lieu of the required 50'; to permit a height of 39' in lieu of the maximum allowed height of 35'; to permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres; to permit an existing garage to be located in the front of the property in lieu of the required placement in the rear.

Hearing: Monday, September 10, 2012 at 11:00 a.m., Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

C: Todd & Lauren Rebbel, 1502 Burke Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 21, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ  
County Executive

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

July 31, 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: 2012-0312-A**

7313 Holabird Avenue

Corner of Holabird Avenue and Bayard Avenue

12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Alice Muranko

Variance to permit a proposed covered porch addition in the front and side yards connected to a proposed open deck and a functionally attached existing carport, with a side yard setback of 2 ½ ft. in lieu of the required 7 ½ ft. and a functionally attached existing garage with a side and rear yard setbacks of "0" ft. in lieu of the required 10 feet and 30 feet respectively.

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

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

C: Alice Muranko, 7313 Holabird Avenue, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 21, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, August 21, 2012 Issue - Jeffersonian

Please forward billing to:

Permits, Approvals & Inspections  
111 West Chesapeake Avenue, Directors Office  
Towson, MD 21204

410-887-3353

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### NOTICE OF ZONING HEARING

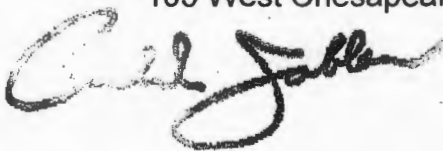
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2012-0312-A**

7313 Holabird Avenue  
Corner of Holabird Avenue and Bayard Avenue  
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Alice Muranko

Variance to permit a proposed covered porch addition in the front and side yards connected to a proposed open deck and a functionally attached existing carport, with a side yard setback of 2 ½ ft. in lieu of the required 7 ½ ft. and a functionally attached existing garage with a side and rear yard setbacks of "0" ft. in lieu of the required 10 feet and 30 feet respectively.

Hearing: Monday, September 10, 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

1502 Burke Road; NW/S Burke Road, 123' S  
of c/line Bowleys Quarters Road (75' Wide)  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Todd & Lauren Rebbel  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINSTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2013-011-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

JUL 26 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 26th day of July, 2012, a copy of the foregoing Entry of Appearance was mailed to Todd & Lauren Rebbel, 1502 Burke Road, Middle River, MD 21220, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

## MEMORANDUM

DATE: October 15, 2012  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2013-0011-A - Appeal Period Expired

---

The appeal period for the above-referenced case expired on October 12, 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

**Administrative Hearings - RE: Case No. 2013-0011-A - 1502 Burke Rd. - Rebbel**

---

**From:** "Todd Rebbel" <trebbel@atlantictransportation.com>  
**To:** "Administrative Hearings" <administrativehearings@baltimorecountymd.gov>  
**Date:** 9/11/2012 3:58 PM  
**Subject:** RE: Case No. 2013-0011-A - 1502 Burke Rd. - Rebbel

---

WOW! That was fast. Thank you.

---

**From:** Administrative Hearings [mailto:administrativehearings@baltimorecountymd.gov]  
**Sent:** Tuesday, September 11, 2012 3:47 PM  
**To:** trebbel@atlantictransportation.com  
**Subject:** Case No. 2013-0011-A - 1502 Burke Rd. - Rebbel

Good Afternoon,

Please find attached the cover letter and the Order & Opinion for the above-referenced matter; the original has been put in US mail.

Please be cognizant of Page 4, Condition #1; you may apply for any appropriate permits; however, anyone in opposition has 30 days from the date of your Order to file an appeal.

Thanks and enjoy !

**Administrative Hearings - RE: Internet Inquiry (Case 2013-0011-A)**

---

**From:** "Todd Rebbel" <trebbel@atlantictransportation.com>  
**To:** "Administrative Hearings" <administrativehearings@baltimorecountymd.gov>  
**Date:** 9/11/2012 3:50 PM  
**Subject:** RE: Internet Inquiry (Case 2013-0011-A)

---

Thank you. I appreciate your help.

My wife and I have had a very positive experience with the county through this process. People have been very willing to help us.

Todd

---

**From:** Administrative Hearings [mailto:administrativehearings@baltimorecountymd.gov]  
**Sent:** Tuesday, September 11, 2012 3:33 PM  
**To:** Todd Rebbel  
**Subject:** Re: Internet Inquiry (Case 2013-0011-A)

Hi,

Judge Beverungen is currently working on your Order. Under separate cover, our office will e-mail you this as soon as it's done. You will be mailed your copy as well. Unfortunately, the web posting takes a little time and this would be much faster. No problem at all.

Thanks.

>>> "Todd Rebbel" <trebbel@atlantictransportation.com> 9/11/2012 12:23 PM >>>  
We had our hearing yesterday with Judge Beverungen and are on "pins and needles" to learn the outcome. I know a letter will be sent once a decision has been made. Is there a site I can check or any way to find out as soon as the decision is available? We are excited and looking forward to knowing.

I hope I am not too much of a pest.

Thank you,

**Todd**

**443.690.3422**

CASE NAME 2013-0011  
CASE NUMBER 2013-0011-A  
DATE September 10 - 2012

[illegible]

CASE NAME 2013y Variance  
CASE NUMBER 2013 -11A  
DATE 9/10/12

[illegible]

✓ 9/10 11am

CASE NO. 2013- 0011-A

## CHECKLIST

Comment  
Received

*Floodplain*  
*moving*  
*CBCA*

Department

Support/Oppose/  
Conditions/  
Comments/  
No Comment

9-6

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent 9-6)

Comments

9-7

DEPS  
(if not received, date e-mail sent 9-6)

Comments

FIRE DEPARTMENT

8-14

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

Comments

7-24

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date: 8-21-12

Jeffersonian

SIGN POSTING

Date: 8-20-12

by Ogle

20 days

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: \_\_\_\_\_

11AM

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw1.1A)  
BALTIMORE COUNTY

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

**Account Identifier:** District - 15 Account Number - 1503370880

**Owner Information**

**Owner Name:** CLARK CALVIN J JR  
CLARK HELEN M  
**Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 1502 BURKE RD  
BALTIMORE MD 21220-4419  
**Deed Reference:** 1) /07476/ 00446  
2)

**Location & Structure Information****Premises Address**

1502 BURKE RD  
0-0000

**Legal Description**

Waterfront BOWLEYS QUARTERS

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot  | Assessment Area | Plat No:  |           |
|------|------|--------|--------------|-------------|---------|-------|------|-----------------|-----------|-----------|
| 0098 | 0004 | 0004   |              | 0000        |         |       | 164A | 3               | Plat Ref: | 0013/0039 |

**Special Tax Areas**  
**Town** NONE  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1937                    | 1,320 SF      | 19,305 SF          | 34         |

| Stories  | Basement | Type          | Exterior         |
|----------|----------|---------------|------------------|
| 1.500000 | NO       | STANDARD UNIT | ASBESTOS SHINGLE |

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2012 | 07/01/2011           | 07/01/2012 |
| <b>Land</b>               | 323,800    | 263,800    |                      |            |
| <b>Improvements:</b>      | 104,700    | 62,500     |                      |            |
| <b>Total:</b>             | 428,500    | 326,300    | 428,500              | 326,300    |
| <b>Preferential Land:</b> | 0          |            |                      | 0          |

**Transfer Information**

| Seller: | Date:  | Price: |
|---------|--------|--------|
| Type:   | Deed1: | Deed2: |
| Seller: | Date:  | Price: |
| Type:   | Deed1: | Deed2: |
| Seller: | Date:  | Price: |
| Type:   | Deed1: | Deed2: |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2011 | 07/01/2012 |
|----------------------------|-------|------------|------------|
| County                     | 000   | 0.00       |            |
| State                      | 000   | 0.00       |            |
| Municipal                  | 000   | 0.00       | 0.00       |

**Tax Exempt:**  
**Exempt Class:** **Special Tax Recapture:** NONE

**Homestead Application Information**

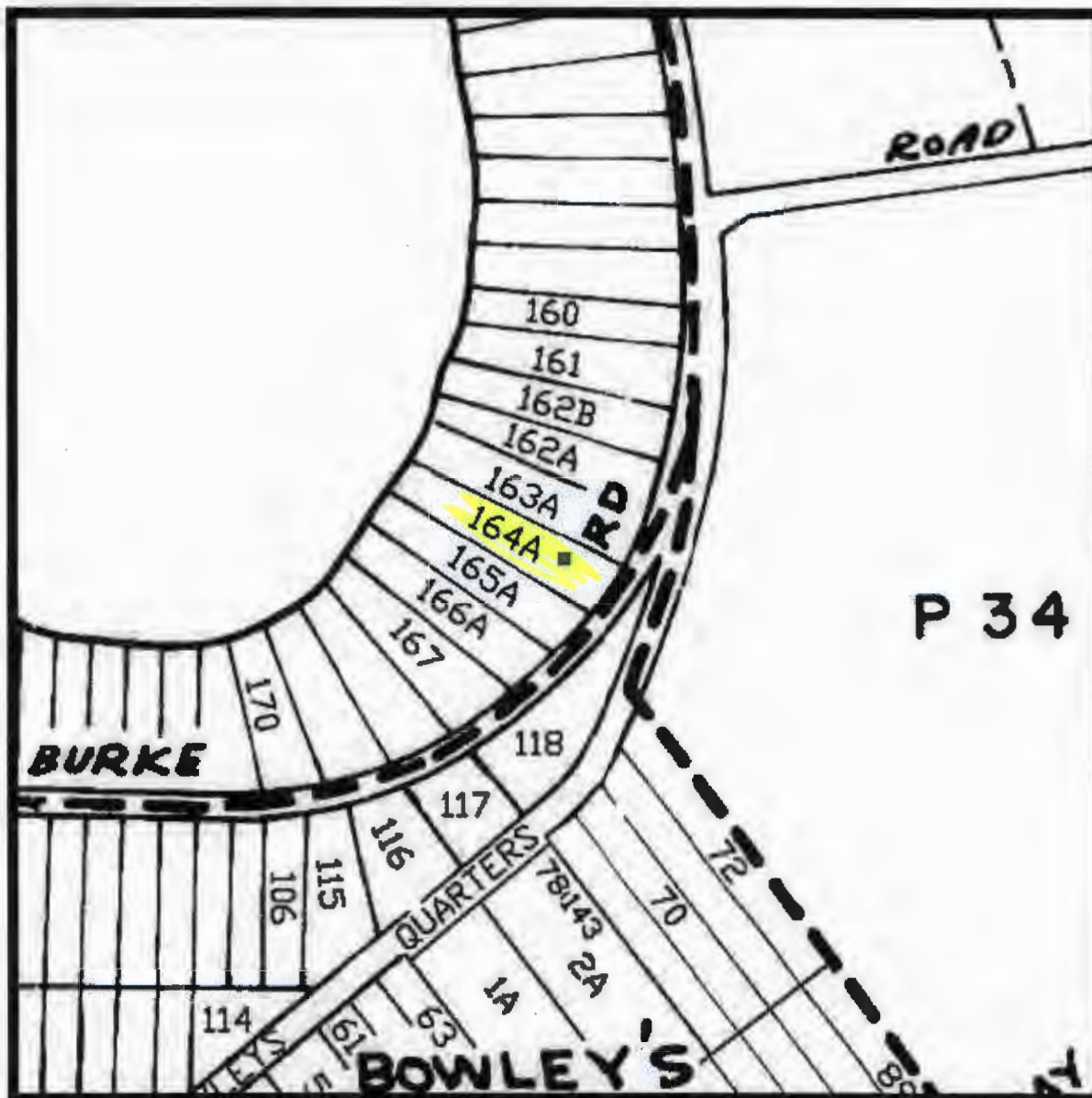
**Homestead Application Status:** No Application



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

[Go Back](#)  
[View Map](#)  
[New Search](#)

District - 15 Account Number - 1503370880



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2011.  
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml)

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 06, 2012  
Item No. 2013-0011

**DATE:** July 31, 2012

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 9.5feet.

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 13-0011-08062012.doc

**Debra Wiley - Re: Case No. 2013-0011-A - 1502 Burke Rd., 21220**

---

**From:** Dennis Kennedy  
**To:** Wiley, Debra  
**Date:** 9/6/2012 1:32 PM  
**Subject:** Re: Case No. 2013-0011-A - 1502 Burke Rd., 21220  
**CC:** Richards, Carl  
**Attachments:** ZAC-ITEM NO13-0011-08062012.doc

---

Attached is a copy of our comments.

>>> Debra Wiley 9/6/2012 12:53 PM >>>  
Good Afternoon,

In reviewing the case file above, it appears that this matter is both in the floodplain and CBCA; however, I do not see any ZAC comments.

Could you please either e-mail or fax them to our office before the hearing (Monday, Sept. 10th). Thanks in advance.

Debbie Wiley  
Legal Administrative Secretary  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

## **Debra Wiley - ZAC Comments - Distribution Mtg. of 7/23**

---

**From:** Debra Wiley  
**To:** Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...  
**Date:** 7/25/2012 4:00 PM  
**Subject:** ZAC Comments - Distribution Mtg. of 7/23

---

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0005-A - 12206 Jerusalem Road  
Administrative Variance - Closing Date: 8/6

2013-0007-SPHX - 1924 Greenspring Drive  
No hearing date in data base as of today

2013-0008-A - 8803 Harkate Way  
Administrative Variance - Closing Date: 8/13

2013-0009-A - 2735 A Still Haven Court  
Administrative Variance - Closing Date: 8/13

2013-0010-SPHA - 18403 Ensor Farm Court  
No hearing date in data base as of today

2013-0011-A - 1502 Burke Road  
No hearing date in data base as of today

2013-0012-SPHA - 135 Village Queen Drive - **HISTORIC AREA**  
No hearing date in data base as of today

Thanks.

Debbie Wiley  
Legal Administrative Secretary  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

**Subject:** ZAC Comments - Distribution Mtg. of 7/23  
**Created By:** dwiley@baltimorecountymd.gov  
**Scheduled Date:**  
**Creation Date:** 7/25/2012 4:00 PM  
**From:** Debra Wiley

| Recipient                                                  | Action    | Date & Time       | Comment |
|------------------------------------------------------------|-----------|-------------------|---------|
| To: Curtis Murray (cjmurray@baltimorecountymd.gov)         | Delivered | 7/25/2012 4:00 PM |         |
| To: David Lykens (dlykens@baltimorecountymd.gov)           | Delivered | 7/25/2012 4:00 PM |         |
| To: Dennis Kennedy (DKennedy@baltimorecountymd.gov)        | Delivered | 7/25/2012 4:00 PM |         |
| To: Don Muddiman (dmuddiman@baltimorecountymd.gov)         | Delivered | 7/25/2012 4:00 PM |         |
| To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov) | Delivered | 7/25/2012 4:00 PM |         |
| To: Lynn Lanham (mlanham@baltimorecountymd.gov)            | Delivered | 7/25/2012 4:00 PM |         |



KEVIN KAMENETZ  
*County Executive*

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

September 6, 2012

Todd & Lauren Rebbel  
1502 Burke Road  
Middle River, MD 21220

RE: Case Number: 2013-0011A, Address: 1502 Burke Road, 21220

Dear Mr. & Ms. Rebbel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 19, 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: jaf

Enclosures

c: People's Counsel

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary  
Melinda B. Peters, Administrator

Date: 7-24-12

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

RE: Baltimore County  
Item No 2013-0011-A  
Variance  
Todd & Lauren Rebbel  
1502 Burke Road

Dear Ms. Lewis:

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. 2013-0011-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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over the word "Sincerely,". Below the signature, the name "Steven D. Foster" and title "Chief Access Management Division" are printed.  
Steven D. Foster, Chief  
Access Management Division

SDF/raz

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](http://www.roads.maryland.gov)

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 06, 2012  
Item No. 2013-0011

**DATE:** July 31, 2012

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 9.5feet.

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 13-0011-08062012.doc

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

RECEIVED

SEP 07 2012



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

DATE: September 5, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0011-A  
Address 1502 Burke Road  
(Rebbel Property)

Zoning Advisory Committee Meeting of July 23, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow a replacement single family dwelling with reduced lot size and setbacks and to exceed the height limits. The lot is waterfront and is developed with a dwelling, garage, and driveway. The proposed dwelling is not within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 31.25% (6,033 square feet), with mitigation required for new lot coverage over 25% (4,826 square feet). If the applicant can meet the lot coverage requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.
3. Lot coverage information was not included. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger; Environmental Impact Review*

✓ 9/10 11am  
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** August 8, 2012

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 1502 Burke Road

**INFORMATION:**

**Item Number:** 13-011

**Petitioner:** Todd Rebbel

**Zoning:** RC 5

**Requested Action:** Variance

RECEIVED

AUG 14 2012

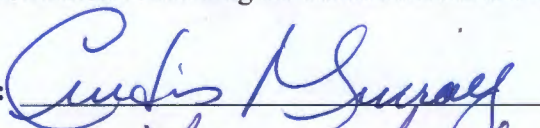
OFFICE OF ADMINISTRATIVE HEARINGS

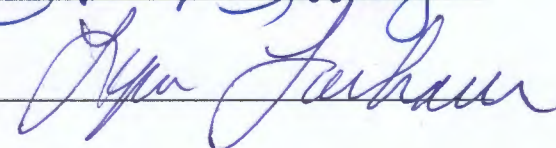
**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this department:

1. Building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
2. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
3. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
4. Provide landscaping along the public road, if consistent with the existing streetscape.

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

**Prepared by:** 

**Division Chief:**   
AVA/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** August 8, 2012

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 1502 Burke Road

**INFORMATION:**

**Item Number:** 13-011

**Petitioner:** Todd Rebbel

**Zoning:** RC 5

**Requested Action:** Variance

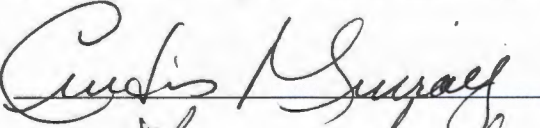
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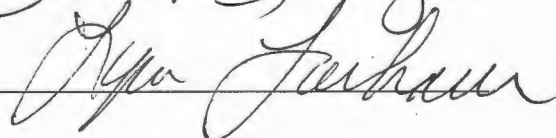
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3. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
4. Provide landscaping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

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

Prepared by:



Division Chief:  
AVA/LL: CM



AS 9/10  
11am

Case No.: 2013-0011-A

Exhibit Sheet

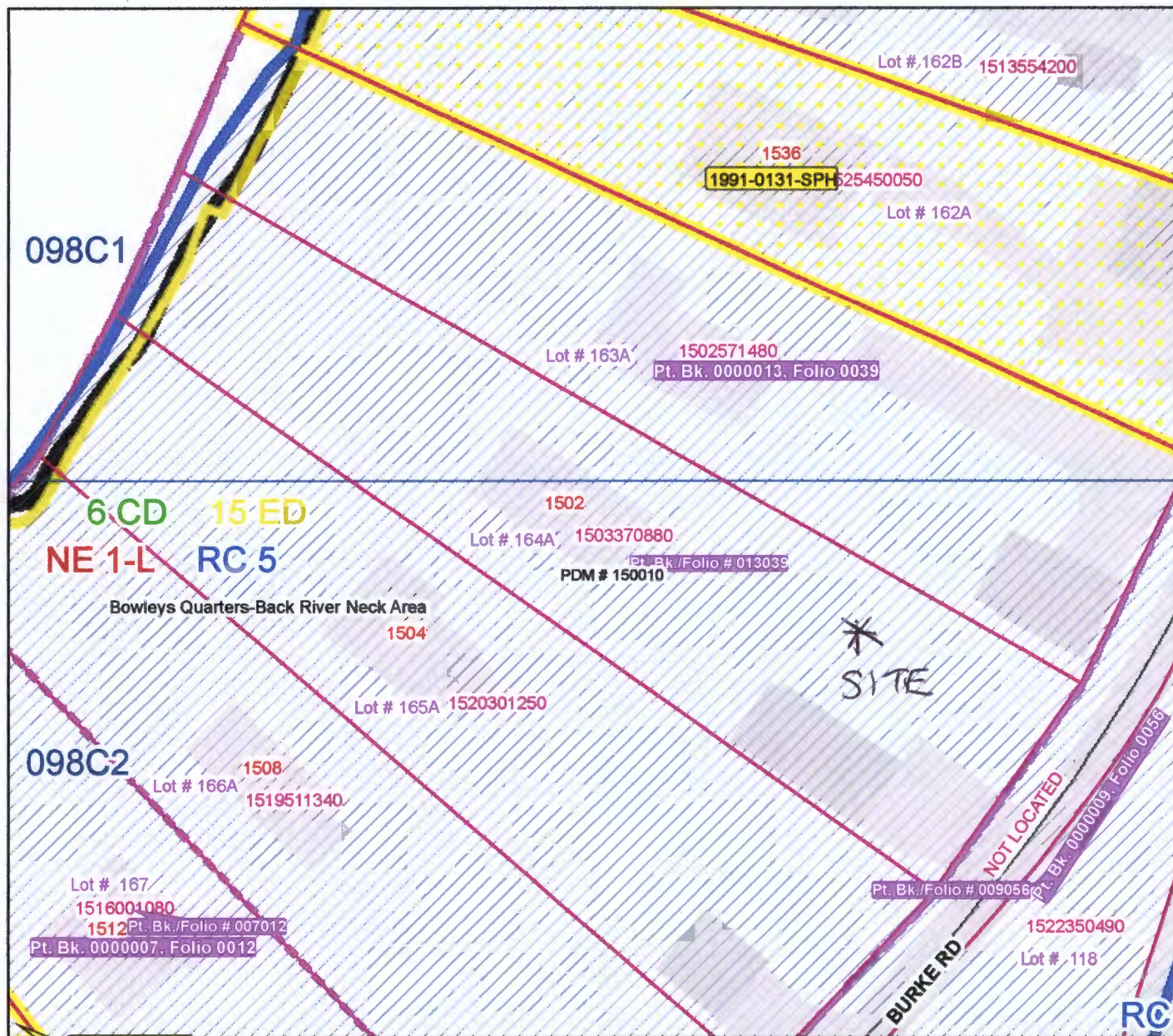
Petitioner/Developer

Protestants

EW 9-11-12

|        |                            |  |
|--------|----------------------------|--|
| No. 1  | Site Plan                  |  |
| No. 2  | Letters (2) from Neighbors |  |
| No. 3  |                            |  |
| No. 4  |                            |  |
| No. 5  |                            |  |
| No. 6  |                            |  |
| No. 7  |                            |  |
| No. 8  |                            |  |
| No. 9  |                            |  |
| No. 10 |                            |  |
| No. 11 |                            |  |
| No. 12 |                            |  |

# 1502 Burke Road



Publication Date: July 18, 2012  
 Publication Agency: Department of Permits & Development Management  
 Projection/Datum: Maryland State Plane,  
 FIPS 1900, NAD 1983/91 HARN, US Foot

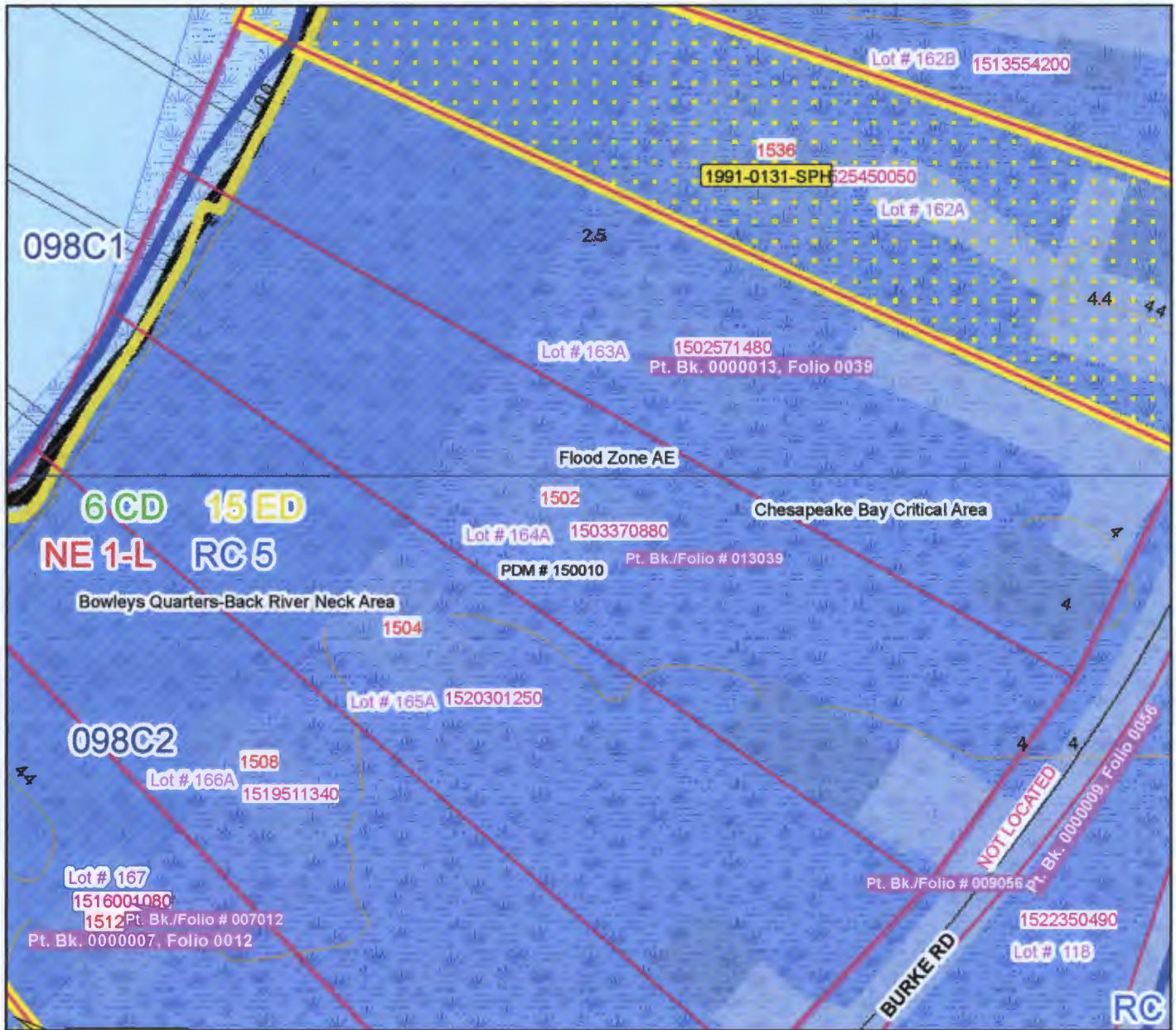


0 50 100  
 Feet

1 inch = 50 feet

2013-0011-A

# Elevations and Flood Hazards



Publication Date: July 18, 2012  
 Publication Agency: Department of Permits & Development Management  
 Projection/Datum: Maryland State Plane,  
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100  
 Feet

1 inch = 50 feet

2013-0011-A

**Debra Wiley - Case No. 2013-0011-A - 1502 Burke Rd., 21220**

**From:** Debra Wiley  
**To:** Kennedy, Dennis; Livingston, Jeffrey  
**Date:** 9/6/2012 12:53 PM  
**Subject:** Case No. 2013-0011-A - 1502 Burke Rd., 21220

*Handing  
ZAC comments*  
*DEPR + DEPS*  
*Rec'd 9/6*  
*Rec'd 9/7*

Good Afternoon,

In reviewing the case file above, it appears that this matter is both in the floodplain and CBCA; however, I do not see any ZAC comments.

Could you please either e-mail or fax them to our office before the hearing (Monday, Sept. 10th). Thanks in advance.

Debbie Wiley  
Legal Administrative Secretary  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

Dear Neighbor,

I am very excited to be writing this letter. Several years ago my wife and I began our search for a property in Bowleys Quarters to raise our family. On July 17<sup>th</sup>, we took the first step and realized the beginning of this dream. We have purchased the Clark's property at 1502 Burke Road. After 3 generations and 7 decades, our family has the privilege to continue the legacy of family and fun on the property as we begin our new chapter.

In the negotiation process, we expressed our commitment to honoring the legacy that has been established at the property. As our home and a place for family and friends, we are ecstatic at the prospect of raising our family here. My wife was raised on Seneca Creek and our children both appear to have the "water gene" as well. Over the past several weeks we have had the pleasure of meeting many of you and we look forward to forming many new friendships as we make the property our own.

Our original intention was to renovate the existing house. We knew we would have to significantly expand, remodel and update the existing home to bring it to modern standards. After meeting with our contractor and getting into what we wanted to accomplish, we illuminated several issues and after incorporating all of the requirements, we have been encouraged to consider starting over and rebuilding from scratch to incorporate new wiring, energy efficiency, safety and a host of other concerns. By the time we incorporated our needs into the existing home, we had essentially built a new home.

It is our desire to have a positive impact on our new neighborhood and neighbors. We have scrapped the idea of renovating the existing home in the interest of raising our children in a healthy environment and creating a home with high efficiency. Our intention is to build a new home on essentially the same foot print of the existing home. The footprint of the existing home is approximately 32'x55'. Our plans for the new home are 34'x40' and the waterside of the house will shift closer to the road by approximately 10'. The plans call for a screened deck off of the back of the house.

The house will be elevated out of the flood zone. In doing so, with the plan we have chosen, the elevation is under 40'. Baltimore County requires a variance for any structure over 35'. I have included a sketch of the front elevation of the plan. Our intent is to honor the style and feel of our neighborhood while building a safe, up-to-date and energy efficient home.

We have applied for a variance hearing and have requested the following variances from the Baltimore County's RC-5 zoning requirements:

- 1a04.3.b.2.b – To permit side setbacks of 15' and 12' in lieu of the required 50', respectively
- 1a04.3.a – To permit a height of 39' in lieu of the maximum allowed 35'

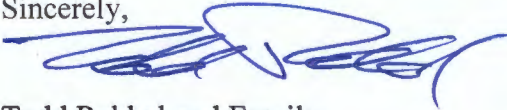
**PETITIONER' S**

**EXHIBIT NO.** 2

- 1a04.3.b.1.b.1 – To permit a dwelling to be built on a lot that is 0.443 acres in lieu of the required minimum lot size of 1.5 acres
- 400.1 – To permit an existing garage to be located in the front of the property in lieu of the required placement in the rear

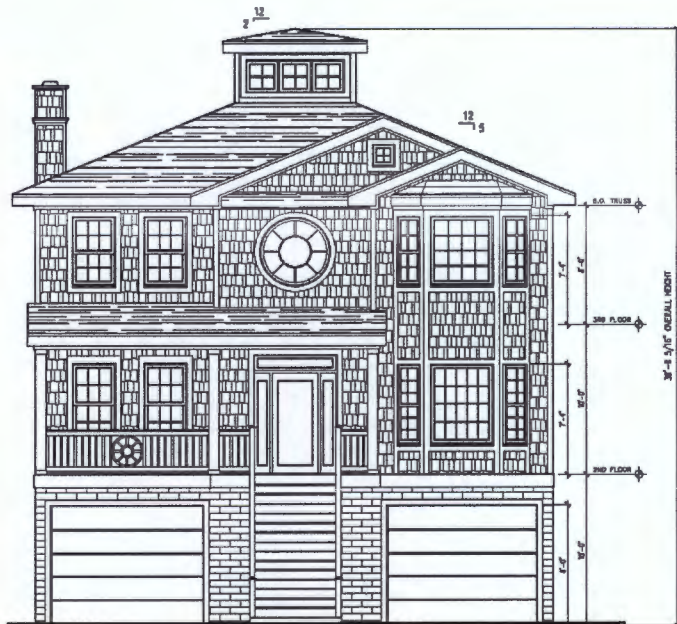
I am reaching out to you proactively to communicate our intentions and desires as we join you in our neighborhood. If you have any questions or concerns, I would welcome the opportunity to talk with you about them. My cell phone is 443.690.3422 and I am down at the property almost everyday.

Sincerely,



Todd Rebbel and Family

P.S. – On July 17<sup>th</sup>, the day of settlement, our daughter turned 1 year old. On August 2<sup>nd</sup>, our son will be 3 years old. If you would like, please stop by on Friday the 27<sup>th</sup>. We are having a get together for family and friends to celebrate their birthdays and our new home. We would be honored if you would join us.



I have read and do not object to the plans laid forth in this letter.

Signed: Harry W. Danner Name: HARRY W. DANNER  
Marie R. Danner MARIE R. DANNER

Address: 1508 BURKE RD, BALTO MD. 21220

Date ; 7-29-2012

Dear Neighbor,

I am very excited to be writing this letter. Several years ago my wife and I began our search for a property in Bowleys Quarters to raise our family. On July 17<sup>th</sup>, we took the first step and realized the beginning of this dream. We have purchased the Clark's property at 1502 Burke Road. After 3 generations and 7 decades, our family has the privilege to continue the legacy of family and fun on the property as we begin our new chapter.

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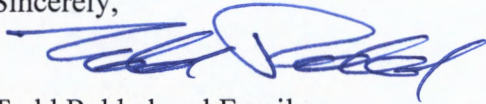
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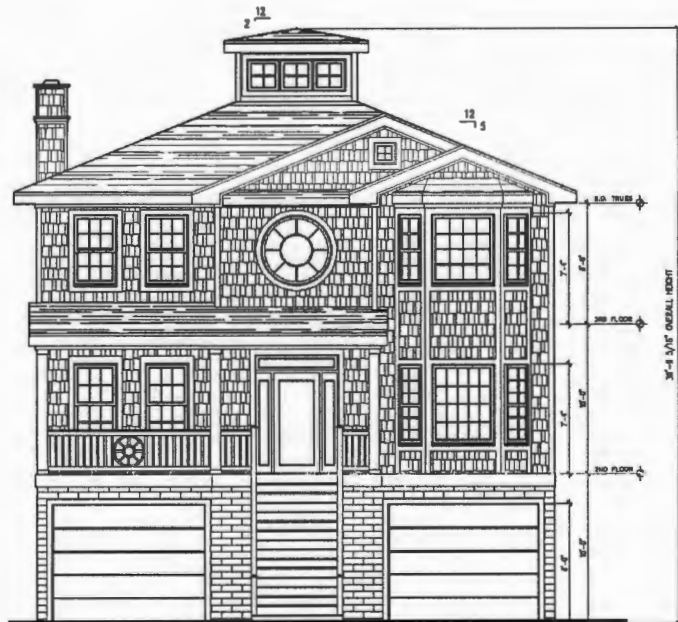
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Sincerely,



Todd Rebbel and Family

P.S. – On July 17<sup>th</sup>, the day of settlement, our daughter turned 1 year old. On August 2<sup>nd</sup>, our son will be 3 years old. If you would like, please stop by on Friday the 27<sup>th</sup>. We are having a get together for family and friends to celebrate their birthdays and our new home. We would be honored if you would join us.



I have read and do not object to the plans laid forth in this letter.

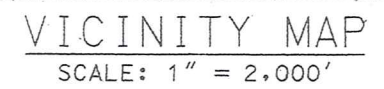
Signed: Joyce H. Thompson Name: Joyce H. Thompson

Address: 1504 Burke RD

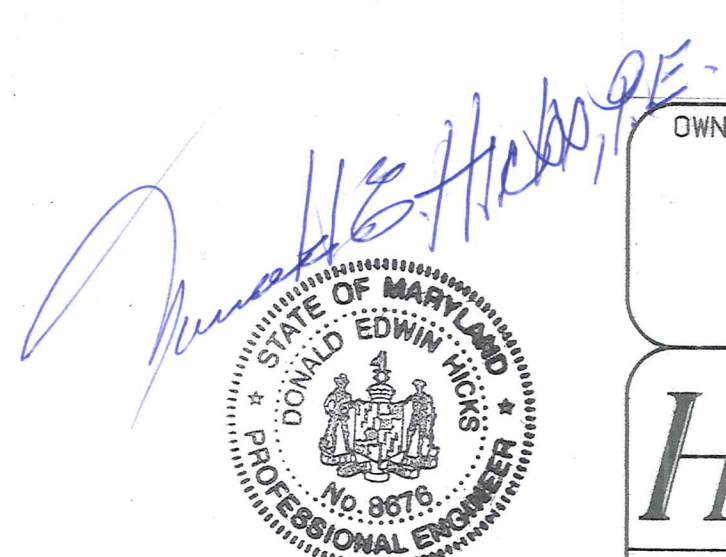
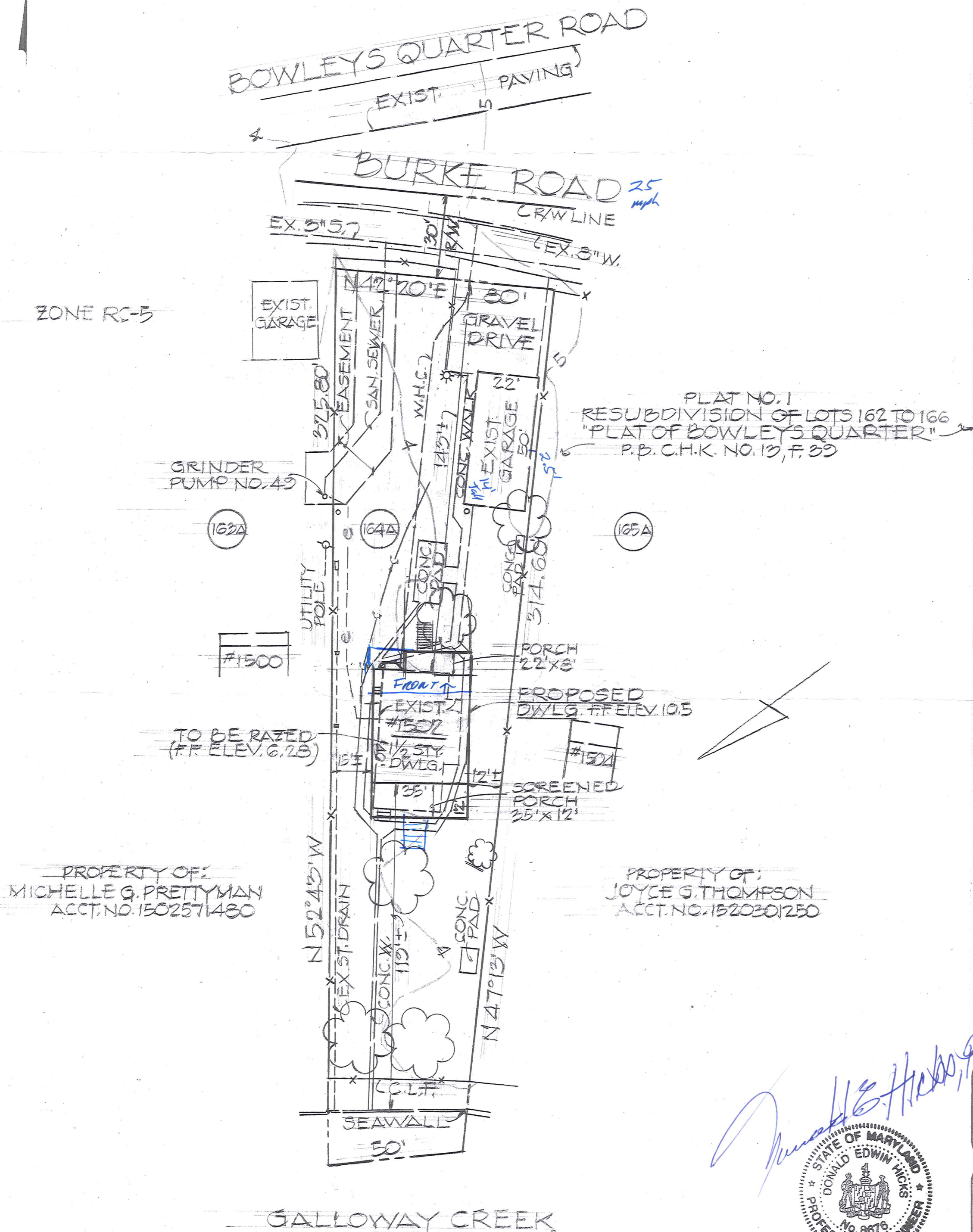
Date ; 7-30-12

EXISTING ZONING: RC-5  
PLAT REFERENCE: PB 13-F-30  
TAX ACCT.NO.: 1503370880  
MAXIMUM HEIGHT  
OF BUILDINGS: 35 FEET  
ELECTION DISTRICT: 15  
COUNCILMANIC DISTRICT: 6

1. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
2. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
3. THE SUBJECT PROPERTY DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR FLOOD PLAIN, FLOOD ZONE AE PER FEMA FIRM PANEL 240010045F, (SEE FLEV 2).



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PERMITTED USE. NO. 20797515



OWNER: MR. AND MRS. TODD M. REBBEL  
NO. 1502 BURKE ROAD  
BALTIMORE, MD 21220-4419

**H**icks Engineering Associates, Inc.  
ENGINEERS, SURVEYORS & PLANNERS  
200 EAST JOPPA ROAD - SUITE 402  
TOWSON, MARYLAND 21286-3160  
(410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE:  
REBBEL PROPERTY  
NO. 1502 BURKE ROAD  
BALTIMORE, MD 21220-4419  
TAX MAP 98; PARCEL 04

DRAWING TITLE:  
**PLAN TO ACCOMPANY  
APPLICATION FOR A  
ZONING VARIANCE**

JOB NO.: 99027

DRAWN BY: C.T. -

CHECKED BY: DJE

DATE: 06/19/

SCALE:  $1'' = 30'$

DRAWING NO.:

C-1

SHEETS PER SET:  
10F 1

# SITE DATA

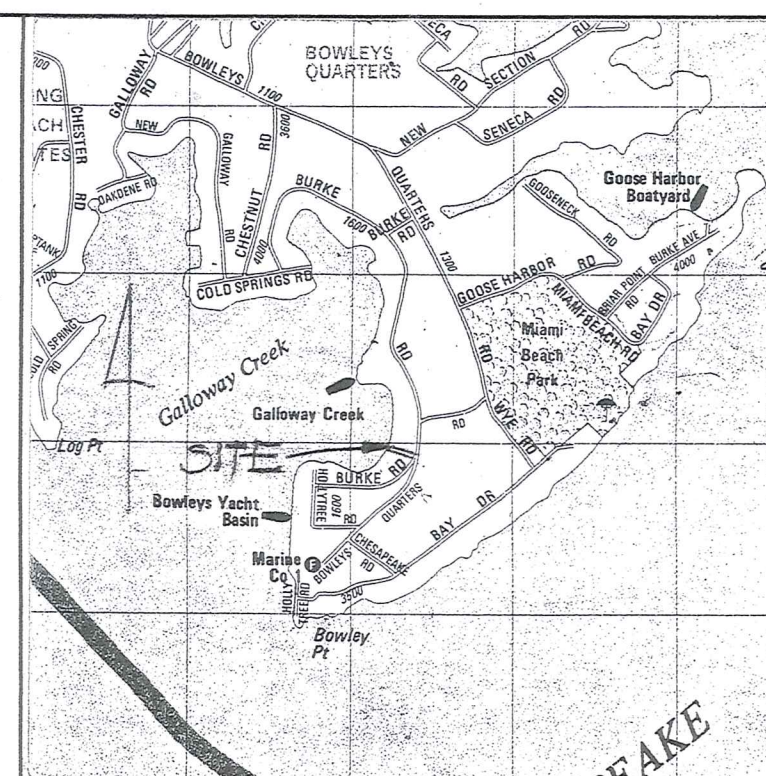
DEED REFERENCE:  
SITE AREA: 19,305 S.F. OR  
0.4431 ACS.

EXISTING ZONING: RC-5  
PLAT REFERENCE: P.B. 13, F. 39  
TAX ACCT. NO.: 1503370880  
MAXIMUM HEIGHT  
OF BUILDINGS: 35 FEET  
ELECTION DISTRICT: 15  
COUNCILMANIC DISTRICT: 6

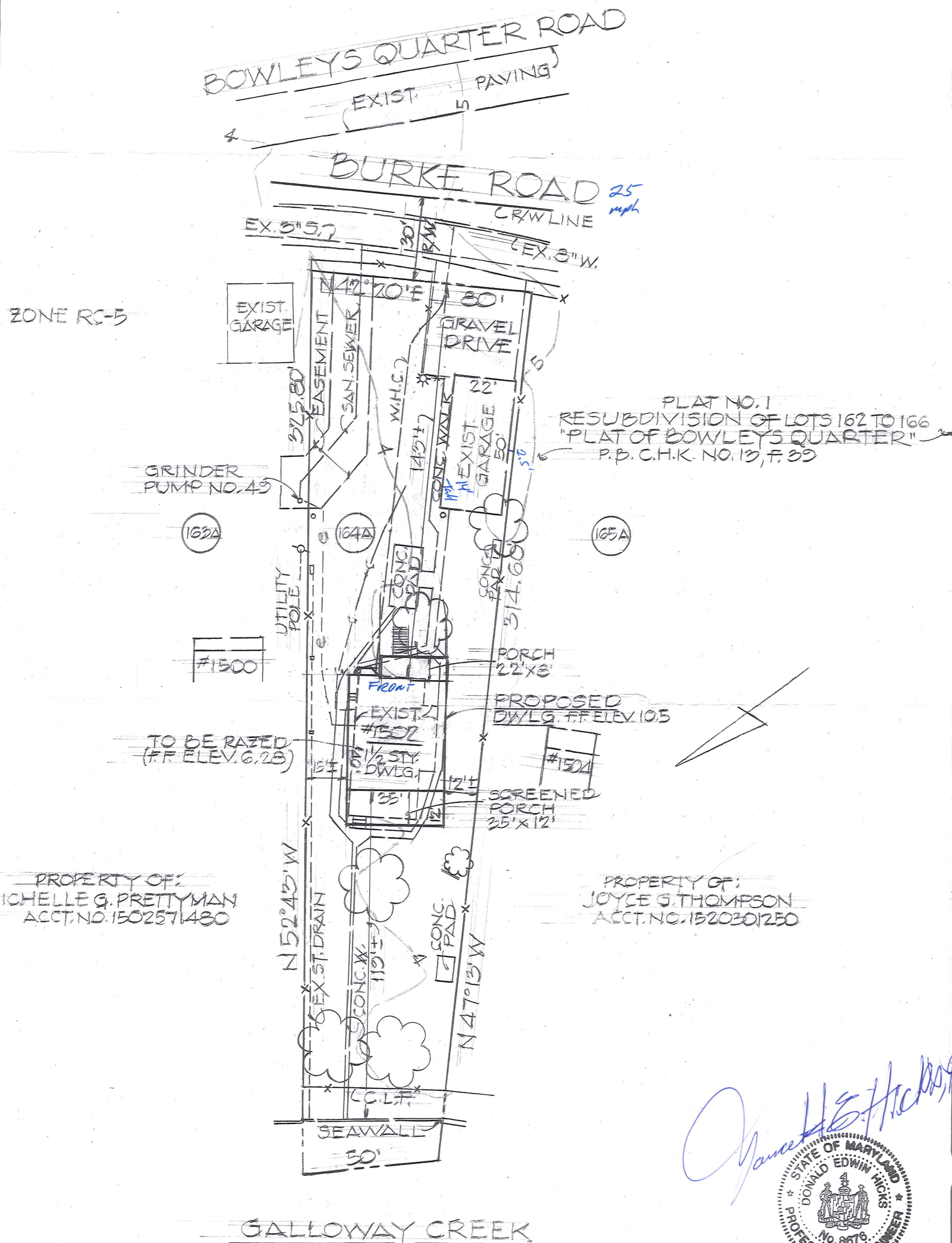
# GENERAL NOTES

1. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
2. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
3. THE SUBJECT PROPERTY DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR FLOOD PLAIN, FLOOD ZONE AE PER FEMA FIRM PANEL 2400100445F, (CFE ELEV. 9).

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PERMITTED USE, NO. 20797515



VICINITY MAP  
SCALE: 1" = 2,000'



PETITIONER'S

EXHIBIT NO. 1

OWNER: MR. AND MRS. TODD M. REBBEL  
NO. 1502 BURKE ROAD  
BALTIMORE, MD 21220-4419



**Hicks Engineering Associates, Inc.**  
ENGINEERS, SURVEYORS & PLANNERS  
200 EAST JOPPA ROAD - SUITE 402  
TOWSON, MARYLAND 21286-3160  
(410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE:  
REBBEL PROPERTY  
NO. 1502 BURKE ROAD  
BALTIMORE, MD 21220-4419  
TAX MAP 98; PARCEL 04

DRAWING TITLE:  
PLAN TO ACCOMPANY  
APPLICATION FOR A  
ZONING VARIANCE

JOB NO.: 33027  
DRAWN BY: CT  
CHECKED BY: DEH  
DATE: 06/13/12  
SCALE: 1/4" = 30'

DRAWING NO.:

SHEETS PER SET:  
1 OF 1

C-1