

IN RE: PETITION FOR ADMIN. VARIANCE *

(300 East Burke Avenue)

9th Election District *

5th Council District *

Derek C. Hasselhoff *

Petitioner *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0196-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Derek C. Hasselhoff. The Petitioner is requesting Variance relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.), to permit a proposed addition (garage and in-law apartment) with a side yard setback of 3 feet in lieu of the required 10 feet. 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 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated March 8, 2013, indicating that the proposal is not a boarding house and will comply with B.C.Z.R. Sections 101 and 400.4, and that the occupants of the accessory apartment and principal single-family dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 10, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 4-2-13

By kw

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 2nd day of April, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a proposed addition (garage) with a side yard setback of 3 feet in lieu of the required 10 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The relief granted herein pertains only to the side yard setback requirements of the DR 5.5 zone. The administrative special hearing procedure can only be utilized for variances of height and area regulations. As such, approval for an in-law apartment will require a use permit and/or special hearing in the OAH, as set forth in Baltimore County Council Bill No. 49-11.

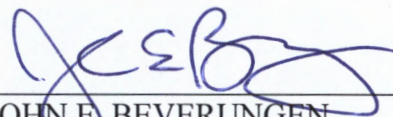
ORDER RECEIVED FOR FILING

Date 4-2-13

By DW

3. The Petitioner must comply with the ZAC comment received from the Department of Planning (DOP) dated March 8, 2013; a copy of which is attached hereto and made a part hereof.

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 4-2-13

By DLW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 2, 2013

Derek C. Hasselhoff
300 East Burke Avenue
Towson, Maryland 21286

Re: Petition for Administrative Variance
Case No. 2013-0196-A
Property: 300 East Burke Avenue

Dear Mr. Hasselhoff:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from 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: Adam Carballo, 1818 Aliceanna Street, Baltimore, MD 21231



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 300 E. Burke Ave Towson MD 21286 which is presently zoned residential

Deed Reference 29371/0340 10 Digit Tax Account # 0913 201540

Property Owner(s) Printed Name(s) Derek Hasselhoff

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s)

BCZR → 1B02.3.C.1 To permit a proposed addition (garage & in-law apt.) with a side setback of 3 feet in lieu of the required 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

Legal Owners:

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

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

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0196-1

Filing Date 2/25/13

Estimated Posting Date 3/10/13

Reviewer JS

Affidavit in Support of Administrative variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 300 E. Burke Ave Towson MD 21286
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

Side / ~~rear~~ yard set Back Variance

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Affiant

Signature of Affiant

Name- Print or Type

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of FEBRUARY, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Derek Carl Hasselhoff
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESSED by me and Notaries Seal



Notary Public

My Commission Expires

Estimated Posting

Reviewer

Review Date

REV. 10/12/11

ADAM CARBALLO, RA. RIBA
ARCHITECT

February 24, 2013

To: Baltimore County Zoning Review

RE: Property Description
300 E. Burke Ave
Towson, MD 21286

ZONING PROPERTY DESCRIPTION FOR 300 E. BURKE AVE. TOWSON, MD 21286

*Beginning at a point on the West side of Greenbrier Road which is 30'-0" wide at the distance of 118.65 feet of W of the centerline of the nearest improved intersecting street (E. Burke Ave) which is 40'-" wide. Thence the following courses and distances: 90.29' at N74° 43'00"W then 9.71 feet at N45° 09'00"W then 26.7 feet at N45° 09'00"W then 53.25 feet at N23° 52'00"W then 64.2 feet at N17° 38'00" then 15.16' at N17° 37'00"W then 132.6 feet at N84° 32'42"E then 39 feet at S05° 27'18"E then 104 feet at S60° 39'54"E back to the point of beginning as recorded in Deed Liber 012, Folio 0068, containing 25,546 total square feet in lot. Located in the 9th Election District and 5th Council District.

Being Lot 1, Block 1, Section N/A in the subdivision Greenbrier / 21286 as recorded in Baltimore County Plat Book # 0000012, Folio #0068, containing 25,546 square feet in lot. Located in the 9th Election District and 5th Council District.

Respectfully,

Adam Carballo, Architect
1818 Aliceanna Street
Baltimore, MD 21231
adamcarballo@yahoo.com
443-745-1100 cell

Enclosures:
Plat Map for Reference (page 2)

2013-0196-A

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: 2013-0196-A

Petitioner: HASSELHOFF

Address or Location: 300 E. BURKE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEREK HASSELHOFF

Address: 300 E. Burke Ave

TOWSON MD 21286

Telephone Number: 410-903-4575

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0196 -A

Address 300 E. BURKE

Contact Person: JASON SEIBELMAN
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2/25/13

Posting Date: 3/10/13

Closing Date: 3/25/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2013- 0196 -A

Address 300 E. BURKE AVE.

Petitioner's Name HASSELHOFF

Telephone 410-903-4575

Posting Date: 3/10/13

Closing Date: 3/25/13

Wording for Sign: To Permit A PROPOSED ADDITION (GARAGE + IN-LAW SUITE) WITH
A SIDE SET BACK OF 3 FEET, IN LIEU OF THE REQUIRES 10 FEET.

Revised 7/06/11

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

No. **94124**

Date: **2/25/13**

PAID RECEIPT

AMOUNT \$ 75.00
 DATE 2/25/2013
 RECEIPT # 94124
 DEPT 01
 BALANCE 0.00
 BALANCE 75.00
 BALANCE 75.00
 BALANCE 1.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	206	0000		6100				\$ 75.00

Total: **\$ 75.00**

Rec From: **HASSEL HOFF**

For: **2013-0196-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2013-0196-A

Petitioner/Developer HASSELHOFF

Date Of Hearing/Closing: 3/25/13

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 300 E. BURKE AVENUE

This sign(s) were posted on March 10, 2013

Month, Day, Year

Sincerely,

Martin Ogle 3/10/13
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2013-0196-A

TO PERMIT A PROPOSED ADDITION (GARAGE +
IN-LAW SUITE) WITH A SIDE SET BACK OF
3 FEET, IN LIEU OF THE REQUIRED 10 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY MARCH 25, 2013
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

Michael Dyle 3/10/13

MEMORANDUM

DATE: May 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0196-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 2, 2013. 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

CASE NO. 2013- 0196-A

CHECKLIST

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

3-13

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

NC

3-26

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

NC

FIRE DEPARTMENT

3-20

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

C

3-5

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 3-10-13 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: See Accessory Apt. (In-Law) Application /
Declaration of Understanding Slide

ACCESSORY APARTMENT (In-law) APPLICATION / DECLARATION OF UNDERSTANDING GUIDE

BALTIMORE COUNTY, MD

FYI: If your relatives live in your dwelling and share your kitchen facilities with you, the use is often not considered to be an accessory apartment. Speak to a Planner for more information.

New legislation regarding new Accessory Apartments under Bill No. 49-11 became effective Oct. 23rd 2011. Also, existing in-law apartments lawfully approved prior to the effective date of this Act must obtain a use permit in accordance with the Bill on or before October 1, 2012. The purpose of this Guide is to assist in coordinating the various actions and procedures needed to obtain the necessary use permit and / or approval by the Administrative Law Judge after public hearing.

There are 2 possible procedures required for an Accessory Apartment approval:

- 1.) A use permit for the apartment within an existing single-family detached dwelling
OR**
- 2.) A special hearing / use permit for the apartment in an accessory building.**

In either case, other zoning hearings may be required if determined to be necessary for approval. Please remember that all setback, use, height, area and permitting agencies regulations MUST be met for new construction and in all cases for section 400 BCZR compliance for apartments placed in existing or proposed accessory buildings.

The staff strongly suggests contacting all building permit review agencies well in advance of filing.

A list of these agencies is available in the Single Family Residential Lot Hearing Checklist. **

Remember! The use permit must be renewed every two years!

THE PROCESS:

An appointment is required for an application filing review. When you have the required information for filing prepared, please **call Zoning Review at 410-887-3391** to make the appointment or for questions. Be aware that issues may arise at the review indicating that revisions to the application or related information will be necessary. Discuss the appropriate fees with staff before filing. Once an application has been formally accepted by this office, continue to use the same review intake planner as your contact person for this use permit process.

A special hearing filing requires a Declaration of Understanding be provided with the application for filing review. The Petitioner shall provide the Declaration of Understanding on a form approved by the Department, to include at least the information required by law, which is dependent on whether the request is for the accessory apartment to be within an existing single-family detached dwelling or located in an accessory building on the same owner-occupied property as the principal single-family detached dwelling. Prior to the application for a use permit, the Declaration of Understanding must be approved by the Director, and include all conditions and restrictions as determined by either the Director or the Administrative Law Judge after a public hearing. A copy of the executed Declaration of Understanding, with liber and folio noted, must be submitted to the Department prior to issuance of the use permit.

Be aware that this guide is for zoning review information only and it is not intended as legal advice. The applicant is responsible for the accuracy of all information filed with Baltimore County.

**** Zoning Forms and Checklists are available from the Zoning Counter or Online at:**

http://www.baltimorecountymd.gov/Agencies/permits/pdm_zoning/zonforms.html

Rev. 11/29/12

C. APPROVAL; RENEWAL.

1. APPROVAL. THE APPROVAL OF AN APPLICATION FOR USE PERMIT IN SUBSECTION A. OR REQUEST FOR SPECIAL HEARING AND USE PERMIT IN SUBSECTION B. SHALL BE SUBJECT TO THE FOLLOWING:

A. THE DECLARATION OF UNDERSTANDING AND PROPERTY DESCRIPTION, INCLUDING ANY CONDITIONS, RESTRICTIONS, OR REGULATIONS IMPOSED BY THE DEPARTMENT OR THE OFFICE OF ADMINISTRATIVE HEARINGS, SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AND A COPY FILED WITH THE DEPARTMENT; AND

B. THE ACCESSORY APARTMENT SHALL ONLY BE UTILIZED BY IMMEDIATE FAMILY MEMBERS AS DEFINED IN SECTION 101 AND MAY NOT BE USED BY ANY PERSON OTHER THAN AN IMMEDIATE FAMILY MEMBER FOR ANY OTHER REASON.

C. IF THE ACCESSORY APARTMENT IS NO LONGER OCCUPIED BY ANY PERSON NAMED IN THE USE PERMIT OR IF THE PROPERTY IS SOLD, THE USE PERMIT SHALL TERMINATE, AND ANY PROPOSED CHANGES IN OCCUPANCY TO THE ACCESSORY APARTMENT BY THE PROPERTY OWNER OR SUBSEQUENT PURCHASER SHALL REQUIRE A NEW REQUEST FOR USE PERMIT AS APPLICABLE UNDER SUBSECTIONS A. OR B.

2. RENEWAL. THE APPLICANT SHALL RENEW THE USE PERMIT WITH THE DEPARTMENT EVERY TWO YEARS BY FILING A RENEWAL ON A FORM APPROVED BY THE DEPARTMENT, TO BE DATED FROM THE MONTH OF THE INITIAL APPROVAL, AND SHALL LIST THE NAME OF ANY PERSON OCCUPYING THE ACCESSORY APARTMENT.

ACCESSORY (In-law) APARTMENT FILING REQUIREMENTS

For an Accessory Apartment in an accessory building Special Hearing and temporary use permit:

1.) Provide the contents of the petition application as described on page 5 of the Single-Family Residential Hearing Checklist. ** Show Section 400 BCZR compliance regarding height, location, size and setbacks is of particular importance. The size of the accessory structure must clearly shown to be smaller than the footprint/area dimension of the principal dwelling. The accessory building size limit and or flood plain rules may restrict the Accessory Apartment building size to less than the allowed 1,200 square feet.

2.) Floor Plans: Areas, percentages, new as opposed to existing construction areas / dimensions, dedicated bathing and cooking facilities, etc., for the Apartment and accessory building are regulated. This information must be documented on engineer scale 1" = 10 ft. or 1" = 20 ft. use area/floor plans with all calculations and use area notes, and attached as a second plan sheet for the use permit or hearing plans. Separate utility meters or water and sewer service will require a specific request for findings of necessity, as part the special hearing.

3.) All plans and forms MUST be on 8 ½ x 11 inch paper. Plan notes must certify compliance with the definitions and Section 400 rules and limitations as stated in this guide. List the requirements that apply to your site verbatim on the plans and clearly address each to satisfy the regulations. Be certain to list all occupants and family relationships as limited and required in the regulations

4.) A completed Declaration of Understanding for ALJ review and Directors' signature upon order approval pursuant to Section 400.4.B.1. *Use the Sample with this form as a guide.*

DECLARATION EXHIBIT B

AND USE PERMIT SITE PLAN. EXAMPLE (FROM THE RESIDENTIAL HEARING CHECKLIST) FOR AN ACCESSORY APARTMENT IN A SINGLE FAMILY RESIDENCE THIS WILL BE THE SITE PLAN FOR THE USE PERMIT FILING REVIEW. ALL SHEETS MUST BE 8 1/2 X 11 INCHES AND KEPT AT THE HEARING CHECKLIST REQUIRED ENGINEERS SCALE.

(FOR THE ACCESSORY APARTMENT IN AN ACCESSORY STRUCTURE SEE ** BELOW)

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 225 LEWIS DRIVE OWNER(S) NAME(S) ROBERT+SANDRA SMITH
SUBDIVISION NAME WUTHERING HEIGHTS PLAT 2 LOT # 4 BLOCK # G SECTION # N/A
PLAT BOOK # 23 FOLIO # 178 10 DIGIT TAX # 2175900035 DEED REF. # 65871/00238

LEWIS DRIVE 40 FT. R/W

ED JOAN RATKOWSKI
FRONT # 223
EXISTING 1STORY DWELLING

EXISTING 1 STORY BRICK DWEL

PROPOSED 20' X 24' SHED ADDITION

PROPOSED 2 FT. SETBACK

10 FT. UTILITY EASEMENT

SEE PRIOR HEARING NOTE

HOME OWNERS ASSOC. OPEN SPACE

PLAN DRAWN BY ROBERT SMITH DATE 3/30/11 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 108C1

SITE ZONED DR 5.5

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 13TH

LOT AREA ACREAGE 0.249

OR SQUARE FEET 10,875

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2009-0327-A

VARIANCE GRANTED

FOR 1 FT. SHED SETBACK

ADDITIONAL INSTRUCTIONS FOR THE USE PERMIT PLAN FILING DECLARATION

- 1) USE THE RESIDENTIAL ZONING HEARING SITE PLAN EXAMPLE WITH THE HEARING PLAN REQUIREMENTS AS A BASE FOR THE SITE PLAN. ADJUST AS NEEDED.
- 2) ADD DWELLING FLOOR PLANS SHEET(S) SCALED AT 1"=10 FT. OR 1'=20 FT. SHOWING EACH ROOM AND USE, THE SQUARE FOOTAGE OF THE DWELLING AND THE ACCESSORY APARTMENT, ALONG WITH THE PERCENTAGE AND SQUARE FT. LIMITS.

**

IN AN ACCESSORY STRUCTURE: USE THE PLAN FOR THE RESIDENTIAL ZONING HEARING AND REPLACE NUMBER 2 (ABOVE) INFORMATION AS FOLLOWS:

ADD THE ACCESSORY STRUCTURE AND ACCESSORY APARTMENT FLOOR PLANS SHEET(S) SCALED AT 1"=10 FT. OR 1'=20 FT. SHOW EACH ROOM AND USE, THE SQUARE FOOTAGE OF THE ACCESSORY STRUCTURE AND THE ACCESSORY APARTMENT. THIS SITE PLAN INFORMATION SHOULD BE THE SAME AS FILED FOR THE ZONING HEARING.

FOR EITHER USE, ALSO SEE THE FLOOR PLAN REQUIREMENTS ON PAGE 4 OF THE ACCOMPANYING CHECKLIST. NOTE THAT SEPARATE METERS ETC. ARE NOT PROPOSED. SEE THIS CHECKLIST FOR FULL DETAILS ON THE CORRECT NOTE.

Notes in "italics" are instructions and are NOT part of the Declaration wording.

Revise as appropriate for your site

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 25th day of Feb, 2013, by and between DEREK HASSELCHEFF AND Baltimore County (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarant(s) who is/are also the owner(s) of this property has/have filed an application for a use permit and special hearing to: *(add the special hearing only if in an accessory building) (clearly describe the proposed accessory apartment location in the existing buildings on the site and any new construction using as many lines as needed)*

The property being located at: 300 E. Burke Ave Towson MD 212-86 and is more particularly described by metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned DR 5.5 which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for:

Mary HASSELCHEFF (Mother) (Name the occupant(s) of the apartment and the relationship in the immediate family. The other residents of the property are:

(list all residents with full names, their dwelling location in the building(s) and their relationship to the immediate family, in detail as required in Bill No. 49-11) The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarant(s) request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

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

WITNESS:

[Signature]
Adam Carballo

[Signature]
DEREK HATSEHOFF

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 25 day of 2013, before the Subscriber, a Notary Public of State of Maryland, personally appeared

Derek Carl Hasselhoff
The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

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

My Commission Expires: 8/25/14



Keith F. Schott
Notary Public

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 13

Bill No. 49-11

Councilmembers Olszewski, Oliver & Bevins

By the County Council, August 1, 2011

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Accessory Apartments

FOR the purpose of defining accessory apartment and permitting an accessory apartment in certain areas under certain conditions; providing for the issuance of a use permit and renewal thereof; providing for the application of the Act; and generally relating to accessory apartments.

BY adding

Section 101.1, the Definition of "Accessory Apartment," and
Section 400.4
Baltimore County Zoning Regulations, as amended

WHEREAS, for a number of years, the County has permitted "in-law apartments" under certain limited circumstances within an existing single-family dwelling or within an accessory building; and

WHEREAS, there currently are no such provisions in the Zoning Regulations or the County Code specifically pertaining to in-law apartments; and

WHEREAS, the County has heretofore addressed such requests whereby if a request for an in-law apartment is within an existing single-family detached dwelling, it is generally processed and approved administratively with certain documentation required by the Department of Permits,

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

Underlining indicates amendments to bill.

Approvals and Inspections; if the request for an in-law apartment is within a detached accessory structure, a request for special hearing is filed and a public hearing required before the Office of Administrative Hearings; and

WHEREAS, the County Council recognizes that with an aging population, the need exists for elder family members to have access to care and comfort from their children on the same owner occupied property as that of the principal single-family detached dwelling; and

WHEREAS, the purpose of this Act is not to expand the potential for student housing in areas near County colleges and universities nor to worsen the saturation of student housing in such areas; and

WHEREAS, the purpose of this Act is to address this need and codify the limited circumstances under which an in-law apartment is permitted; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101.1, the Definition of “Accessory Apartment,” and Section 400.4 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101.1. Definitions

101.1 Word usage; definitions.

ACCESSORY APARTMENT - A SECOND LIVING QUARTER WITHIN A PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY BUILDING SITUATED ON THE SAME LOT AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING AND IN COMPLIANCE WITH SECTION 400, WITH DEDICATED BATHING AND COOKING FACILITIES, AND LOCATED ON OWNER-OCCUPIED PROPERTY, SUBJECT TO THE FOLLOWING: (A) THE OWNER MAY OCCUPY EITHER THE PRINCIPAL DWELLING OR THE ACCESSORY APARTMENT; (B) THE OCCUPANT(S) OF THE ACCESSORY APARTMENT AND THE OCCUPANT(S) OF THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING SHALL BE IMMEDIATE FAMILY, RELATED AS GRANDPARENTS, PARENTS, OR PARENTS' CHILDREN BY BLOOD, MARRIAGE OR ADOPTION; AND (C) THE ACCESSORY APARTMENT IS PROVIDED WITHOUT

1 COMPENSATION; AND (D) THE ACCESSORY APARTMENT, WHETHER LOCATED
2 WITHIN THE PRINCIPAL DWELLING OR IN THE ACCESSORY BUILDING, SHALL
3 COMPLY WITH ALL LAWS, REGULATIONS, AND CODES AFFECTING RESIDENTIAL
4 OCCUPANCY.

5 400.4. ACCESSORY APARTMENT.

6 AN ACCESSORY APARTMENT IS PERMITTED AS A TEMPORARY USE WITHIN A
7 PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY
8 BUILDING SITUATED ON THE SAME OWNER-OCCUPIED LOT AS THE PRINCIPAL
9 DWELLING IN ANY ZONE THAT PERMITS SINGLE-FAMILY DWELLINGS, SUBJECT TO
10 THE FOLLOWING REQUIREMENTS:

11 A. IF LOCATED WITHIN AN EXISTING SINGLE-FAMILY DETACHED DWELLING:

12 1. AN APPLICANT SHALL FILE WITH THE DEPARTMENT OF PERMITS,
13 APPROVALS AND INSPECTIONS AN APPLICATION FOR A USE PERMIT FOR AN
14 ACCESSORY APARTMENT, ON A FORM APPROVED BY THE DEPARTMENT. WITH THE
15 APPLICATION, THE APPLICANT SHALL SUBMIT A DECLARATION OF
16 UNDERSTANDING, ON A FORM APPROVED BY THE DEPARTMENT, INCLUDING BUT
17 NOT NECESSARILY LIMITED TO THE FOLLOWING TERMS AND CONDITIONS:

18 A. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED ONE
19 THIRD OF THE OVERALL FLOOR AREA OF THE DWELLING OR 2,000 SQUARE FEET,
20 WHICHEVER IS LESS;

21 B. ANY AND ALL IMPROVEMENTS TO BE DEDICATED AS AN ACCESSORY
22 APARTMENT SHALL BE USED SOLELY AS A SINGLE-FAMILY RESIDENCE; AND

23 C. THE ACCESSORY APARTMENT MAY NOT HAVE SEPARATE UTILITY
24 METERS, SUCH AS GAS AND ELECTRIC SERVICE.

25 2. THE DIRECTOR MAY APPROVE THE APPLICATION UPON A FINDING THAT
26 THE SIZE, LOCATION, AND PURPOSE OF THE ACCESSORY STRUCTURE WILL NOT
27 NEGATIVELY AFFECT THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE
28 SURROUNDING COMMUNITY.

29 B. IF LOCATED WITHIN AN ACCESSORY BUILDING ON THE SAME OWNER-OCCUPIED
30 PROPERTY AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING:

1 1. AN APPLICANT SHALL FILE A REQUEST FOR SPECIAL HEARING AND USE
2 PERMIT WITH THE DEPARTMENT, TOGETHER WITH A DECLARATION OF
3 UNDERSTANDING AS REQUIRED BY SUBSECTION A.1 OF THIS SECTION, AND A
4 PUBLIC HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS IS
5 REQUIRED.

6 2. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED 1,200 SQUARE
7 FEET, AND THE ACCESSORY BUILDING SHALL COMPLY WITH THE REQUIREMENTS
8 OF SECTION 400.

9 3. FOLLOWING A PUBLIC HEARING, THE OFFICE OF ADMINISTRATIVE
10 HEARINGS MAY GRANT A REQUEST UPON A FINDING THAT THE SIZE, LOCATION,
11 AND PURPOSE OF THE ACCESSORY APARTMENT CONFORMS WITH SECTION 502.1 ~~A,~~
12 ~~B, C, D, E, AND F,~~ AND MAY IMPOSE SUCH CONDITIONS, RESTRICTIONS OR
13 REGULATIONS CONSISTENT WITH SECTION 502.2 AS MAY BE DEEMED NECESSARY
14 OR ADVISABLE FOR THE PROTECTION OF SURROUNDING AND NEIGHBORING
15 PROPERTIES, INCLUDING THE EXPRESS PROHIBITION THAT THE ACCESSORY
16 APARTMENT NOT BE CONVERTED TO A SECOND DWELLING BEYOND THE SCOPE OF
17 THIS SECTION.

18 4. THE ACCESSORY APARTMENT MAY ~~ONLY~~ NOT HAVE SEPARATE UTILITY
19 METERS OR WATER AND SEWERAGE SERVICES ~~IF~~ UNLESS APPROVED BY THE
20 OFFICE OF ADMINISTRATIVE HEARINGS BASED ON SPECIFIC FINDINGS OF
21 NECESSITY FOR THE ACCESSORY BUILDING.

22 C. APPROVAL; RENEWAL.

23 1. APPROVAL. THE APPROVAL OF AN APPLICATION FOR USE PERMIT IN
24 SUBSECTION A. OR REQUEST FOR SPECIAL HEARING AND USE PERMIT IN
25 SUBSECTION B. SHALL BE SUBJECT TO THE FOLLOWING:

26 A. THE DECLARATION OF UNDERSTANDING AND PROPERTY
27 DESCRIPTION, INCLUDING ANY CONDITIONS, RESTRICTIONS, OR REGULATIONS
28 IMPOSED BY THE DEPARTMENT OR THE OFFICE OF ADMINISTRATIVE HEARINGS,
29 SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AND A COPY
30 FILED WITH THE DEPARTMENT; AND

1 B. THE ACCESSORY APARTMENT SHALL ONLY BE UTILIZED BY
2 IMMEDIATE FAMILY MEMBERS AS DEFINED IN SECTION 101 AND MAY NOT BE
3 ~~LEASED OR RENTED OR~~ USED BY ANY PERSON OTHER THAN AN IMMEDIATE
4 FAMILY MEMBER FOR ANY OTHER REASON.

5 C. IF THE ACCESSORY APARTMENT IS NO LONGER OCCUPIED BY ANY
6 PERSON NAMED IN THE USE PERMIT OR IF THE PROPERTY IS SOLD, THE USE PERMIT
7 SHALL TERMINATE, AND ANY PROPOSED CHANGES IN OCCUPANCY TO THE
8 ACCESSORY APARTMENT BY THE PROPERTY OWNER OR SUBSEQUENT PURCHASER
9 SHALL REQUIRE A NEW REQUEST FOR USE PERMIT AS APPLICABLE UNDER
10 SUBSECTIONS A. OR B.

11 2. RENEWAL. THE APPLICANT SHALL RENEW THE USE PERMIT WITH THE
12 DEPARTMENT EVERY TWO YEARS BY FILING A RENEWAL ON A FORM APPROVED
13 BY THE DEPARTMENT, TO BE DATED FROM THE MONTH OF THE INITIAL APPROVAL,
14 AND SHALL ~~NOTE ANY PROPOSED CHANGES IN OCCUPANCY TO~~ LIST THE NAME OF
15 ANY PERSON OCCUPYING THE ACCESSORY APARTMENT.

16 SECTION 2. AND BE IT FURTHER ENACTED, that a property owner with an in-law
17 apartment lawfully approved prior to the effective date of this Act shall obtain a use permit required
18 by this Act on or before October 1, 2012.

19 SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Permits,
20 Approvals and Inspections shall publish notice of the requirement of Section 2 of this Act in one
21 newspaper of general circulation in the County one time per month each month prior to October 1,
22 2012.

23 ~~SECTION 2.~~ SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take
24 effect forty-five (45) days after its enactment, and shall apply retroactively to a request for in-law
25 apartment filed on or after August 1, 2010.



KEVIN KAMENETZ
County Executive

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

March 26, 2013

Derek Hasselhoff
300 E. Burke Avenue
Towson MD 21286

RE: Case Number: 2013-0169 A, Address: 300 E. Burke Avenue, 21286

Dear Mr. Hasselhoff:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 25, 2013. 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
Adam Carbullo, 1818 Aliceann Street, Baltimore MD 21231

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 8, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 300 E Burke Ave

INFORMATION:

RECEIVED

Item Number: 13-196

Petitioner: Derek Hasselhoff

MAR 20 2013

Zoning: DR 5.5

OFFICE OF ADMINISTRATIVE HEARINGS

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. It is our understanding that the proposal is not a boarding house and will comply with BCZR Section 101, Definitions, Accessory Apartment, and BCZR Section 400.4 Accessory Apartments. As such the occupant(s) of the accessory apartment and the occupants(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption.

Per BCZR Section 400.4:

"An accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings, subject to the following requirements:

A. If located within an existing single-family detached dwelling:

1. An applicant shall file with the Department of Permits, Approvals and Inspections an application for a use permit for an accessory apartment, on a form approved by the Department. With the application, the applicant shall submit a declaration of understanding, on a form approved by the Department, including but not necessarily limited to the following terms and conditions:

a. The size of the accessory apartment may not exceed 1/3 of the overall floor area of the dwelling or 2,000 square feet, whichever is less;

ORDER RECEIVED FOR FILING

Date 4-2-13

W:\DEVREV\ZAC\ZACs 2013\13-196.doc

By [Signature]

- b. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single-family residence; and*
- c. The accessory apartment may not have separate utility meters, such as gas and electric service.*
- 2. The Director may approve the application upon a finding that the size, location, and purpose of the accessory structure will not negatively affect the health, safety, or general welfare of the surrounding community."*

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

Division Chief:
AVA/LL



ORDER RECEIVED FOR FILING

Date 4-2-13

By LOW

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: March 26, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0196-A
Address 300 East Burke Avenue
(Hasselhoff Property)

Zoning Advisory Committee Meeting of March 4, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

MAR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2013
Item Nos. 2013-0196, 0198, 0200, 0201 and 0202.

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

DAK:CEN
Cc: file

3/22/13
to WCR
8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 8, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 300 E Burke Ave

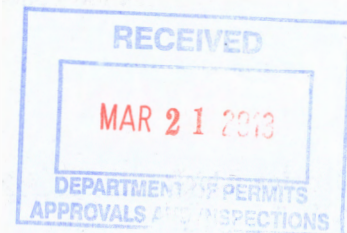
INFORMATION:

Item Number: 13-196

Petitioner: Derek Hasselhoff

Zoning: DR 5.5

Requested Action: Administrative Variance



SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan.

It is our understanding that the proposal is not a boarding house and will comply with BCZR Section 101, Definitions, Accessory Apartment, and BCZR Section 400.4 Accessory Apartments. As such the occupant(s) of the accessory apartment and the occupants(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption.

Per BCZR Section 400.4:

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a. The size of the accessory apartment may not exceed 1/3 of the overall floor area of the dwelling or 2,000 square feet, whichever is less;



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-5-13

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

RE: Baltimore County
Item No 2013-0196-A
Administrative Variance
Derek Hasselhoff
300 E. Burke Avenue

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. 2013-0196-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,

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

From: Lynn Lanham
To: Richards, Carl
CC: Patchak, Krystle
Date: 3/8/2013 10:16 AM
Subject: ZAC 2013-0196A

Carl,

We have an administrative variance petition for a proposed dwelling addition (garage and in-law apartment) with a side yard setback of 3 feet in lieu of the required 10' at 300 E Burke Ave. When is the deadline to submit comments? And shouldn't this request be processed as a special hearing?

Lynn

Lynn Lanham
Chief, Development Review
mlanham@baltimorecountymd.gov
410-887-3480
410-887-5862 Fax
Baltimore County Department of Planning

105 W. Chesapeake Ave.
Suite 101
Towson, MD 21204

↓
ADDITION IS ATTACHED
VIA THE DECK; DOES
NOT REQUIRE SPECIAL HEARING.

C.O.B 3/22/13

REPLIED BACK

12:29 PM

3/8/13

JH

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 09 Account Number - 0913201540

Owner Information

Owner Name: HASSELHOFF DEREK C **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 300 E BURKE AVE
BALTIMORE MD 21286-1122 **Deed Reference:** 1) /29371/ 00340
2)

Location & Structure Information

Premises Address
300 E BURKE AVE
BALTIMORE 21286-1122

Legal Description

GREENBRIER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0070	0015	0725		0000		1	1	2	
									Plat Ref: 0012/ 0068

Town NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1941	2,160 SF	12,954 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT STONE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	123,230	123,200		
Improvements:	235,030	159,400		
Total:	358,260	282,600	282,600	282,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
AIDT ANITA M AIDT PHILIP	04/15/2010	\$290,000
Type: ARMS LENGTH MULTIPLE	Deed1: /29371/ 00340	Deed2:
Seller: MACHACEK LOUIS M,ET AL	Date: 05/15/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01675/ 00183	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

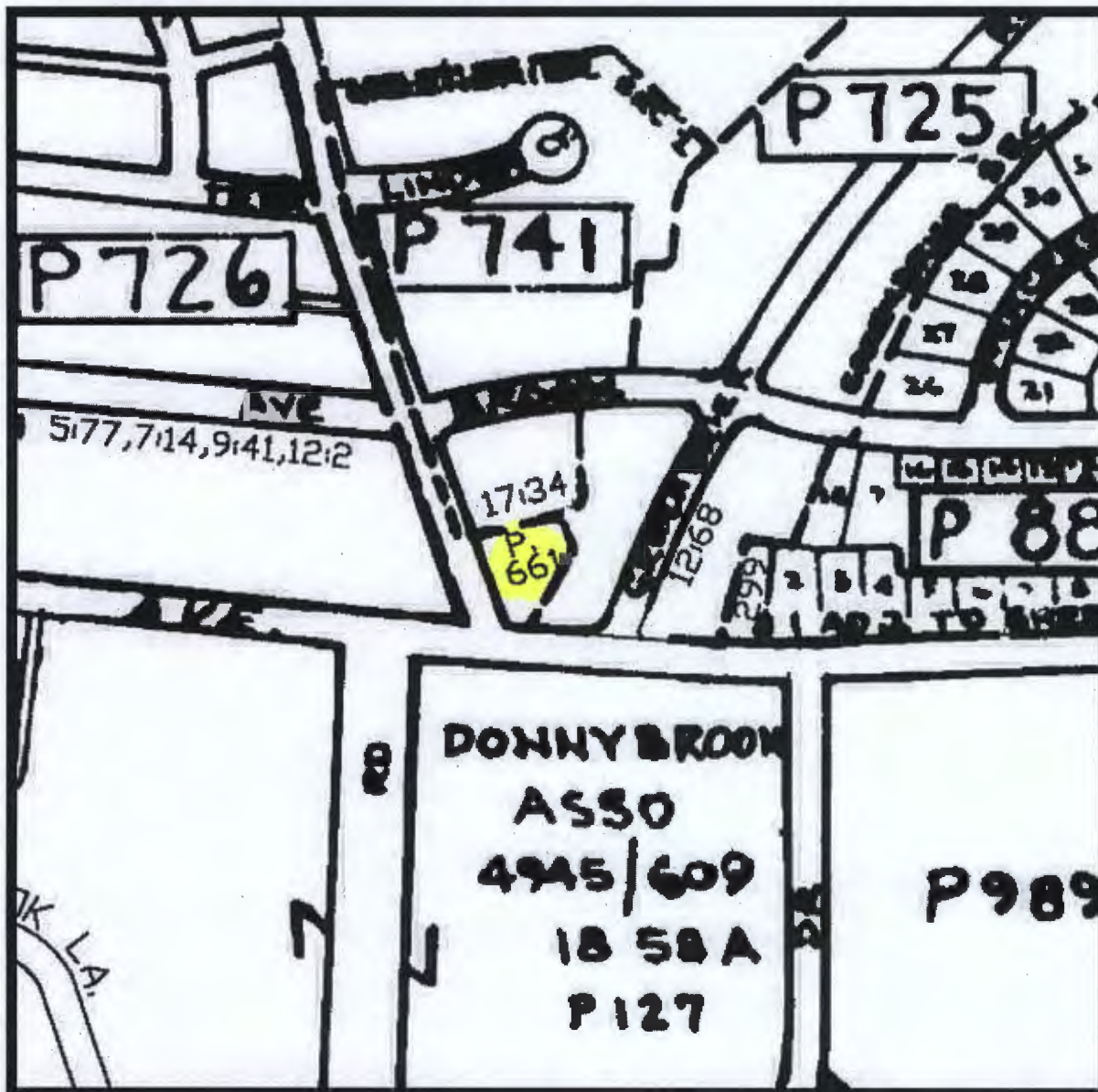
Homestead Application Status: Approved 11/18/2010



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

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[New Search](#)

District - 09 Account Number - 0913201540



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.

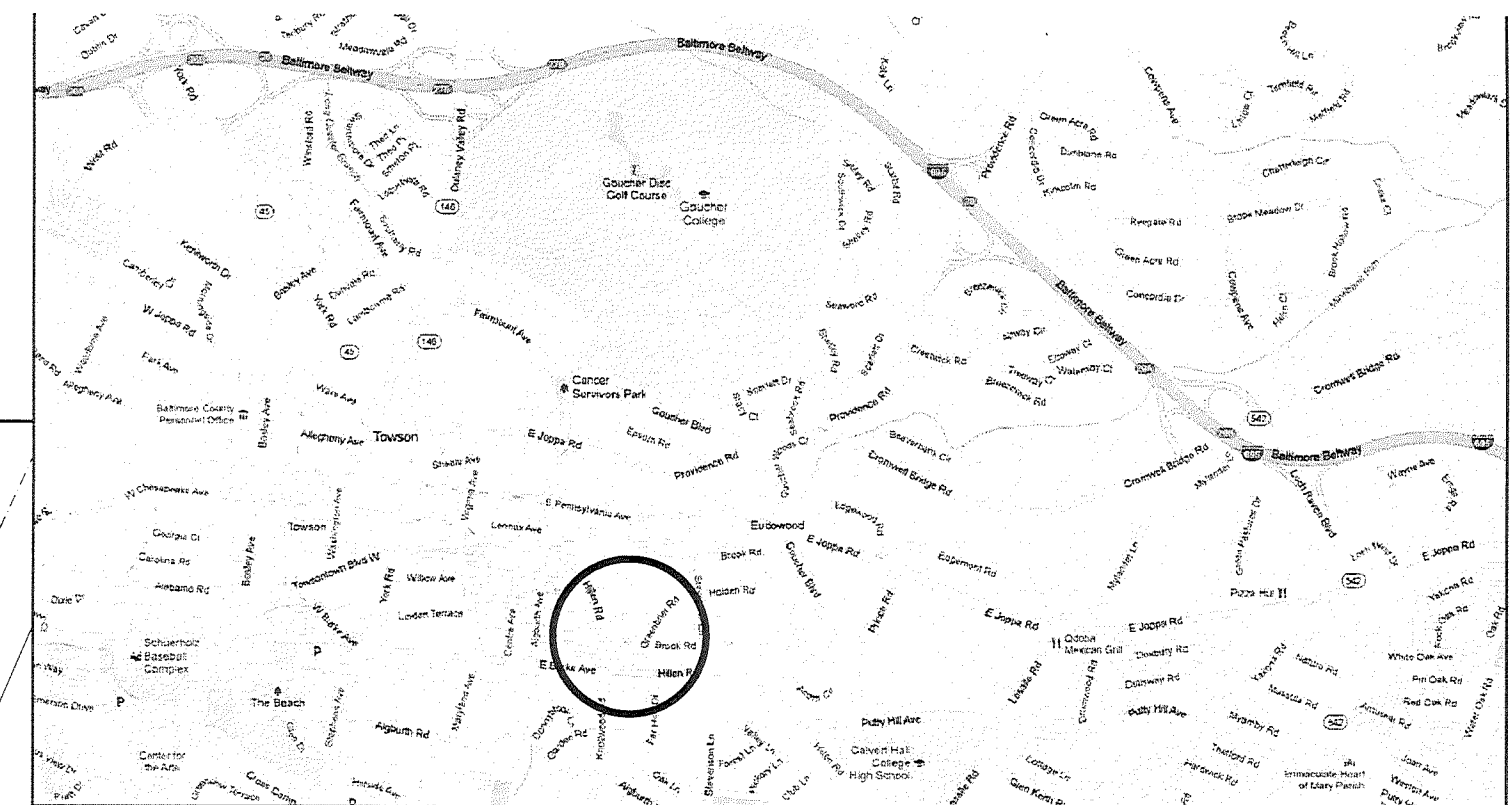
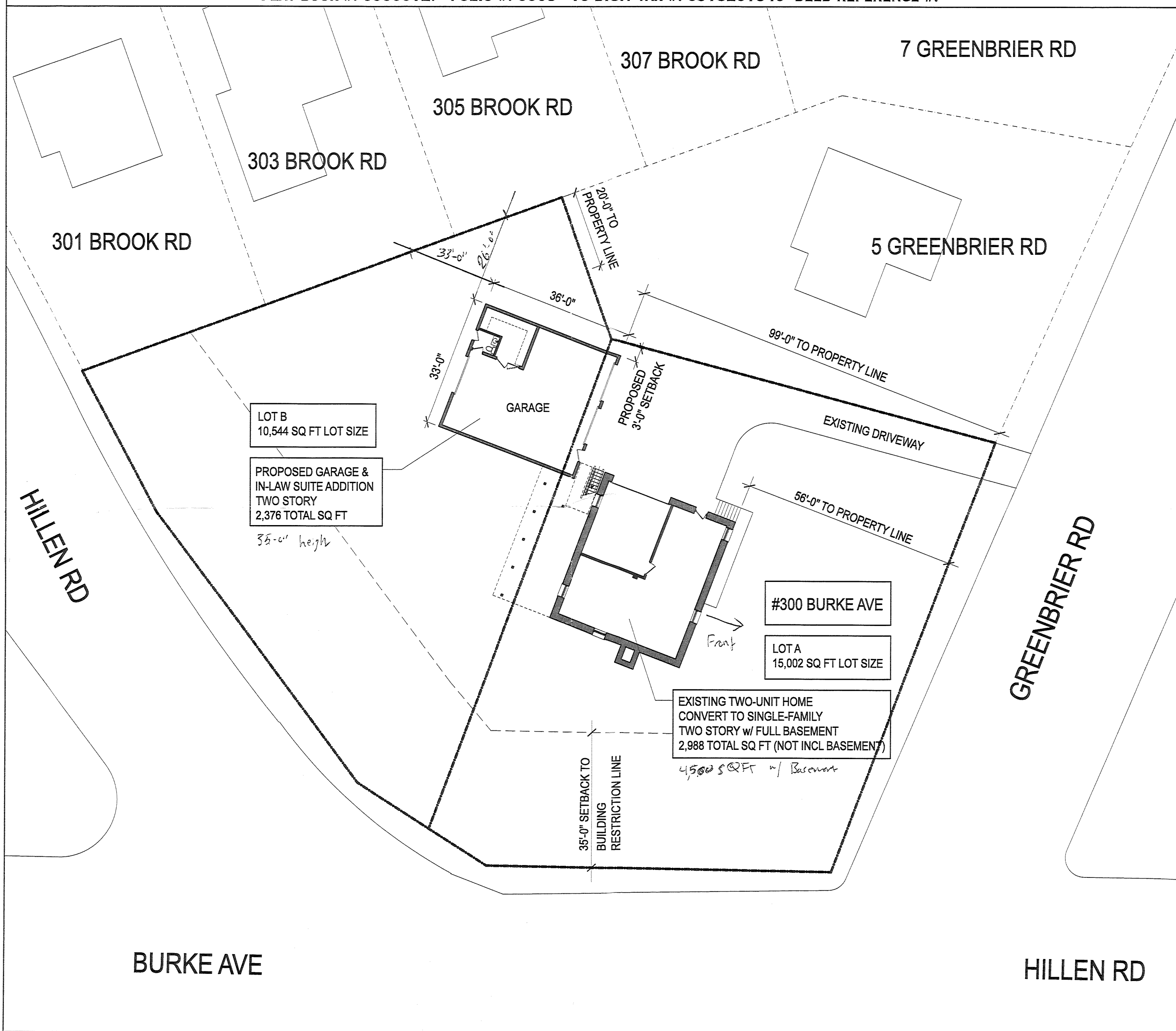
Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



2013-0196-A

DISTRICT 09 - ACCOUNT # 0913201540 / PLAT REF: 0012/0068
MAP 0070 - GRID 0015 - PARCEL 0725 - SUBDIVISION 0000 - BLOCK 1 - LOT 1 - ASSESSMENT AREA 2

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS: 300 E. BURKE AVE, BALTIMORE, MD 21286. OWNER NAME: DEREK C. HASSELHOFF
SUBDIVISION NAME: GREENBRIER / 21286 LOCH RAVEN. LOT: 1 BLOCK: 1 SECTION: N/A
PLAT BOOK #: 0000012. FOLIO #: 0068 10 DIGIT TAX #: 0913201540 DEED REFERENCE #:



ADJACENT PROPERTY OWNERSHIP:
305 BROOK RD
MRS. BARBARA MCCORT
PRINCIPLE RESIDENCE
TAX ACCOUNT #0910000720

The architectural floor plan shows a proposed two-story addition (top left) and an existing two-unit home conversion (bottom right). The addition includes a kitchen, dining area, living area, and bedrooms. The existing home includes a living area, dining area, and bedrooms. The plan also shows a covered walkway connecting the two structures. Dimensions and room labels are provided throughout the plan.

PROPOSED GARAGE & IN-LAW SUITE ADDITION
TWO STORY
2,376 TOTAL SQ FT

Covered walk way

EXISTING TWO-UNIT HOME
CONVERT TO SINGLE-FAMILY
TWO STORY w/ FULL BASEMENT
2,988 TOTAL SQ FT (NOT INCL BASEMENT)

4,500 SQ FT w/ Basement

2-HR FIRE RATED EXTERIOR WALL
UL DESIGN No. U371

2-HR FIRE RATED EXTERIOR WALL
UL DESIGN No. U371