



KEVIN KAMENETZ
County Executive

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

June 26, 2013

Patrick McCann
8407 High Ridge Road
Ellicott City, Maryland 21043

RE: Petitions for Variance
Case No.: 2013-0255-A
Property: 1614 Burke Road

Dear Mr. McCann:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

IN RE: PETITION FOR VARIANCE

(1614 Burke Road)

15th Election District

6th Councilman District

Patrick McCann

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2013-0255-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Patrick McCann, the legal owner of the subject property. The Petitioner is requesting Variance relief from Sections 1A04.3.B.2.b and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.): (1) to permit a street center line setback of 61 ft. and a side yard setback of 13ft. for a proposed dwelling in lieu of the required 75 ft. and 50 ft.; and (2) to permit an existing shed to be located in the side yard in lieu of the required rear yard.

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.

Appearing at the public hearing in support of the requests was Patrick McCann. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from Department of Environmental Protection and Sustainability (DEPS) dated May 24, 2013, Development Plans Review (DPR) dated May 13, 2013, and Department of Planning (DOP) dated May 29, 2013. The DOP indicated Petitioner must satisfy the RC 5 performance standards, which DEPS & DPR noted

ORDER RECEIVED FOR FILING

Date 6/26/13

By DLN

Petitioner must comply with Critical Area and flood protection regulations.

Testimony and evidence revealed that the subject property is approximately 0.424 acres. The property is improved with a single family dwelling that is in relatively poor condition. The Petitioner proposes to raze the existing dwelling and construct in its place a new home (approximately 30' x 50') that will be in essentially the same footprint. To do so, however, requires zoning 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).

Petitioner has met this test. The Petitioner owns a double lot (Lots 177 & 178) of irregular dimensions that fronts onto Galloway Creek. Thus, the property is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, given he would be unable to replace the existing dwelling, which is in a state of disrepair. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 26th day of June, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R"): (1) to permit a single family dwelling on the subject property and a

ORDER RECEIVED FOR FILING

Date

6/26/13

By

Den

side yard setback of 13ft. for a proposed dwelling in lieu of the required 75 ft. and 50 ft.; and (2) to permit an existing shed to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for 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.

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:sln

ORDER RECEIVED FOR FILING

Date 6/26/13
By sln



CBCA PETITION FOR ZONING HEARING(S)

FLOOD

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 1614 Burke Rd. which is presently zoned RC-5
Deed References: _____ 10 Digit Tax Account # 2200022859
Property Owner(s) Printed Name(s) Patrick McCann

(SELECT THE HEARING(S) BY MARKING ☒ 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. ✓ 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 _____

Legal Owners (Petitioners):

Patrick McCann
Name #1 - Type or Print Name #2 - Type or Print

Patrick McCann
Signature #1 Signature #2

8407 High Ridge Rd Elkhatt City Md.
Mailing Address City State

21043, 410-404-7808
Zip Code Telephone # Email Address

PATRICK McCann c Hbf MAIL.co
Representative to be contacted:

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2013-0255-A Filing Date 4/29/13 Do Not Schedule Dates: _____ Reviewer BN

1A04.3.B.2.b and Section 4001.1 to permit a street center line setback of 61 ft. and a side yard setback of 13 ft. for a proposed dwelling in lieu of the required 75 ft. and 50 ft., respectively, and to permit an existing shed be located in the side yard in lieu of the required rear yard.

ZONING HEARING PROPERTY DESCRIPTION

PART A

ZONING PROPERTY DESCRIPTION FOR 1614 Burke Road, Baltimore, MD. 21220

*Beginning at a point on the North side of Burke Road on which is the right rear property corner of the property fronting the water (Galloway Creek); which road has a 30 foot right-of-way width at the distance of 230+/- east of the centerline of the intersection of Holly Tree Road (30' wide) & Burke Road.

PART B

OPTION 2

*Being Lots # 177 & 178, Section N/A in the subdivision of Bowley's Quarters as recorded in Baltimore County Plat Book # 7, Folio # 12, Containing 18,470 Square Feet. Located in the 15th Election District an 6th Council District.

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- 0255- A

Petitioner: Pat McCann

Address or Location: 1414 Burke Rd. Bowleys Quarters Md. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick McCann

Address: 8407 High Ridge Rd.

Ellicott City Md. 21043

Telephone Number: _____

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

No. **098555**

Date: **4/29/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/29/2013 4/29/2013 10:26:38

REC MNDJ WALKIN RBOS LRD
 > RECEIPT # 650717 4/29/2013 OFLN

Dept 5 535 ZONING VERIFICATION
 CR NO. 098555

Receipt Tot \$75.00
 \$75.00 OK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
000	406	0000		610				11.75

Total: **\$ 11.75**

Rec From: **Patricia M. ...**

For: **Zoning Verification**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

File in 098555

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0255-4

PETITIONER/DEVELOPER _____

PATRICK McCANN

DATE OF HEARING/CLOSING: _____

6/24/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

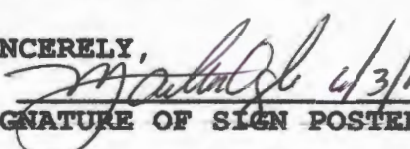
LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 1414 BULL RD

THIS SIGN(S) WERE POSTED ON _____

June 3, 2013
(MONTH, DAY, YEAR)

SINCERELY,

 6/3/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2013-0255-A

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

PLACE: ROOM 205 JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, JUNE 24, 2013
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A STREET CENTERLINE
SETBACK OF 61 FT. AND A SIDE YARD SETBACK OF
13 FT. FOR A PROPOSED DWELLING IN LIEU OF THE REQUIRED,
75 FT. AND 30 FT. RESPECTIVELY, AND TO PERMIT AN
ENTRYWAY SHED BE LOCATED IN THE SIDE YARD IN LIEU
OF THE REQUIRED REAR YARD

IT IS RECOMMENDED THAT THE ZONING COMMISSIONER AND THE TOWSON ZONING COMMISSIONER BE ADVISED OF ANY CHANGES TO THE REQUESTED VARIANCE.

ORDINANCE 2008-011, TOWSON, MD, MAY 1, 2008, HEARING DATE 11:00 A.M. ON LAW

MEETING IS HANDICAP ACCESSIBLE

made 4/3/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 6, 2013

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 June 4, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0255-A

1614 Burke Road

N/s Burke Road, 230 ft. e/of centerline of Holly Tree Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Patrick McCann

Variance: to permit a street centerline setback of 61 ft. and a side yard setback 13 ft. for a proposed dwelling in lieu of the required 75 ft. and 50 ft. respectively, and to permit an existing shed be located in the side yard in lieu of the required rear yard.

Hearing: Monday, June 24, 2013 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 06/644 June 4

926035



KEVIN KAMENETZ
County Executive

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

May 29, 2013

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: 2013-0255-A

1614 Burke Road

N/s Burke Road, 230 ft. e/of centerline of Holly Tree Road

15th Election District – 6th Councilmanic District

Legal Owners: Patrick McCann

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Hearing: Monday, June 24, 2013 at 11:00 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: Patrick McCann, 8407 High Ridge Road, Ellicott City 21043

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 4, 2013.**
- (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, June 4, 2013 Issue - Jeffersonian

Please forward billing to:

Patrick McCann
8407 Highland Ridge Road
Ellicott City, MD 21043

410-404-7809

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: 2013-0255-A

1614 Burke Road

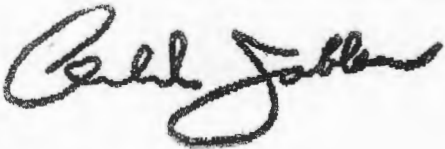
N/s Burke Road, 230 ft. e/of centerline of Holly Tree Road

15th Election District – 6th Councilmanic District

Legal Owners: Patrick McCann

Variance to permit a street centerline setback of 61 ft. and a side yard setback of 13 ft. for a proposed dwelling in lieu of the required 75 ft. and 50 ft. respectively, and to permit an existing shed be located in the side yard in lieu of the required rear yard.

Hearing: Monday, June 24, 2013 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 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.

M E M O R A N D U M

DATE: July 30, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0255-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 26, 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

RE: PETITION FOR VARIANCE
1614 Burke Road; N/S Burke Road,
230' E c/line Holly Tree Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Patrick McCann
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-255-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

MAY 07 2013



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 7th day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to Patrick McCann, 8407 High Ridge Road, Ellicott City, Maryland 21043, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013- 0255-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5/13/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>5/24/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
	FIRE DEPARTMENT	
<u>5/29/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>5/7/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No: _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>6/4/13</u>	
SIGN POSTING	Date: <u>6/3/13</u> by <u>Cagle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 1614 Burke Road

MAY 29 2013

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 13-255

Petitioner: Patrick McCann

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning does not oppose the petitioner's request. However, this department 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:

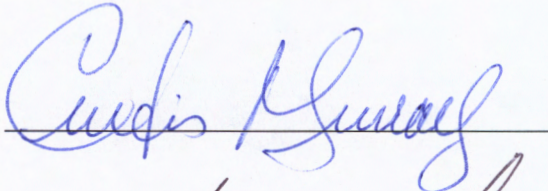
1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. 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.
3. 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.

4. 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.

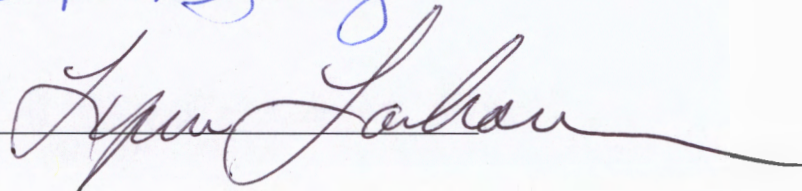
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Matt Diana with the Department of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



MAY 28 2013

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: May 24, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0255-A
Address 1614 Burke Road
(McCann Property)

Zoning Advisory Committee Meeting of May 6, 2013.

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. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

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 requesting to replace an existing dwelling farther back from the bulkhead with reduced side yard and street center line setbacks. They are also requesting to permit an existing shed to be located in the side yard. The lot is developed with a dwelling, a shed, a detached garage, pier, and sidewalks. Lot coverage on the entirety of this property is limited to a maximum of 31.25%, with mitigation required for lot coverage over 25%. Lot coverage information was not provided, and only lot acreage above the bulkhead may be used for lot coverage calculations. 15% afforestation (5 trees) is also required. Any trees existing on site can count towards the afforestation requirement. If the applicant can meet the BMA, lot coverage and afforestation requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. The existing house is entirely within the Critical Area buffer; the proposed dwelling will be moved back to be partially out of the buffer.

5 trees must be existing or planted on site to meet the 15% afforestation requirement. Provided the BMA, lot coverage and afforestation requirements are met, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Information was not provided as to whether the proposal will meet BMA, lot coverage limits and afforestation requirements. If so, the proposal will be consistent with the Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2013
Item No. 2013-0255

DATE: May 13, 2013

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

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK: CEN.

Cc: file.

ZAC-ITEM NO 13-0255-05102013.doc



KEVIN KAMENETZ
County Executive

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

June 19, 2013

Patrick McCann
8407 High Ridge Road
Ellicott City, MD 21043

RE: Case Number: 2013-0255 A, Address: 1614 Burke Road

Dear Mr. McCann:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 29, 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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-7-13

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

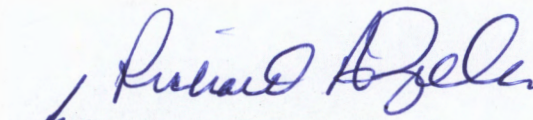
RE: Baltimore County
Item No 2013-0255-A
Variance
Patrick McCann
1614 Burke Road

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. 2013-0255-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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 2200022859

Owner Information

Owner Name:	MCCANN PATRICK J	Use:	RESIDENTIAL
Mailing Address:	1614 BURKE RD BALTIMORE MD 21220-	Principal Residence:	YES
		Deed Reference:	1) /32566/ 00246 2)

Location & Structure Information

Premises Address	Legal Description
1614 BURKE RD	.424 AC LTS 177,178
BALTIMORE 21220-0000	1614 BURKE RD
	Waterfront BOWLEYS QUARTER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0098	0004	0004		0000			177	3		1
									Plat Ref:	0007/ 0012

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	990 SF	18,470 SF	04

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	211,600	263,600		
Improvements:	69,100	47,500		
Total:	280,700	311,100	290,833	300,967
Preferential Land:	0			0

Transfer Information

Seller:	BIEMER DOROTHY EDNA/GEORGE STEPHEN	Date:	09/20/2012	Price:	\$300,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/32566/ 00246	Deed2:	
Seller:	BIEMER DOROTHY EDNA/GEORGE STEPHEN	Date:	09/22/2009	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/28666/ 00418	Deed2:	
Seller:	BIEMER DOROTHY EDNA	Date:	08/09/1996	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/11740/ 00351	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

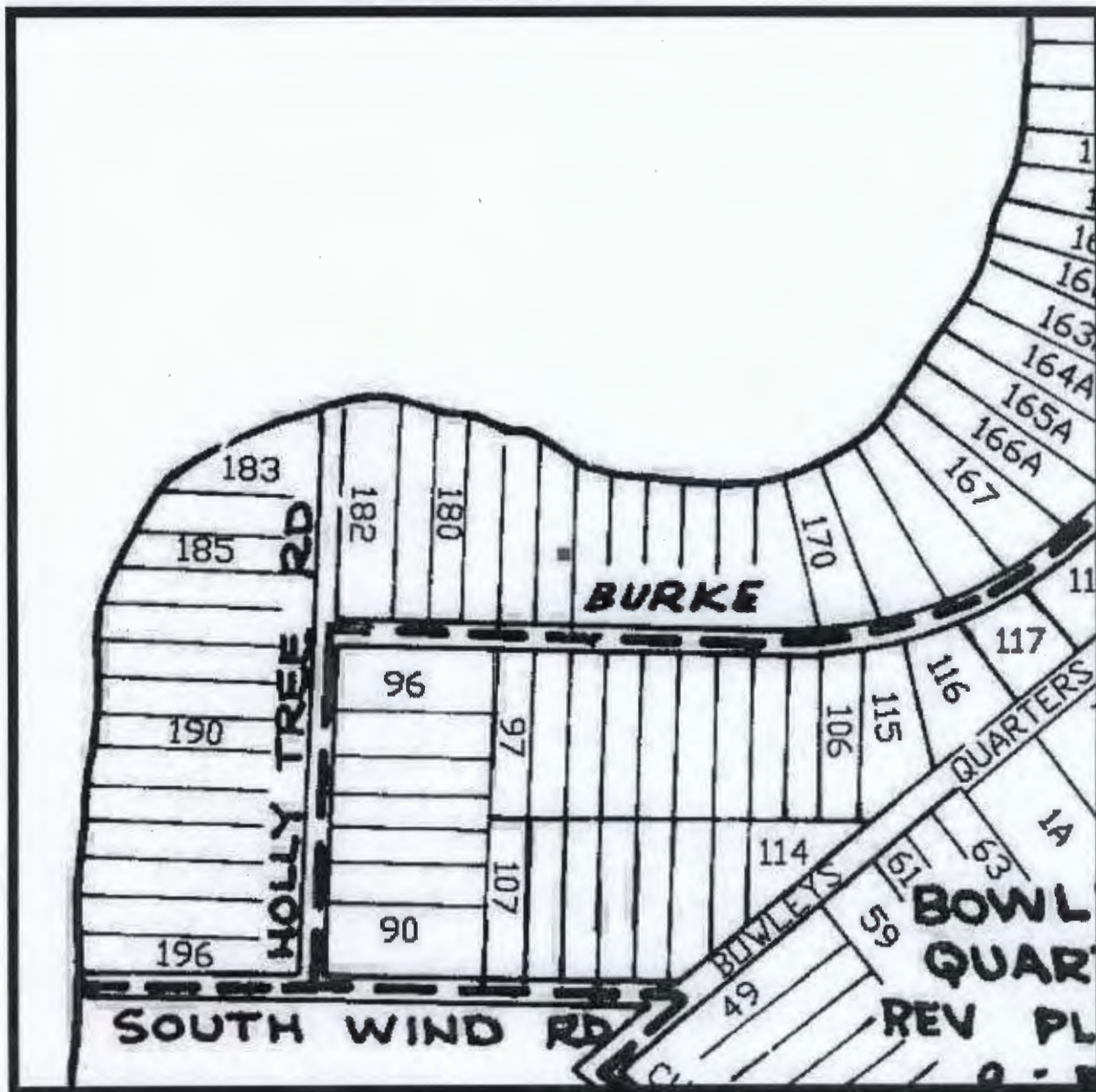
Homestead Application Status:	Application received
--------------------------------------	----------------------



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

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District - 15 Account Number - 2200022859



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.

Case No.: 2013-255-A

Exhibit Sheet

Petitioner/Developer

Protestant

DW
1-30-13

SLN
6-26-13

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Elevations & Flood Hazards



Publication Date: 3/25/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

#0255

1614 Burke Road



Publication Date: 3/25/2013



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

#0255

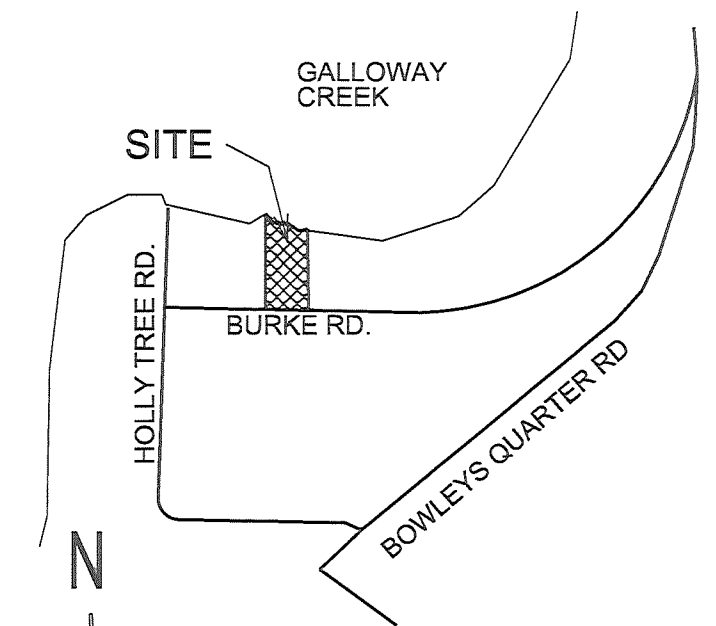
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1614 BURKE ROAD OWNER(S) NAME(S) PATRICK J. MCCANN

SUBDIVISION NAME BOWLEYS QUARTER PLAT NO. 1 LOTS#177,178 BLOCK#N/A SECTION#N/A

PLAT BOOK# 7 FOLIO# 12 10 DIGIT TAX# 2200022859 DEED REF.# 32566 / 246

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 098C2

SITE ZONED RC-5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE 0.424

OR SQUARE FEET 18,470

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? AE EL=9'

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

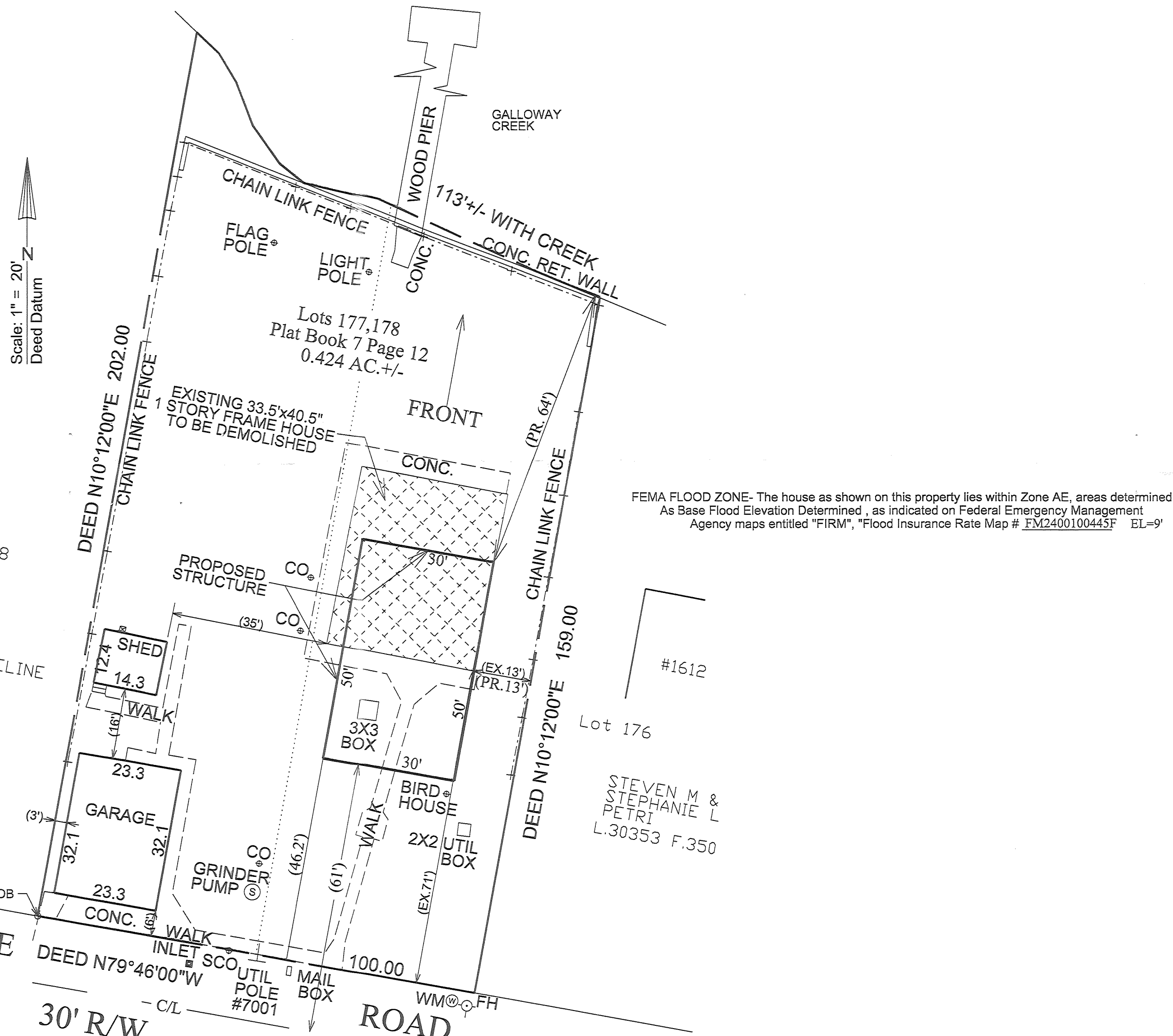
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

E:\Projects\Jobs\Patrick-McCann-BC\Zoning Review.dgn

Petitioner's No. 1

#0255



PLAN DRAWN BY EYOTT.COM
(240 415-3000)

DATE 4/1/2013 SCALE 1 INCH = 20 FEET