



KEVIN KAMENETZ
County Executive

May 23, 2018

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

Thomas J. Hoff
Landscape Architects & Land Development Consultants
512 Virginia Avenue
Towson, MD 21286

Re: Zoning Verification, 13607 Brookline Road, Lot 11, Block "D" Section One, Carroll Manor
11th Election District

Dear Mr. Hoff:

Your recent letter to this office regarding the above referenced property was forwarded to me for reply. Based upon the information provided and my review of the available zoning records, and my conversation with Mr. Arnold Jablon, Director of Permits, Approvals & Inspections, the following has been determined.

The subject property is currently zoned RC-5 (Resource Conservation, Rural –Residential) as shown on the official 2008 Baltimore County Zoning Map 044B2. The property will be as permitted & restricted by Petition for Special Hearing and Petition for Variance case #2016-0158-SPHA to allow a setback of 40 ft. in lieu of the required 50 ft. which was approved on the 8th of July 2016 by the Board of Appeals of Baltimore County. Please see attached copies of the opinion, agreement and amended opinion.

The foregoing is merely an informal opinion. It is not an Expert or legal opinion. It is not intended to be relied on as Expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jun R. Fernando
JRF

Jun R. Fernando
Planner II
Zoning Review

JRF/kl

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

TO: JRF
5/12/18 uc
Vested in 1954
as "A" Residential
50 feet zone

May 17, 2018

#18-187
\$150.00

Mr. Arnold Jablon, Director PAI
Department of Permits, Approvals & Inspections
Baltimore County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Re: 13607 Brookline Road
Lot 11, Block "D", Section One, Carroll Manor
Plat #20/79
Tax Account #1102088801
Request for Verification of Setbacks

Dear Mr. Jablon:

We are requesting a verification of the setbacks for this lot.

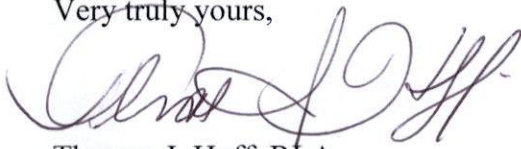
This plat was recorded in 1954 and it was signed by the Baltimore County Planning Commission. The zoning at the time of recording was "A-Residential". It is our understanding after meeting with the Zoning Office that the minimum side setbacks are 7 feet and 10 feet and the minimum rear setback is 20 feet. The front setback is 40 feet as indicated on the plat.

There was a zoning case on this lot, Case No. 2016-158 SPHA.

If your office is in agreement that the setbacks stated above are correct, please indicate your approval in writing. Attached is a check in the amount of \$150.00 representing payment for this request.

If you have any questions or require any additional information, please call me at 410-296-3669.

Very truly yours,



Thomas J. Hoff, RLA

Attachments: The Record Plat of Carroll Manor, Plat 20/79 & State Property Data Sheet, Fee Check

Re: Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

-
- 3/15/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED; and the Petition for Special Hearing was DISMISSED as Moot given the denial of the Petition for Variance.
- 4/5/16 Letter from Bruce E. Doak (misdated 10/27/15) to ALJ Beverungen providing additional information for reconsideration of the variance.
- 4/13/16 Motion for Reconsideration filed by J. Neil Lanzi, Esquire, on behalf of Ellen McBarrow Burger and Kirsten Burger, Legal Owners/Petitioners.
- 4/22/16 Opinion and Order on Motion for Reconsideration wherein the ALJ DENIED the Petition for Variance; and Ordered the Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with BCZR §304, provided the height and setback requirements are satisfied.
- 5/20/16 Letter of Appeal filed by J. Neil Lanzi, Esquire on behalf of Ellen McBarron Burger and Kirsten Burger, Petitioners/Appellants.
- 5/23/16 Appeal received by Board.
- 9/14/16 Board convened for a Hearing.
- 10/6/16 Board convened for Public Deliberation.
- 10/24/16 Opinion and Order issued by the Board wherein the Petition for Special Hearing, and the Petition for Variance were GRANTED; and the Settlement Agreement dated July 8, 2016 (Pet. Ex. 4), and the Site Plan attached thereto are incorporated into and made a part of the Order.
- 11/4/16 Amended Opinion and Order issued by the Board to correct setback as provided in the Settlement Agreement dated July 8, 2016 (Pet. Ex. 4), and the Site Plan attached thereto.
- 11/16/16 Joint Motion to Revise the October 24, 2016 Order of the Board filed by the parties.

Re: Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

12/15/16	Board convened for Public Deliberation on the Joint Motion to Revise.
1/12/17	Ruling on Joint Motion for Revisory Order issued by the Board wherein the Joint Motion was considered a Motion for Reconsideration; and the Motion for Reconsideration was GRANTED upon the condition the parties submit a revised Settlement Agreement and/or Red-Lined Site Plan at the scheduled hearing.
3/9/17	Board convened for a Hearing.
3/29/17	Consent Order issued by the Board wherein the Order of the Board dated October 24, 2016 as amended November 4, 2016 was further amended to read that the Settlement Agreement dated July 8, 2016 (Petitioner's Exhibit No. 7) and the red-lined site plan attached thereto dated March 8, 2017 was incorporated, thereby replacing Petitioner's Exhibit No. 4.
9/22/17	File closed and returned to Zoning.

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

* * * * *

CONSENT ORDER

This matter is before the Board of Appeals of Baltimore County on the Joint Motion to Revise the October 24, 2016 Order of the Board of Appeals of Baltimore County, which Motion the Board in its Order dated January 12, 2017 determined shall be considered as a Motion for Reconsideration. At the hearing before this Board on March 9, 2017, Petitioner's submitted a red-lined site plan as Petitioner's Exhibit No. 6 and a revised Settlement Agreement containing the red-lined site plan as Petitioner's Exhibit No. 7. The parties agreed the only change as contained in the revised site plan was the phrase "to be removed" being crossed through thus allowing the retention or the removal of the stone walls and remains of the barn foundation to be determined by the future owners of Petitioner's property. Having heard the proffered testimony and accepting Exhibits 6 and 7 into evidence, it is this 29th day of March, 2017, by the Board of Appeals of Baltimore County;

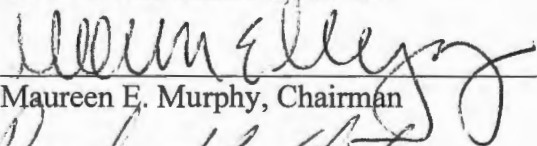
ORDERED, that the red-lined site plan dated March 8, 2017 (Petitioner's Exhibit No. 6) and the Settlement Agreement dated July 8, 2016 containing Petitioner's red-lined site plan dated March 8, 2017 (collectively Petitioner's Exhibit No. 7), be and are hereby accepted and made a part of the record; and it is further,

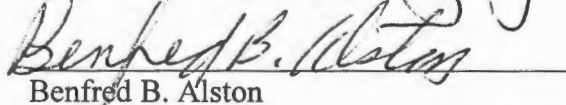
ORDERED, that the Order of this Board dated October 24, 2016 as amended November 4, 2016 be further amended to read:

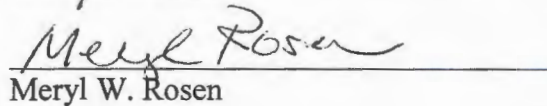
ORDERED, that the Settlement Agreement dated July 8, 2016 (Petitioner's Exhibit No. 7) and the red-lined site plan attached thereto dated March 8, 2017 be and the same are hereby incorporated into and made a part of this Order, thereby replacing Petitioner's Exhibit No. 4.

Any Petition for Judicial Review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

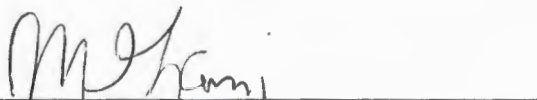
**BOARD OF APPEALS
OF BALTIMORE COUNTY**

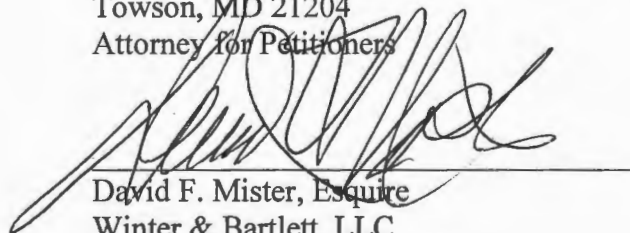

Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen

Approved as to form:


J. Neil Lanzi, Esquire
Wright, Constable & Skeen, LLC
102 W. Pennsylvania Avenue, Suite 406
Towson, MD 21204
Attorney for Petitioners


David F. Mister, Esquire
Winter & Bartlett, LLC
30 E. Padonia Road, Suite 304
Timonium, MD 21093
Attorney for Protestants



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 29, 2017

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*
Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the Consent Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Ellen McBarron Burger
Kirsten Burger
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

John and Maria Pycha
Judith Wilson
Richard Edmunds
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180
FAX: 410-887-3182

January 18, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

Re: Revision to Settlement Order and red-lined site plan attached thereto.

ASSIGNED FOR: **THURSDAY, MARCH 9, 2017, AT 9:30 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

c:	Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
	Petitioners/Legal Owners	: Ellen McBarron Burger and Kirsten Burger
	Counsel for Protestants	: David F. Mister, Esquire
	Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

IN THE MATTER OF
Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* * * * *

RULING ON JOINT MOTION FOR REVISORY ORDER

This case comes to the Board on a Joint Motion to Revise this Board's Opinion and Order dated October 24, 2016 (the "Opinion") granting the Petition of Special Hearing filed pursuant to BCZR §1A04.3B.1 to allow a property area less than 1 ½ acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979 and a Petition for Variance filed pursuant to BCZR §1A04.3B.2.b to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street, and our subsequent Amended Opinion correcting the setback distance (the "Amended Opinion").

A Settlement Agreement with an attached red-lined site plan were incorporated into the Board's Opinion and Amended Opinion at the request of the Parties. The Settlement Agreement and Red-lined Site Plan refer to stone walls and indicate that the "stone walls, remains of barn foundation to be removed." A Joint Motion for Revisory Order was filed by the parties on November 16, 2016. A public deliberation on the Joint Motion to Revise was held on December 15, 2016.

The Joint Motion for Revisory Order states that an error was made by this Board in allowing the language regarding the stone wall removal to remain in our Opinion and Order. The Parties are now requesting, pursuant to Rule 11, that the language regarding the removal of the stone wall be changed and/or deleted by this Board. The Rules of Practice and Procedure of the

County Board of Appeals, located in Appendix B of the *Baltimore County Code*, provide the Board with revisory powers of our decisions. Rule 11 states:

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

In reviewing the Joint Motion under Rule 11, this Board finds that the error on the Red-Lined Site Plan was the error of the parties and not the error of the Board. The Board is not authorized by the *Baltimore County Code* or otherwise to change evidence which has already been accepted by the Board after a hearing and after the record is closed. Further, the Settlement Agreement and Red Lined Site Plan were agreed to, and submitted by, the Parties.

However, prior to entering an Order on the Joint Motion to Revise, the Board will treat the Joint Motion to Revise as a Motion for Reconsideration pursuant to Rule 10 of our Rules of Practice and Procedure which state in pertinent part:

A party may file a motion for reconsideration of an order of the board of appeals. The motion shall be filed within thirty (30) days after the date of the original order...After public deliberation and in its discretion, the board may convene a hearing to receive testimony or argument or both on the motion. Each party participating in the hearing on the motion shall be limited to testimony or argument only with respect to the motion; the board may not receive additional testimony with respect to the substantive matter of the case...

Accordingly, an additional hearing will be scheduled to allow the parties to submit a revised Settlement Agreement and/or Red-Lined Site Plan, the contents of which they shall agree.

THEREFORE, it is this 12th day of January, 2017 by the Board of Appeals for Baltimore County,

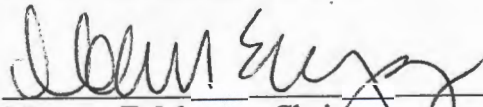
ORDERED, that the Joint Motion for Revisory Order shall be considered as a Motion for Reconsideration; and it is further,

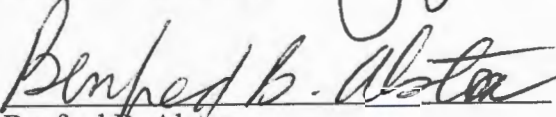
Ruling on Joint Motion to Revise
In the matter of: Ellen McBaron Burger and Kirsten Burger
Case number 16-158-SPHA

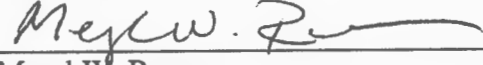
ORDERED, that the Motion for Reconsideration is GRANTED upon the condition that the Parties submit to the Board a revised Settlement Agreement and/or Red-Lined Site Plan at a hearing to be scheduled; and it is further

ORDERED, that a final Opinion will be issued by this Board with no further action to be taken on this Ruling until such time as the Board's final Opinion and Order are issued.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 12, 2017

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*
Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the Ruling on Joint Motion for Revisory Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Ellen McBarron Burger
Kirsten Burger
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

John and Maria Pycha
Judith Wilson
Richard Edmunds
Office of People's Counsel

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger– Legal Owners 16-158-SPHA

DATE: December 15, 2016

BOARD/PANEL: Maureen E. Murphy, Panel Chair
Meryl W. Rosen
Benfred B. Alston

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the Joint Motion to Revise submitted by the parties.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

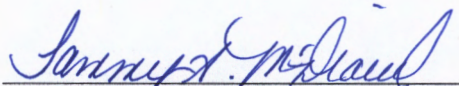
STANDING

- The Board reviewed the history of this case and the Joint Motion to Revise.
- At the hearing in this matter, the parties submitted a Settlement Agreement which had a Site Plan attached. Mr. Doak prepared the Site Plan, and testified at the hearing. The Site Plan contained a notation that the barn wall was to be removed. When the Board prepared its Order, they incorporated the Settlement Agreement.
- In the Joint Motion to Revise, the parties request the Board to revise its Order to delete the notation on the Site Plan that the barn wall is to be removed.
- The Board noted that pursuant to its Rules, that within 30 days they have revisory power over the Order in the event of fraud, mistake or irregularity. In fact, the Board did issue an Amended Order in this matter as it related to the setback. However, there is no mechanism in the Board's Rules to reopen the case to change evidence already submitted.
- The Board noted that the record in this case is closed and they can't tamper with the evidence presented. The mistake on the Site Plan was made by the parties, not the Board.

FINAL DECISION: After thorough review of the facts and law in the matter, the Board unanimously agreed to treat the Joint Motion to Revise as a Motion for Reconsideration and set the case in for a hearing if the parties wish to jointly submit a Revised or Amended Site Plan.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. McDiarmid



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 22, 2016

NOTICE OF PUBLIC DELIBERATION **ON JOINT MOTION TO REVISE**

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

A Joint Motion to Revise the October 24, 2016 Order of the Board of Appeals of Baltimore County was filed on November 16, 2016. A public deliberation has been scheduled for the following:

DATE AND TIME: THURSDAY, DECEMBER 15, 2016 at 9:30 a.m.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c:	Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
	Petitioners/Legal Owners	: Ellen McBarron Burger and Kirsten Burger
	Counsel for Protestants	: David F. Mister, Esquire
	Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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SECOND FLOOR, SUITE 203
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TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 22, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

Re: In the matter of Ellen McBarron Burger and Kirsten Burger
Case number: 16-158-SPHA

Dear Counsel:

This letter will acknowledge receipt of your Joint Motion to Revise the October 24, 2016 Order of the Board of Appeals of Baltimore County in the above referenced subject matter. A copy of your Motion for Revise, will be forwarded to the appropriate Board members for their review. A public deliberation has been scheduled and the Notice is attached.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Duplicate Original



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917

J. NEIL LANZI

Email: nlanzi@wcslaw.com

November 16, 2016

HAND-DELIVERED

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
Jefferson Building, 2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
NOV 16 2016

BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: Ellen McBarron Burger and
Kirsten Burger- Legal Owners
Case No. 16-158-SPHA

Dear Ms. Cannington:

Enclosed please find a Joint Motion to Revise the October 24, 2016 Order of the Board of Appeals of Baltimore County in the above referenced case.

Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

cc: David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Peter Max Zimmerman, People's Counsel for Baltimore County
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Devonfield Drive, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013
Bruce Doak
Ellen McBarron Burger
Kirsten Burger

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

RECEIVED
NOV 16 2016

BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *

JOINT MOTION FOR REVISORY ORDER

Petitioners, Ellen McBarron Burger and Kirsten Burger, as Trustees of the Ellen McBarron Burger Revocable Trust, legal owners ("Petitioners"), by their counsel, J. Neil Lanzi, Esquire and Wright, Constable & Skeen, LLP and David Mister, Esquire for himself and on behalf of Maria Pycha, John Pycha, Judith Wilson and Richard Edmunds (collectively "Protestants"), respectfully requests the Board of Appeals of Baltimore County ("Board") to revise its Final Opinion and Order dated October 24, 2016, as amended on November 4, 2016, and for reasons states:

1. Rule 11 of the Board Rules of Practice and Procedure states as follows:

Within thirty days after the entry of an Order, the Board shall have revisory power and control over the Order in the event of fraud, mistake or irregularity.

2. The Board, in its Opinion and Order dated October 24, 2016 ("Order") incorporated the Settlement Agreement dated July 8, 2016 ("Settlement Agreement") between Petitioners and Protestants and the Site Plan attached thereto as part of the Order.

3. A mistake was made in the Order.

4. The Settlement Agreement (Petitioners' Exhibit 4 at the Board Hearing) lists certain design requirements as contained in the RC 5 performance standards set forth in the Baltimore County Zoning Regulations ("BCZR"), including:

c. Integrate, where possible, significant features of this site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks and gardens, into the site design, and retain the existing character of the features and their settings.

d. Coordinate building design, site layout and grading so that grade transitions are gradual and respect the existing topography.

5. The Site Plan attached to the Settlement Agreement describes the old bank barn foundation located on Petitioners' Property as "stone walls, remains of barn foundation to be removed."

6. Petitioner Ellen Burger testified the bank barn was a distinctive building and its stone walls were a unique feature of the subject Property.

7. Bruce Doak, registered land surveyor testified the Property was unique for various reasons including existence of the old stone foundation walls and indicated that, without the variance relief for setbacks, the stone walls would have to be removed in order to build a house consistent with other homes in the neighborhood.

8. Laura Thomas, Petitioners' expert architect, testified as to the uniqueness of the Property indicating as correctly stated by the Board that "she was amenable to using the stone walls in the design or as an outdoor area, she did not want retention of the stone walls remaining to be a condition in our Order".

9. Petitioners, through counsel and after inquiring of Protestant's counsel during the hearing, proffered testimony and a request that retaining or removing the barn foundation walls not be a condition of the Board's Order so that the decision as to whether remove or retain the barn foundation walls would ultimately be the decision of the purchaser of Petitioners' Property when designing their new residence.

10. Protestants, through counsel David Mister, had no objection to the proffered testimony and request of Petitioners.

11. Notwithstanding the language on the Site Plan attached to the Settlement Agreement, all of the uncontroverted testimony clarified the note on the Site Plan clearly establishing the barn foundation walls did not have to be removed or retained as a condition to the Order.

12. The Board has the power to revise its Order in the event of mistake pursuant to Rule 11.

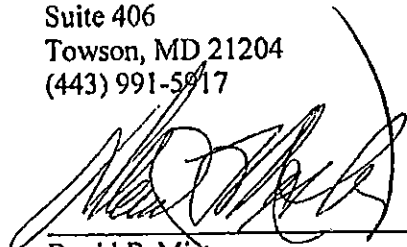
WHEREFORE, Petitioners and Protestants respectfully request:

1. The Board further revise its Opinion and Order as amended to incorporate language that states, notwithstanding the Site Plan attached to the Settlement Agreement, the removal or retention of the barn foundation walls, be and the same, shall be at the discretion of the future owner of the Property and shall not be a condition of the Board's Order; and

2. Provide such other and further relief as is necessary.



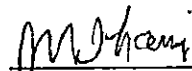
J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, MD 21204
(443) 991-5917



David F. Mister
13604 Brookline Road
Baldwin, MD 21013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16th day of November, 2016, a copy of the foregoing Joint Motion For Revisory Order was mailed, postage prepaid, to Maria Pycha, 13612 Brookline Road, Baldwin, Maryland 21013; Judith Wilson, 13612 Devonfield Drive, Baldwin, Maryland 21013; Richard Edmunds, 13609 Brookline Road, Baldwin, Maryland 21013; Peter Max Zimmerman and Carole S. Demilio, People's Counsel for Baltimore County, Jefferson Building, Room 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204.



J. Neil Lanzi

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* * * * *

SECOND AMENDED OPINION

On October 24, 2016, this Board issued an Opinion and Order in the above captioned matter.

On November 4, 2016, this Board amended its October 24, 2016 Opinion and Order to correct the Variance relief from a setback of 30 feet in lieu of the required 50 feet to a setback of 40 feet in lieu of the required 50 feet.

A Joint Motion To Revise the Board's October 24, 2016 Order was filed on November 16, 2016, where it was brought to our attention that the site plan attached to the Settlement Agreement dated July 8, 2016 (Petitioner's Exhibit 4) contained a mutual mistake by the parties with regard to the removal of the stone walls of a barn foundation on the Petitioner's Property. The uncontradicted testimony presented to the Board established the removal of the stone walls remaining from the barn foundation should not be a condition of the Board's Order and instead should be subject to the discretion of the future owners of the subject property.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within 30 days after the entry of an order, the Board shall have revisory power and control over the order, in the event of fraud, mistake or irregularity.

Accordingly, the Board has reviewed its Opinion and Order issued in these proceedings, the Joint Motion to Revise the Board's Order and finds that an error existed within that Order. Accordingly, the Board will amend their Order to reflect that, notwithstanding the site plan language attached to the July 8, 2016 Settlement Agreement (Petitioner's Exhibit 4) which states "stone walls, remains of barn foundation to be removed", the retention or removal of the stone walls, remains of barn foundation on the subject property, shall be up to the discretion of the property owner.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued October 24, 2016 and as amended November 4, 2016.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**

Maureen E. Murphy, Chairman

Benfred B. Alston

Meryl W. Rosen



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

11/7/16
TO WCP
(File)

November 4, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*
Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the Amended Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Ellen McBarron Burger
Kirsten Burger
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law
John and Maria Pycha
Judith Wilson
Richard Edmunds
Office of People's Counsel

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* * * * *

AMENDED OPINION

On October 24, 2016, this Board issued an Opinion and Order in the above-captioned matter.

On October 28, 2016, it was brought to our attention that the Order incorrectly stated:

Petition for Variance filed pursuant to BCZR §1A04.3B.2.b to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street, be, and the same is hereby **GRANTED**.

The parties entered into a Settlement Agreement, dated July 8, 2016, which was incorporated into the Opinion and Order, wherein they agreed that the Variance relief would allow a setback of 40 feet in lieu of the required 50 feet.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

Accordingly, the Board has reviewed its Opinion and Order issued in these proceedings and finds that an error existed within that Order. Accordingly, the Board will amend their Order to reflect the agreed upon setback.

IT IS THEREFORE ORDERED that the Order is hereby amended to read:

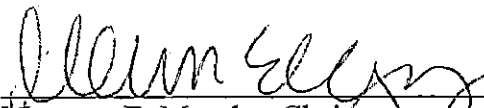
ORDERED, that the relief requested in the Petition for Special Hearing and Petition for Variance, be, and the same is hereby **GRANTED** pursuant to the Settlement Agreement dated July

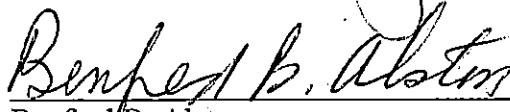
Amended Opinion
In the matter of: Ellen McBaron Burger and Kirsten Burger
Case number 16-158-SPHA

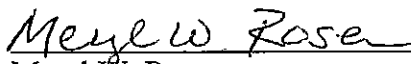
8, 2016 (Pet. Ex. 4) and the Site Plan attached thereto, which are hereby incorporated into and made a part of this Order.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued October 24, 2016.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen



Board of Appeals of Baltimore County

JEFFERSON BUILDING
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November 4, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*
Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the Amended Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c:	Ellen McBarron Burger	John and Maria Pycha
	Kirsten Burger	Judith Wilson
	Bruce E. Doak/Bruce E. Doak Consulting, LLC	Richard Edmunds
	Lawrence M. Stahl, Managing Administrative Law Judge	Office of People's Counsel
	Andrea Van Arsdale, Director/Department of Planning	
	Arnold Jablon, Deputy Administrative Officer, and Director/PAI	
	Nancy C. West, Assistant County Attorney/Office of Law	
	Michael E. Field, County Attorney/Office of Law	

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* * * * *

OPINION

This case comes to the Board on appeal of an Opinion and Order of the Administrative Law Judge ("ALJ") dated March 1, 2016 dismissing as moot the Petition for Special Hearing filed pursuant to BCZR §1A04.3B.1 and denying the Petition for Variance filed pursuant to BCZR §1A04.3B.2.b, as well as an Opinion and Order on Motion for Reconsideration dated April 22, 2016, denying the Motion for Reconsideration but permitting a single family dwelling to be constructed under BCZR §304, provided the height and setback requirements are met.

A *de novo* public hearing was held before this Board on September 14, 2016. Petitioners, Ellen McBarron Burger and Kirsten Burger, as Trustees of the Ellen McBarron Burger Revocable Trust were represented by J. Neil Lanzi, Esquire and Wright, Constable & Skeen (hereinafter, the "Petitioners"). David F. Mister, Esquire represented himself as a Protestant, as well as Maria Pycha, Judith Wilson and Richard Edmunds (hereinafter, the "Protestants"). A public deliberation was held on October 6, 2016.

Factual Background

Petitioners are the Trustees of a revocable trust which owns the property located at 13607 Brookline Road, Baldwin, MD 21013 in the northeastern section of Baltimore County, in a subdivision known as Carroll Manor (the "Property"). (Pet. Ex. 3). The Property, identified as Lot

No. 11, consists of 1.04 acres and is unimproved, except for an old stone foundation wall. (Pet. Ex. 1). The Property is zoned RC 5.

Evidence

At the hearing, the Parties represented to the Board that they had reached a settlement agreement as to all outstanding issues between them. As a result, the Petitioners proceeded by way of a proffer on some facts and by way of direct testimony on other facts, without dispute or evidence to the contrary presented by the Protestants.

Mr. Lanzi proffered that the Petitioners desire to sell Lot 11 but need the relief requested in order to build a house which is consistent with the other homes in the neighborhood and which meets the Performance Standards for homes in the RC5 zone. Mr. Lanzi indicated that the requests here had the support of the community and that the settlement agreement reached would be made a part of an Order by this Board so that it would be binding on all parties in the future.

Mrs. Ellen Burger testified at the hearing and explained that she purchased 13609 Brookline Road, also known as Lot No. 12, in the 1960s. The Deed dated June 7, 2012 and recorded in the Land Records of Baltimore County at Liber 32196, Folio 466, indicates that Mrs. Ellen Burger and her husband Edward D. Burger, purchased Lot 12 on December 21, 1962. Lot 12 is improved with a single family home, is located next to Lot No. 11. Mrs. Burger explained that Lot No. 12 was used by her family as their home. Another Deed dated May 28, 1965, Liber 4464, Folio 302, indicates that Mr. and Mrs. Burger also purchased Lot 11. During the time that the family resided on Lot 12, they used Lot No. 11 for recreational purposes.

Mrs. Burger introduced and explained a series of photographs of both Lots. (Pet. 5A-5N). Several of the photographs depict the old stone wall which Mrs. Burger described was the foundation for a bank barn. (Pet. Ex. 5D, 5I-5N). There is a concrete or asphalt basketball court contained within the stone walls. (Pet. Ex. 5J, 5N). Mrs. Burger stated that the stone walls were a

unique feature of the Property. She also stated that Lot No.11 was the last available lot in Carroll Manor and thus, it was very desirable on the buying market.

Bruce E. Doak, a registered land surveyor, prepared the Site Plan and Redlined Site Plan. (Pet. Exs. 1 and 2). Mr. Doak opined that the Property was unique due to the old stone walls which measure 8' in height; due to the topography; and due to the septic reserve area located in the front of the Property. He testified that the stone walls - while old - are not historic and need to be removed in order to build a house that is consistent with other homes in the neighborhood. Without a variance, any potential house would have to be rotated to meet the RC5 setbacks but would then encroach on the septic reserve area in the front. The septic reserve area is particularly large and cannot be moved to the back of the Property. If the house is rotated to meet the RC5 setbacks, the front door would not face Brookline Road but would face 13605 or 13609. The Redlined Site Plan shows the proposed home located in a place even with, and similarly oriented to, the homes located at 13605 and 13609. (Pet. Ex. 2). Without the relief, he indicated that the Petitioners would not be able to meet the Performance Standards in BCZR §1A04.4.

Mr. Doak described the topography of Lot 11 as being different from the topography of the neighboring homes. The topography of Lot 11 slopes down more in the rear of the Property than the other properties in the area. The Site Plan shows how the topography lines differ between the Properties. (Pet. Ex. 1). Accordingly, we find that it would not be possible to build the home in the rear of the Property.

Mr. Doak further stated that if the relief requested is granted, the home to be built would not be detrimental to the neighborhood. He advocated that the RC5 regulations, which went into effect after the Petitioners owned the Property, impact this Property disproportionately from other properties in the neighborhood because the other homes in Carroll Manor were built with different setbacks and without any required Performance Standards. The RC5 regulations, he suggested,

make it more difficult to build a home on this Property. Without the relief here, the home would alter the essential character of the neighborhood for the reasons he described.

Also testifying on behalf of the Petitioners was Laura Thomas, a licensed Maryland architect. Ms. Thomas testified that in her opinion, the property was extremely unique and presented unusual challenges as a building lot. If the front door did not face Brookline Road, the proposed home would change the fabric of the neighborhood. In order to meet the setbacks, the home would be long and narrow and therefore inconsistent with the orientation of the neighboring homes. Although she was amenable to using the stone walls in the design or as an outdoor area, she did not want retention of the stone walls remaining to be a condition in our Order.

As previously indicated, the Protestants did not offer any evidence. Mr. Mister represented that he and the other Protestants executed the Settlement Agreement and that it should be incorporated into our Order. (Pet. Ex. 4).

Law

In order for an area variance to be granted, this Board must be convinced that the Petitioners have met their burden of proof as to both "uniqueness" and "hardship." Section 307.1 of the BCZR states, in pertinent part, as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

This Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691, 698 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."

The *Cromwell* Court explained the legal concept of "uniqueness" by stating:

'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e. shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstruction) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.

The *Cromwell* Court connected the variance law in Baltimore County with the law in Maryland and emphasized that:

We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists.

Id. at 710.

In requiring a finding of "uniqueness", the Court of Special Appeals in *Cromwell* referred to the definition of "uniqueness" provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting

properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls....

Id. at 710.

If the Property is determined to be "unique," then the issue is whether practical difficulties also exist. Toward this end, the Board acknowledges that a variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his/her property. *McLean v. Soley*, 270 Md. 208 (1973); *Trinity Assembly of God v. People's Counsel*, 407 Md. 53 (2008).

To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean at 214-215.

Decision

In this case, the Petitioners are seeking Special Hearing relief to use a lot having an area of less than 1½ acres (1.04 acres) as required in BCZR §1A04.3B.1.a and for a variance from the Building Setbacks in BCZR §1A04.3B.2.b which reads in pertinent part as follows:

- b. Any principal building hereafter constructed in an RC5 Zone shall be situated...at least 50 feet from any lot line other than a street line...

As to the lot size, BCZR, §1A04.3B.1.b.(1) permits the Petitioners to request a Special Hearing to alter the minimum lot size because the Lot in this case was in existence prior to

September 2, 2003 and does not meet the minimum acreage requirement or the minimum building setbacks. The only condition to requesting the Special Hearing is that the Petitioners may not alter the Performance Standards set forth in BCZR §1A04.4 for RC5. Based on the Deeds submitted, we find that the Petitioners have owned Lot 11 since May 28, 1965. (Pet. Ex. 3).

Accordingly, the Petitioners are required to comply with the Performance Standards in BCZR §1A04.4. In order to meet the Performance Standards, the Petitioners need a variance from the 50' setbacks. Applying the holdings above to the facts of this case, we find that a variance request should be granted.

Under *Cromwell and Trinity Assembly, supra*, the Board finds, based on the undisputed testimony of Bruce Doak, and the photographs submitted by Mrs. Burger, that the Property is 'unique' because, unlike the properties in the area, this Property contains the remnants of an old stone foundation upon which a barn once stood; the topography of this Property slopes to the rear and the septic reserve encompasses a large portion of the front of the Property.

The evidence produced revealed that the other properties in the neighborhood do not have an old stone barn foundation. The evidence further revealed that the topography of the neighboring properties do not slope toward the rear to the same extent as this Property. Finally, the evidence showed that the septic reserve area cannot be moved from the front to the rear, thus limiting the area where a proposed home could be located.

As a result of these 'unique' features, we also find that strict compliance with BCZR §1A04.3B.2.b would result in practical difficulty and unreasonable hardship. Applying the factors in *McLean, supra*, we first find that strict compliance with the RC5 area setbacks would unreasonably prevent the use of the property for the permitted purpose of building a home because the Petitioners could not meet both the 50' setbacks and the Performance Standards.

As to the second factor, we find that the grant of the area variance applied for would do substantial justice to the Petitioners as well as the Protestants because the proposed home would be more consistent with all the other homes in the neighborhood. The intent of the Performance Standards is to "ensure that rural residential development conforms with a quality of design that maintains and reflects the rural character of the County." (BCZR §1A04.4B.1.) The photographs of the other homes on this neighborhood reflect the well-maintained, 1960s two-story ranch style homes, with large front yards set back from Brookline Road, lined up with one another, and with front doors facing that road. If this proposed home is set within the 50' setbacks, it would be rotated such that it would encroach on the septic reserve area and would be out of character with the positioning of the homes on neighboring lots.

Finally, we find that the variance relief can be granted here such that it is within the spirit of the building setback regulations and Performance Standards and that public safety and welfare would still be secured. We find in this case, that the orientation and location of the proposed home on this lot, located on this road, as it will be situated among existing homes of similar style, are significant factors here when evaluating whether the spirit of the regulation has been met.

We note that the Protestants entered into a Settlement Agreement which is attached and incorporated into the Site Plan (Pet. Ex. 1). Both the Settlement Agreement and Site Plan will be incorporated into our Order.

For the foregoing reasons, the Petitioner's Special Hearing request and Petition for variance is granted.

ORDER

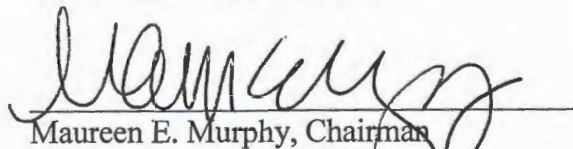
THEREFORE, IT IS THIS 24th day of October, 2016, by the Board of Appeals of Baltimore County,

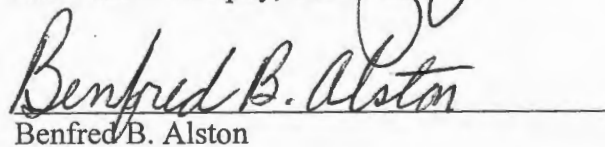
ORDERED, that the Petition for Special Hearing filed pursuant to BCZR §1A04.3B.1 to allow a property area less than 1 ½ acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979 and a Petition for Variance filed pursuant to BCZR §1A04.3B.2.b to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street, be, and the same is hereby **GRANTED**; and it is further,

ORDERED, that the Settlement Agreement dated July 8, 2016 (Pet. Ex. 4) and the Site Plan attached thereto, be and the same are hereby incorporated into and made a part of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen



Board of Appeals of Baltimore County

JEFFERSON BUILDING
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October 24, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*

Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Ellen McBarron Burger
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Bruce E. Doak/Bruce E. Doak Consulting, LLC
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Office of People's Counsel



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917

J. NEIL LANZI

Writer's Direct Dial / Email:

(667) 206-4610 /nlanzi@wcslaw.com

July 8, 2016

David F. Mister, Esquire
Winter & Bartlett, LLC
30 E. Padonia Road, Suite 404
Timonium, MD 21093

Re: Proposed Letter Agreement

Dear David:

This letter proposal is in response to the counter-proposal presented by you on behalf of certain neighbors on July 1, 2016 regarding the Burger property known as 13607 Brookline Road and the pending appeal with the Baltimore County Board of Appeals, Case No. 2016-0158-SPHA. This proposal is made without prejudice and shall remain open until July 15, 2016, after which time Petitioners intend to file for undersized lot approval and dismiss the appeal.

1. Petitioners/Owners. Ellen McBarron Burger and Kirsten Burger as Trustees of the Ellen McBarron Burger Revocable Trust dated January 18, 2000.

2. Protestants/Interested Parties. David F. Mister, Esquire, 13604 Brookline Road, Baltimore, Maryland 21013; John and Maria Pycha 13612 Brookline Road, Baltimore, Maryland 21013; Judith Wilson, 13612 Devonfield Drive, Baltimore, Maryland 21013; and Richard Edmunds, 13609 Brookline Road, Baltimore, Maryland 21013.

3. Property. Lot 11, Block D as shown on the Plat entitled, "Section 1, Carroll Manor", currently known as 13607 Brookline Road consisting of 1.04 acres currently zoned RC5.

4. Zoning Relief Requested.

A. Variance to allow a setback of 40 ft. in lieu of the required 50 ft. from the two side property lot lines.

B. Variance to allow a property area of 1.04 acres in lieu of 1.5 acres and a density less than 0.5 for existing lots created before 1979 per Section 1A04.3.B.1(a) of the B.C.Z.R.

5. Proposed Residence Location. As shown on the site plan attached as Exhibit 1, the front of the proposed residence will be oriented to face Brookline Road. The front setback from the

Petitioner
CBA Exhibit

4

middle of Brookline Road to the front building envelope shall be 95 ft. and the front of the proposed residence shall be in line with the two adjoining houses. The side setbacks on either sides of the building envelope shall be a minimum of 40 ft. The rear yard setback from the proposed building envelope to the rear property line shall be 40 ft.

6. Driveway. The proposed driveway shall be either on the right or left side of the septic reserve area as shown on the attached site plan. The final location shall be at the discretion of the purchaser of the Property subject to the recommendation of the purchaser's builder taking into consideration Section 8B (retaining vegetation to the fullest extent possible) of this Agreement and determining the most practical location for the driveway connection between the public road and the garage for any proposed residence on the Property. The edge of paving of the final location of the driveway shall be a minimum of 10 feet from the property line.

7. Proposed Residence Details. The proposed residence shall be subject to the Baltimore County performance standards for properties located in the RC5 zone, specifically Section 1A04.4 of the B.C.Z.R. The residence shall be a minimum of 2,000 sq. ft. with a maximum of 4,000 sq. ft. and a height of less than 35 ft. per the B.C.Z.R.

8. Design. The design of the proposed residence shall be in keeping with the neighborhood and in accordance with the RC5 performance standards, specifically, the following:

A. Reflect the traditional rural character of the area in architectural form, scale, materials, detailing and landscaping context.

B. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of the remaining vegetation during construction.

C. Integrate, where possible, significant features of this site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks and gardens, into the site design, and retain the existing character of the features and their settings.

D. Coordinate building design, site layout and grading so that grade transitions are gradual and respect the existing topography.

E. Provide for smooth transitions between the proposed development and the surrounding rural area by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding vicinity.

F. Provide varietal transitions between proposed buildings and site improvements with respect to setbacks, street patterns and building-to-street grade relationships.

G. Integrate, where possible, building and design features that will limit the amount of impermeable surface and minimize storm water run-off.

H. Provide landscaping which includes tree and shrubbery plantings that are water loving and are highly water absorbing in nature.

9. Site Plan/Building Permit. Petitioner will present the site plan attached as Exhibit 1 to the Baltimore County Board of Appeals subject to the conditions listed above. Protestants/Interested Parties agree to support the site plan and proposed zoning relief as described above at the hearing before the Baltimore County Board of Appeals and/or Administrative Law Judge. Protestants/Interested Parties further agree to not directly or indirectly take any steps to delay or hinder Petitioners' application for building permit approval.

10. Binding Agreement. This Agreement and the conditions thereon, including any resulting Zoning Order from the Administrative Law Judge and/or the Board of Appeals, shall attach to and run with the land to any contract purchasers of the subject property. This Agreement shall be binding on the parties hereto, their successors, personal representatives and assigns.

11. Use of Property. The land shall be used only for residential uses as allowed in the RC5 zone or any subsequent residential zone applied to the property.

12. Conditions. The obligations of the Petitioners/Owners shall not become effective and binding upon the Petitioners/Owners unless the requested zoning relief has been granted in accordance with the Petitioners/Owners' request and no appeals filed by anyone.

13. Miscellaneous.

A. Notwithstanding anything to the contrary, the provisions of this Agreement shall terminate and be of no further force and effect in the event any of the Protestants/Interested Parties (or any other third party not a party to this Agreement) object or in any way impede Petitioners' application for zoning relief and/or building permit application for a proposed residence on the property.

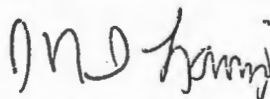
B. If any Party to this Agreement or its successors and/or assigns is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of the Agreement, that party or its successors or assigns, shall be entitled to recover reasonable attorney fees and other reasonable costs of the action from the person or entity against whom the enforcement is obtained.

C. This Agreement may be executed in counterparts and contains the entire understanding of the Parties. Electronic signatures shall be accepted as originals.

D. Each Party warrants it has carefully read and understands the agreement and has had ample time to consult with counsel of its choice.

In the event you agree with the terms provided above, please sign below.

Very truly yours,



J. Neil Lanzi

July 8, 2016
Page Four

I have read the above Letter Agreement and now execute confirming my acceptance of its terms.

DATE:

7-27-2016

7/27/2016

PETITIONERS/OWNERS:

Ellen McBarron Burger, Trustee
Ellen McBarron Burger, Trustee

Kirsten Burger, Trustee
Kirsten Burger, Trustee

PROTESTANTS/INTERESTED PARTIES

David F. Mister, Esquire

Maria Pycha

John Pycha

Judith Wilson

Richard Edmunds

[illegible][illegible]

Source: *U.S. Census Bureau, Current Population Reports, 1990*

1 The possible of them, they're to be agreed by a government and not by the people.
2 There are no other things that should be agreed by the people.
3 The other things that are to be agreed by the people are the things that are to be agreed by the people.
4 The other things that are to be agreed by the people are the things that are to be agreed by the people.

1. Attached hereto is the building permit for the proposed building.

L. TV sets used in apartment complex in 1960
and also used in building for 18 months.

1. The output for each input is a numerical value.
2. The output for each input is a numerical value.

PROPOSED DEVELOPMENT



Visually Map - Scale: 1" = 2000'
 ABC Due Map People - Purchased from J. KAHN



PLAY TO ACCOMPANY A
ZONING PETITION
FIRST REGULAR MEETING
LOT 11 SECTION 1 CHURCH AVE
PLAY BOOK FEB 20/79
BAILING (COURT, WARDEN)
THE ELECTION OFFICE 3-2 COUNCILMAN'S OFFICE

244	12/11/2013
	10:00 PM

--	--

1



KEVIN KAMENETZ
County Executive

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

May 23, 2016

J. Neil Lanzi, Esq.
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204

RECEIVED
MAY 23 2016

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2016-0158-SPHA
Location: 13607 Brookline Road

Dear Mr. Lanzi:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 20, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Devonfield Drive, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013
Bruce E. Doak, 3801 Schoolhouse Road, Freeland, Maryland 21053

APPEAL

**Petitions for Special Hearing and Variance
(13607 Brookline Road)
11th Election District – 3rd Councilmanic District
Legal Owners: Ellen McBarron Burger & Kirsten Burger
Case No. 2016-0158-SPHA**

Petitions for Special Hearing and Variance Hearing (January 7, 2016)

Zoning Description of Property

Notice of Zoning Hearing (January 13, 2016 for March 14, 2016 hearing)

Certificate of Publication (February 23, 2016)

Certificate of Posting (February 12, 2016) – Bruce E. Doak

Entry of Appearance by People's Counsel – January 14, 2016

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan
2. Title Deed
3. Plat Carroll Manor
4. SDAT Sheet
5. Aerial – My Neighborhood

Protestants' Exhibits:

1. Petition in Opposition

Miscellaneous (Not Marked as Exhibits) - NONE

Administrative Law Judge Order and Letter (DISMISSED AS MOOT AND DENIED –
(March 15, 2016)

Additional Information/Reconsideration on April 5, 2016 (date of letter incorrect) from Bruce E. Doak with Note from J. Neil Lanzi, Esq. on April 7, 2016

Motion for Reconsideration – J. Neil Lanzi, Esq. on April 13, 2016

Administrative Law Judge Order on Motion for Reconsideration (DENIED) on April 22, 2016

Notice & Receipt of Appeal – J. Neil Lanzi, Esq. on May 20, 2016

CD Proceeding (1), if needed

RECEIVED
MAY 23 2016

BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

**Petitions for Special Hearing and Variance
(13607 Brookline Road)
11th Election District – 3rd Councilmanic District
Legal Owners: Ellen McBarron Burger & Kirsten Burger
Case No. 2016-0158-SPHA**

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Miscellaneous (Not Marked as Exhibits) - NONE

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CD Proceeding (1), if needed

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(13607 Brookline Road)	*	OFFICE OF
11 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Ellen McBarrow Burger & Kirsten Burger		
<i>Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2016-0158-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners' Motion for Reconsideration of the March 15, 2016 Order issued in the above case. Petitioners set forth in their Motion certain facts which they contend justify variance relief. These are, for the most part, the same facts articulated by Mr. Doak at the March 14, 2016 hearing. I am mindful that counsel was not involved in the proceeding at that juncture, but do not believe the facts set forth in the Motion can support the grant of a variance. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." Cromwell v. Ward, 102 Md. App. 691, 699 (1995).

On the other hand, I believe Petitioners would be entitled to avail themselves of B.C.Z.R. §304, which governs the "use of undersized single family lots." Section 304.1 of the B.C.Z.R. is a grandfathering provision which provides as follows:

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

The lot (and subdivision) was recorded prior to 1955 and Petitioners do not own adjoining land which would enable them to comply with the regulations. Motion, ¶¶21-22. As such, they would be entitled to construct a single family dwelling on the undersized lot, provided all height and setback requirements were satisfied. In other words, the dwelling height must not exceed 35 feet, side and rear yard setbacks are 50 feet, and the front setback from the centerline of Brookline Road is 75 feet. B.C.Z.R. §1A04.3.B.2. The subject lot is 145 feet wide, which would enable Petitioners to construct a dwelling that is 45 feet wide, after accounting for the side yard setbacks. While I understand Petitioners' preference is to construct a house in the configuration shown on the site plan, I do not believe that can justify the grant of a variance. Counsel's point concerning the RC 5 zone performance standards is a valid one, although I am confident the Department of Planning in conducting its review would take into account the house orientation was dictated by the significant setbacks in the RC 5 zone.

It is important to note that under this regulation (unlike B.C.Z.R. §307 governing variances) the Petitioners do not need to establish the property is unique or that they would experience a hardship or practical difficulty if the regulations were strictly interpreted. Mueller v. People's Counsel, 177 Md. App. 43, 87 (2007) ("B.C.Z.R. § 304 does not contain elements of practical difficulty or uniqueness, which are embodied in § 307").

THEREFORE, IT IS ORDERED this 22nd day of April 2016, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED as concerns the petition for variance.

IT IS FURTHER ORDERED that Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with B.C.Z.R. §304, provided the height and setback requirements (as discussed above) are satisfied.

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

JEB/sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(13607 Brookline Road) *
11th Election District
3rd Council District *
Ellen McBarrow Burger & Kirsten Burger
Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0158-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Ellen McBarrow Burger & Kirsten Burger, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a property area (1.04 acres) less than 1.5 acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in §1A04.3.B.1.a of the B.C.Z.R. In addition, a Petition for Variance seeks to allow a setback of 30 ft. in lieu of the required 50 ft. from any lot line other than a street per §1A04.3.B.2.b of the B.C.Z.R. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Ellen McBarrow Burger & Kirsten Burger, legal owners. Bruce E. Doak, surveyor, assisted Petitioners. Several neighbors, represented by David Mister, Esq., attended the hearing and opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is 1.04 acres and zoned RC 5. The property is shown as Lot 11 on the plat of Carroll Manor (Petitioners' Exhibit 3), which was recorded in 1954. The lot is

ORDER RECEIVED FOR FILING

Date 3-15-16

By BW

unimproved, although it contains a foundation or remnants of a barn the neighbors believe is historic. It was stipulated the property or the foundation are not listed on the Baltimore County Landmarks List. Petitioners propose to construct a single family dwelling on the lot, but require zoning relief to do so.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have not met this test. Mr. Doak testified "the lot is not unique ... it looks like all the other lots." He argued that the property was nonetheless unique because, unlike the other lots with single family dwellings, the property was rezoned to RC 5 and Petitioners must comply with all current land use laws and regulations. While that may differentiate this property, it is not sufficient to establish the critical element of "uniqueness" required under Maryland law. To establish uniqueness a Petitioner must provide evidence the size, shape, topography, subsurface conditions, or environmental factors are unlike that of properties in the area. The court of special appeals has referred to these as "inherent characteristic[s]" of a property. *North v. St. Mary's County*, 99 Md. App. 502, 512 (1994).

THEREFORE, IT IS ORDERED this 15th day of **March, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a property area (1.04 acres) less than 1.5 acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in §1A04.3B.1.a of the B.C.Z.R., be and is hereby DISMISSED as Moot given the denial of the petition for variance.

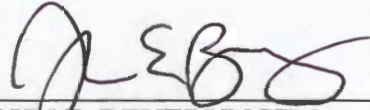
ORDER RECEIVED FOR FILING

Date 3-15-16

By [Signature]

IT IS FURTHER ORDERED that the Petition for Variance which seeks to allow a setback of 30 ft. in lieu of the required 50 ft. from any lot line other than a street per §1A04.3.B.2.b of the B.C.Z.R., be and is hereby DENIED.

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 3-15-16

By [Signature]



KEVIN KAMENETZ
County Executive

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

March 15, 2016

Bruce E. Doak
Bruce E. Doak Consultants
3801 Schoolhouse Road
Freeland, Maryland 21053

RE: Petitions for Special Hearing and Variance
Case No. 2016-0158-SPHA
Property: 13607 Brookline Road

Dear Mr. Doak:

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 typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Devonfield Drive, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1/21/16</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>1/19/16</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
<u>2/1/16</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>1/13/16</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: 2/23/16

SIGN POSTING Date: 2/12/16 by DOCK

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1102088801			
Owner Information					
Owner Name:	BURGER ELLEN MCBARRON TRUSTEE BURGER KIRSTEN TRUSTEE		Use:	RESIDENTIAL NO	
Mailing Address:	UNIT L606 2525 POT SPRING RD LUTHERVILLE MD 21093-2851		Deed Reference:	/32196/ 00466	
Location & Structure Information					
Premises Address:		BROOKLINE RD BALDWIN 21013-9762		Legal Description:	
CARROLL MANOR					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0044	0010	0245		0000	1 D 11 2015 0020/0079
Special Tax Areas:			Town: NONE Ad Valorem: NONE Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1.0400 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		10,400	10,400		
Improvements		0	0		
Total:		10,400	10,400	10,400	10,400
Preferential Land:		0			0
Transfer Information					
Seller:		Date: 06/15/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /32196/ 00466		Deed2:	
Seller:		Date:		Price: \$0	
Type:		Deed1: /04464/ 00302		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 11 Account Number - 1102088801							
Owner Information											
Owner Name:				BURGER ELLEN MCBARRON TRUSTEE				Use:		RESIDENTIAL	
				BURGER KIRSTEN TRUSTEE				Principal Residence:		NO	
Mailing Address:				UNIT L606				Deed Reference:		/32196/ 00466	
				2525 POT SPRING RD							
				LUTHERVILLE MD 21093-2851							
Location & Structure Information											
Premises Address:				BROOKLINE RD				Legal Description:			
				BALDWIN 21013-9762				CARROLL MANOR			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0044	0010	0245		0000	1	D	11	2018	Plat Ref:	0020/	0079
Special Tax Areas:				Town:				NONE			
				Ad Valorem:							
				Tax Class:							
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use			
						1.0400 AC		04			
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation				
Value Information											
			Base Value		Value		Phase-in Assessments				
					As of		As of		As of		
					01/01/2018		07/01/2017		07/01/2018		
Land:			10,400		10,400						
Improvements			0		0						
Total:			10,400		10,400		10,400		10,400		
Preferential Land:			0						0		
Transfer Information											
Seller:				Date: 06/15/2012				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /32196/ 00466				Deed2:			
Seller:				Date:				Price: \$0			
Type:				Deed1: /04464/ 00302				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				Deed2:			
Exemption Information											
Partial Exempt Assessments:		Class				07/01/2017		07/01/2018			
County:		000				0.00					
State:		000				0.00					
Municipal:		000				0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Homestead Application Information											
Homestead Application Status: No Application											
Homeowners' Tax Credit Application Information											
Homeowners' Tax Credit Application Status: No Application								Date:			

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 23, 2016 Issue - Jeffersonian

Please forward billing to:

Ellen McBarron Burger
2525 Pot Spring Road, Unit L606
Lutherville, MD 21093

410-419-4906

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: 2016-0158-SPHA

13607 Brookline Road

NE/s Brookline Road, 327 ft. NW of the centerline of Country Side Lane

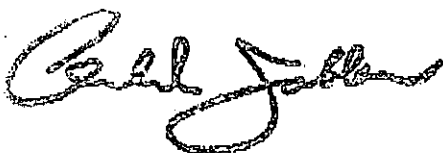
11th Election District – 3rd Councilmanic District

Legal Owners: Ellen McBarron Burger, Kirsten Burger

Special Hearing to allow a property area (1.04 acres) less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3Ba BCZR.

Variance to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR.

Hearing: Monday, March 14, 2016 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.



KEVIN KAMENETZ
County Executive

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

January 13, 2016

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: 2016-0158-SPHA

13607 Brookline Road

NE/s Brookline Road, 327 ft. NW of the centerline of Country Side Lane

11th Election District – 3rd Councilmanic District

Legal Owners: Ellen McBarron Burger, Kirsten Burger

Special Hearing to allow a property area (1.04 acres) less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3Ba BCZR.

Variance to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR.

Hearing: Monday, March 14, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Ms. McBarron-Burger, Ms. Burger, 2525 Pot Spring Road, Unit L606, Lutherville 21093
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 23, 2016.**
- (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.**



PETITION FOR ZONING HEARING(S)

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

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

Address 13607 BROOKLINE ROAD

which is presently zoned RC5

Deed References: JLE 32196/466

10 Digit Tax Account # 1102088801

Property Owner(s) Printed Name(s) ELLEN MCBARRON BURGER & KIRSTEN BURGER

TRUSTEES OF THE ELLEN MCBARRON BURGER REVOCABLE TRUST

(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

SEE ATTACHED SHEET

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 SHEET

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)

TO BE PRESENTED AT THE HEARING

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):

ELLEN MCBARRON BURGER KIRSTEN BURGER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2525 POT SPRING ROAD UNIT L606

Mailing Address

City

State

21093

Zip Code

410-419-4906

Telephone #

Email Address

(BRUCE) BOOAK@BRUCEDOAKCONSULTING.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING

Name - Type or Print

Signature

Mailing Address

City

State

21053

Zip Code

410-419-4906

Telephone #

Email Address

BOOAK@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2016-0158-SMHA

Filing Date 11/07/2016

Do Not Schedule Dates:

Reviewer W

Variances Requested:

- 1) To allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR

Special Hearing Requested:

- 1) To allow a property area (1.04 acres) less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3B1a BCZR

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

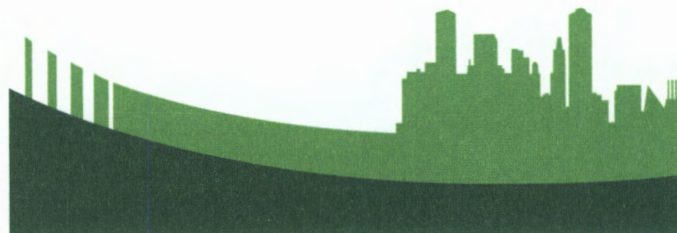
13607 Brookline Road
Eleventh Election District 3rd Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northeast side of Brookline Road, approximately 327 feet northwesterly from the center line of Country Side Lane along center line of Brookline Road and northeasterly 25 feet from the center line of Brookline Road,

Being Lot 11 Section 1 as shown on the plat entitled "Carroll Manor", which is recorded in the Land Records of Baltimore County in Plat Book GLB 20, page 79.

Containing 1.04 acres of land, more or less.

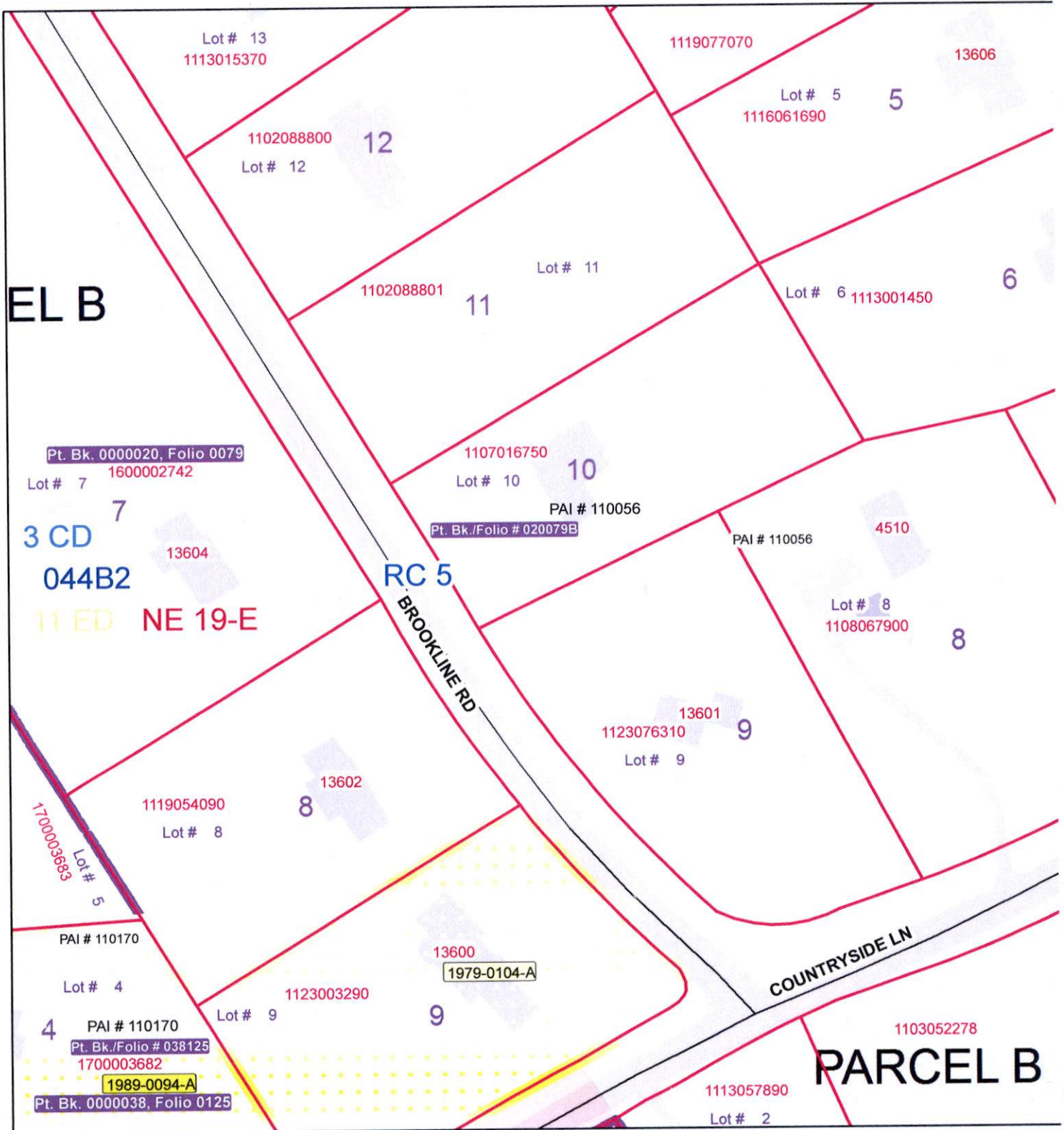
This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

CASE 2016-0158-SPHA

13607 Brookline Road 2016-0158-SPHA



Publication Date: 1/7/2016



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



0 25 50 100 150 200 Feet

1 inch = 100 feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate and should not be used for legal purposes. This data may be used for general information purposes only. This data may be used for general information purposes only.

PETITIONER'S

EXHIBIT NO. 5

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

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>).

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: CASE 2016-015B-SPHA

Petitioner: ELLEN MCBARRON BURGER & KIRSTEN BURGER

Address or Location: 13607 BROOKLINE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ELLEN M. BURGER

Address: 2525 POT SPRING ROAD

UNIT L606

LUTHERVILLE, MO 21093

Telephone Number: 410-419-9906

Revised 2/20/98 - SCJ

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

No. **134196**

Date: 1/7/16

PAID RECEIPT

BUSINESS - ACTUAL TIME IN

1/00/2016 1/07/2016 09:34:06

RECEIPT # 535008 1/07/2016

5 535 JONING VERIFICATION

134196

Receipt Tot: \$150.00

\$150.00 CR \$150.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	506	00007		6150				150.00

Total: 150.00

Rec From: E. Briggs - Reversible Trust

For: 12-07 Bonding - P.I.

2016-0150-SP4

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Board of Appeals

Case No: 16-158 SPHA

Case Name: Burger + Burger

Exhibit List

Party: Burger - Petitioner

Date: 9/14/

Exhibit No:	Description:
✓ 1	site plan
✓ 2	Redlined site plan - revised
✓ 3	Deed - Title Burger Trust + plat
✓ 4	Proposed Letter Agreement 7/8/16
✓ 5 A-N	Photos
3/9/17 ✓ 6	Revised Site Plan
3/9/17 KC ✓ 7	Same Settlement Agreement w/ Revised Site Plan
	VERIFIED BY <u>KC</u> DATE: <u>9/14/16</u>

This Deed is exempt from Recordation and Transfer Tax
pursuant to Maryland Tax-Property Code
Sections 12-108(cc) and 13-207(a)(23)

Deed

This Deed, dated January, 2012 from ELLEN McBARRON BURGER (also known as Ellen M. Burger) ("Grantor") to ELLEN McBARRON BURGER and KIRSTEN BURGER, Trustees of the ELLEN McBARRON BURGER REVOCABLE TRUST dated January 18, 2000, as amended and/or restated from time to time (the "Trust") ("Grantees"). *The Trust is not a business trust.*

Whereas, Edward D. Burger and Ellen McBarron Burger, husband and wife, were vested with fee simple title to the two (2) hereinafter described real properties (the "Properties"), as tenants by the entireties, by (i) Deed dated December 21, 1962 and (ii) Deed dated May 28, 1965 as set forth below, and the said Ellen McBarron Burger became sole owner by right of survivorship following the death of her husband, Edward D. Burger, on May 21, 2009; and

Whereas, on January 18, 2000, Grantor created the Trust for estate planning purposes and, in accordance with the said purposes, Grantor desires to convey to the Trust her entire interest in the Properties.

Now, Therefore, Grantor, for NO MONETARY CONSIDERATION, but for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the Grantees, on behalf of the Trust, their respective successors in trust and assigns, in fee simple, the Properties located in the Eleventh Election District of Baltimore County, State of Maryland, and described as follows:

Being for the First known and designated as Lot No. 12, Block D, as shown on a Plat entitled "Section 1, Carroll Manor", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 20, folio 79. The improvements thereon being known as 13609 Brookline Road, Baldwin, Maryland 21013.

Being the same Property described in a Deed dated December 21, 1962, and recorded among the said Land Records in Liber R.R.G. No. 4089, folio 190, from The Carroll Manor Company, to Edward D. Burger and Ellen M. Burger, husband and wife, as tenants by the entireties.

Being for the Second known and designated as Lot No. 11, Block D, as shown on a Plat entitled "Section 1, Carroll Manor", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 20, folio 79.

Being the same Property described in a Deed dated May 28, 1965, and recorded among the said Land Records in Liber R.R.G. No. 4464, folio 302, from The Carroll Manor Company, to Edward D. Burger and Ellen M. Burger, husband and wife, as tenants by the entireties.

Harbor City Research, Inc.
201 N. Charles St., Suite 900
Baltimore, MD 21201

GAT1504

#313

Petitioner
CBA Exhibit

3

Subject To the conditions and restrictions contained in a Deed from The Carroll Manor Company to Vincent W. Ambrose and wife dated October 1, 1954, and recorded among the Land Records of Baltimore County, Maryland in Liber G.L.B. No. 2567, folio 82.

Together With all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances, and advantages, belonging or appertaining thereto.

To Have and To Hold the Properties hereby conveyed to the Grantees, on behalf of the Trust, their respective successors in trust and assigns, in fee simple, forever.

Grantor covenants that she will warrant specially the Properties hereby granted and conveyed, and that she will execute such further assurances of the Properties as may be requisite.

Witness the hand and seal of Grantor.

Witness:



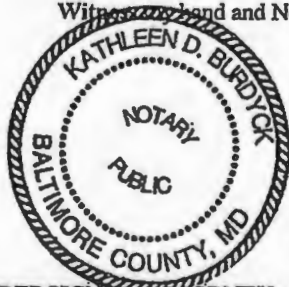
Ellen McBarron Burger (SEAL)
Ellen McBarron Burger

State of Maryland}

City/County of Baltimore to wit:

I Hereby Certify that on this 7th day of June, 2012, before me, a Notary Public for the aforesaid State, personally appeared Ellen McBarron Burger, known to me, (or satisfactorily proven) to be the person whose name is subscribed to this Deed, and who acknowledged that she executed the same for the purposes contained herein.

Witness my hand and Notarial Seal:



Kathleen D. Burdick (SEAL)
Notary Public
My Commission Expires: January 16, 2014

THE UNDERSIGNED ATTORNEY, ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND, HEREBY CERTIFIES THAT THE ABOVE INSTRUMENT HAS BEEN PREPARED BY HIM OR UNDER HIS SUPERVISION.

David H. Fishman
David H. Fishman, Attorney

After Recording, Return To:
Janice Portney, Paralegal
c/o Gordon Feinblatt LLC
The Garrett Building
233 East Redwood Street
Baltimore, Maryland 21202-3332

0032196 468

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 32196, p. 0468, MSA_CES2_32052, Date available 06/19/2012. Printed 04/04/2016.

State of Maryland Land Instrument Intake Sheet																																																																																																																																																																																																																																																				
☐ Baltimore City ☒ County, BALTIMORE Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)																																																																																																																																																																																																																																																				
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 JHP FD SURE 40.00
 RECORDING FEE 20.00
 TOTAL 60.00
 Rest BAO2 Rcpt # 25538
 JLE BC Bk # 1305
 Jun 15, 2012 03:38 PM

Space Reserved for County Validation

 Distribution: Wife - Clerk's Office Clerk - SDAT Canary - SDAT
 Pick - Office of Finance Goldenrod - Preparer

AOC-CC-300 (5/2007)

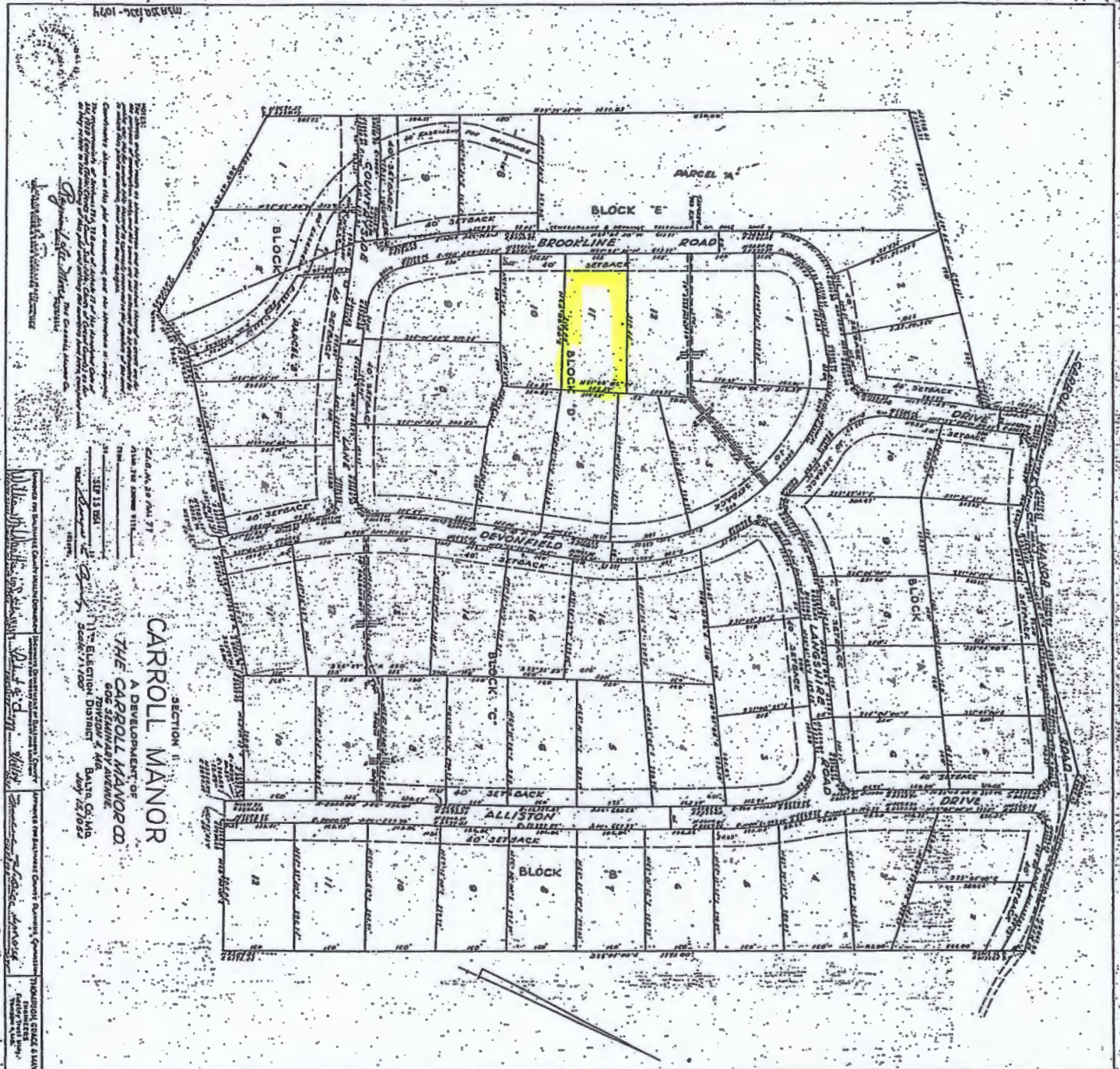
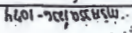


Exhibit 2

This Deed, Made this 28th day of May,

in the year one thousand nine hundred and sixty-five, by and between THE CARROLL MANOR COMPANY, a body corporate of the State of Maryland,

, of the first part, and

EDWARD D. BURGER and ELLEN M. BURGER, his wife,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said THE CARROLL MANOR COMPANY

does hereby grant and convey unto the said EDWARD D. BURGER and ELLEN M. BURGER, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor,

~~hereunto~~

in fee simple, all that lot(s) of ground, situate, lying and being in Baltimore County, ~~State of Maryland~~

, State of Maryland, and described as follows, that is to say:—

~~HEREIN~~

BEING KNOWN AND DESIGNATED as Lot No. 11, Block D, as shown on Plat of Section 1, Carroll Manor, which Plat is recorded among the Land Records of Baltimore County in Liber G.L.B. No. 20, folio 79.

BEING a portion of all that property which, by Deed dated November 3, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2386, folio 62, was granted and conveyed by John P. Raab and wife unto The Carroll Manor Company, in fee simple.

SUBJECT TO the conditions and restrictions contained in a Deed from The Carroll Manor Company to Vincent W. Ambrose and wife dated October 1, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2567, folio 82.



APR 28 1965

21.50 HSC

Exhibit 3

LIBER 4464 PAGE 303

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD D. BURGER and ELLEN M. BURGER, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor, in fee simple, subject to the conditions and restrictions hereinbefore referred to.

And the said party of the first part hereby covenants that ~~he~~ it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~he~~ it will warrant specially the property granted and that ~~he~~ it will execute such further assurances of the same as may be requisite.

Witness the ~~hand~~ corporate seal of said grantor duly attested, and the signature of its President.

Charles A. Trageser
Charles A. Trageser

THE CARROLL MANOR COMPANY
By *Henry E. Hagenfelder*
Henry E. Hagenfelder
President

State of Maryland, , to wit:
I HEREBY CERTIFY, That on this day of May, 19 65,
before me, the subscriber, a Notary Public of the State of Maryland, in and for
, personally appeared

President of The Carroll Manor Company, and acknowledged the foregoing Deed to be the act of said body corporate.
~~XXXXXX~~
~~XXXXXX~~
~~XXXXXX~~

In WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1965.



Record JUN 1 1965 at *10:15*

R. Gill, Clerk

Receipt No. *1816189* \$ *15.00*

1682386 PAGE 62

CHAS. J. PAGESER
ATTORNEY AT LAW
MUNST. BLDG.
BALTIMORE 2, MD.

FEE SIMPLE DEED—CODE—CITY OR COUNTY

This Deed. Made this *thirteenth* day of November

in the year one thousand nine hundred and fifty-three

by and between JOHN P. RAAB and JULIA O. RAAB, his wife, of Baltimore County, State of Maryland, parties of the first part, Grantors, and THE CARROLL MANOR COMPANY, a body corporate of Baltimore County, duly incorporated under the laws of the State of Maryland, party of the second part, Grantee.



Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said John P. Raab and Julia O. Raab, his wife, do grant and convey unto The Carroll Manor Company, a body corporate, its successors and assigns, in fee simple, all

that and interest therein

that lot of ground and premises
Eleventh Election District of
Baltimore County, State of Maryland,

more said and described as follows: that is to say

Beginning for the same at a stake now planted near the north side of the public road leading from Meely's Tavern to the Loppa and Manor Road, said point of beginning being also the beginning mentioned in the deed dated November 25, 1897, and recorded among the Land Records of Baltimore County in Liber P. K. No. 27, folio 35, etc., which was conveyed by Solomon Wright to Charles Reile, running thence bounding on part of the first line (also known as the first line of Wright's survey) of said deed south 19 degrees 48 minutes west 558 feet 8 inches, thence south 82 degrees 18 minutes east 20 feet 2 inches to a stone, the beginning of the tract which by deed dated November 1, 1880, and recorded among the Land Records of Baltimore County in Liber P. K. No. 120, folio 101, was conveyed by William H. Webster and wife to John W. Reile, running thence continuing the same course and binding reversely on the third line of the last mentioned deed 258 feet 3 inches to a point in the above mentioned public road, thence bounding reversely on the second line of said last mentioned deed south 18 degrees east 159 feet 9 inches to a stone, thence continuing the same course 6 feet to intersect the first line of the above mentioned land conveyed by Solomon Wright to Charles Reile, running thence binding on said first line south 19 degrees 48 minutes west 69 feet 1 inch to a stone, a corner of Dilworth's land, thence south 25 degrees 33 minutes east 117 feet 10 inches to a stone, thence south 85 degrees

Exhibit 4

DEL. PER TICKET SEP 9 1954

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB-2386, p. 0062, MSA, CE62-2241, Date available 11/03/2005, Printed 04/13/2016

27 minutes east 502 feet to a stone, the beginning of the tract which by deed dated September 14, 1893 and recorded among the Land Records of Baltimore County in Liber L. & S. No. 129, folio 455, etc., was conveyed by Thomas J. Haile and wife to John S. Sinder, running thence binding on the first line of said land conveyed by Haile to Sinder south 59 degrees 5 minutes east 818 feet to a stone, running thence binding on the land of Sinder, Graefe and F. B. Jenkins Company, south 85 degrees 17 minutes east 2212 feet 6 inches to a nail in a Hickory stump, a corner of F. B. Jenkins Company land, running thence binding on F. B. Jenkins Company's land north 11 degrees 49 minutes east 1126 feet 6 inches to a stone in the line of Patterson's land, running thence binding on Patterson's land north 81 degrees 21 minutes west 1067 feet to a stone, thence north 50 degrees 13 minutes west 206 feet 11 inches to a stone, a corner of Martin Schweikert's land, running thence binding on Schweikert's land the two following courses and distances, viz: south 49 degrees 47 minutes west 906 feet to a stone, north 25 degrees 11 minutes west 2126 feet to a stake on the north side of the public road leading from Kepp's Tavern to Joma and Manor Road, running thence south 82 degrees 9 minutes west 1120 feet 9 inches to the place of beginning.

Containing 159 1/2 acres of land more or less.

BEING the same parcel of land which by deed dated December 15, 1945 was granted and conveyed by Peter L. Rohn and Emma C. Rohn, his wife, unto the Grantors herein, which deed was recorded among the Land Records of Baltimore County on December 15, 1945 in Liber R.J.S. No. 1117, folio 564, etc.

Together with the buildings and improvements thereon erected, made or being, and all and every the rights, ways, waters, privileges, appurtenances and advantages to the same belonging or in any wise appertaining.

To have and to hold the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said The Carroll Manor Company, a body corporate, its successors and assigns, in fee simple.

And the said John P. Raab and Lula O. Raab, his wife, hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed;

that if they will warrant specially the property hereby granted and conveyed; and that they will execute such further assurances of said the same as may be requisite.

Witness the hands and seals of said grantors.

Test:
Lula O. Raab
Lula O. Raab

John P. Raab
John P. Raab
Lula O. Raab
Lula O. Raab

2386 PAGE 65

State of Maryland: COUNTY OF BALTIMORE

to-wit:

I HEREBY CERTIFY, that on this

3rd

day of November

in the year one thousand nine hundred

and fifty-three

before me, the subscriber

a Notary Public

of the State of Maryland, in and for

the County of Baltimore

aforsaid, personally appeared

John S. Raab and Lulu O. Raab, his wife, Grantors herein,

and they acknowledged the foregoing Deed to be their act.

AS WITNESS my hand and Notarial Seal.

Leonilla S. Beginski
Notary Public

RECORDED
PER NOTARY
11-7-53

JOHN T. RAAB and CLERK

LULA O. RAAB, his wife

TO

THE CARROLL MANOR COMPANY

a body corporate

Block No. Eleventh Election District

Received for Record NOV 7 1953

at 9:30 o'clock A.M. Same day recorded

in Liber 9412, No. 2386, folio 62, etc.

and of the Land Records of BALTO

Co. and examined per

GEORGE L. BYERLEY Clerk

Cost of Record \$

Chas. A. Trageser
Attorney-at-Law
1111 Murray Bldg.
Baltimore 2, Md.



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917

J. NEIL LANZI

Writer's Direct Dial / Email:
(667) 206-4610 /nlanzi@wcslaw.com

July 8, 2016

David F. Mister, Esquire
Winter & Bartlett, LLC
30 E. Padonia Road, Suite 404
Timonium, MD 21093

Re: Proposed Letter Agreement

Dear David:

This letter proposal is in response to the counter-proposal presented by you on behalf of certain neighbors on July 1, 2016 regarding the Burger property known as 13607 Brookline Road and the pending appeal with the Baltimore County Board of Appeals, Case No. 2016-0158-SPHA. This proposal is made without prejudice and shall remain open until July 15, 2016, after which time Petitioners intend to file for undersized lot approval and dismiss the appeal.

1. Petitioners/Owners. Ellen McBarron Burger and Kirsten Burger as Trustees of the Ellen McBarron Burger Revocable Trust dated January 18, 2000.
2. Protestants/Interested Parties. David F. Mister, Esquire, 13604 Brookline Road, Baltimore, Maryland 21013; John and Maria Pycha 13612 Brookline Road, Baltimore, Maryland 21013; Judith Wilson, 13612 Devonfield Drive, Baltimore, Maryland 21013; and Richard Edmunds, 13609 Brookline Road, Baltimore, Maryland 21013.
3. Property. Lot 11, Block D as shown on the Plat entitled, "Section 1, Carroll Manor", currently known as 13607 Brookline Road consisting of 1.04 acres currently zoned RC5.
4. Zoning Relief Requested.
 - A. Variance to allow a setback of 40 ft. in lieu of the required 50 ft. from the two side property lot lines.
 - B. Variance to allow a property area of 1.04 acres in lieu of 1.5 acres and a density less than 0.5 for existing lots created before 1979 per Section 1A04.3.B.1(a) of the B.C.Z.R.
5. Proposed Residence Location. As shown on the site plan attached as Exhibit 1, the front of the proposed residence will be oriented to face Brookline Road. The front setback from the

middle of Brookline Road to the front building envelope shall be 95 ft. and the front of the proposed residence shall be in line with the two adjoining houses. The side setbacks on either sides of the building envelope shall be a minimum of 40 ft. The rear yard setback from the proposed building envelope to the rear property line shall be 40 ft.

6. Driveway. The proposed driveway shall be either on the right or left side of the septic reserve area as shown on the attached site plan. The final location shall be at the discretion of the purchaser of the Property subject to the recommendation of the purchaser's builder taking into consideration Section 8B (retaining vegetation to the fullest extent possible) of this Agreement and determining the most practical location for the driveway connection between the public road and the garage for any proposed residence on the Property. The edge of paving of the final location of the driveway shall be a minimum of 10 feet from the property line.

7. Proposed Residence Details. The proposed residence shall be subject to the Baltimore County performance standards for properties located in the RC5 zone, specifically Section 1A04.4 of the B.C.Z.R. The residence shall be a minimum of 2,000 sq. ft. with a maximum of 4,000 sq. ft. and a height of less than 35 ft. per the B.C.Z.R.

8. Design. The design of the proposed residence shall be in keeping with the neighborhood and in accordance with the RC5 performance standards, specifically, the following:

A. Reflect the traditional rural character of the area in architectural form, scale, materials, detailing and landscaping context.

B. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of the remaining vegetation during construction.

C. Integrate, where possible, significant features of this site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks and gardens, into the site design, and retain the existing character of the features and their settings.

D. Coordinate building design, site layout and grading so that grade transitions are gradual and respect the existing topography.

E. Provide for smooth transitions between the proposed development and the surrounding rural area by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding vicinity.

F. Provide varietal transitions between proposed buildings and site improvements with respect to setbacks, street patterns and building-to-street grade relationships.

G. Integrate, where possible, building and design features that will limit the amount of impermeable surface and minimize storm water run-off.

H. Provide landscaping which includes tree and shrubbery plantings that are water loving and are highly water absorbing in nature.

9. Site Plan/Building Permit. Petitioner will present the site plan attached as Exhibit 1 to the Baltimore County Board of Appeals subject to the conditions listed above. Protestants/Interested Parties agree to support the site plan and proposed zoning relief as described above at the hearing before the Baltimore County Board of Appeals and/or Administrative Law Judge. Protestants/Interested Parties further agree to not directly or indirectly take any steps to delay or hinder Petitioners' application for building permit approval.

10. Binding Agreement. This Agreement and the conditions thereon, including any resulting Zoning Order from the Administrative Law Judge and/or the Board of Appeals, shall attach to and run with the land to any contract purchasers of the subject property. This Agreement shall be binding on the parties hereto, their successors, personal representatives and assigns.

11. Use of Property. The land shall be used only for residential uses as allowed in the RC5 zone or any subsequent residential zone applied to the property.

12. Conditions. The obligations of the Petitioners/Owners shall not become effective and binding upon the Petitioners/Owners unless the requested zoning relief has been granted in accordance with the Petitioners/Owners' request and no appeals filed by anyone.

13. Miscellaneous.

A. Notwithstanding anything to the contrary, the provisions of this Agreement shall terminate and be of no further force and effect in the event any of the Protestants/Interested Parties (or any other third party not a party to this Agreement) object or in any way impede Petitioners' application for zoning relief and/or building permit application for a proposed residence on the property.

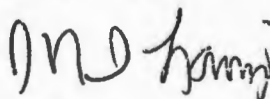
B. If any Party to this Agreement or its successors and/or assigns is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of the Agreement, that party or its successors or assigns, shall be entitled to recover reasonable attorney fees and other reasonable costs of the action from the person or entity against whom the enforcement is obtained.

C. This Agreement may be executed in counterparts and contains the entire understanding of the Parties. Electronic signatures shall be accepted as originals.

D. Each Party warrants it has carefully read and understands the agreement and has had ample time to consult with counsel of its choice.

In the event you agree with the terms provided above, please sign below.

Very truly yours,



J. Neil Lanzi

July 8, 2016
Page Four

I have read the above Letter Agreement and now execute confirming my acceptance of its terms.

DATE:

7-27-2016

7/27/2016

PETITIONERS/OWNERS:

Ellen McBarron Burger, Trustee
Ellen McBarron Burger, Trustee

Kirsten Burger, Trustee
Kirsten Burger, Trustee

PROTESTANTS/INTERESTED PARTIES

David F. Mister, Esquire
David F. Mister, Esquire

Maria Pycha
Maria Pycha

John Pycha
John Pycha

Judith Wilson
Judith Wilson

Richard Edmunds
Richard Edmunds

FAMILY HOME

13689 Brookline Rd.

Petitioner
CBA Exhibit
5A



Petitioner
CBA Exhibit
5 B



Petitioner
CBA Exhibit

5 C



Petitioner
CBA Exhibit
5 D



Petitioner
CBA Exhibit
5 E



Petitioner
CBA Exhibit

5 F



Petitioner
CBA Exhibit

5 G



Petitioner
CBA Exhibit

5 H



Petitioner
CBA Exhibit
5 I



Petitioner
CBA Exhibit
5 J



Petitioner
CBA Exhibit
5 K



Petitioner
CBA Exhibit
5 L



Petitioner
CBA Exhibit
5 M



Petitioner
CBA Exhibit
5 N



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-891-5917

J. NEIL LANZI

Writer's Direct Dial / Email:

(667) 206-4610 /nlanzi@wcslaw.com

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Petitioner
CBA Exhibit

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July 8, 2016
Page Three

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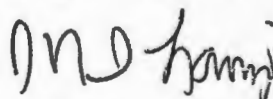
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In the event you agree with the terms provided above, please sign below.

Very truly yours,



J. Neil Lanzi

July 8, 2016
Page Four

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DATE:

7-27-2016

7/27/2016

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Ellen McBarron Burger, Trustee

Kirsten Burger, Trustee
Kirsten Burger, Trustee

PROTESTANTS/INTERESTED PARTIES

David F. Mister, Esquire
David F. Mister, Esquire

Maria Pycha
Maria Pycha

John Pycha
John Pycha

Judith Wilson
Judith Wilson

Richard Edmunds
Richard Edmunds

Case No.: 2016-0158-SPHA 13607
Brookline Rd.

JB
3/14
10 AM

Exhibit Sheet

Petitioner/Developer

Protestants

Sen
4-22-16

No. 1	Site plan	Petition in opposition
No. 2	Title deed	
No. 3	Plat Carroll Manor	
No. 4	SDAT sheet	
No. 5	Aerial - My Neighborhood	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Deed

This Deed, dated June 7, 2012 from ELLEN McBARRON BURGER (also known as Ellen M. Burger) ("Grantor") to ELLEN McBARRON BURGER and KIRSTEN BURGER, Trustees of the ELLEN McBARRON BURGER REVOCABLE TRUST dated January 18, 2000, as amended and/or restated from time to time (the "Trust") ("Grantees"). *The Trust is not a business trust.*

Whereas, Edward D. Burger and Ellen McBarron Burger, husband and wife, were vested with fee simple title to the two (2) hereinafter described real properties (the "Properties"), as tenants by the entireties, by (i) Deed dated December 21, 1962 and (ii) Deed dated May 28, 1965 as set forth below, and the said Ellen McBarron Burger became sole owner by right of survivorship following the death of her husband, Edward D. Burger, on May 21, 2009; and

Whereas, on January 18, 2000, Grantor created the Trust for estate planning purposes and, in accordance with the said purposes, Grantor desires to convey to the Trust her entire interest in the Properties.

Now, Therefore, Grantor, for NO MONETARY CONSIDERATION, but for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the Grantees, on behalf of the Trust, their respective successors in trust and assigns, in fee simple, the Properties located in the Eleventh Election District of Baltimore County, State of Maryland, and described as follows:

Being for the First known and designated as Lot No. 12, Block D, as shown on a Plat entitled "Section 1, Carroll Manor", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 20, folio 79. The improvements thereon being known as 13609 Brookline Road, Baldwin, Maryland 21013.

Being the same Property described in a Deed dated December 21, 1962, and recorded among the said Land Records in Liber R.R.G. No. 4089, folio 190, from The Carroll Manor Company, to Edward D. Burger and Ellen M. Burger, husband and wife, as tenants by the entireties.

Being for the Second known and designated as Lot No. 11, Block D, as shown on a Plat entitled "Section 1, Carroll Manor", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 20, folio 79.

Being the same Property described in a Deed dated May 28, 1965, and recorded among the said Land Records in Liber R.R.G. No. 4464, folio 302, from The Carroll Manor Company, to Edward D. Burger and Ellen M. Burger, husband and wife, as tenants by the entireties.

PETITIONER' S

EXHIBIT NO. 2

Subject To the conditions and restrictions contained in a Deed from The Carroll Manor Company to Vincent W. Ambrose and wife dated October 1, 1954, and recorded among the Land Records of Baltimore County, Maryland in Liber G.L.B. No. 2567, folio 82.

Together With all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances, and advantages, belonging or appertaining thereto.

To Have and To Hold the Properties hereby conveyed to the Grantees, on behalf of the Trust, their respective successors in trust and assigns, in fee simple, forever.

Grantor covenants that she will warrant specially the Properties hereby granted and conveyed, and that she will execute such further assurances of the Properties as may be requisite.

Witness the hand and seal of Grantor.

Witness:



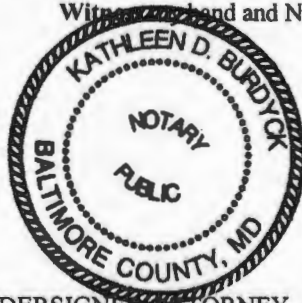
Ellen McBarron Burger (SEAL)
Ellen McBarron Burger

State of Maryland}

City/County of Baltimore to wit:

I **Hereby Certify** that on this 1st day of June, 2012, before me, a Notary Public for the aforesaid State, personally appeared Ellen McBarron Burger, known to me, (or satisfactorily proven) to be the person whose name is subscribed to this Deed, and who acknowledged that she executed the same for the purposes contained herein.

Witness my hand and Notarial Seal.



Kathleen D. Burdick (SEAL)
Notary Public
My Commission Expires: January 16, 2014

THE UNDERSIGNED ATTORNEY, ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND, HEREBY CERTIFIES THAT THE ABOVE INSTRUMENT HAS BEEN PREPARED BY HIM OR UNDER HIS SUPERVISION.

David H. Fishman
David H. Fishman, Attorney

After Recording, Return To:
Janice Portney, Paralegal
c/o Gordon Feinblatt LLC
The Garrett Building
233 East Redwood Street
Baltimore, Maryland 21202-3332

JLE 32196, p. 0468, MSA_CE62_32052. Date available 06/19/2012. Printed 11/08/2015.

State of Maryland Land Instrument Intake Sheet
☐ Baltimore ☒ County: BALTIMORE
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only--All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

IMP FD SURE 48.00
RECORDING FEE 20.00
TOTAL 68.00
Rest BAO2 Rcpt # 29598
JLE BC Blk # 1305
Jun 15, 2012 03:38 PM

1	Type(s) of Instruments	(Check Box if addendum Intake Form is Attached.)					
		☒ Deed	☐ Mortgage	☐ Other	☐ Other		
		☐ Deed of Trust	☐ Lease				
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]		
3	Tax Exemptions (if applicable)	Recordation Section 12-108(ee) of the Maryland Tax-Property Code					
	Cite or Explain Authority	State Transfer Section 13-207(a)(23) of the Maryland Tax-Property Code					
		County Transfer					
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration			
		Purchase Price/Consideration	\$ 0.00	Transfer Tax Consideration	\$		
		Any New Mortgage	\$	X () % =	\$		
		Balance of Existing Mortgage	\$	Less Exemption Amount =	\$		
		Other:	\$	Total Transfer Tax =	\$		
		Other:	\$	Recordation Tax Consideration =	\$		
		Full Cash Value:	\$	X () per \$500 =	\$		
				TOTAL DUE	\$		
5	Fees	Amount of Fees		Doc. 1	Doc. 2		
		Recording Charge	\$ 20.00	\$	Agent:		
		Surcharge	\$ 40.00	\$	Tax Bill:		
		State Recordation Tax	\$	\$	C.B. Credit:		
		State Transfer Tax	\$	\$	Ag. Tax/Other:		
		County Transfer Tax	\$	\$			
		Other	\$	\$			
		Other	\$	\$			
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
		11	1102088800	R.R.G. No. 4089/190 8	R.R.G. No. 4464/302		(5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	SqFt/Acreage (4)
		SECTION 1, CARROLL MANOR		11 & 12	December		G.L.B. No. 20/79
		Location/Address of Property Being Conveyed (2)					
		13609 Brookline Road, Baldwin, Maryland 21013					
		Other Property Identifiers (if applicable)				Water Meter Account No.	
		11-02-088801					
		Residential ☒ or Non-Residential	Fee Simple ☒ or Ground Rent	Amount:			
		Partial Conveyance? Yes No	Description/Amt. of SqFt/Acreage Transferred:				
		If Partial Conveyance, List Improvements Conveyed:					
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)			
		Ellen McBarron Burger					
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)			
		Ellen McBarron Burger and Kirsten Burger, Trustees of the					
		Ellen McBarron Burger Revocable Trust dated 1/18/2000					
		New Owner's (Grantee) Mailing Address					
		13609 Brookline Road, Baldwin, Maryland 21013					
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person				☒ Return to Contact Person	
		Name: Janice Portney, Legal Assistant				☐ Hold for Pickup	
		Firm: Gordon Feinblatt LLC				☐ Return Address Provided	
		Address: 233 E. Redwood Street, Baltimore, Maryland 21202					
		Phone: (410) 576-4081					
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
	Assessment Information	☒ Yes ☐ No	Will the property being conveyed be the grantee's principal residence?				
		☐ Yes ☐ No	Does transfer include personal property? If yes, identify:				
		☐ Yes ☐ No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).				
Assessment Use Only - Do Not Write Below This Line							
Terminal Verification		Agricultural Verification		Whole		Part	
Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:	
Year	20	20		Geo.	Map	Sub	Block
Land				Zoning	Grid	Plot	Lot
Buildings				Use	Parcel	Section	Occ. Cd.
Total				Town Cd.	Ex. St.	Ex. Cd.	
REMARKS:							
BALTIMORE COUNTY TRANSFER TAX							
Per [Signature] ART 11 TITLE 3							
SUBTITLE 2, 11-3-202							
RECORDATION TAX							
Per [Signature] T.P. ART 12-108							

Space Reserved for County Validation

Case No.: 2016-0158-SPHA 13607

Brookline Rd.

JB
3/14
10 AM

Exhibit Sheet

Petitioner/Developer

DW 3-15-16

Protestants

ALN
4-22-16

No. 1	Site plan	Petition in opposition
No. 2	Title deed	
No. 3	Plat Carroll Manor	
No. 4	SDAT sheet	
No. 5	Aerial - My Neighborhood	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

March 14, 2016

Petition in opposition to Zoning Petition for 13607 Brookline Road.

Case No. 2016-0158-SPHA

We the undersigned immediate neighbors of the proposed building site object to and protest the petition for:

1. Variance of the side yard setback of 50'.
2. Allowance of property area of less than 1 ½ acres and a density less than 0.5 for the building lot.
3. The destruction or demolition of a possible historic landmark structure on the property.

We object for, among other reasons, that the proposed zoning changes or uses are not consistent and otherwise incompatible with the property's zoning classification and spirit and intent of Baltimore County zoning regulations, including greater density than permitted by law, inconsistency with impermeable surface regulations, and detrimental to streams and wetlands in an RC5 zone.

Signatures Attached

PROTESTANT'S

EXHIBIT NO. 1

19

Name	Address	Date
Amy Edmunds	13609 Brookline Rd. 21013	3-13-16
Charles	13609 Brookline Rd. 21013	3-13-16
Mary E. Layton	4510 Countryside Lane 2013	3/13/16
Jim Saylor	4510 Countryside Lane 21013	3/13/16
DAVID F. AMSTER	13604 BROOKLINE ROAD 21013	3/13/16
Melissa Daniel	13602 Brookline Rd. 21013	3/13/16
Robin Cavanaugh	13605 Brookline Rd. 21013	3/13/16
Judith W. Wilson	13612 Devonfield Dr. 21013	3.13.16
Anne Marie Sims	13606 Devonfield Dr 21013	3.13.16
Lisa Ann	Baldwin 13610 Devonfield Dr. 21013	3-13-16
Ronald Stewart	13608 Devonfield Dr. BALDWIN 21013	3/13/16
Gloria Stewart	13608 Devonfield Dr. Baldwin 21013	3/13/16
Lisa B. Terry	13600 Devonfield Dr. Baldwin, 21013	3/13/16
William C Terry	13600 DEVONFIELD DR BALDWIN 21013	3/13/16
Heather	13616 Brookline Road Baldwin MD 21013	3/13/16
Mary L. Terry	13616 Brookline Rd BALDWIN, MD 21013	3/13/16

[illegible]



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 · Phone: 443-991-5917

J. NEIL LANZI

Email: nlanzi@wcsolaw.com

March 22, 2017

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
Jefferson Building, 2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Ellen McBarron Burger and
Kirsten Burger- Legal Owners
Case No. 2016-0158-SPHA

Dear Ms. Cannington:

At the recent hearing for the above referenced case, I was directed by the Board to prepare a Consent Order. I am now enclosing the fully executed Consent Order as requested.

Should you require anything further, please feel free to contact me.

Very truly yours, ·

J. Neil Lanzi

cc: David F. Mister, Esquire



LAW OFFICES
MISTER, WINTER & BARTLETT, LLC

SUITE 404 - PADONIA CENTRE
30 E. PADONIA ROAD
TIMONIUM, MARYLAND 21093
mwblaw@mwblaw.net

410-561-3000
FACSIMILE
410-560-0588

DAVID F. MISTER
LESLIE A. WINTER
ANTHONY T. BARTLETT

OF COUNSEL:
ANDREW H. VANCE
ELIZABETH C. YAREMA
(1969-2008)

WRITER'S EMAIL:
dmister@mwblaw.net

March 7, 2017

The Honorable Maureen E. Murphy, Chairman
Board of Appeals of Baltimore County
Jefferson Building, 2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of Ellen McBarron Burger
and Kristen Burger – Legal Owners
Case No.: 16-158 SPHA



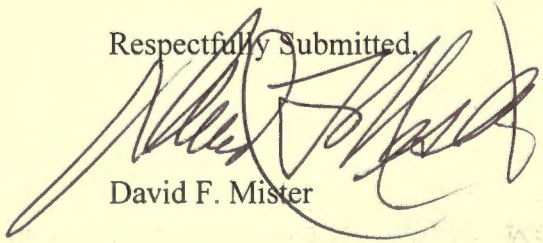
Dear Chairman Murphy:

Please be advised that I have elected to not attend the hearing on Thursday, March 9, 2017 for reconsideration of the Joint Motion to Revise the Board's Opinion and Order.

My brother passed away on Sunday and I expect to be traveling out of the state to his funeral at that time.

The protestants below have no objection to the Petitioner's request to revise the site plan to delete the notation "TO BE REMOVED" from the description "STONE WALLS REMAINS OF OLD BARN FOUNDATION".

Respectfully Submitted,



David F. Mister

DFM:amc

cc: Neil Lanzi, Esquire (via email)
Maria Pycha (via email)
Judith Wilson (via email)
Richard Edmunds (via email)

M:\WPWIN\MISTER\Burger appeal ltr to Chairman Murphy 03.07.17.doc

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger– Legal Owners 16-158-SPHA

DATE: October 6, 2016

BOARD/PANEL: Maureen E. Murphy, Panel Chairman
Meryl W. Rosen
Benfred B. Alston

RECORDED BY: Sunny Cannington, Administrator

PURPOSE: To deliberate the following:

Revised Site Plan and Settlement Agreement.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

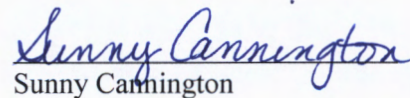
STANDING

- The Board held a hearing in accordance with their January 12, 2017 Ruling on the Joint Motion for Revisory Order. In that Ruling, the Board decided that the only way to make the requested changes would be if the parties appeared at a hearing and put into evidence a revised site plan that corresponded to the revisions requested and the Board would review any objections at that time.
- The Board held the hearing. The new Site Plan was submitted. The Protestants indicated there was no objection to the Petitioner's request to remove the "To Be Removed" language from the description of the stone walls.
- Petitioner's Counsel, Mr. Lanzi, indicated he would submit a Consent Order with signature from Protestant's Counsel, Mr. Mister, within 30 days.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the revision to the Site Plan.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

Krysundra Cannington

From: Neil Lanzi <nlanzi@wcslaw.com>
Sent: Monday, January 16, 2017 1:23 PM
To: Krysundra Cannington; dmister@mwblaw.net
Cc: 'Bruce Doak'; Ellen Burger
Subject: RE: Burger

Sunny,

It appears that March 9th is the date that works for all. Please send a notice at your convenience.

Regards,

Neil



Neil Lanzi
Partner
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
Tele: 443-991-5917
E-mail: nlanzi@wcslaw.com

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Friday, January 13, 2017 3:04 PM
To: Neil Lanzi; dmister@mwblaw.net
Subject: RE: Burger

Neil,

I understand and apologize again for the inconvenience.

You are correct, we are closed on Monday.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Krysundra Cannington

From: David F. Mister <dmister@mwblaw.net>
Sent: Friday, January 13, 2017 3:34 PM
To: Krysundra Cannington
Cc: Neil Lanzi
Subject: Re: Burger

I am available Feb. 28 and March 9.

*David F. Mister, Esquire
Mister, Winter & Bartlett, LLC
30 E. Padonia Road
Suite 404
Timonium, MD 21093
(410) 561-3000 x 108
(410) 560-0588 – FAX
dmister@mwblaw.net*

On Jan 13, 2017, at 3:03 PM, Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Neil,

I understand and apologize again for the inconvenience.

You are correct, we are closed on Monday.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

From: Neil Lanzi [<mailto:nlanzi@wcslaw.com>]
Sent: Friday, January 13, 2017 3:00 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; dmister@mwblaw.net
Subject: RE: Burger

Sunny,

I will need a few days to check with everyone again. Hopefully will be back to you by Tuesday (I assume you are closed Monday).

Regards,

Krysundra Cannington

From: Krysundra Cannington
Sent: Friday, January 13, 2017 2:37 PM
To: Neil Lanzi (nlanzi@wcslaw.com); 'dmister@mwblaw.net'
Subject: Burger

Counsel,

I apologize, I was checking dates with the Board at the same time I emailed you. The following dates work for the panel, February 16, 28, or March 9. Are you available any of these dates?

Thank you.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Neil Lanzi <nlanzi@wcslaw.com>
Sent: Friday, January 13, 2017 9:21 AM
To: Krysundra Cannington; mwblaw@mwblaw.net
Cc: David F. Mister
Subject: RE: Burger 16-158-SPHA

Sunny,

February 8, 15 and 22 are good for me, my clients and witness. We should only need 10 minutes to present the testimony and new exhibit.

Thanks,

Neil



Neil Lanzi
Partner
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204
Tele: 443-991-5917
E-mail: nlanzi@wcslaw.com

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Thursday, January 12, 2017 10:52 AM
To: mwblaw@mwblaw.net; Neil Lanzi
Subject: Burger 16-158-SPHA

Good morning Counsel,

As previously indicated, the Board will be scheduling another hearing so that the settlement order can be amended. It is my understanding this will be a short hearing. I am reviewing dates with the Board members. Presently, we have the following dates available on our docket: February 1, 2, 7, 8, 15, 16, and 22. Please advise which dates work best for you. Please be advised that the hearing would take place at either 9 or 10 a.m.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sunny

Krysundra "Sunny" Cannington
Administrator

Krysundra Cannington

From: David F. Mister <dmister@mwblaw.net>
Sent: Thursday, January 12, 2017 1:26 PM
To: Krysundra Cannington
Cc: 'Neil Lanzi'; acarman@mwblaw.net; abartlett@mwblaw.net
Subject: RE: Burger 16-158-SPHA

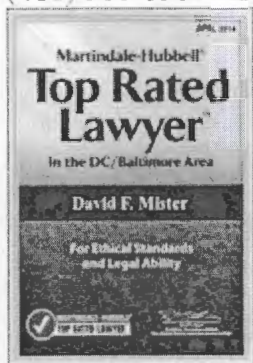
Sunny

I am available Feb. 1,8,15 and 22.

In the future please use my personal business email: dmister@mwblaw.net instead of my firm's general email address.

Very truly yours,

David F. Mister, Esquire
Mister, Winter & Bartlett, LLC
30 E. Padonia Road
Suite 404
Timonium, Maryland 21093
(410) 561-3000
(410) 560-0588 – Fax



From: Anthony Bartlett [mailto:mwblaw@mwblaw.net]
Sent: Thursday, January 12, 2017 12:52 PM
To: David F. Mister <dmister@mwblaw.net>
Subject: Fw: Burger 16-158-SPHA

David, is this you?

----- Forwarded Message -----

From: "Krysundra Cannington" <kcannington@baltimorecountymd.gov>
To: "mwblaw@mwblaw.net" <mwblaw@mwblaw.net>; "Neil Lanzi (nlanzi@wclaw.com)" <nlanzi@wclaw.com>
Sent: 1/12/2017 10:51:58 AM
Subject: Burger 16-158-SPHA

Good morning Counsel,

As previously indicated, the Board will be scheduling another hearing so that the settlement order can be amended. It is my understanding this will be a short hearing. I am reviewing dates with the Board members. Presently, we have the following dates available on our docket: February 1, 2, 7, 8, 15, 16, and 22. Please advise which dates work best for you. Please be advised that the hearing would take place at either 9 or 10 a.m.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

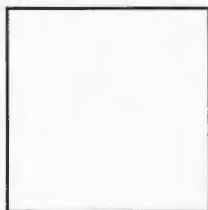
Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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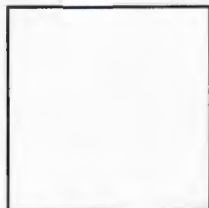
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CONNECT WITH BALTIMORE COUNTY



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www.baltimorecountymd.gov



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www.avast.com

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, January 12, 2017 10:51 AM
To: 'mwblaw@mwblaw.net'; Neil Lanzi (nlanzi@wclaw.com)
Subject: Burger 16-158-SPHA

Good morning Counsel,

As previously indicated, the Board will be scheduling another hearing so that the settlement order can be amended. It is my understanding this will be a short hearing. I am reviewing dates with the Board members. Presently, we have the following dates available on our docket: February 1, 2, 7, 8, 15, 16, and 22. Please advise which dates work best for you. Please be advised that the hearing would take place at either 9 or 10 a.m.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA



* * * * *

JOINT MOTION FOR REVISORY ORDER

Petitioners, Ellen McBarron Burger and Kirsten Burger, as Trustees of the Ellen McBarron Burger Revocable Trust, legal owners ("Petitioners"), by their counsel, J. Neil Lanzi, Esquire and Wright, Constable & Skeen, LLP and David Mister, Esquire for himself and on behalf of Maria Pycha, John Pycha, Judith Wilson and Richard Edmunds (collectively "Protestants"), respectfully requests the Board of Appeals of Baltimore County ("Board") to revise its Final Opinion and Order dated October 24, 2016, as amended on November 4, 2016, and for reasons states:

1. Rule 11 of the Board Rules of Practice and Procedure states as follows:
Within thirty days after the entry of an Order, the Board shall have revisory power and control over the Order in the event of fraud, mistake or irregularity.
2. The Board, in its Opinion and Order dated October 24, 2016 ("Order") incorporated the Settlement Agreement dated July 8, 2016 ("Settlement Agreement") between Petitioners and Protestants and the Site Plan attached thereto as part of the Order.
3. A mistake was made in the Order.
4. The Settlement Agreement (Petitioners' Exhibit 4 at the Board Hearing) lists certain design requirements as contained in the RC 5 performance standards set forth in the Baltimore County Zoning Regulations ("BCZR"), including:

c. Integrate, where possible, significant features of this site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks and gardens, into the site design, and retain the existing character of the features and their settings.

d. Coordinate building design, site layout and grading so that grade transitions are gradual and respect the existing topography.

5. The Site Plan attached to the Settlement Agreement describes the old bank barn foundation located on Petitioners' Property as "stone walls, remains of barn foundation to be removed."

6. Petitioner Ellen Burger testified the bank barn was a distinctive building and its stone walls were a unique feature of the subject Property.

7. Bruce Doak, registered land surveyor testified the Property was unique for various reasons including existence of the old stone foundation walls and indicated that, without the variance relief for setbacks, the stone walls would have to be removed in order to build a house consistent with other homes in the neighborhood.

8. Laura Thomas, Petitioners' expert architect, testified as to the uniqueness of the Property indicating as correctly stated by the Board that "she was amenable to using the stone walls in the design or as an outdoor area, she did not want retention of the stone walls remaining to be a condition in our Order".

9. Petitioners, through counsel and after inquiring of Protestant's counsel during the hearing, proffered testimony and a request that retaining or removing the barn foundation walls not be a condition of the Board's Order so that the decision as to whether remove or retain the barn foundation walls would ultimately be the decision of the purchaser of Petitioners' Property when designing their new residence.

10. Protestants, through counsel David Mister, had no objection to the proffered testimony and request of Petitioners.

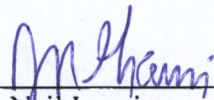
11. Notwithstanding the language on the Site Plan attached to the Settlement Agreement, all of the uncontroverted testimony clarified the note on the Site Plan clearly establishing the barn foundation walls did not have to be removed or retained as a condition to the Order.

12. The Board has the power to revise its Order in the event of mistake pursuant to Rule 11.

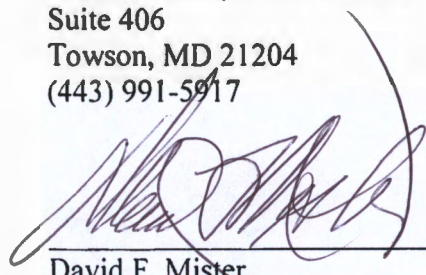
WHEREFORE, Petitioners and Protestants respectfully request:

1. The Board further revise its Opinion and Order as amended to incorporate language that states, notwithstanding the Site Plan attached to the Settlement Agreement, the removal or retention of the barn foundation walls, be and the same, shall be at the discretion of the future owner of the Property and shall not be a condition of the Board's Order; and

2. Provide such other and further relief as is necessary.



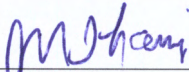
J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, MD 21204
(443) 991-5917



David F. Mister
13604 Brookline Road
Baldwin, MD 21013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16th day of November, 2016, a copy of the foregoing Joint Motion For Revisory Order was mailed, postage prepaid, to Maria Pycha, 13612 Brookline Road, Baldwin, Maryland 21013; Judith Wilson, 13612 Devonfield Drive, Baldwin, Maryland 21013; Richard Edmunds, 13609 Brookline Road, Baldwin, Maryland 21013; Peter Max Zimmerman and Carole S. Demilio, People's Counsel for Baltimore County, Jefferson Building, Room 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204.



J. Neil Lanzi

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

* * * * *

SECOND AMENDED OPINION

On October 24, 2016, this Board issued an Opinion and Order in the above captioned matter.

On November 4, 2016, this Board amended its October 24, 2016 Opinion and Order to correct the Variance relief from a setback of 30 feet in lieu of the required 50 feet to a setback of 40 feet in lieu of the required 50 feet.

A Joint Motion To Revise the Board's October 24, 2016 Order was filed on November 16, 2016, where it was brought to our attention that the site plan attached to the Settlement Agreement dated July 8, 2016 (Petitioner's Exhibit 4) contained a mutual mistake by the parties with regard to the removal of the stone walls of a barn foundation on the Petitioner's Property. The uncontradicted testimony presented to the Board established the removal of the stone walls remaining from the barn foundation should not be a condition of the Board's Order and instead should be subject to the discretion of the future owners of the subject property.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within 30 days after the entry of an order, the Board shall have revisory power and control over the order, in the event of fraud, mistake or irregularity.

Accordingly, the Board has reviewed its Opinion and Order issued in these proceedings, the Joint Motion to Revise the Board's Order and finds that an error existed within that Order. Accordingly, the Board will amend their Order to reflect that, notwithstanding the site plan language attached to the July 8, 2016 Settlement Agreement (Petitioner's Exhibit 4) which states "stone walls, remains of barn foundation to be removed", the retention or removal of the stone walls, remains of barn foundation on the subject property, shall be up to the discretion of the property owner.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued October 24, 2016 and as amended November 4, 2016.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**

Maureen E. Murphy, Chairman

Benfred B. Alston

Meryl W. Rosen



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 4, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*
Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the Amended Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Ellen McBarron Burger
Kirsten Burger
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

John and Maria Pycha
Judith Wilson
Richard Edmunds
Office of People's Counsel

IN THE MATTER OF

Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* * * * *

AMENDED OPINION

On October 24, 2016, this Board issued an Opinion and Order in the above-captioned matter.

On October 28, 2016, it was brought to our attention that the Order incorrectly stated:

Petition for Variance filed pursuant to BCZR §1A04.3B.2.b to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street, be, and the same is hereby **GRANTED**.

The parties entered into a Settlement Agreement, dated July 8, 2016, which was incorporated into the Opinion and Order, wherein they agreed that the Variance relief would allow a setback of 40 feet in lieu of the required 50 feet.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

Accordingly, the Board has reviewed its Opinion and Order issued in these proceedings and finds that an error existed within that Order. Accordingly, the Board will amend their Order to reflect the agreed upon setback.

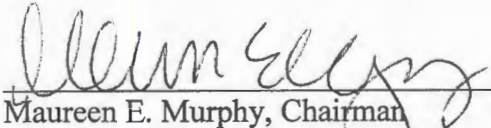
IT IS THEREFORE ORDERED that the Order is hereby amended to read:

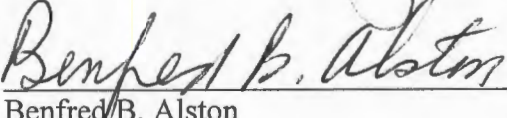
ORDERED, that the relief requested in the Petition for Special Hearing and Petition for Variance, be, and the same is hereby **GRANTED** pursuant to the Settlement Agreement dated July

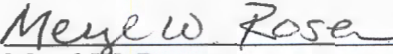
8, 2016 (Pet. Ex. 4) and the Site Plan attached thereto, which are hereby incorporated into and made a part of this Order.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued October 24, 2016.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger– Legal Owners 16-158-SPHA

DATE: October 6, 2016

BOARD/PANEL: Maureen E. Murphy, Panel Chairman
Meryl W. Rosen
Benfred B. Alston

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board held a de novo hearing, which was part proffer, and part testimony.
- The Board noted that in July 2016 an Agreement was entered into between the Petitioners and neighbors, who protested the request at the hearing held before the Administrative Law Judge, and attached to the Agreement was a Site Plan.
- The Board reviewed the testimony and evidence presented at the hearing. In order to be granted a variance the property must meet the uniqueness requirement of *Cromwell v. Ward*. Mr. Doak presented testimony that the property was unique due to the stone walls from the old barn, the slope of the property, and the location of the septic reserve area. The Petitioner's architect also felt that the property was unique due to the stone walls of the old barn.
- The Board noted no evidence or testimony was presented to contradict the uniqueness of the property.

DECISION BY BOARD MEMBERS:

The Board finds that the property is unique by the standards of *Cromwell v. Ward*, based on the testimony and evidence presented.

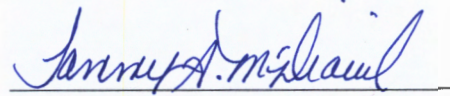
FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested relief, and the Agreement entered into between the Petitioners and the neighbors will be incorporated into their Opinion and Order.

ELLEN MCBARRON BURGER & KIRSTEN BURGER – LEGAL OWNER
16-158-SPHA
MINUTES OF DELIBERATION

PAGE 2

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. McDiarmid



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 15, 2016

NOTICE OF PUBLIC DELIBERATION

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

This matter having been heard and concluded on September 14, 2015, a public deliberation has been scheduled for the following:

DATE AND TIME: THURSDAY, OCTOBER 6, 2016 at 9:00 a.m.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
Petitioners/Legal Owners	: Ellen McBarron Burger and Kirsten Burger
Counsel for Protestants	: David F. Mister, Esquire
Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 22, 2016

AMENDED NOTICE OF REASSIGNMENT **(AMENDED AS TO TIME ONLY)**

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

Re: Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

3/15/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED; and the Petition for Special Hearing was DISMISSED as Moot given the denial of the Petition for Variance.

4/13/16 Motion for Reconsideration filed by J. Neil Lanzi, Esquire, on behalf of Ellen McBarrow Burger and Kirsten Burger, Legal Owners/Petitioners.

4/22/16 Opinion and Order on Motion for Reconsideration wherein the ALJ DENIED the Petition for Variance; and Ordered the Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with BCZR §304, provided the height and setback requirements are satisfied.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 14, 2016, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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Krysundra "Sunny" Cannington, Administrator

Amended Notice of Reassignment (amended as to time only)

In the matter of: Ellen M. Burger and Kirsten Burger

Case number: 16-158-SPHA

August 22, 2016

Page 2

c:	Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
	Petitioners/Legal Owners	: Ellen M. Burger and Kirsten Burger
	Counsel for Protestants	: David F. Mister, Esquire
	Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 5, 2016

NOTICE OF REASSIGNMENT

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

Re: Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

- 3/15/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED; and the Petition for Special Hearing was DISMISSED as Moot given the denial of the Petition for Variance.
- 4/13/16 Motion for Reconsideration filed by J. Neil Lanzi, Esquire, on behalf of Ellen McBarrow Burger and Kirsten Burger, Legal Owners/Petitioners.
- 4/22/16 Opinion and Order on Motion for Reconsideration wherein the ALJ DENIED the Petition for Variance; and Ordered the Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with BCZR §304, provided the height and setback requirements are satisfied.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 14, 2016, AT 11:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

Notice of Reassignment

In the matter of: Ellen M. Burger and Kirsten Burger

Case number: 16-158-SPHA

August 5, 2016

Page 2

c:	Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
	Petitioners/Legal Owners	: Ellen M. Burger and Kirsten Burger
	Counsel for Protestants	: David F. Mister, Esquire
	Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 17, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, MD 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, MD 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger*
Case number: *16-158-SPHA*

Dear Counsel:

We are in receipt of Mr. Lanzi's request for postponement dated June 8, 2016. This letter is to advise you that the request for a postponement of the hearing scheduled for July 28, 2016 has been granted.

In order to schedule a hearing before the Board of Appeals, without conflict; I am providing dates available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. Mr. Lanzi indicated in his letter that he anticipates this matter needing a day and a half. We will schedule two dates. The following dates open for assignment:

Tuesday, August 16, 2016 at 10:00 a.m.;
Wednesday, August 17, 2016 at 10:00 a.m.;
Thursday, August 18, 2016 at 10:00 a.m.;
Tuesday, August 23, 2016 at 10:00 a.m.;
Wednesday, August 24, 2016 at 10:00 a.m.;
Thursday, August 25, 2016 at 10:00 a.m.

Please contact this office upon receipt of this letter to confirm availability. The Notice of Assignment will be issued to all parties at the time an agreeable date is established.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

Duplicate Original



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180
FAX: 410-887-3182

June 17, 2016

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

Re: Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

3/15/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED; and the Petition for Special Hearing was DISMISSED as Moot given the denial of the Petition for Variance.

4/13/16 Motion for Reconsideration filed by J. Neil Lanzi, Esquire, on behalf of Ellen McBarrow Burger and Kirsten Burger, Legal Owners/Petitioners.

4/22/16 Opinion and Order on Motion for Reconsideration wherein the ALJ DENIED the Petition for Variance; and Ordered the Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with BCZR §304, provided the height and setback requirements are satisfied.

This matter was assigned for Thursday, July 28, 2016 and has been postponed. It will be rescheduled to a later date.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

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Notice of Postponement
In the matter of: Ellen McBarron Burger and Kirsten Burger
Case number: 16-158-SPHA
June 17, 2016
Page 2

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

c:	Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
	Petitioners/Legal Owners	: Ellen McBarron Burger and Kirsten Burger
	Counsel for Protestants	: David F. Mister, Esquire
	Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 · Phone: 443-991-5917

June 8, 2016

Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
Jefferson Building, 2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Ellen McBarron Burger and
Kirsten Burger- Legal Owners
Case No. 2016-0158-SPHA

Dear Ms. Cannington:

In accordance with Rule 2B of the Board of Appeals Rules of Practice and Procedure, I am hereby requesting a postponement of the hearing presently set for July 28, 2016 at 10:00 a.m. on behalf of the legal owners in this case. Petitioners will be utilizing the services of various experts in this matter, including a licensed architect. I have been advised the licensed architect will not be available for the present hearing date.

Accordingly, I respectfully request the hearing be rescheduled to the next available date. For planning purposes, I anticipate this case will take at least one full day of testimony and possibly an additional half day.

Thank you for your consideration.

Very truly yours,


J. Neil Lanzi

cc: David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Peter Max Zimmerman, People's Counsel for Baltimore County
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Devonfield Drive, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013
Bruce Doak
Ellen McBarron Burger
Kirsten Burger

J. NEIL LANZI
Writer's Direct Dial / Email:
(667) 206-4610 / nlanzi@wcslaw.com

RECEIVED
JUN 10 2016

BALTIMORE COUNTY
BOARD OF APPEALS



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 2, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Ellen McBarron Burger & Kirsten Burger— Legal Owners
13607 Brookline Road
16-158-SPHA 11th Election District; 3rd Councilmanic District

Re: Petition for Variance pursuant to § 1A04.3B2b of the BCZR to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per; and

Petition for Special Hearing pursuant to § 1A04.3B1 of the BCZR to allow a property area less than 1-1/2 acres (1.04 acres), and a density less than 0.5 for existing lots that were created prior to 1979.

3/15/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED; and the Petition for Special Hearing was DISMISSED as Moot given the denial of the Petition for Variance.

4/13/16 Motion for Reconsideration filed by J. Neil Lanzi, Esquire, on behalf of Ellen McBarrow Burger and Kirsten Burger, Legal Owners/Petitioners.

4/22/16 Opinion and Order on Motion for Reconsideration wherein the ALJ DENIED the Petition for Variance; and Ordered the Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with BCZR §304, provided the height and setback requirements are satisfied.

ASSIGNED FOR: **THURSDAY, JULY 28, 2016, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

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Krysundra "Sunny" Cannington, Administrator

Notice of Assignment

In the matter of: Ellen McBarron Burger and Kirsten Burger

Case number: 16-158-SPHA

June 2, 2016

Page 2

c:	Counsel for Petitioners/Legal Owners	: J. Neil Lanzi, Esquire
	Petitioners/Legal Owners	: Ellen McBarron Burger and Kirsten Burger
	Counsel for Protestants	: David F. Mister, Esquire
	Protestants	: Maria Pycha, Judith Wilson, and Richard Edmunds

Bruce Doak/Bruce E. Doak Consulting, LLC

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Andrea Van Arsdale, Director/Department of Planning

Arnold Jablon, Director/PAI

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

May 23, 2016

J. Neil Lanzi, Esq.
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204

RECEIVED
MAY 23 2016

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2016-0158-SPHA
Location: 13607 Brookline Road

Dear Mr. Lanzi:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 20, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

- c: ✓ Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Devonfield Drive, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013
Bruce E. Doak, 3801 Schoolhouse Road, Freeland, Maryland 21053



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 · Phone: 443-991-5917

J. NEIL LANZI

Writer's Direct Dial / Email:
(667) 206-4610 / nlanzi@wcslaw.com

May 18, 2016

Hand-Delivered

John E. Beverungen, Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

RECEIVED

MAY 20 2016

Re: Petition for Variance and Special Hearing
Motion for Reconsideration
Case No. 2016-0158-SPHA
Property: 13607 Brookline Road

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Beverungen:

On behalf of my clients, Ellen Burger and Kirsten Burger, I am filing an appeal to the March 15, 2016 decision denying the Petition for Variance and dismissing the Petition for Special Hearing and an appeal to the April 22, 2016 decision rendered on the Motion for Reconsideration in the above-captioned matter denying the Petition for Variance.

I am enclosing a check in the amount of \$530.00 as required for the filing fee.

Very truly yours,

J. Neil Lanzi

JNL\mlr

cc: Ellen Burger
Kirsten Burger
David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Brookline Road, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013



KEVIN KAMENETZ
County Executive

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

April 22, 2016

J. Neil Lanzi,
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, Maryland 21204

RE: **Motion for Reconsideration**
Case No. 2016-0158-SPHA
Property: 13607 Brookline Road

Dear Mr. Lanzi:

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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: David F. Mister, Esq., 13604 Brookline Road, Baldwin, MD 21013
Maria Pycha, 13612 Brookline Road, Baldwin, MD 21013
Judith Wilson, 13612 Devonfield Drive, Baldwin, MD 21013
Richard Edmunds, 13609 Brookline Road, Baldwin, MD 21013
Bruce E. Doak, 3801 Schoolhouse Road, Freeland, Maryland 21053

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(13607 Brookline Road) *
11th Election District *
3rd Council District *
Ellen McBarrow Burger & Kirsten Burger *
Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0158-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners' Motion for Reconsideration of the March 15, 2016 Order issued in the above case. Petitioners set forth in their Motion certain facts which they contend justify variance relief. These are, for the most part, the same facts articulated by Mr. Doak at the March 14, 2016 hearing. I am mindful that counsel was not involved in the proceeding at that juncture, but do not believe the facts set forth in the Motion can support the grant of a variance. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." Cromwell v. Ward, 102 Md. App. 691, 699 (1995).

On the other hand, I believe Petitioners would be entitled to avail themselves of B.C.Z.R. §304, which governs the "use of undersized single family lots." Section 304.1 of the B.C.Z.R. is a grandfathering provision which provides as follows:

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

ORDER RECEIVED FOR FILING

Date 4/22/16

By Sen

The lot (and subdivision) was recorded prior to 1955 and Petitioners do not own adjoining land which would enable them to comply with the regulations. Motion, ¶¶21-22. As such, they would be entitled to construct a single family dwelling on the undersized lot, provided all height and setback requirements were satisfied. In other words, the dwelling height must not exceed 35 feet, side and rear yard setbacks are 50 feet, and the front setback from the centerline of Brookline Road is 75 feet. B.C.Z.R. §1A04.3.B.2. The subject lot is 145 feet wide, which would enable Petitioners to construct a dwelling that is 45 feet wide, after accounting for the side yard setbacks. While I understand Petitioners' preference is to construct a house in the configuration shown on the site plan, I do not believe that can justify the grant of a variance. Counsel's point concerning the RC 5 zone performance standards is a valid one, although I am confident the Department of Planning in conducting its review would take into account the house orientation was dictated by the significant setbacks in the RC 5 zone.

It is important to note that under this regulation (unlike B.C.Z.R. §307 governing variances) the Petitioners do not need to establish the property is unique or that they would experience a hardship or practical difficulty if the regulations were strictly interpreted. Mueller v. People's Counsel, 177 Md. App. 43, 87 (2007) ("B.C.Z.R. § 304 does not contain elements of practical difficulty or uniqueness, which are embodied in § 307").

THEREFORE, IT IS ORDERED this 22nd day of April 2016, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED as concerns the petition for variance.

IT IS FURTHER ORDERED that Petitioners shall be entitled to construct a single-family dwelling on the subject property in accordance with B.C.Z.R. §304, provided the height and setback requirements (as discussed above) are satisfied.

ORDER RECEIVED FOR FILING

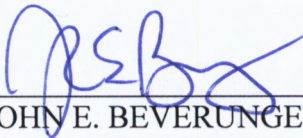
Date

4/22/16

By

sen

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 4/22/16
By sln

**IN RE: PETITIONS FOR SPECIAL
HEARING AND VARIANCE**

(13607 Brookline Road)

11th Election District

3rd Council District

Ellen McBarrow Burger &

Kirsten Burger

Owners

Petitioners

RECEIVED

APR 13 2016

OFFICE OF ADMINISTRATIVE HEARINGS

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0158-SPHA

* * * * *

MOTION FOR RECONSIDERATION

Ellen McBarrow Burger and Kirsten Burger as Trustees of the Ellen McBarrow Burger Trust dated January 18, 2000 ("Trust"), legal owners ("Petitioners"), by their counsel, J. Neil Lanzi, Esquire and Wright, Constable & Skeen, LLP, pursuant to Appendix G, Rule 2(K) of the Baltimore County Zoning Regulations ("B.C.Z.R."), respectfully requests the Administrative Hearing Officer to reconsider the Decision as rendered in the Opinion and Order dated March 15, 2016 and for reasons states:

1. The Ellen McBarrow Burger Revocable Trust dated January 18, 2000 is the legal owner of the property known as Lot 11, Block D, as reflected in the Deed dated June 7, 2012 recorded in the Land Records for Baltimore County in Liber 32196, folio 466 and as shown on the plat entitled "Section 1, Carroll Manor", which plat is recorded among the Land Records of Baltimore County, Plat Book G.L.B. No. 20, folio 79. A copy of the Deed and plat are attached as **Exhibits 1 and 2**, respectively.

2. Lot 11 was conveyed by The Carroll Manor Company unto Edward D. Burger and Ellen M. Burger, previous owners to the Trust, by Deed dated May 28, 1965 as recorded in the Land Records of Baltimore County in Liber 4464, folio 302. A copy of the Deed is attached as **Exhibit 3**.

3. Lot 11, Block D is a portion of the property shown on Exhibit 1, which by Deed

dated November 3, 1953 as recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2386, folio 62, was conveyed by John P. Rabb and wife unto The Carroll Manor Company in fee simple. A copy of the Deed is attached as **Exhibit 4**.

4. The Petitioners filed for Special Hearing relief pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a property area of 1.04 acres in lieu of 1.5 acres required for the subject property with RC 5 zoning and a density less than 0.5 for existing lots that were created prior to 1979 as required in § 1A04.3B.1.a of the B.C.Z.R.

5. Petitioners also requested a variance to allow a setback of 30 feet in lieu of the required 50 feet from a lot line other than a street pursuant to § 1A04.3B.2.b of the B.C.Z.R.

6. The uncontradicted testimony in evidence before the Hearing Officer was the intended use for the RC 5 zoned property was the construction of a single family home.

7. The B.C.Z.R. § 1A04.2A(2) provides for the residential use in the RC 5 zone as a "by right" principal use.

8. Ellen McBarrow Burger and her husband Edward D. Burger, now deceased, have owned and possessed the subject lot since 1965.

9. Prior to the Burgers' ownership, the subject lot was owned by the developer of The Carroll Manor Subdivision from 1953 to 1965.

10. Petitioners' Property contains the remnants of stone walls and old barn that has been utilized as a gathering space by the Carroll Manor community for over 50 years.

11. Quite simply the subject property with its stone walls and remainder of an old barn has been a benefit for the neighborhood.

12. As shown on the site plan offered as an exhibit at the hearing, the septic reserve area for this property is located in the front of the property closest to Brookline Road.

13. Due to the unique topography of the subject property and elevations as shown on

the site plan, the septic reserve area cannot be relocated. It must be located at the lower elevation, in front of any proposed residence.

14. The stone walls from the old barn foundation are a unique feature of this property.

15. If a proposed house were to fit within the required side setbacks under current regulations, effectively the house shown on the site plan would be rotated. The result would be an encroachment into the septic reserve area and necessitate the removal of one of the unique features of the property, the stone walls from the old barn.

16. It is Petitioners' intent to maintain the stone walls from the old barn to enhance any proposed residence, such enhancement to include a potential terrace, a pergola and/or garden area.

17. Further, maintaining the proposed house location in its present orientation as shown on the site plan with the 30 foot side yard setbacks, allows the alignment of the proposed residence to be in keeping with the front alignments and locations of the residences of the immediate neighbors.

18. The proposed layout of the residence with the retention of the unique stone walls of the old barn will also allow Petitioners to comply with the performance standards required for RC 5 zoned properties under § 1A04.4D.1 of the B.C.Z.R. which requires a development proposal to:

a. Reflect the traditional rural character of the area in architectural form, scale, materials, detailing and landscaping context.

b. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of the remaining vegetation during construction.

c. Integrate, where possible, significant features of this site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks and gardens, into the site design, and retain the existing

character of the features and their settings (*Emphasis added*).

d. Coordinate building design, site layout and grading so that grade transitions are gradual and respect the existing topography.

e. Provide for smooth transitions between the proposed development and the surrounding rural area by arranging and orienting the proposed buildings and site improvements to compliment those in the surrounding vicinity (*Emphasis added*).

f. Provide varietal transitions between proposed buildings and site improvements with respect to setbacks, street patterns and building-to-street grade relationships.

19. In the event the B.C.Z.R. is strictly interpreted, Petitioners will experience a practical difficulty, given they will be unable to construct a single family dwelling on the lot in keeping with the pattern of development in the neighborhood and will be unable to comply with the RC 5 zone performance standards.

20. Notwithstanding the foregoing, Petitioners reserve the right to produce evidence demonstrating compliance with § 304.1 of the B.C.Z.R. which states a one family dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform with the width and area requirements contained in these regulations.

21. As documented by **Exhibits 1 and 3**, Lot 11 has been duly recorded by deed and a validly approved subdivision prior to March 30, 1955.

22. The Owner of the lot does not own adjoining land which would allow it to conform to the width and area requirements contained in the regulations.

23. Baltimore County changed the requirements for RC 5 zoned property in 2004,

including revising the minimum acreage requirements from 1 acre to 1.5 acres and setback requirements from 30 feet to 50 feet.

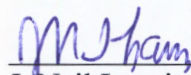
24. Petitioners clearly suffer from substantial practical difficulty in light of the revised zoning regulations which were enacted almost 40 years after the Owners purchased the property and began paying taxes.

25. The subject property meets the test necessary for Petitioners to obtain the requested variance relief which requires a showing that;

- 1) The property is unique; and
- 2) If the variance relief is denied, Petitioners will experience a practical difficulty or hardship. Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80, (2008).

WHEREFORE, Petitioners respectfully requests:

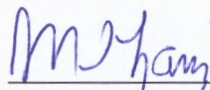
1. The Administrative Hearing Officer reconsider the decision denying the zoning relief requested;
2. The Administrative Hearing Officer grant Petitioners the requested zoning relief;
3. Provide for the reposting and re-advertising of this case in the event a hearing is deemed necessary by the Administrative Hearing Officer; and
4. Provide such other and further relief as is necessary.



J. Neil Lanzi
Wright, Constable & Skeen, LLP
102 W. Pennsylvania Avenue
Suite 406
Towson, MD 21204
(443) 991-5917

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13th day of April, 2016, a copy of the foregoing Motion For Reconsideration was mailed, postage prepaid, to David F. Mister, Esquire, 13604 Brookline Road, Baldwin, Maryland 21013; Maria Pycha, 13612 Brookline Road, Baldwin, Maryland 21013; Judith Wilson, 13612 Devonfield Drive, Baldwin, Maryland 21013; Richard Edmunds, 13609 Brookline Road, Baldwin, Maryland 21013; Peter Max Zimmerman and Carole S. Demilio, People's Counsel for Baltimore County, Jefferson Building, Room 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204.



J. Neil Lanzi

Deed

This Deed, dated June 7, 2012 from **ELLEN McBARRON BURGER** (also known as Ellen M. Burger) ("Grantor") to **ELLEN McBARRON BURGER** and **KIRSTEN BURGER**, Trustees of the **ELLEN McBARRON BURGER REVOCABLE TRUST** dated January 18, 2000, as amended and/or restated from time to time (the "Trust") ("Grantees"). *The Trust is not a business trust.*

Whereas, Edward D. Burger and Ellen McBarron Burger, husband and wife, were vested with fee simple title to the two (2) hereinafter described real properties (the "Properties"), as tenants by the entireties, by (i) Deed dated December 21, 1962 and (ii) Deed dated May 28, 1965 as set forth below, and the said Ellen McBarron Burger became sole owner by right of survivorship following the death of her husband, Edward D. Burger, on May 21, 2009; and

Whereas, on January 18, 2000, Grantor created the Trust for estate planning purposes and, in accordance with the said purposes, Grantor desires to convey to the Trust her entire interest in the Properties.

Now, Therefore, Grantor, for NO MONETARY CONSIDERATION, but for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the Grantees, on behalf of the Trust, their respective successors in trust and assigns, in fee simple, the Properties located in the Eleventh Election District of Baltimore County, State of Maryland, and described as follows:

Being for the First known and designated as Lot No. 12, Block D, as shown on a Plat entitled "Section 1, Carroll Manor", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 20, folio 79. The improvements thereon being known as 13609 Brookline Road, Baldwin, Maryland 21013.

Being the same Property described in a Deed dated December 21, 1962, and recorded among the said Land Records in Liber R.R.G. No. 4089, folio 190, from The Carroll Manor Company, to Edward D. Burger and Ellen M. Burger, husband and wife, as tenants by the entireties.

Being for the Second known and designated as Lot No. 11, Block D, as shown on a Plat entitled "Section 1, Carroll Manor", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book G.L.B. No. 20, folio 79.

Being the same Property described in a Deed dated May 28, 1965, and recorded among the said Land Records in Liber R.R.G. No. 4464, folio 302, from The Carroll Manor Company, to Edward D. Burger and Ellen M. Burger, husband and wife, as tenants by the entireties.

Harbor City Research, Inc.
201 N. Charles St., Suite 900
Baltimore, MD 21201

GAT1504 #31361

Exhibit 1

Subject To the conditions and restrictions contained in a Deed from The Carroll Manor Company to Vincent W. Ambrose and wife dated October 1, 1954, and recorded among the Land Records of Baltimore County, Maryland in Liber G.L.B. No. 2567, folio 82.

Together With all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances, and advantages, belonging or appertaining thereto.

To Have and To Hold the Properties hereby conveyed to the Grantees, on behalf of the Trust, their respective successors in trust and assigns, in fee simple, forever.

Grantor covenants that she will warrant specially the Properties hereby granted and conveyed, and that she will execute such further assurances of the Properties as may be requisite.

Witness the hand and seal of Grantor.

Witness:



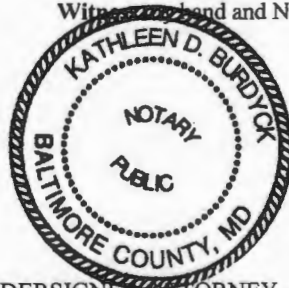
Ellen McBarron Burger (SEAL)
Ellen McBarron Burger

State of Maryland}

City/County of Baltimore to wit:

I **Hereby Certify** that on this 7th day of June, 2012, before me, a Notary Public for the aforesaid State, personally appeared Ellen McBarron Burger, known to me, (or satisfactorily proven) to be the person whose name is subscribed to this Deed, and who acknowledged that she executed the same for the purposes contained herein.

Witness my hand and Notarial Seal.



Kathleen D. Burdick (SEAL)
Notary Public
My Commission Expires: January 16, 2014

THE UNDERSIGNED ATTORNEY, ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND, HEREBY CERTIFIES THAT THE ABOVE INSTRUMENT HAS BEEN PREPARED BY HIM OR UNDER HIS SUPERVISION.

David H. Fishman
David H. Fishman, Attorney

After Recording, Return To:
Janice Portney, Paralegal
c/o Gordon Feinblatt LLC
The Garrett Building
233 East Redwood Street
Baltimore, Maryland 21202-3332

State of Maryland Land Instrument Intake Sheet									
☐ Baltimore City ☒ County: BALTIMORE Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)									
1	Type(s) of Instruments	☒ Deed ☐ Mortgage Lease ☐ Other _____ ☐ Other _____ (Check Box if addendum Intake Form is Attached.)							
2	Conveyance Type Check Box	☐ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale [9] ☐ Arms-Length [1] ☐ Arms-Length [2] ☐ Arms-Length [3]							
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation Section 12-108(ee) of the Maryland Tax-Property Code State Transfer Section 13-207(a)(23) of the Maryland Tax-Property Code County Transfer							
4	Consideration and Tax Calculations	Consideration Amount				Finance Office Use Only Transfer and Recordation Tax Consideration			
Purchase Price/Consideration \$ 0.00 Any New Mortgage \$ Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value: \$		Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$							
5	Fees	Amount of Fees		Doc. 1	Doc. 2	Agent:			
		Recording Charge		\$ 20.00	\$	Tax Bill:			
		Surcharge		\$ 40.00	\$	C.B. Credit:			
		State Recordation Tax		\$	\$	Ag. Tax/Other:			
		State Transfer Tax		\$	\$				
		County Transfer Tax		\$	\$				
		Other		\$	\$				
		Other		\$	\$				
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG		
11		1102088800	R.R.G. No. 4089/190 8	R.R.G. No. 4464/302	(5)				
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)			
SECTION 1, CARROLL MANOR		11 & 12	December	G.L.B. No. 20/79					
Location/Address of Property Being Conveyed (2)									
13609 Brookline Road, Baldwin, Maryland 21013									
Other Property Identifiers (if applicable)									
Water Meter Account No.									
Residential ☒ or Non-Residential Fee Simple ☒ or Ground Rent Amount:									
Partial Conveyance? Yes No Description/Amt. of SqFt/Acreage Transferred:									
If Partial Conveyance, List Improvements Conveyed:									
7	Transferred From	Doc. 1 – Grantor(s) Name(s)				Doc. 2 – Grantor(s) Name(s)			
		Ellen McBarron Burger							
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)				Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 – Grantee(s) Name(s)				Doc. 2 – Grantee(s) Name(s)			
		Ellen McBarron Burger and Kirsten Burger, Trustees of the							
		Ellen McBarron Burger Revocable Trust dated 1/18/2000							
		New Owner's (Grantee) Mailing Address							
		13609 Brookline Road, Baldwin, Maryland 21013							
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)				Doc. 2 – Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person						☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided	
		Name: Janice Portney, Legal Assistant Firm: Gordon Feinblatt LLC Address: 233 E. Redwood Street, Baltimore, Maryland 21202 Phone: (410) 576-4081							
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Assessment Information ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☐ No Does transfer include personal property? If yes, identify: _____ ☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).								
Assessment Use Only – Do Not Write Below This Line Terminal Verification Agricultural Verification Whole Part Tran. Process Verification Transfer Number Date Received: Deed Reference: Assigned Property No.: Year 20 20 Geo. Map Sub Block Land TAX NOT REQUIRED Zoning Grid Plat Lot Buildings Director of Budget and Finance Use Parcel Section Occ. Cd. Total BALTIMORE COUNTY, MARYLAND Town Cd. Ex. St. Ex. Cd. REMARKS: BALTIMORE COUNTY TRANSFER TAX Per _____ AHT 11 TITLE 3 SUBTITLE 2, 11-3-202 RECORDED TAX Per _____ T.P. ART 12-108 Distribution: Who: Clerk's Office When: _____ Where: _____ AOC-CC-300 (5/2007)									

Space Reserved for Circuit Court Clerk Recording Validation

 IMP FD SURE 48.00
 RECORDING FEE 28.00
 TOTAL 68.00
 Res# BAO2 Rcpt # 29598
 JLE DC Blk # 1305
 Jun 15, 2012 03:38 PM

Exhibit 2



NOTES:
The streets and/or roads are shown herein and the plat is intended to be used for the purpose of subdivision only, and the same are not intended to be used for the purpose of showing the location of the streets and/or roads in the plat.

Coordinates shown on this plat are assumed and the plat is not intended to be used for the purpose of showing the location of the streets and/or roads in the plat.

SEP 15 1964
J. B. Mc 20 1/2 79
J. B. Mc 20 1/2 79
J. B. Mc 20 1/2 79

SECTION 1
CARROLL MANOR
A DEVELOPMENT OF
THE CARROLL MANOR CO.
606 SEMINARY AVENUE
TOWSON 4, MD.
BALTO. CO. MD.
JULY 15, 1964

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
APPROVED FOR BALTIMORE COUNTY PLANNING COMMISSION
APPROVED FOR BALTIMORE COUNTY ENGINEERING
THOMPSON, GRACE & MAY
ENGINEERS
BALTIMORE, MD.

This Deed, Made this 28th day of May,

in the year one thousand nine hundred and sixty-five, by and between THE CARROLL MANOR COMPANY, a body corporate of the State of Maryland,

, of the first part, and

✓ EDWARD D. BURGER and ✓ ELLEN M. BURGER, his wife,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said THE CARROLL MANOR COMPANY

does hereby grant and convey unto the said EDWARD D. BURGER and ELLEN M. BURGER, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor,

~~in fee simple, all~~

that lot(s) of ground, situate, lying and being in Baltimore County, ~~State of Maryland~~

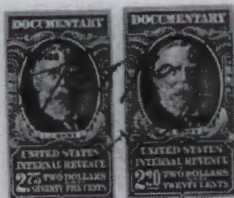
, State of Maryland, and described as follows, that is to say:—

~~BEING KNOWN AND DESIGNATED~~

BEING KNOWN AND DESIGNATED as Lot No. 11, Block D, as shown on Plat of Section 1, Carroll Manor, which Plat is recorded among the Land Records of Baltimore County in Liber G.L.B. No. 20, folio 79.

BEING a portion of all that property which, by Deed dated November 3, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2386, folio 62, was granted and conveyed by John P. Raab and wife unto The Carroll Manor Company, in fee simple.

SUBJECT TO the conditions and restrictions contained in a Deed from The Carroll Manor Company to Vincent W. Ambrose and wife dated October 1, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2567, folio 82.



APR 28 1965 JUN 1

2150 MSG

Exhibit 3

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or otherwise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said EDWARD D. BURGER and ELLEN M. BURGER, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor, in fee simple, subject to the conditions and ~~restrictions~~ restrictions hereinbefore referred to.

And the said party of the first part hereby covenants that ~~he~~ it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~he~~ it will warrant specially the property granted and that ~~he~~ it will execute such further assurances of the same as may be requisite.

Witness the ~~hand~~ corporate seal of said grantor duly attested, and the signature of its President.

TEST:

THE CARROLL MANOR COMPANY

Charles A. Trageser

By

Henry E. Hagenfelder
President

State of Maryland,

, to wit:

I HEREBY CERTIFY, That on this _____ day of _____ May, 19 65, before me, the subscriber, a Notary Public of the State of Maryland, in and for _____, personally appeared

President of The Carroll Manor Company, and acknowledged the foregoing Deed to be the act of said body corporate.

~~known to me to be the act of the President of the Carroll Manor Company, and acknowledged the foregoing Deed to be the act of said body corporate.~~

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1965.



Record JUN 1 1965 at _____

by R. Gill, Clerk

Receipt No. _____

Free Simple Deed—Code—City or County.

This Deed. Made this *third* day of November -----
----- in the year one thousand nine hundred and fifty-three -----
by and between JOHN P. SAAB and LULA O. SAAB, his wife, of Baltimore County, State of
Maryland, parties of the first part, Grantors, and THE CARROLL MINOR COMPANY, a body
corporate of Baltimore County, duly incorporated under the Laws of the State of Maryland,
party of the second part, Grantee.



Witnesseth, that in consideration of the sum of five dollars and other good and valuable considera-
tions, the receipt of which is hereby acknowledged, the said John P. Saab and Lula O. Saab,
his wife, -----
do grant and convey unto The Carroll Minor Company, a body corporate, its successors and
assigns, in fee simple, all -----
----- and except as hereinafter all -----
that lot of ground and premises ----- situated lying and being in the
Eleventh Election District of -----
Baltimore County, State of Maryland, aforesaid ----- and described as follows, to-wit:

Beginning in the same at a stake now planted near the north side of the public road leading
from Reed's Tavern to the Joppa and Hanor Road, said point of beginning being also the
beginning mentioned in the deed dated November 25, 1897 and recorded among the Land Records
of Baltimore County in Liber T.R. No. 274, Folio 596 et seq., which was conveyed by Solomon
Wright to Charles Wells, running thence binding on part of the first line (also known
as the first line of Wright's Folly) of said deed south 48 degrees 00 minutes west 554
feet 5 inches, thence south 82 degrees 15 minutes west 20 feet 2 inches to a stone, the
beginning of the tract which by deed dated November 1, 1880 and recorded among the Land
Records of Baltimore County in Liber W.M. No. 120, Folio 401, was conveyed by William H.
Webster and wife to John A. Wells, running thence continuing the same course and binding
reversely on the third line of the last mentioned deed 258 feet 3 inches to a point in
the above mentioned public road, thence binding reversely on the second line of said
last mentioned deed south 18 degrees east 189 feet 9 inches to a stone, thence continuing
the same course 6 feet to intersect the first line of the above mentioned land conveyed
by Solomon Wright to Charles Wells, running thence binding on said first line south 49
degrees 00 minutes west 687 feet 7 inches to a stone, a corner of Dilworth's land, thence
south 25 degrees 13 minutes east 1471 feet 19 inches to a stone, thence south 65 degrees

LIB. 2386 PAGE 62 SEP 9 1954

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2386-6 0062 MS# CBB-2241 Date available 1/10/2005 Printed 04/11/2016

Exhibit 4

27 minutes east 502 feet to a stone, the beginning of the tract which by deed dated September 14, 1893 and recorded among the Land Records of Baltimore County in Liber L. M. B. No. 199, folio 455, etc., was conveyed by Thomas J. Hails and wife to John C. Sinder, running thence binding on the first line of said land conveyed by Hails to Sinder south 59 degrees 5 minutes east 818 feet to a stone, running thence binding on the land of Sinder, Graefe and F. B. Jenkins Company, south 85 degrees 47 minutes east 2212 feet 6 inches to a nail in a Hickory stump, a corner of F. B. Jenkins Company land, running thence binding on F. B. Jenkins Company's land north 14 degrees 49 minutes east 1426 feet 6 inches to a stone in the line of Patterson's land, running thence binding on Patterson's land north 81 degrees 24 minutes west 1067 feet to a stone, thence north 50 degrees 13 minutes west 206 feet 4 inches to a stone, a corner of Martin Schweikert's land, running thence binding on Schweikert's land the two following courses and distances, viz: south 49 degrees 47 minutes west 906 feet to a stone, north 25 degrees 4 minutes west 2126 feet to a stake on the north side of the public road leading from Keff's Tavern to Jorda and Manor Road, running thence south 82 degrees 7 minutes west 1420 feet 9 inches to the place of beginning.

Containing 159½ acres of land more or less.

BEING the same parcel of land which by deed dated December 13, 1945 was granted and conveyed by Peter L. Rohs and Emma C. Rohs, his wife, unto the Grantors herein, which deed was recorded among the Land Records of Baltimore County on December 15, 1945 in Liber B.L.S. No. 1417, folio 564, etc.

Together. with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

To have and to hold the said lot of ground - - - - - and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said - - - its successors and assigns, - - - - -
The Carroll Manor Company, a body corporate / - - - - - in fee-simple.

And the said John P. Raab and Lula C. Raab, his wife, - - - - - hereby covenant that they have not done or suffered to be done any act, matter of thing whatsoever to encumber the property hereby conveyed; - - - - -
- - - - - ~~hereby warrant~~ that they will warrant specially the property hereby granted and conveyed, and that they will execute such further assurances of said the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

Lenilla S. Baginski
Lenilla S. Baginski

John P. Raab
John P. Raab
Lula C. Raab [Seal]
Lula C. Raab

LIBER 2386 PAGE 65

State of Maryland COUNTY OF BALTIMORE

to wit:

I HEREBY CERTIFY, that on this

3rd

day of November

in the year one thousand nine hundred and fifty-three

a Notary Public of the State of Maryland, in and for

the County of Baltimore aforesaid, personally appeared

John P. Raab and Lala O. Raab, his wife, Grantors herein,

and they acknowledged the foregoing Deed to be their act.

AS WITNESS my hand and Notarial Seal.

Leonilla S. Baginski
 Leonilla S. Baginski
 Notary Public

62
 116793
 TR
 DEED
 REFERRED
 PER FROM 11-7-53
 LAR
 JOHN P. RAAB and CLERK

LULA O. RAAB, his wife

TO

THE CARROLL MANOR COMPANY

a body corporate

Block No. Eleventh Election District

Received for Record NOV 7 1953

at 9:30 o'clock A.M. Same day recorded

in Liber 2386 No. 2386 Folio 62 etc.

one of the Land Records of BALTO.

Co.

and examined per

George L. Byerly Clerk

Cost of Record \$

LIBER 2386, PAGE 65

Chas. A. Tregeiser

Attorney-at-Law

1111 Munsey Bldg.

Baltimore 2, Md.



October 27, 2015

John Beverungen
Baltimore County Administrative Law Judge
105 Chesapeake Avenue
Towson, MD 21204

RECEIVED

APR 05 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Reconsideration of Case 2016-0158-SPHA

Dear Mr. Beverungen,

This letter is to present additional information for your reconsideration of the variances requested in Case 2016-0158-SPHA.

As you remember, the subject lot was created on July 13, 1954 as Lot 11 of "Carroll Manor" in Plat Book 20, page 79. At the time of its creation, it met all of the applicable regulations for Baltimore County. It had the right to be built on the same as all of the other lots in that subdivision, but was left undeveloped by the original owners because they lived on the adjoining lot.

"Unique" is a hard word to place a meaning on or standards for, even reading *Trinity Assembly of God v People's Council*. It is easy to place standards that pertain to topography and shape compared to other properties in the area. But I think that these physical features are only a small list that can make a property unique.

Over the last 30 years of dealing with property in Baltimore County, I have seen just about everything that could make a property unique. I understand that most of the reasons have not been cited in a previous case, but that doesn't make them any less unique.

In case 2015-0175-SPHA, I presented that the subject lot was down zoned which caused it to be un-developable because of the required size and setbacks. In that case, the physical features were similar to other lots in the area. The only thing that made that lot unique was that it was not developed over the years by the owners that lived on the adjoining lot.

In both cases, uniqueness should not be the shape of the lots or the percentage of the slopes, but the history of the property.

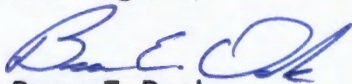
I also know that there must be a hardship and practical difficulty imposed on the owner if the variances are not granted. In these two cases the greatest hardship and practical difficulty is being placed on them. They will not have the right to have a house built on them and therefore, have very little value.

Both of these lots were assessed for decades as build able lots and the taxes were paid as such. Neither of the owners did anything to cause their zoning issues. The only thing that they did, was to keep each undeveloped. I find it hard to believe that their actions constitute a loss of their rights and the value of their lots.

Please think of all of the properties you could have considered unique and why and see if they were all for their physical features. I think that the previous cases that you cite were giving us guidelines not requirements.

Thank you for your reconsideration.

With regards,



Bruce E. Doak
MD Reg Property Line Surveyor #531

Enclosed:

Case 2015-0175-SPHA order & plat
Case 2015-0176-SPHA order & plat
Case 2016-0158-SPHA order & plat

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(8115 Bellona Avenue) *

9th Election District *

2nd Council District *

Gerard & Theresa Athaide *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0175-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an undersized lot with an area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. In addition, a Petition for Variance pursuant to B.C.Z.R. §1B02.3.C.1 seeks the following: (1) to permit a lot width of 85 ft. in lieu of the required 100 ft.; (2) to permit a side yard setback of 10 ft. in lieu of the required 25 ft.; and (3) to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks. 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 of the requests was Gerard & Theresa Athaide. Bruce E. Doak from Bruce E. Doak Consulting, LLC, whose firm prepared the site plan appeared and represented the Petitioners. Peggy Squitieri, of the Ruxton Riderwood Lake Roland Area Improvement Association, Inc. (RRLRAIA) attended to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), which opposed the requests.

PETITION FOR SPECIAL HEARING

The subject property is shown as lot #5 on the plat of "Woodlands," recorded in 1945. Exhibit 5. That plat created a 12 lot subdivision, and lot #5 is the only lot which has not been improved with a single family dwelling. In 2004, the property was downzoned from D.R. 3.5 (which contains a 10,000 sq. ft. minimum lot size) to D.R. 2 (which contains a 20,000 sq. ft. minimum lot size). The Petitioners' lot is just shy of that figure (approximately 5% deficient in area), and if the request was granted the permitted density would not exceed that shown on the original plat. As such, the petition for special hearing will be granted.

VARIANCE

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 lot is narrow and deep and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to construct a single family dwelling on the lot. 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 community opposition. The RRLRAIA indicated it was not opposed to the requests, and the parties agreed to certain restrictions which will be included in the Order below. Though 4,000 square feet was suggested as an appropriate maximum size for the proposed dwelling, I believe that 3,000 square feet (the size of the dwelling at 8117 Bellona Ave.) is a more appropriate figure considering this is one of the smaller lots in the subdivision.

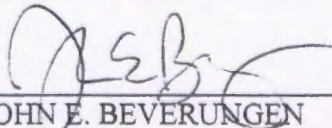
THEREFORE, IT IS ORDERED this 5th day of June, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve an undersized lot with an area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §1B02.3.C.1 seeking: (1) to permit a lot width of 85 ft. in lieu of the required 100 ft.; (2) to permit a side yard setback of 10 ft. in lieu of the required 25 ft.; and (3) to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks, be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits for construction of a single family dwelling, Petitioners must secure approval of the Baltimore County Design Review Panel.
3. Any single family dwelling constructed on the lot shall be restricted to 35 ft. height, 40 ft. width and a maximum of 3,000 square feet of above-grade enclosed area.

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

IN RE: PETITION FOR VARIANCE

(8117 Bellona Avenue)

9th Election District

2nd Council District

Gerard & Theresa Athaide

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0176-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.C.1 as follows: (1) to permit a lot width of 95 ft. in lieu of the required 100 ft.; (2) to permit a side yard setback of 10 ft. in lieu of the required 25 ft.; and (3) to permit a side yard setback sum of 16 ft. in lieu of the required 40 ft. side yard setback sum. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners' Exhibit 1.

Owners Gerard & Theresa Athaide appeared in support of the petition. Bruce E. Doak, from Bruce E. Doak Consulting, LLC, whose firm prepared the site plan, appeared on behalf of the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. Peggy Squitieri, of the Ruxton Riderwood Lake Roland Area Improvement Association, Inc. (RRLRAIA) attended to obtain additional information regarding the requests.

The subject property is approximately 22,506 square feet and is zoned DR 2. The property is improved with a single family dwelling constructed in 1959. The variance relief requested herein is simply to "legitimize" conditions that have existed for over 50 years. This case is a

companion to Case No. 2015-0175-SPHA, involving the adjoining (unimproved) property on which the Petitioners propose to construct a single family dwelling.

To obtain variance relief requires a showing that:

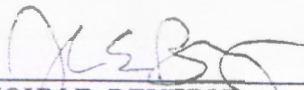
- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

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

Petitioners have met this test. Petitioners must contend with long existing site conditions and the property is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would need to reconfigure their home to comply with current zoning setbacks. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 5th day of June, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §1B02.3.C.1 as follows: (1) to permit a lot width of 95 ft. in lieu of the required 100 ft.; (2) to permit a side yard setback of 10 ft. in lieu of the required 25 ft.; and (3) to permit a side yard setback sum of 16 ft. in lieu of the required 40 ft. side yard setback sum, be and is hereby GRANTED.

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

PLEASE PRINT CLEARLY

CASE NAME BURGEE
CASE NUMBER 2016-0158 - SP1A
DATE 3/14/16

PETITIONER'S SIGN-IN SHEET

[illegible]

Burger

2016-0158-SPHA

3-14-2016

[illegible]



KEVIN KAMENETZ
County Executive

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

January 13, 2016

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: 2016-0158-SPHA

13607 Brookline Road

NE/s Brookline Road, 327 ft. NW of the centerline of Country Side Lane

11th Election District – 3rd Councilmanic District

Legal Owners: Ellen McBarron Burger, Kirsten Burger

Special Hearing to allow a property area (1.04 acres) less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3Ba BCZR.

Variance to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR.

Hearing: Monday, March 14, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Ms. McBarron-Burger, Ms. Burger, 2525 Pot Spring Road, Unit L606, Lutherville 21093
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 23, 2016.**
- (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.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3980039

Sold To:

Ellen McBarron Burger - CU00521060
2525 Pot Spring Rd
Unit L606
Lutherville Timonium, MD 21093-2851

Bill To:

Ellen McBarron Burger - CU00521060
2525 Pot Spring Rd
Unit L606
Lutherville Timonium, MD 21093-2851

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Feb 23, 2016

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: # 2016-0158-SPHA

13607 Brookline Road,
NW/s Brookline Road, 327 ft. NW of the centerline of
Country Side Lane

11th Election District - 3rd Councilmanic District
Legal Owner(s) Ellen McBarron Burger, Kirsten Burger

Special Hearing: to allow a property area (1.04 acres) less than 1 1/2 acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3Ba BCZR.

Variance: to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR.

Hearing: Monday, March 14, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 2/801 Feb. 23

3980039

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

February 14, 2016

Re:
Zoning Case No. 2016-0158-SPHA
Petitioner: Ellen McBarron Burger, Kristen Burger
Hearing date: March 14, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **13607 Brookline Road**.

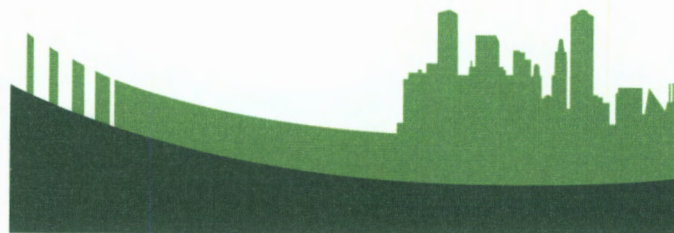
The sign was posted on **February 12, 2016**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0158-SPHA

13607 Brookline Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday March 14, 2016 10:00 AM

REQUEST:

**SPECIAL HEARING TO ALLOW A PROPERTY AREA (1.04 ACRES)
LESS THAN 1 1/2 ACRES AND A DENSITY LESS THAN 0.5 FOR
EXISTING LOTS THAT WERE CREATED PRIOR TO 1979 AS
REQUIRED IN SECTION 1A04.3B2a BCZR.**

**VARIANCE TO ALLOW A SETBACK OF 30 FEET IN LIEU OF THE
REQUIRED 50 FEET FROM ANY LOT LINE OTHER THAN A
STREET PER SECTION 1A04.3B2b BCZR.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-667-3361.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
13607 Brookline Rd; NE/S of Brookline Rd,	*	OF ADMINISTRATIVE
327' NW of c/line of Country Side Lane		
11 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Ellen McBarrow Burger		
& Kirsten Burger	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2016-158-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JAN 14 2016

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 14th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

March 9, 2016

Ellen McBarron Burger
Kirsten Burger
2525 Pot Spring Road
Unit L606
Luth-Timonium MD 21093

RE: Case Number: 2016-0158 SPHA, Address: 13607 Brookline Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 7, 2016. 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: jaw

Enclosures

c: People's Counsel
Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

3/4

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: February 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-158

FEB 01 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 13607 Brookline Road
Petitioner: Ellen McBarrow Burger, Kristen Burger
Zoning: RC 5
Requested Action: Special Hearing, Variance

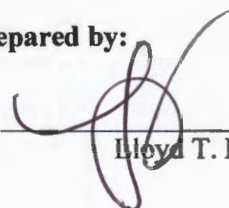
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a property area less than 1.5 acres and a density less than 0.5 for existing lots that were created prior to 1979 and also petition for variance to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street.

A site visit was conducted on January 21, 2016. The site is located in a Rural Residential designated area.

The Department has no objection to granting the petitioned zoning relief.

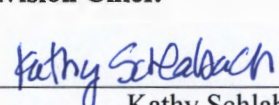
Please be aware that any new residential construction on the site is subject to the performance standards in BCZR Section 1A04.4. For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:

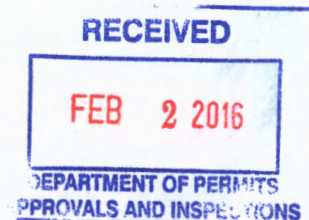


Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



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

DATE: February 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-158

INFORMATION:

Property Address: 13607 Brookline Road
Petitioner: Ellen McBarrow Burger, Kristen Burger
Zoning: RC 5
Requested Action: Special Hearing, Variance

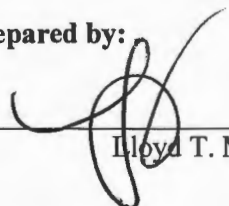
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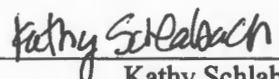
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 January 18, 2015
Item No. 2016- 0152, 0153, 0154, 0155, 0156, 0157 and 0158

DATE: January 21, 2016

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC01182016.doc

3114

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 19 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0158-SPHA
Address 13607 Brookline Road
(Burger Property)

Zoning Advisory Committee Meeting of January 19, 2016.

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

Reviewer: Steve Ford

Date: 01-19-2016

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/13/16

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

RE: Baltimore County
Item No. 2016-0158-SPHA-
Special Hearing Variance
Ellen McBarrow Berger & Kirsten Berger
13607 Brookline 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. 2016-0158-SPHA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

SITE INFORMATION

- Ownership: Ellen McBarron Burger & Kirsten Burger, Trustees of the Ellen McBarron Burger Revocable Trust
2525 Pot Spring Road Lutherville, MD 21093
- Address: 13607 Brookline Road Baldwin, MD 21013
- Deed references: JLE 32196/ 466
- Area: 1.04 acres (per SDAT & Survey)
- Tax Map / Parcel / Lot / Tax account #: 44 / 245 / 11 / 11-02-088801
- Election District: 11 Councilmanic District: 3
ADC Map: 4462H1 GIS tile: 04482 Position sheet: 73NE19
Census tract: 411201 Census block: 240054112011005
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
- The boundary shown hereon is from the plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 04482 and the information provided by Baltimore County on the internet.
- Improvements: Vacant

ZONING

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.

R.C. 5 Setbacks for Residences

Front: 75 feet from the center of the road
Side / Rear: 50 feet
The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79

The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79
The subject property (Lot 11) outlines, as shown hereon, were the same on November 25, 1979 as they were when they were created on July 13, 1954. this was confirmed by Bruce E. Doak Mo. Reg. Property Line Surveyor #531.

ENVIRONMENTAL

Watershed: Lower Gunpowder Falls URDL land type: 1

GROUND WATER MANAGEMENT

- The possible dwelling will be served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.
- The subject property is classified as Growth Tier III.

ENVIRONMENTAL IMPACT

Forest Conservation

- Forest does not exist on the subject property.
- The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

- Wetlands do not exist on the subject property.
- No flood plain for a tributary is shown on the current FEMA FIRM Map.
- The subject property is not located within a 100 year flood plain.
- The subject property is not in the Chesapeake Bay Critical Area.

STORM WATER MANAGEMENT

- The storm water management regulations will be met as a part of the building permit process.

PLANNING

- The subject lot is not located in a National Register Historic District or on any other preservation list.
- Brookline Road is not designated as a Baltimore County scenic route.

Regional Planning District: Fork District Code: 310

PROPOSED DEVELOPMENT

To build a single family dwelling

WELL & SEPTIC INFORMATION FOR SURROUNDING PROPERTIES WITHIN 200'

PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	SOURCE AS PER PERM FILE	LOCATED BY SURVEY	UNKNOWN	COMMENTS
13604 BROOKLINE ROAD	WELL	Y		X		SEWN
13604 BROOKLINE ROAD	SEPTIC	Y		X		SEWN
13606 DEVONFIELD DRIVE	WELL	Y		X		> 200' FROM SUBJECT PROPERTY
13606 DEVONFIELD DRIVE	SEPTIC	Y		X		> 200' FROM SUBJECT PROPERTY
13606 DEVONFIELD DRIVE	WELL	Y		X		> 200' FROM SUBJECT PROPERTY
13606 DEVONFIELD DRIVE	SEPTIC	Y		X		> 200' FROM SUBJECT PROPERTY
13604 DEVONFIELD DRIVE	WELL	Y		X		> 200' FROM SUBJECT PROPERTY
13604 DEVONFIELD DRIVE	SEPTIC	Y		X		> 200' FROM SUBJECT PROPERTY
13605 BROOKLINE ROAD	WELL	Y		X		SEWN
13605 BROOKLINE ROAD	SEPTIC	Y		X		SEWN
13604 BROOKLINE ROAD	WELL	Y		X		SEWN
13604 BROOKLINE ROAD	SEPTIC	Y		X		SEWN

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HO-VENTED MANAGEMENT	STREETS & PARKING
GdC	---	---	---
GdS	---	---	---
GdC	---	---	---



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4908
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
PERC TESTING PERMIT APPLICATION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

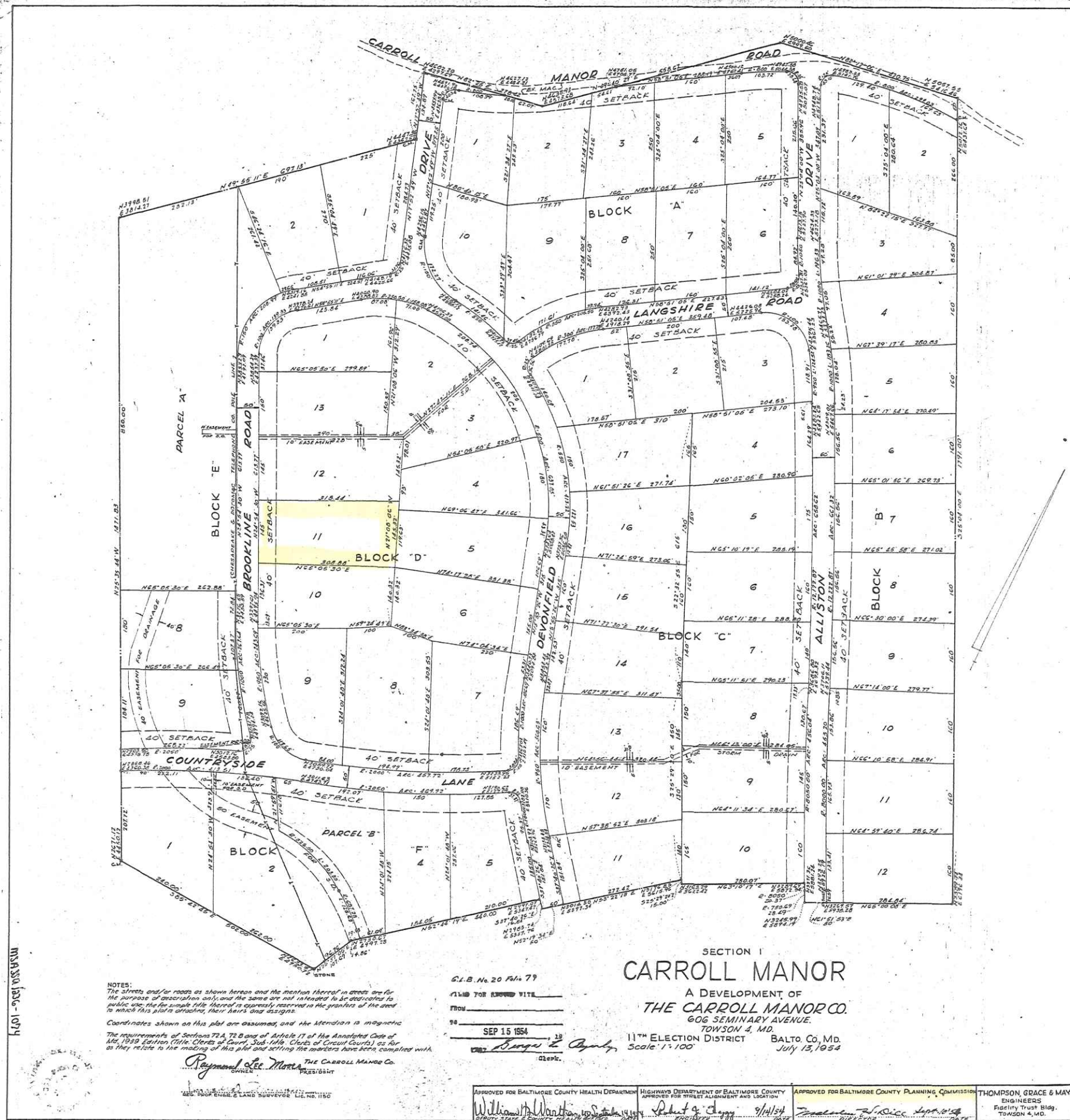
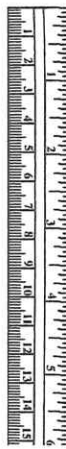
Date: 12/29/2015

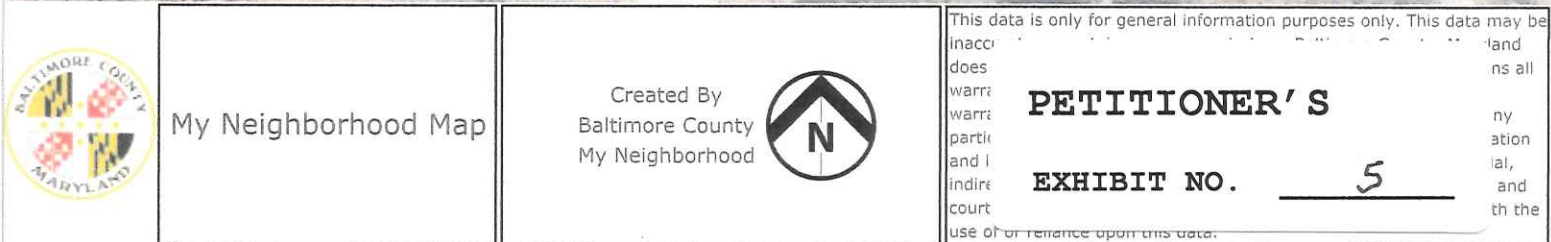
Scale: 1"=20'

REVISION

- | | |
|---------|--|
| 1/17/16 | ADDITION OF NOTES AS REQUESTED BY DEPARTMENT OF PLANNING |
| 2/03/16 | REVISIONS TO REFLECT TESTING |







SITE INFORMATION

- Ownership: Ellen McBarron Burger & Kirsten Burger, Trustees of the Ellen McBarron Burger Revocable Trust
2525 Pot Spring Road Lutherville, MD 21093
- Address: 13607 Brookline Road Baldwin, MD 21013
- Deed references: JLE 32196/ 466
- Area: 1.04 acres (per SDAT & Survey)
- Tax Map / Parcel / Lot / Tax account #: 44 / 245 / 11 / 11-02-088801
- Election District: 11 Councilmanic District: 3
ADC Map: 4462H1 GIS title: 044B2 Position sheet: 73NE19
Census tract: 411201 Census block: 240054112011005
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
- The boundary shown hereon is from the plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS title 044B2 and the information provided by Baltimore County on the internet.
- Improvements: Vacant

ZONING

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.
R.C. 5 Setbacks for Residences
Front: 75 feet from the center of the road
Side / Rear: 50 feet
The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79

ENVIRONMENTAL

Watershed: Lower Gunpowder Falls URDL Land type: 1

GROUND WATER MANAGEMENT

- The possible dwelling will be served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

ENVIRONMENTAL IMPACT

Forest Conservation

- Forest does not exist on the subject property.
- The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

- Wetlands do not exist on the subject property.
- No flood plain for a tributary is shown on the current FEMA FIRM Map.
- The subject property is not located within a 100 year flood plain.
- The subject property is not in the Chesapeake Bay Critical Area.

STORM WATER MANAGEMENT

- The storm water management regulations will be met as a part of the building permit process.

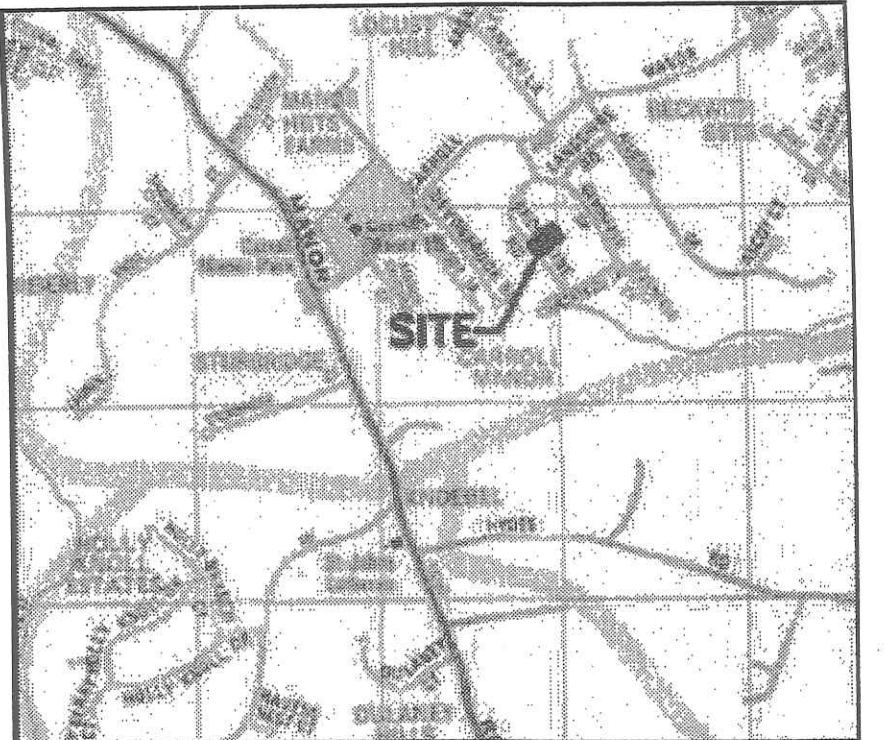
PLANNING

- The subject lot is not located in a National Register Historic District or on any other preservation list.
- Brookline Road is not designated as a Baltimore County scenic route.

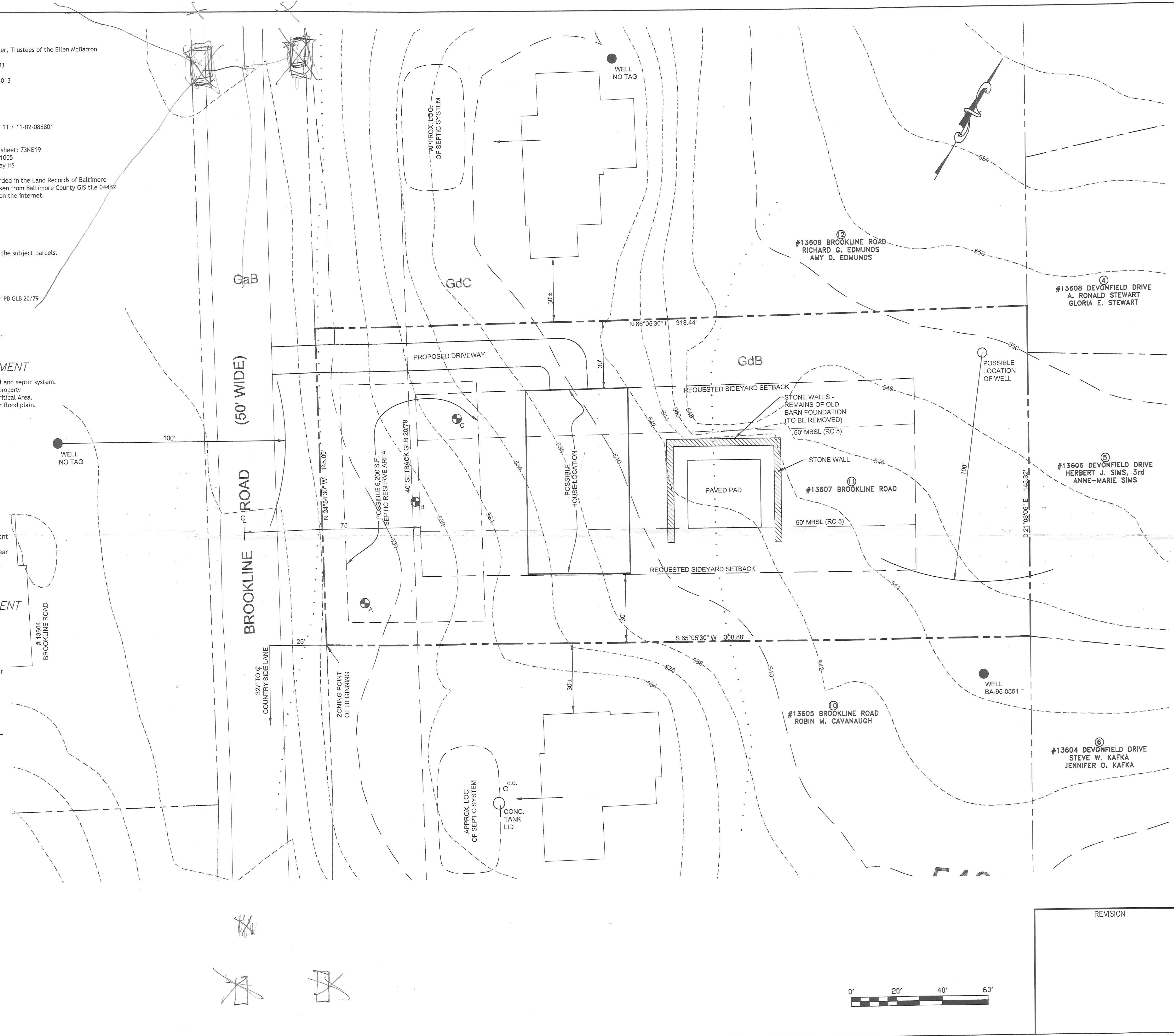
Regional Planning District: Fork District Code: 310

PROPOSED DEVELOPMENT

To build a single family dwelling



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road,
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 12/29/2015
Scale: 1"=20'

PETITIONER'S

EXHIBIT NO. 1

CASE 2016-CV58-SP4A

1. Ownership: E. & McBurnett Burger & Kristian Burger, Trustees of the E. & McBurnett Burger Revocable Trust
2525 Wolf Spring Road (Lutherville, MD 21090)
2. Address: 13607 Brookline Road Baltimore, MD 21240
3. Deed References: JLE 32196 / 466
4. Acre: 1.04 Acres (per SAT & Survey)
5. Tax Map / Parcel / Lot / Tax Account #: 44-245 / 12 / 1-07-06860
6. Plot on Dec 31, 19 Councilmanic District 3
AEC Map 4462801 GPS: 39.041211 - 76.70119
Census Tract: 410201 Census Block: 40204011001005
Schools: Carroll Manor IX, Catonsville MD, Jolaway MS
7. The boundary shown herein is from the plat recorded in the Land Records of Baltimore County, other information shown herein was taken from Baltimore County GIS for 04/01/2014 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant

Zoning: R 1.5 There are no previous zoning changes on the subject parcels.
 R 1.5 Setbacks for Residences:
 front: 75 feet from the center of the road
 Side: 1 foot; Rear: 50 feet.
 The subject lot was zoned on July 11, 1994 as "Carrill Ranch" PG LDB 2017/9

Water shed: Lower Garopindee Falls UGDL and Type: I

- 1 The possible dwelling will be served by a private well and septic system.
- 2 There are no underground storage tanks on the subject property.
- 3 The subject property is not on the Chesapeake Bay Critical Area.
- 4 The subject property is not located within a 100 year flood plain.

Forest Conservation

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

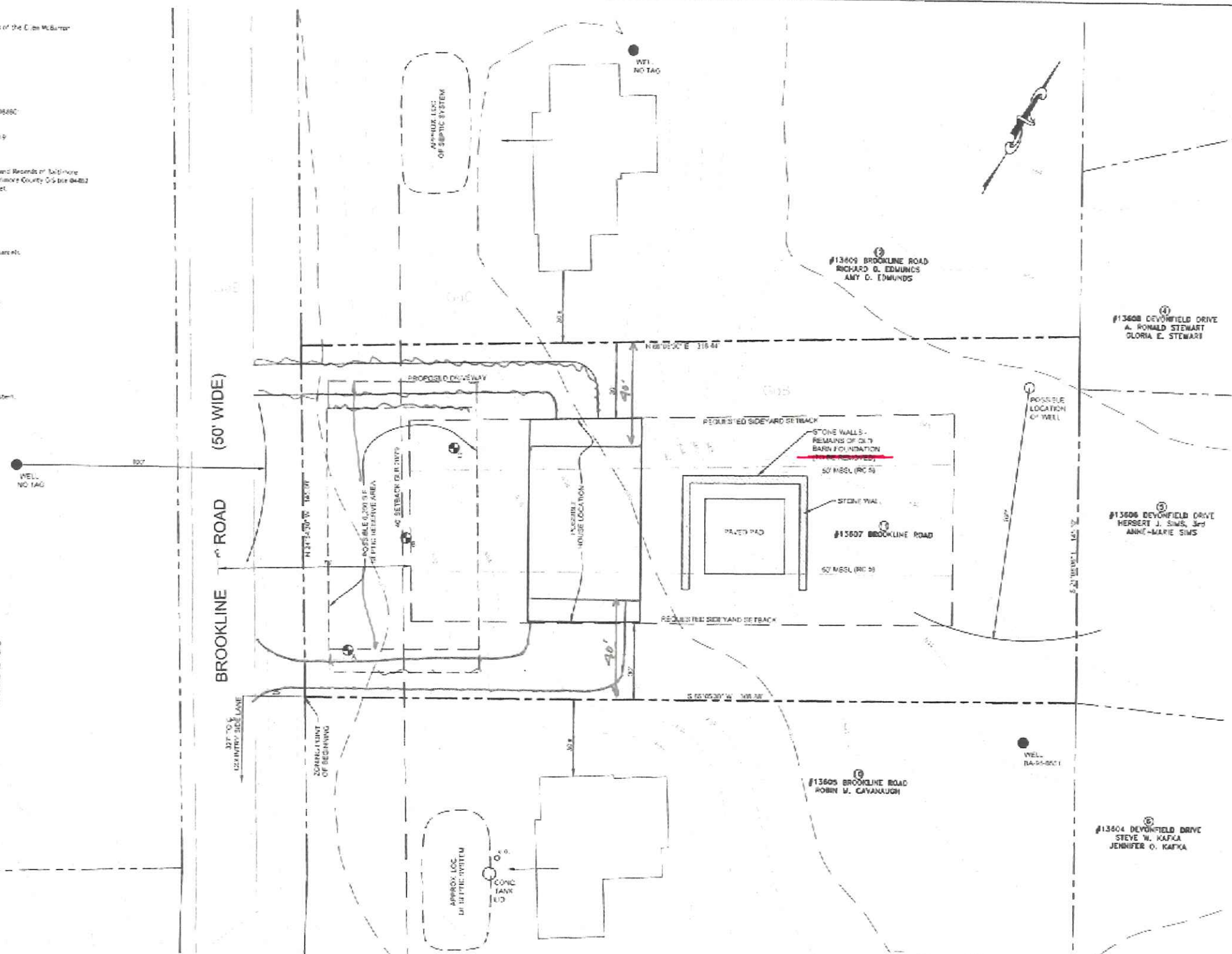
- Wetlands do not exist on the subject property.
- No flood plain for a tributary is shown on the current FEMA 614M map.
- The subject property is not located within a 100 year flood plain.
- The subject property is not in the Chesapeake Bay Critical Area.

1. The storm water management regulations will be met as a part of the building permit process.

- 1 The subject lot is not located in a National Register Historic District or on any other preservation list.
- 2 Bookline Road is not designated as a Baltimore County scenic route.

Regional Planning District Four District Code: 110

To build a single family, see us



Vicinity Map - Scale: 1" = 2000'

Bruce E. Dask Consulting, LLC
Land Use Expert and Surveyor
2801 Baker Schottelhouse Road
Fresno, MD 21768
p 410-908-2635 m 410-479-4906
bdask@brucedaskconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 3d CONGRESSIONAL DISTRICT

Scale: 1"=20'

REVISION
REVISED TO REFLECT
MISTAKE 7/1/16 EMAIL
CROSSED THRU TO
BE REMOVED"
3/08/17

Petitioner
CBA Exhibit

SITE INFORMATION

1. Ownership: E. Lee McBurnie & Helen Burger, Trustees of the E. Lee McBurnie Burger Revocable Trust
3225 Pot Spring Road Lutherville, MD 21093
2. Address: 13607 Brookline Road Lutherville, MD 21093
3. Deed reference: J.E. 22196/446
4. Area: 1.04 acres (per COAT Survey)
5. Tax Map / Parcel / Lot / Tax account #: 44-2-26-711-1-02-05880
6. Elected Dec 1911 Councilman District 3
ADC Map: 44-2-26-711-1-02-05880
Parcel sheet: T1N219
Census tract: 411011 Census block: 140641101 MCS
Schools: Carroll Manor ES, Cockeysville MS, Dulany HS
7. The boundary shown herein is from the plat recorded in the Land Records of Baltimore County, A. other information shown herein was taken from Baltimore County GIS file 04402 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

ZONING

Zoning: R-2-5 There are no previous zoning cases on the subject parcels.

R-2-5 Setbacks for Residences:

Front: 75 feet from the center of the road
Side: 10 feet
The subject lot was created on July 11, 1954 pursuant to P.B. 648 10179.

ENVIRONMENTAL

Water shed: Lower Gunpowder Falls, UPLD, and type 1

GROUND WATER MANAGEMENT

1. The possible down-slope will be served by a private well and septic system.
2. There are no water ground impacts shown on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100-year flood plain.

ENVIRONMENTAL IMPACT

Forest Conservation:

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer:

1. Wetlands do not exist on the subject property.
2. No flood plain for a tributary is shown on the current FEMA FIRM Map.
3. The subject property is not located within a 100-year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of the building permit process.

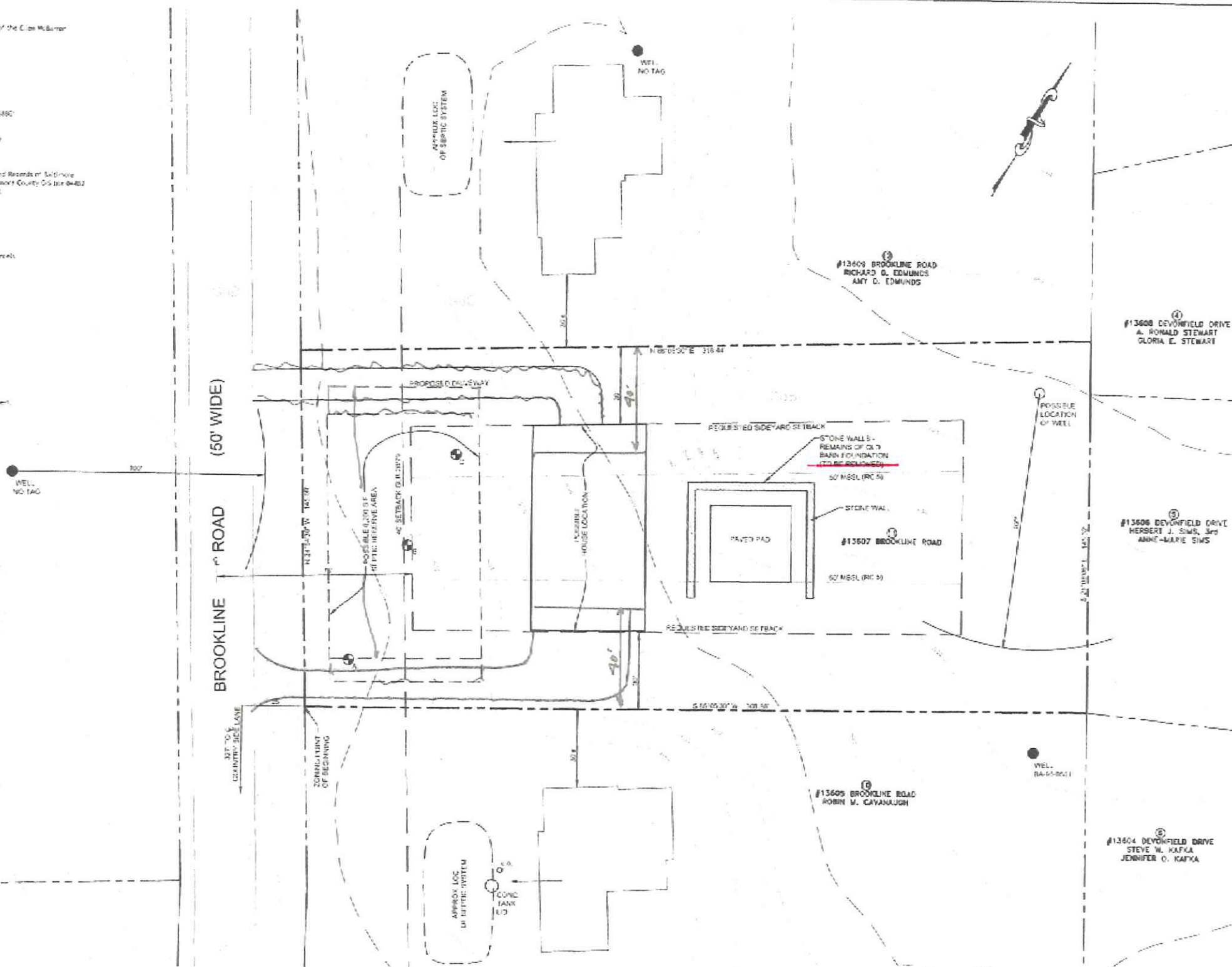
PLANNING

1. The subject lot is not located in a National Register Historic District or on any other preservation list.
2. Brookline Road is not designated as a Baltimore County scenic route.

Regional Planning District: Park District Code: 110

PROPOSED DEVELOPMENT

To build a single family dwelling.



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205

Brude E. Cook Consulting, LLC
Land Use Expert and Surveyor
3801 Blaker Schoolhouse Road
Frederick, MD 21703
P: 410-900-0000 M: 410-219-4006
brude@brudecookconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK QLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 12/29/2015

Scale: 1"=20'

REVISION
REVISED TO REFLECT
MISTAKE 7/1/16 EMAIL
CROSSED THRU "TO
BE REMOVED"
3/08/17



SITE INFORMATION

1. Ownership: Ellen McBarron Burger & Kirsten Burger, Trustees of the Ellen McBarron Burger Revocable Trust
2525 Pot Spring Road Lutherville, MD 21093
2. Address: 13607 Brookline Road Baldwin, MD 21013
3. Deed references: JLE 32196/ 466
4. Area: 1.04 acres (per SDAT & Survey)
5. Tax Map / Parcel / Lot / Tax account #: 44 / 245 / 11 / 11-02-088801
6. Election District:11 Councilmanic District: 3
ADC Map: 4462H1 GIS tile: 044B2 Position sheet: 73NE19
Census tract: 411201 Census block: 240054112011005
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
7. The boundary shown hereon is from the plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 044B2 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant

ZONING

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.

R.C. 5 Setbacks for Residences

Front: 75 feet from the center of the road
Side / Rear: 50 feet
The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79

ENVIRONMENTAL

Watershed: Lower Gunpowder Falls URDL land type: 1

GROUND WATER MANAGEMENT

1. The possible dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

ENVIRONMENTAL IMPACT

Forest Conservation

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

1. Wetlands do not exist on the subject property.
2. No flood plain for a tributary is shown on the current FEMA FIRM Map.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of the building permit process.

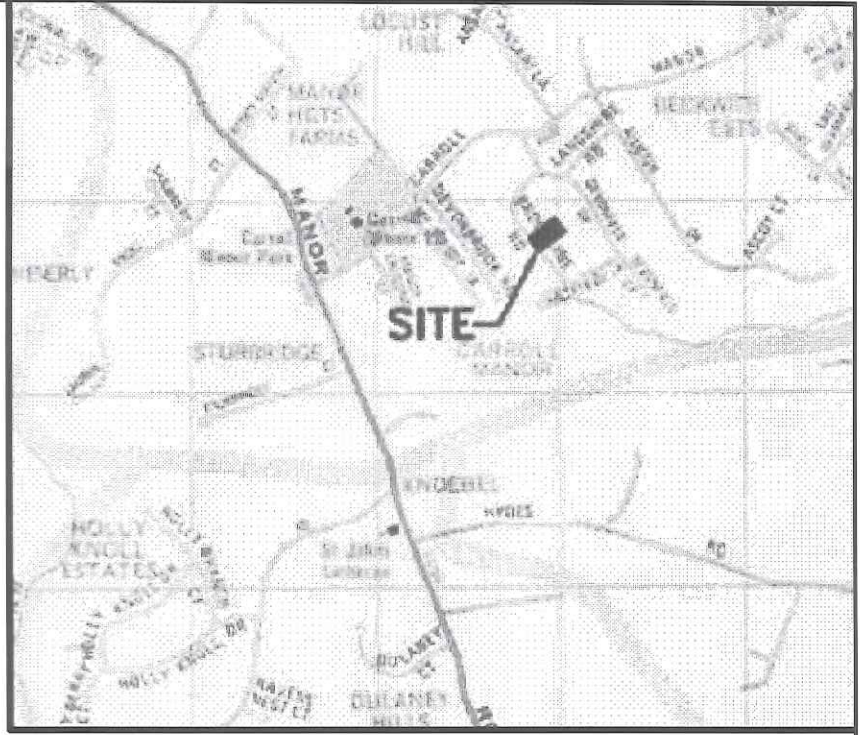
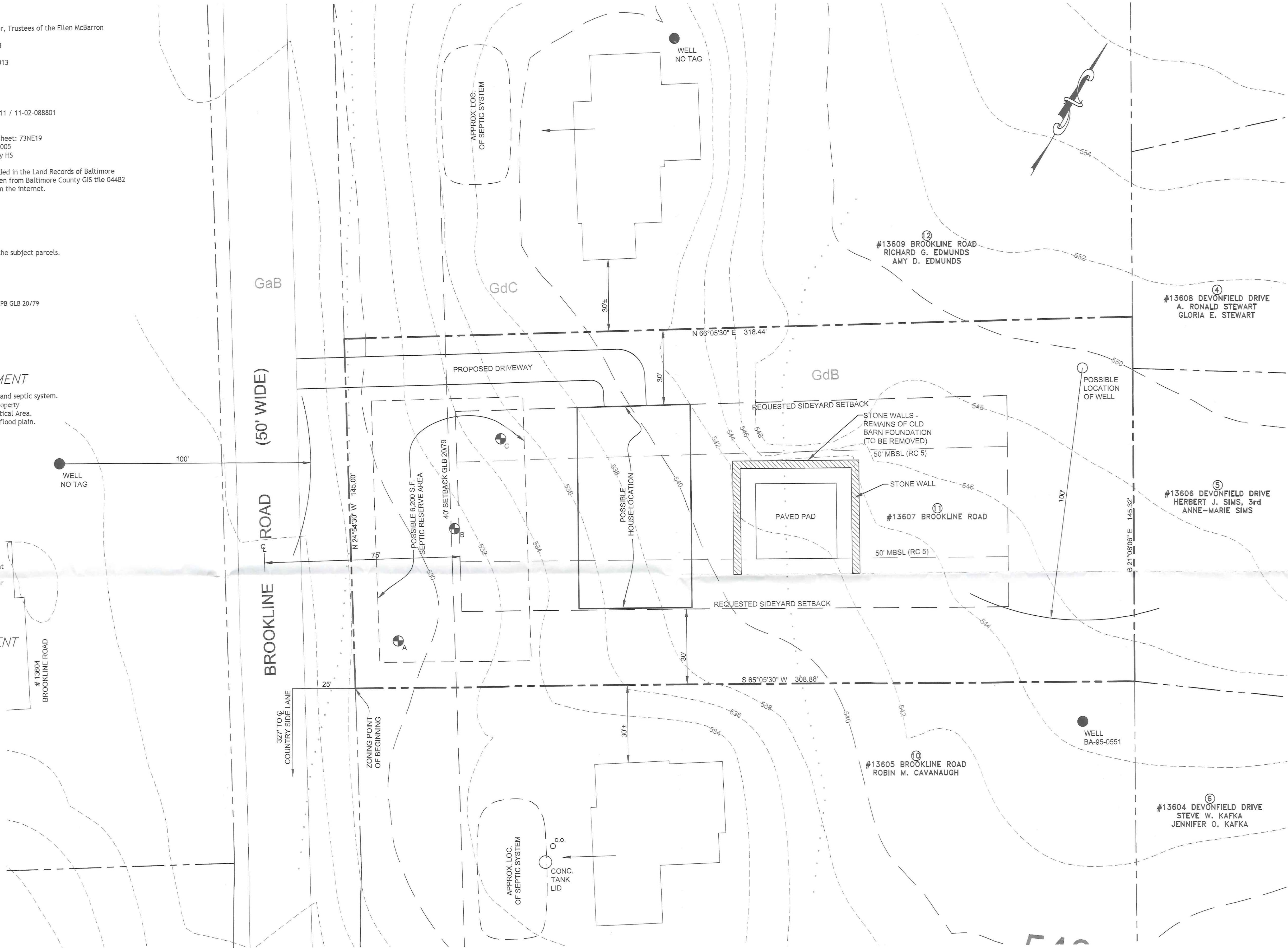
PLANNING

1. The subject lot is not located in a National Register Historic District or on any other preservation list.
2. Brookline Road is not designated as a Baltimore County scenic route.

Regional Planning District: Fork District Code: 310

PROPOSED DEVELOPMENT

To build a single family dwelling



Vicinity Map — Scale: 1' = 2000' ADC The Map People — Permitted Use # 20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 12/29/2015
Scale: 1"=20'

REVISION

Petitioner
CBA Exhibit
1

1. Ownership: 6145 McArthur Burger & Kristin burger, Trustees of the Elise McArthur Burger Revocable Trust
1225 Post Spring Road (Lutherville, MD 21093)
2. Address: 13607 Brunswick Road Baltimore, MD 21243
3. Deed Reference: JLE 21194-466
4. Acre: 1.04 Acres (Per CAT Survey)
5. Tax Map / Parcel / Lot / Tax Account #: 44-249-11-1-01-04680
6. MDOT District #: Carroll County District 3
7. EDC Map: 046281-005-194-0462 Position shown: T4N16E
8. Census tract: 411201 Census block: 540604111011025
9. Services: Carroll Manor 25 Conkleyville MD Dulany MD

The boundary shown herein is from the plat recorded in the Land Records of Baltimore County, MD. Other information shown herein was taken from Baltimore County GIS file 046281 and the information provided by Baltimore County to the relevant Improvement: VUL-15

Warning: R 2 5 There are no previous zoning codes on the subject parcel.
R 2 5 Setbacks for Residence
Front: 75 feet from the centre of the road
Side / Rear: 40 feet
The subject lot was created on July 13, 1934 (Cassid's Patent #8 648 202/19)

Watershed: Lower Gaspereau Falls UICOL and Town:

1. The possible downspout will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100-year flood plain.

1. Forest does not exist on the subject property
2. The owner will meet the Forest Conservation Act requirements as a part of the land-use permit process if it is required

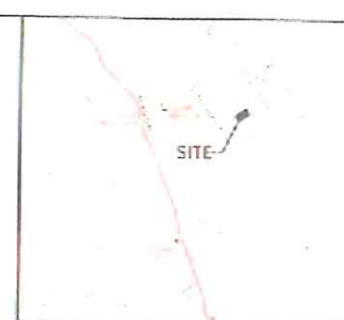
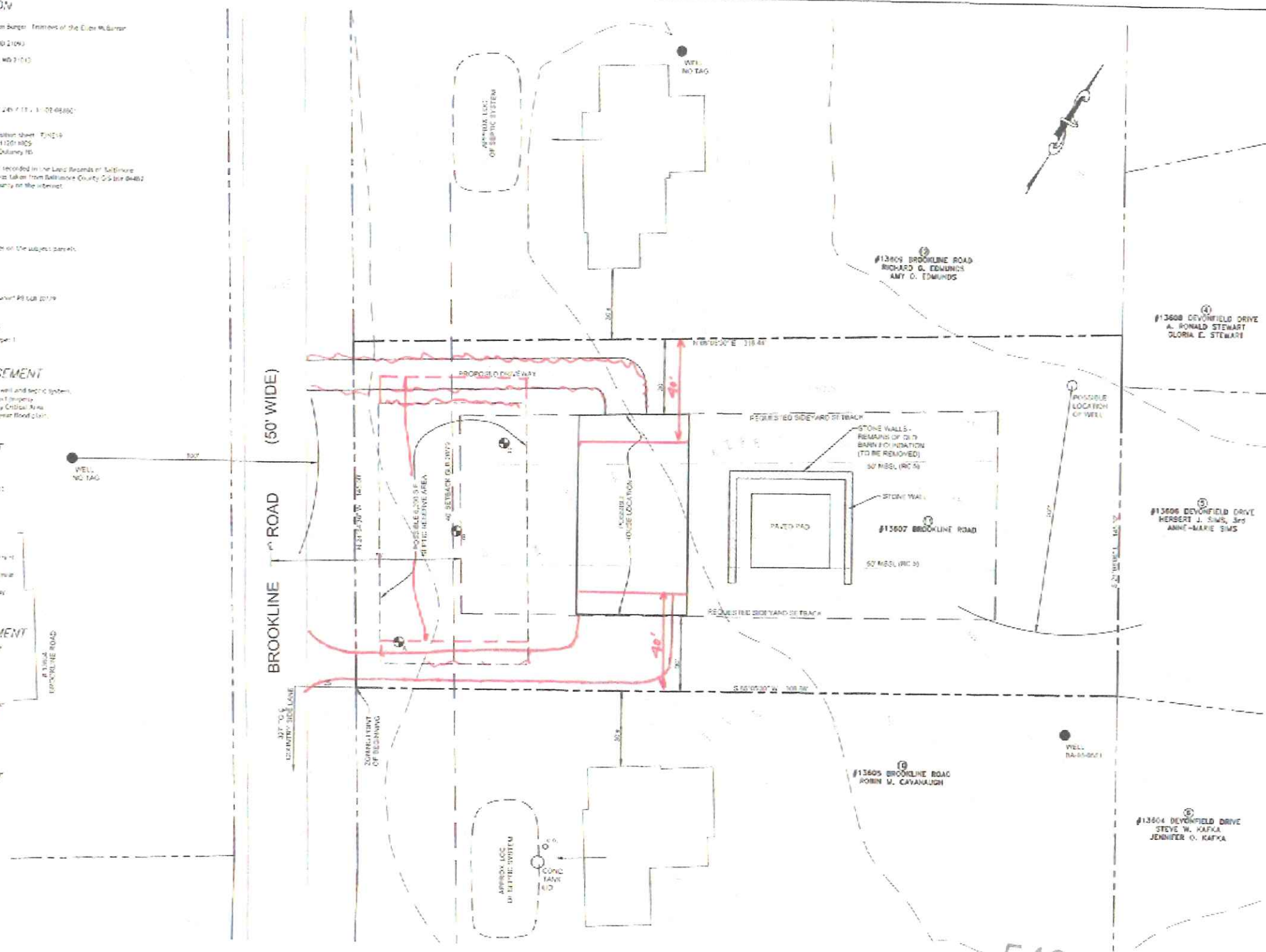
1. Wetlands do not exist on the subject property.
2. An flood plain for a tributary is shown on the current FEMA Flood Map.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay National Area.

i. The storm water management regulations will be met as a part of the building permit process.

1. The subject lot is not located in a National Historic Historic District or on any other preservation list.
2. Browline Road is not designated as a Baltimore County scenic route.

• **1994-1995** **2000-2001** **2006-2007** **2012-2013** **2018-2019**

To build a single family, design:



Vicinity Map - Scale: 1" = 2000'

Brude E. Dask Consulting, LLC
Land Use Expert and Surveyor
2801 Beaver Creek House Road
Freeland, MD 21224
o 410-900-5535 m 410-479-4906
e brude@brudeconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13837 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11TH ELECTION DISTRICT 3rd CONGULMANIC DISTRICT

Date: 12/29/2015
Scale: 1"=20'

REVISION
REVISED TO REFLECT
MISTAKE 7/1/16 BMAH

Petitioner
CBA Exhibit

2



Real Property Data Search (w4)

Guide to searching the database

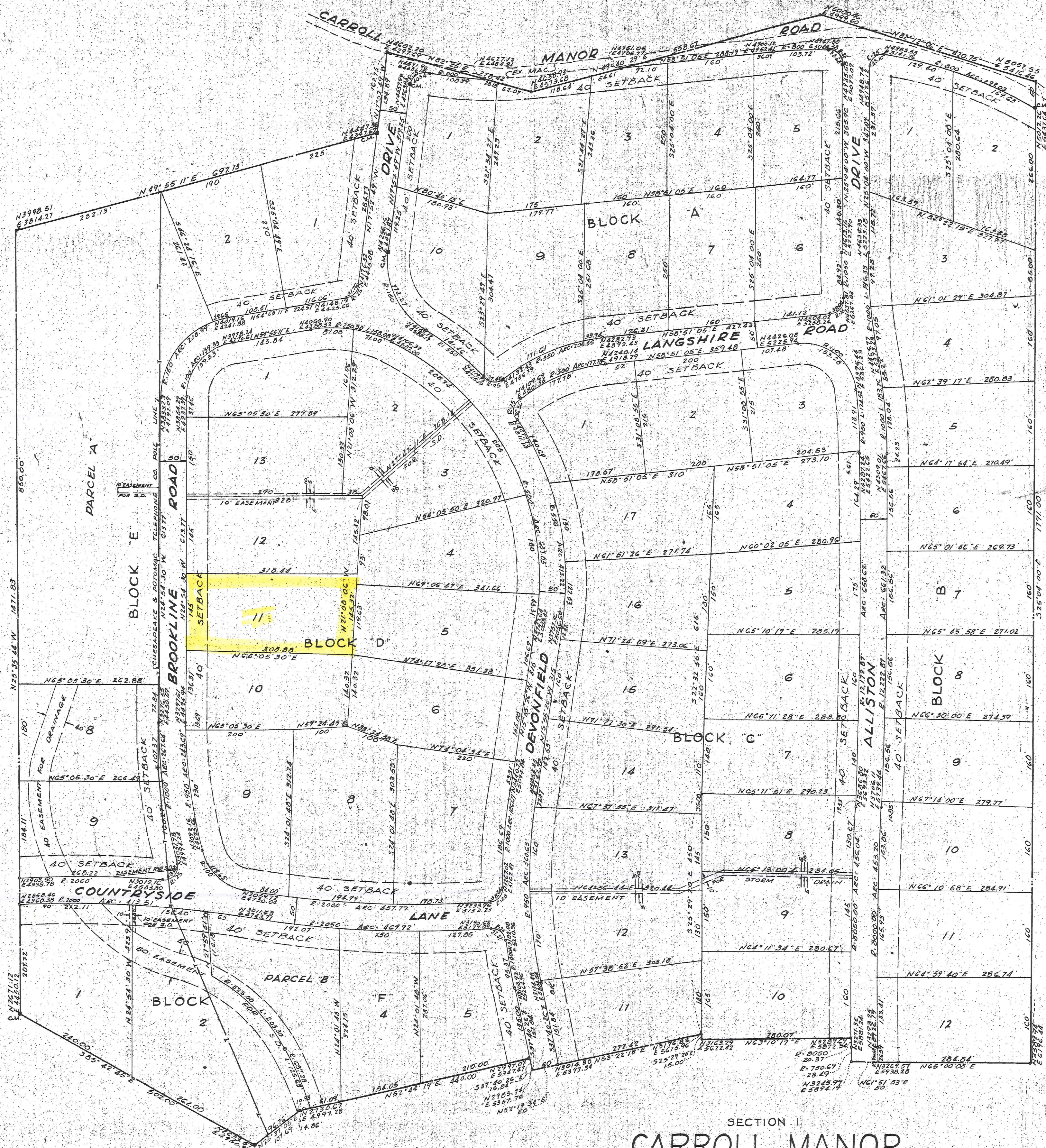
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1102088801			
Owner Information					
Owner Name:	BURGER ELLEN MCBARRON TRUSTEE BURGER KIRSTEN TRUSTEE			Use: Principal Residence:	RESIDENTIAL NO
Mailing Address:	UNIT L606 2525 POT SPRING RD LUTHERVILLE MD 21093-2851			Deed Reference:	/32196/ 00466
Location & Structure Information					
Premises Address:		BROOKLINE RD BALDWIN 21013-9762		Legal Description: CARROLL MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0044	0010	0245		0000	1
					D
					11
					2015
					Plat No:
					Plat Ref:
					0020/0079
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1.0400 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	10,400	10,400			
Improvements	0	0			
Total:	10,400	10,400	10,400	10,400	
Preferential Land:	0			0	
Transfer Information					
Seller:	Date: 06/15/2012		Price: \$0		
Type: NON-ARMS LENGTH OTHER	Deed1: /32196/ 00466		Deed2:		
Seller:	Date:		Price: \$0		
Type:	Deed1: /04464/ 00302		Deed2:		
Seller:	Date:		Price:		
Type:	Deed1:		Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class		07/01/2015	07/01/2016	
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00 0.00	0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER' S

EXHIBIT NO. 4

Scanned



NOTES:
The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only, and the same are not intended to be dedicated to public use; the fee simple title thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates shown on this plat are assumed, and the Meridian is magnetic.

The requirements of Sections 72A, 72B and of Article 17 of the Annotated Code of Md., 1939 Edition (Title, Clerks of Court, Sub-Title, Clerks of Circuit Courts) as far as they relate to the making of this plat and setting the markers have been complied with.

Raymond Lee Moore
OWNER
THE CARROLL MANOR CO.
PRESIDENT
PROF. ENGR. & LAND SURVEYOR LIC. NO. 1150

C.L.B. No. 20 Feb. 79
FILED FOR RECORD WITH
FROM
SEP 15 1954
19
Borge & Borge
CLERK

SECTION I
CARROLL MANOR
A DEVELOPMENT OF
THE CARROLL MANOR CO.
606 SEMINARY AVENUE.
TOWSON 4, MD.
11TH ELECTION DISTRICT BALTO. CO. MD.
Scale: 1"=100'
July 13, 1954

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT <i>William H. Warthen</i> 9/14/54 DEPUTY STATE & COUNTY HEALTH OFFICER	APPROVED FOR BALTIMORE COUNTY HIGHWAYS DEPARTMENT FOR STREET ALIGNMENT AND LOCATION <i>Robert G. Jagg</i> 9/14/54 ENGINEER	APPROVED FOR BALTIMORE COUNTY PLANNING COMMISSION <i>William H. Rice</i> Sept. 10, 1954 DIRECTOR	THOMPSON, GRACE & M ENGINEERS Fidelity Trust Bldg. TOWSON 4, MD.
--	--	--	---

1. Ownership: EllenMcBarron Burger & Kirsten Burger, Trustees of the EllenMcBarron Burger Revocable Trust
2525 Pot Spring Road Lutherville, MD 21093
2. Address: 13607 Brookline Road Baldwin, MD 21013
3. Deed references: JLE 32196/ 466
4. Area: 1.04 acres (per SDAT & Survey)
5. Tax Map / Parcel / Lot / Tax account #: 44 / 245 / 11 / 11-02-088801
6. Election District:11 Councilmanic District: 3
ADC Map: 4462H1 GIS tile: 044B2 Position sheet: 73NE19
Census tract: 411201 Census block: 240054112011005
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
7. The boundary shown hereon is from the plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 044B2 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.
R.C. 5 Setbacks for Residences

Front: 75 feet from the center of the road
Side / Rear: 50 feet
The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79

Watershed: Lower Gunpowder Falls URDL land type: 1

1. The possible dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Forest Conservation

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

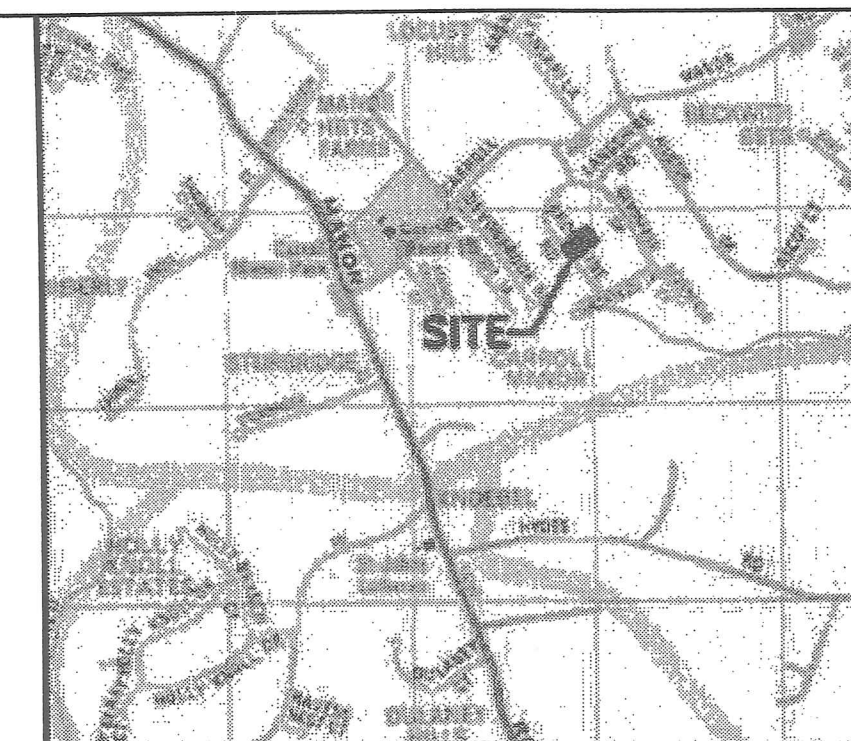
1. Wetlands do not exist on the subject property.
2. No flood plain for a tributary is shown on the current FEMA FIRM Map.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

1. The storm water management regulations will be met as a part of the building permit process.

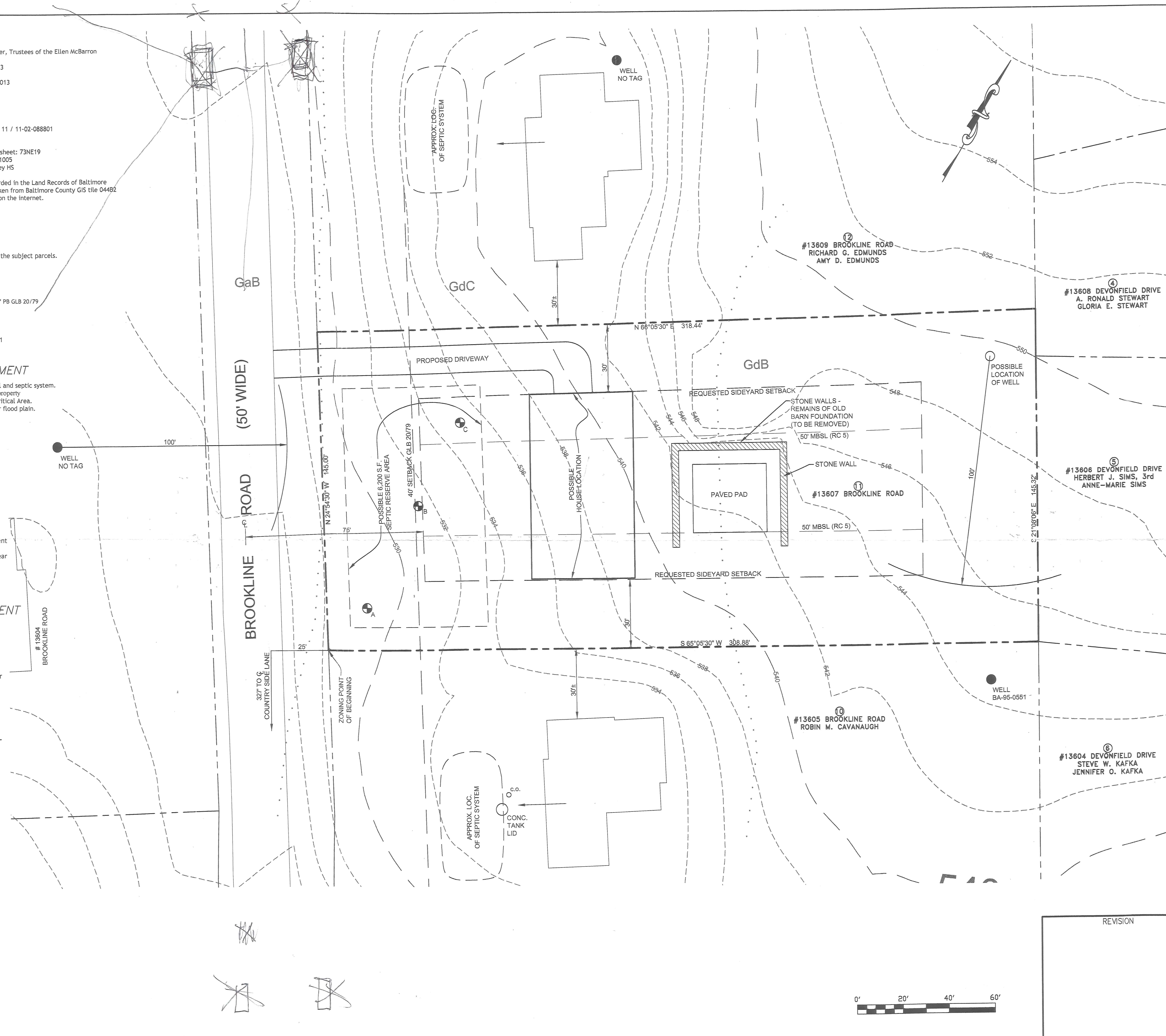
1. The subject lot is not located in a National Register Historic District or on any other preservation list.
2. Brookline Road is not designated as a Baltimore County scenic route.

Regional Planning District: Fork District Code: 310

To build a single family dwelling



Vicinity Map - Scale: 1' = 2000'
ADC The Map People - Permitted Use # 20612205



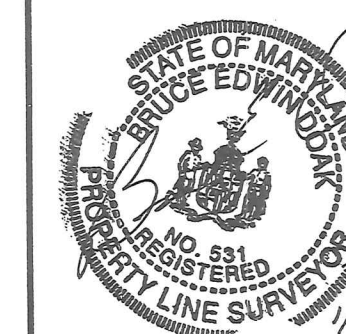
REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

**PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT**

Date: 12/29/2015

Scale: 1"=20'



PETITIONER' S

EXHIBIT NO. /

CASE 2016-0158-3P44

Scanner

2016-0158-SPHA

SITE INFORMATION

1. Ownership: Elmer McArthur Burger & William Burger; Executors of the Elmer McArthur Burger Revocable Trust
2225 Red Spring Road (Lathropville, MD 21093)
2. Address: 13607 Drexelville Road Ramoth, MD 21151
3. Deed References: JLE 21196 / 466
4. Acre: 1.04 Acres (per COG & Survey)
5. Tax Map / Parcel & Lot / Tax Record #: 40 / 245 / 11 / 1 - 09-08860-
6. Block on Section 31: County Income Statement, 3
APC Map: 04-2881 City Use: 04-012 Position shown: T42N16
Compass Mount: 41-1201 Corridor shown: NAD84N 1701-1825
Services: Camps Manor HS, Corleyville MS, Dulany MS
7. The boundary shown herein is from the plat recorded in the Land Records of Baltimore County. All other information shown on this map was taken from Baltimore County GIS file 04-012 and the information provided by Baltimore County to the internet.

ZONING

Warning R 1.5 There are 14 previous scoring codes on the subjects: array.

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Front: 75 feet from the centre of the road

The subject for what was created on July 13, 1994 "Carnegie Mellon" and "Carnegie Mellon".

ENVIRONMENTAL

*Watershed: Lower Gunpowder Falls, USGS, and local:

GROUND WATER MANAGEMENT

1. The private dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

ENVIRONMENTAL IMPACT

Source: <http://www.fishbase.org>

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the landing permit process if it is required.

Forest Buffers

- Wetlands do not exist on the subject property.
- No flood plain for a tributary is shown on the current FEMA RHM map.
- The subject property is not located within a 100 year flood plain.
- The subject property is not in the Chesapeake Bay Critical Area.

STORM WATER MANAGEMENT

- L. The storm water management regulations will be met as a part of the building permit process.

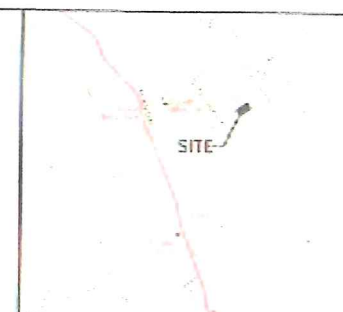
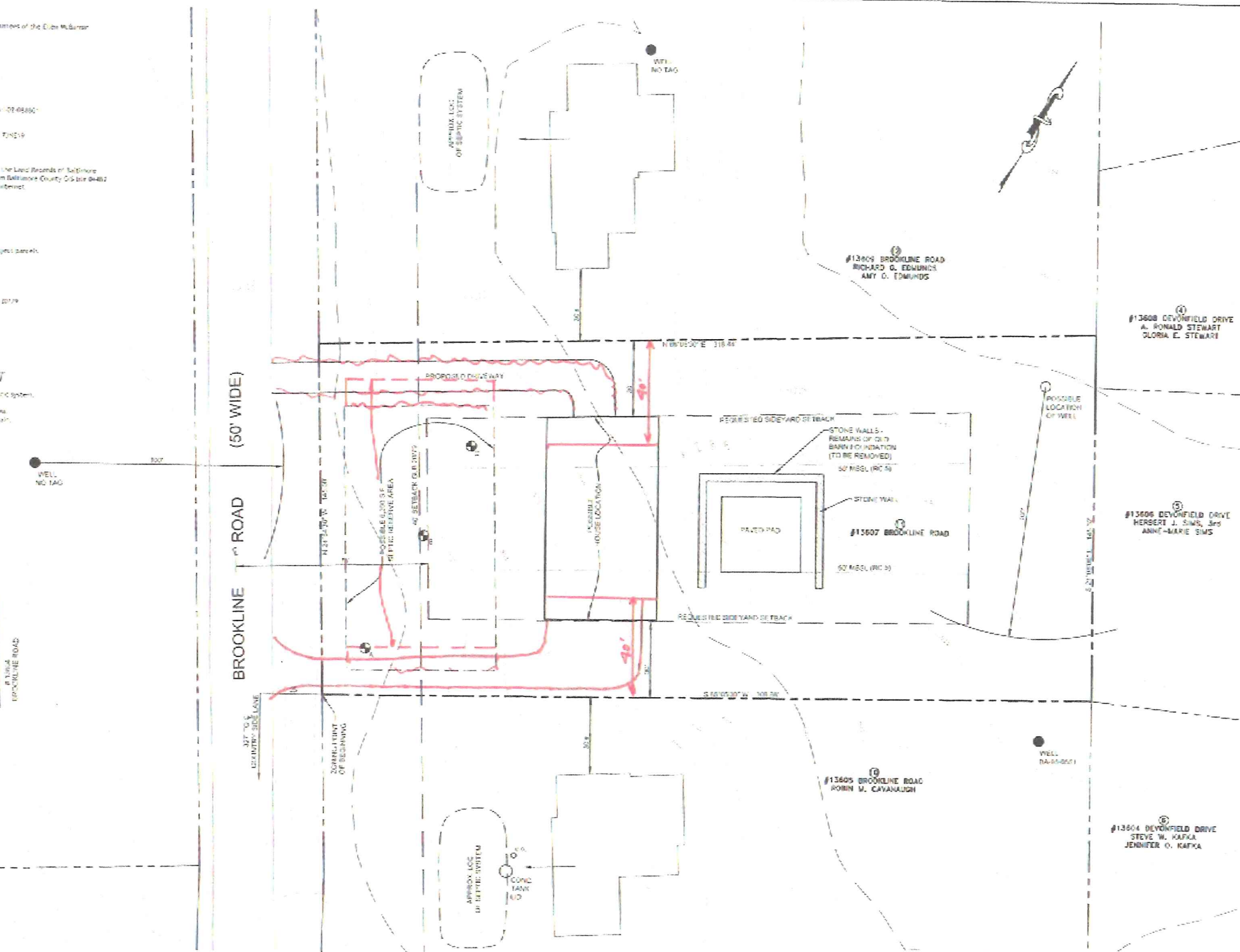
PLANNING

- 1 The subject lot is not located in a National Register
Historic District or on any other preservation list.
2 Because this lot is not designated as a Baltimore
County scenic route.

Regional Planning Committee Fork District Code: 110

PROPOSED DEVELOPMENT

To build a single family, describe



Vicinity Map - Scale: 1" = 2000'

ADC The Map People - Permitted Use # 20412205

(4)
#13608 DEVONFIELD DRIVE
A. RONALD STEWART
GLORIA E. STEWART

#13606 DEVONFIELD DRIVE
HERBERT J. SIMS, 3rd
ANNIE-MARIE SIMS

⑤
#13804 DEYONFIELD DRIVE
STEVE W. KAFKA
JENNIFER O. KAFKA

Brude E. Dook Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
P 410-300-5575 M 410-479-4936
bdoock@brudedookconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13687 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANDR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DI

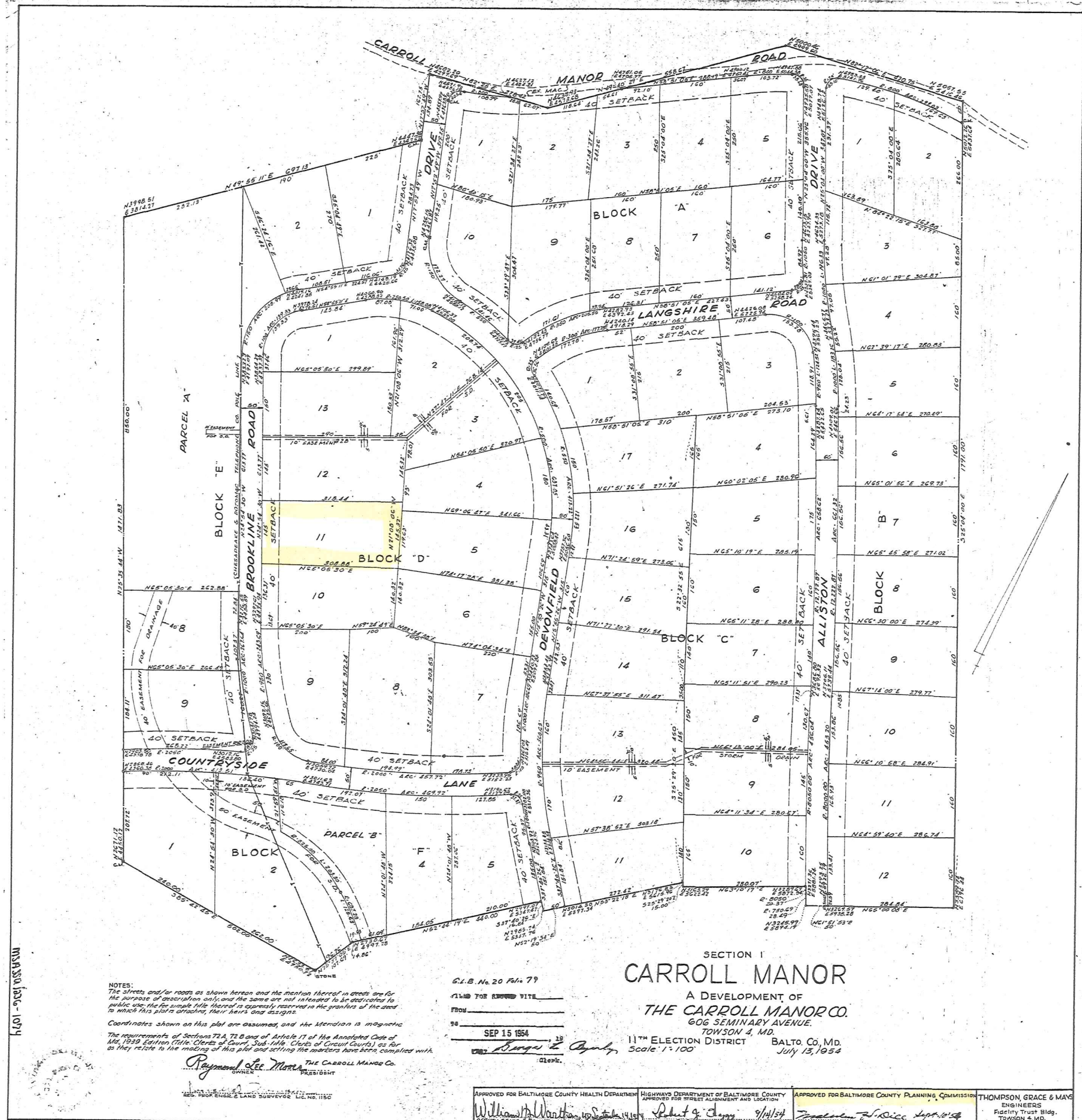
Date: 12/25/2015

Scale: 1"=20'

Petitioner
CBA Exhibit

2

Scanned



NOTES:
The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only, and the same are not intended to be dedicated to public use, the fee for same title thereto is expressly reserved to the grantors of the deed to which this plat is attached, their heirs and assigns.
Coordinates shown on this plat are assumed, and the Meridian is magnetic.
The requirements of Sections 72A, 72B and of Article 17 of the Annotated Code of Md., 1939 Edition (Title: Courts of Court, Sub-Title: Courts of Circuit Courts) as far as they relate to the making of this plat and setting the markers have been complied with.

Raymond Lee Moore
President
The Carroll Manor Co.

G.L.B. No. 20 File 79

FILED FOR RECORD WITH

FROM

SEP 15 1954

By *Burgess & Bynum*

Clerk.

SECTION 1 CARROLL MANOR

A DEVELOPMENT OF
THE CARROLL MANOR CO.
606 SEMINARY AVENUE,
TOWSON 4, MD.

11TH ELECTION DISTRICT
Scale: 1" = 100'
July 13, 1954

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT

William H. Warrick, Jr. 9/14/54

HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY

Robert G. Bynum 9/14/54

APPROVED FOR BALTIMORE COUNTY PLANNING COMMISSION

William H. Warrick, Jr. 9/14/54

THOMPSON GRACE & MAYS

Engineers
Fidelity Trust Bldg.
TOWSON 4, MD.

PETITIONER'S

EXHIBIT NO. 3

Scanned

1. Ownership: Ellen McBarron Burger & Kirsten Burger, Trustees of the Ellen McBarron Burger Revocable Trust
2525 Pot Spring Road Lutherville, MD 21093
2. Address: 13607 Brookline Road Baldwin, MD 21013
3. Deed references: JLE 32196/ 466
4. Area: 1.04 acres (per SDAT & Survey)
5. Tax Map / Parcel / Lot / Tax account #: 44 / 245 / 11 / 11-02-088801
6. Election District:11 Councilmanic District: 3
ADC Map: 4462H1 GIS tile: 04482 Position sheet: 73NE19
Census tract: 411201 Census block: 240054112011005
Schools: Carroll Manor ES Cockeysville MS Dulutney HS
7. The boundary shown hereon is from the plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 04482 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.

R.C. 5 Setbacks for Residences

Front: 75 feet from the center of the road
Side / Rear: 50 feet
The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 30/99

The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79
The subject property (Lot 11) outlines, as shown heron, were the same on November 25, 1979 as
they were when they were created on July 13, 1954. this was confirmed by Bruce E. Doak Mo. Reg.
Property Line Surveyor #531.

Watershed: Lower Gunpowder Falls URDL land type: 1

1. The possible dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.
5. The subject property is classified as Growth Tier III.

Forest Conservation

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

1. Wetlands do not exist on the subject property.
2. No flood plain for a tributary is shown on the current FEMA FIRM Map.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

1. The storm water management regulations will be met as a part of the building permit process.

1. The subject lot is not located in a National Register Historic District or on any other preservation list.
2. Brookline Road is not designated as a Baltimore County scenic route.

Regional Planning District: Fork District Code: 310

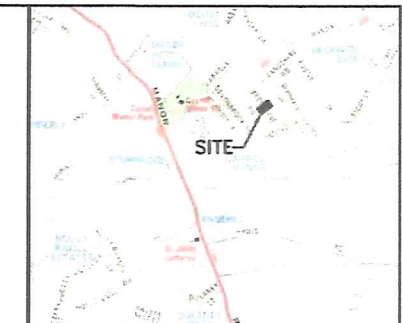
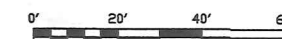
To build a single family dwelling

WELL & SEPTIC INFORMATION FOR SURROUNDING PROPERTIES WITHIN 200'

PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	SOURCE AS PER DEPOT FILES	LOCATED BY SURVEY	UNKNOWN	COMMENTS
13604 BROOKLINE ROAD	WELL	Y		X		SDH
	SEPTIC	Y		X		SDH
13606 DEVAFIELD DRIVE	WELL	Y		X		> 200' FROM SELECT PROPERTY
	SEPTIC	Y		X		> 200' FROM SELECT PROPERTY
13606 DEVAFIELD DRIVE	WELL	Y		X		> 200' FROM SELECT PROPERTY
	SEPTIC	Y		X		> 200' FROM SELECT PROPERTY
13604 DEVAFIELD DRIVE	WELL	Y		X		> 200' FROM SELECT PROPERTY
	SEPTIC	Y		X		> 200' FROM SELECT PROPERTY
13603 BROOKLINE ROAD	WELL	Y		X		SDH
	SEPTIC	Y		X		SDH
13604 BROOKLINE ROAD	WELL	Y		X		SDH
	SEPTIC	Y		X		SDH

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOUSES W/ABSEMENT	STREETS & PARKING
60B	---	---	---
60C	---	---	---
60C	---	---	---



Vicinity Map - Scale: 1" = 2000' 
ADC The Map People - Permitted Use # 20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
PERC TESTING PERMIT APPLICATION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 12/29/2015

Scale: 1"=20'

REVISION	
1/17/16	ADDITION OF NOTES AS REQUESTED BY DEPARTMENT OF PLANNING
2/03/16	REVISIONS TO REFLECT TESTING

2016-0158-SPHA Scanned

1. Ownership: E. M. McBurnett, Eugene J. Kistner, Eugene J. Kistner, Jr. Trustees of the E. M. McBurnett
Burger Revocable Trust
2525 Pot Spring Road (Jefferson), MD 21093
2. Address: 13607 Brookline Road Baltimore, MD 21235
3. Deed Reference: JUE 32198 / add
4. Acre: 1.04 Acres (per SDOT Survey)
5. Tax Map / Parcel / Lot / Tax Account: 44 / 245 / 11 / 1 - 77-0688C
6. EDC on Dec/01 / Councilman District: 3
ADC Map: 445.191 GPS: 04412 Position sheet: 7/12/19
Census tract: 41821 Census block: 7406411201 MDC
Schools: Carroll Manor Elv Carrollville MS Dulaney HCS
7. The boundary shown herein is from the plat recorded in the Land Records of Baltimore
County, A. other information shown hereon is from Baltimore County GIS file 04-012
and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant

Zoning: R 1.5 There are no previous zoning cases on the subject parcels.

R 2 3 Sublocks for Residences.

Front: 75 feet from the center of the road

The subject file was created on July 11, 1954 "Carroll Warner" 88 12B 10779

Water-shed: Lower Gunpowder Falls USGS Land type: I

1. The possible discharge will be served by a private well and septic system.
2. There are no under-ground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 300 year flood plain.

Forest Conservation

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the land-use permit process if it is required.

Forest Buffer

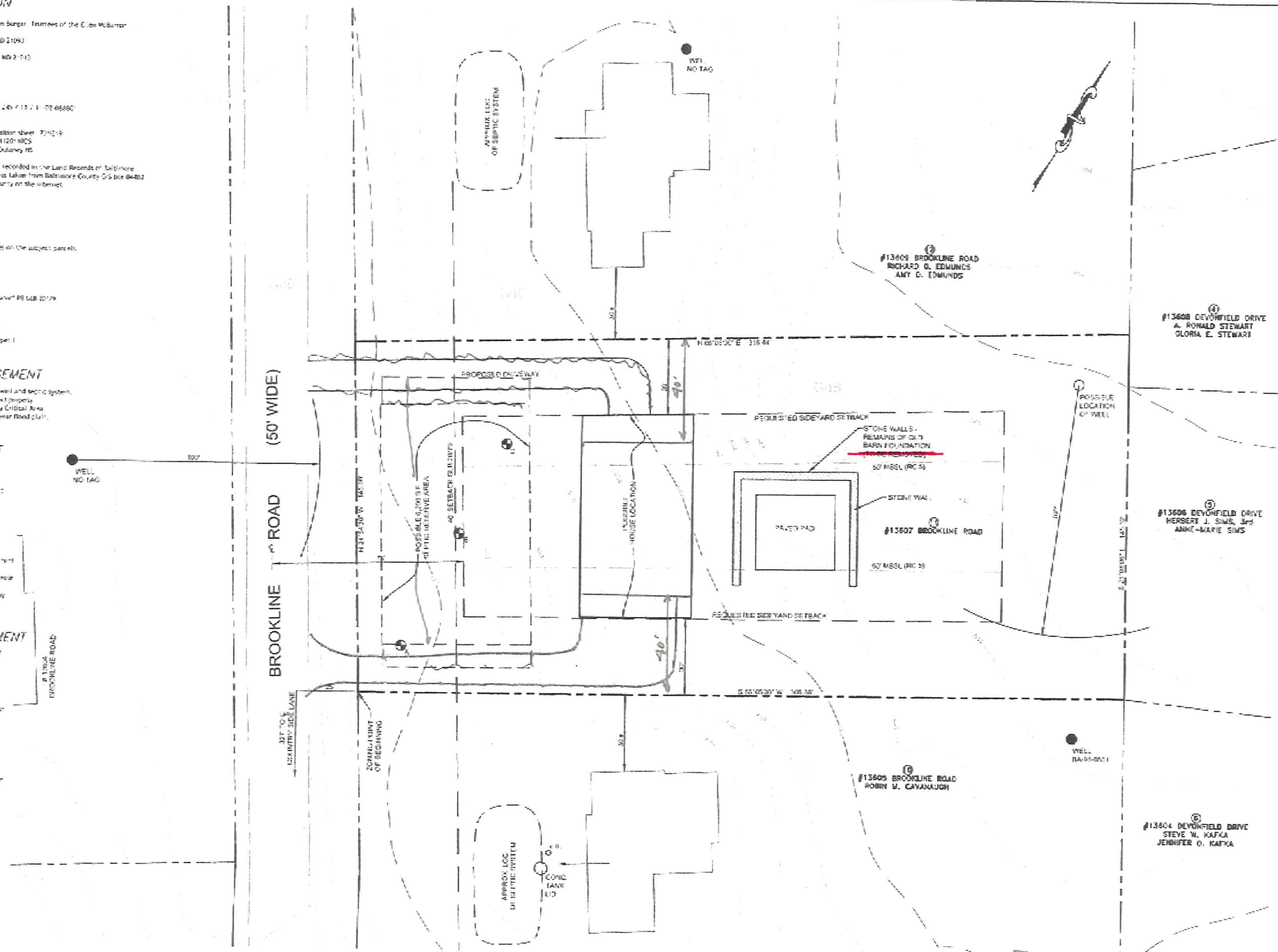
- Wetlands do not exist on the subject property.
- No flood plain for a tributary is shown on the current FEMA FIRF map.
- The subject property is not located within a 100-year flood plain.
- The subject property is not in the Chesapeake Bay Critical Area.

1. The storm water management regulations will be met as a part of the building permit process.

1 The subject lot is not located in a National Register
Historic District or on any other preservation list.
2 Brookline Road is not designated as a Baltimore
County scenic route.

Regional Planning District York District Code: 110

To build a simple family, start by



REVISION:
REVISED TO REFLECT
MISTER 7/1/16 BMAIL
CROSSED THRU TO
BE REMOVED"
3/08/17

Brude E. Dask Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoppe Road
Fresno, MD 21703
P: 443-908-3330 M: 410-419-4906
bdask@brudeedaskconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLD 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 12/29/2017
Scale: 1"=20'

Petitioner
CBA Exhibit

SITE INFORMATION

1. Ownership: Ellen McBarron Burger & Kirsten Burger, Trustees of the Ellen McBarron Burger Revocable Trust
2525 Pot Spring Road Lutherville, MD 21093
2. Address: 13607 Brookline Road Baldwin, MD 21013
3. Deed references: JLE 32196/ 466
4. Area: 1.04 acres (per SDAT & Survey)
5. Tax Map / Parcel / Lot / Tax account #: 44 / 245 / 11 / 11-02-088801
6. Election District: 11 Councilmanic District: 3
ADC Map: 4462H1 GIS tile: 044B2 Position sheet: 73NE19
Census tract: 411201 Census block: 240054112011005
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
7. The boundary shown hereon is from the plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 044B2 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant

ZONING

Zoning: R.C. 5 There are no previous zoning cases on the subject parcels.

R.C. 5 Setbacks for Residences

Front: 75 feet from the center of the road
Side / Rear: 50 feet
The subject lot was created on July 13, 1954 "Carroll Manor" PB GLB 20/79

ENVIRONMENTAL

Watershed: Lower Gunpowder Falls URDL land type: 1

GROUND WATER MANAGEMENT

1. The possible dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

ENVIRONMENTAL IMPACT

Forest Conservation

1. Forest does not exist on the subject property.
2. The owner will meet the Forest Conservation Act requirements as a part of the building permit process if it is required.

Forest Buffer

1. Wetlands do not exist on the subject property.
2. No flood plain for a tributary is shown on the current FEMA FIRM Map.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of the building permit process.

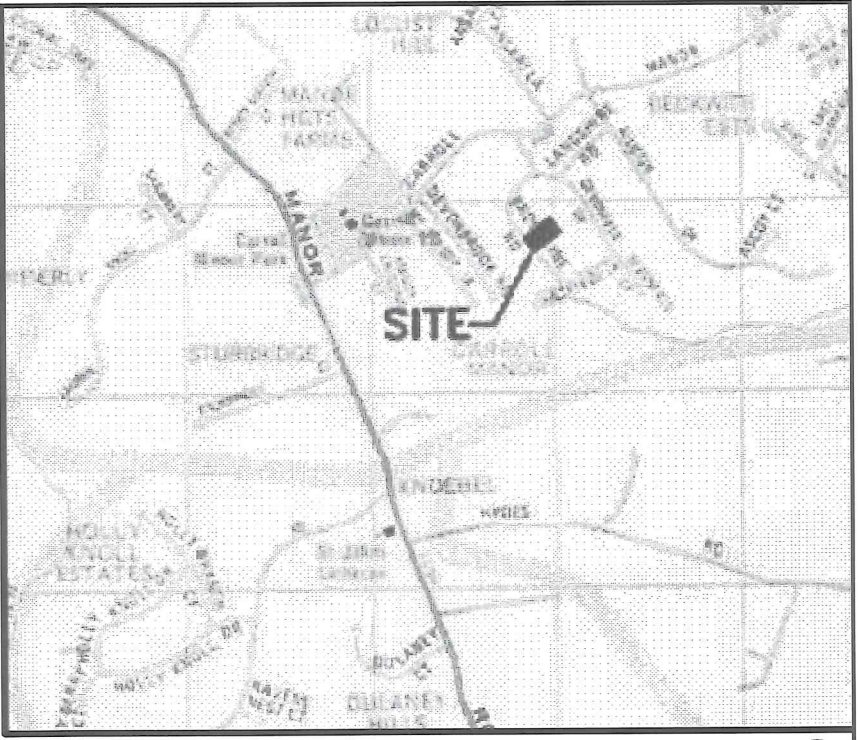
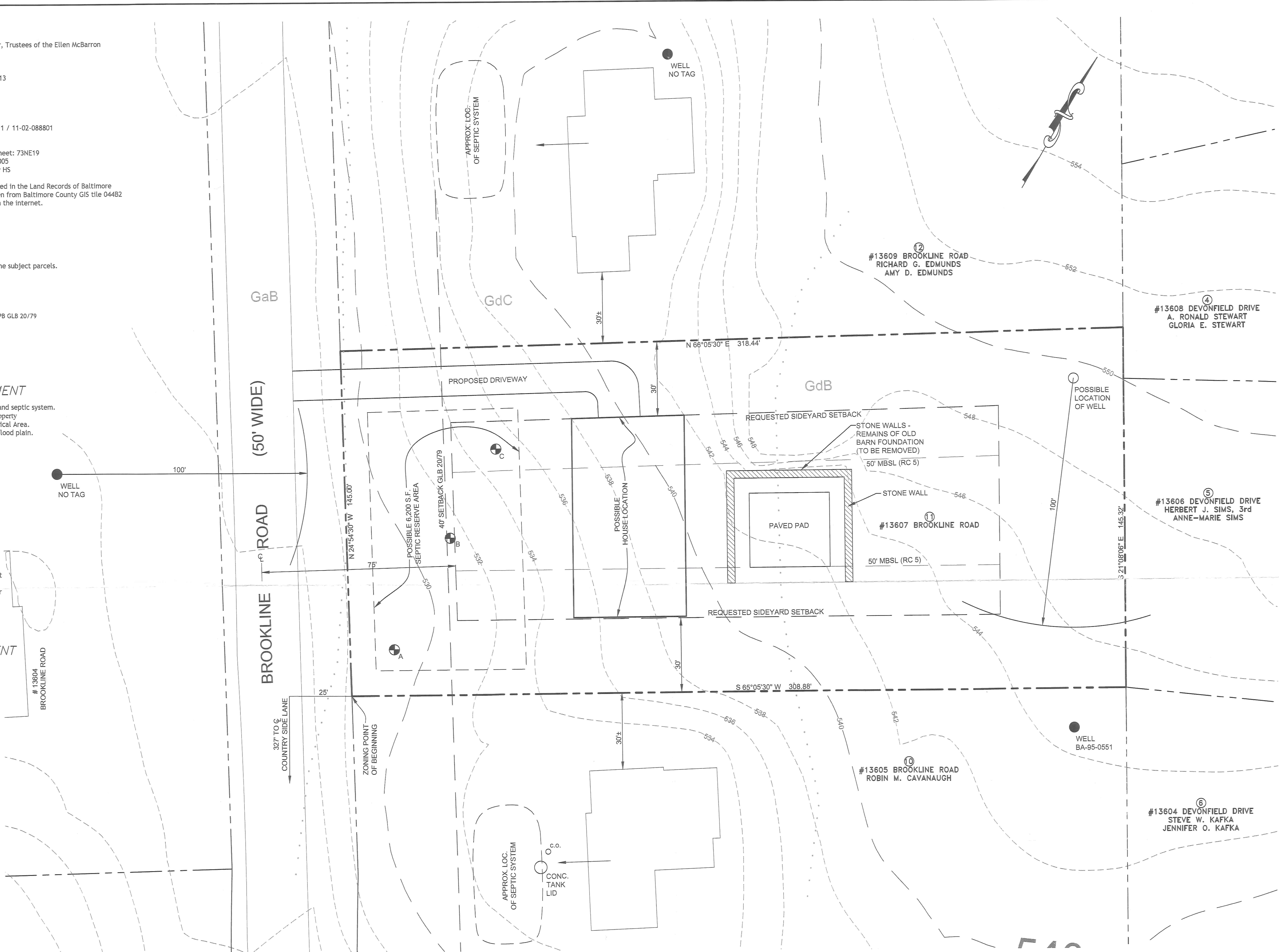
PLANNING

1. The subject lot is not located in a National Register Historic District or on any other preservation list.
2. Brookline Road is not designated as a Baltimore County scenic route.

Regional Planning District: Fork District Code: 310

PROPOSED DEVELOPMENT

To build a single family dwelling



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
13607 BROOKLINE ROAD
LOT 11 SECTION 1 CARROLL MANOR
PLAT BOOK GLB 20/79
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 12/29/2015

Scale: 1"=20'

REVISION

Petitioner
CBA Exhibit
#1



2016-D158-SATA
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