

M E M O R A N D U M

DATE: May 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0185-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(2043 Old Valley Road)

3rd Election District

2nd Council District

Scott D. & Jennifer Burger

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0185-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 Scott D. and Jennifer Burger, legal owners of the subject property ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to allow an accessory building (garage) to be located in the side yard in lieu of the required rear yard and the third of the lot farthest from both streets, pursuant to §400.1; (2) to allow an accessory building (garage) to have a height of 24 ft. +/- in lieu of the maximum permitted 15 ft., pursuant to §400.3; and (3) to allow an accessory building (pavilion) to have a height of 20 ft. +/- in lieu of the maximum permitted 15 ft., pursuant to §400.3. A site plan was marked as Petitioners' Exhibit 1.

Jennifer Burger and surveyor Scott Lindgren appeared in support of the Petition. Adam M. Rosenblatt, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), concerning landscaping along a scenic route.

The subject property is approximately 10 acres and is zoned RC 2. Petitioners are constructing a dwelling and garage on the property, and also plan to construct a pavilion in the rear

ORDER RECEIVED FOR FILING

Date 4-15-16

By Sen

yard. To do so requires variance relief.

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 met this test. The property contains large swaths of environmentally sensitive areas and is situated on a corner lot bounded by scenic roadways. As such it is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would not be able to construct the proposed improvements. 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. Counsel indicated Petitioners' consultants met with the DOP and shared plans and aerial photographs (Ex. No. 5) reflecting the configuration of the proposed landscaping along the scenic roadways, which addressed that agency's ZAC comment.

THEREFORE, IT IS ORDERED, this 15th day of **April, 2016**, 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.") as follows: (1) to allow an accessory building (garage) to be located in the side yard in lieu of the required rear yard and the third of the lot farthest from both streets, pursuant to §400.1; (2) to allow an accessory building (garage) to have a height of 24 ft. +/- in lieu of the maximum permitted 15 ft., pursuant to §400.3; and (3) to allow an accessory building (pavilion) to have a height of 20 ft. +/- in lieu of the maximum permitted 15 ft., pursuant to §400.3, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 4-15-16

By den

The relief granted herein shall be subject to 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.

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 4-15-16

By sln



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 2043 Old Valley Road which is presently zoned RC 2

Deed References: 36618/388 10 Digit Tax Account # 25-00-009332

Property Owner(s) Printed Name(s) Scott and Jennifer Burger

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

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

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)
SEE ATTACHED

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

TO BE PRESENTED AT 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:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 arosenblatt@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

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

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 arosenblatt@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0185-A Filing Date 2/12/16 Do Not Schedule Dates: Reviewer JF

ORDER RECEIVED FOR FILING

Date 4-15-16

By slh

1000

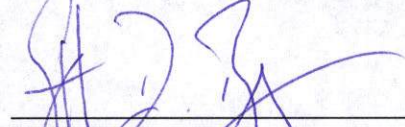
ATTACHMENT TO PETITION FOR VARIANCE

Petitioner is seeking the following variances:

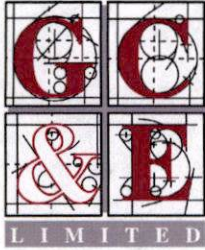
1. From Section 400.1 of the BCZR to allow an accessory building (garage) to be located in the side yard in lieu of the required rear yard and third of the lot farthest from both streets.
2. From Section 400.3 of the BCZR to allow an accessory building (garage) to have a height of 24 feet +/- in lieu of the maximum permitted 15 feet.
3. From Section 400.3 of the BCZR to allow an accessory building (pavilion) to have a height of 20 feet +/- in lieu of the maximum permitted 15 feet.

ATTACHMENT TO PETITION FOR VARIANCE

PROPERTY OWNER/PETITIONER:



Scott D. Burger
12000 Hammonds Glen Circle
Kingsville, MD 21087



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

February 9, 2016

Zoning Description #2043 Old Valley Road

Beginning at a point at the intersection of the south side of Greenspring Valley Road and the west side of Old Valley Road, thence binding along the west side of Old Valley Road, (1) South 72 degrees 55 minutes 00 seconds East 40.00 feet, (2) South 53 degrees 00 minutes 00 seconds East 15.73 feet, (3) South 31 degrees 33 minutes 11 seconds East 348.77 feet, (4) South 22 degrees 00 minutes 11 seconds East 230.39 feet, thence leaving Old Valley Road, (5) South 79 degrees 30 minutes 11 seconds West 179.41 feet, (6) South 74 degrees 35 minutes 00 seconds West 121.78 feet, (7) South 53 degrees 39 minutes 22 seconds West 359.74 feet, (8) North 23 degrees 18 minutes 54 seconds West 860.58 feet to the south side of Greenspring Valley Road, thence binding on the south side of Greenspring Valley Road, (9) North 88 degrees 48 minutes 00 seconds East 190.00 feet, (10) North 88 degrees 05 minutes 00 seconds East 155.00 feet, (11) North 86 degrees 45 minutes 00 seconds East 200.00 feet, and (12) South 89 degrees 30 minutes 00 seconds East 60.00 feet to the place of beginning. Containing 10.000 acres of land, more or less. Located in the 3rd Election District and 2nd Councilmanic District, Baltimore County, Maryland.



License expires/renews 2/26/17



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 4047777

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 24, 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: # 2016-0185-A	
2043 Old Valley Road SW corner of Greenspring Valley Road and Old Valley Road 3rd Election District - 2nd Councilmanic District Legal Owner(s) Scott Burger	
Variance: to allow an accessory building (garage) to be located in the side yard in lieu of the required rear yard and third of the lot farthest from both streets; to allow an accessory building (garage) to have a height of 24 ft. +/- in lieu of the maximum permitted 15 ft.; to allow an accessory building (pavilion) to have a height of 20 ft. +/- in lieu of the maximum permitted 15 ft.	
Hearing: Thursday, April 14, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.	
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY	
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.	
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.	
3/23/2016 March 24	4047777

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

2016-0185-A

RE: Case No.: _____

Petitioner/Developer: _____

Scott Burger

April 14, 2016

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2043 Old Valley Road

March 25, 2016

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

Sincerely,

March 25, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

March 2, 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: 2016-0185-A

2043 Old Valley Road
SW corner of Greenspring Valley Road and Old Valley Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Scott Burger

Variance to allow an accessory building (garage) to be located in the side yard in lieu of the required rear yard and third of the lot farthest from both streets; to allow an accessory building (garage) to have a height of 24 ft. +/- in lieu of the maximum permitted 15 ft.; to allow an accessory building (pavilion) to have a height of 20 ft. +/- in lieu of the maximum permitted 15 ft.

Hearing: Thursday, April 14, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Scott Burger, 12000 Hammonds Glen Circle, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 25, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 24, 2016 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt

410-494-6271

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2016-0185-A

2043 Old Valley Road

SW corner of Greenspring Valley Road and Old Valley Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Scott Burger

Variance to allow an accessory building (garage) to be located in the side yard in lieu of the required rear yard and third of the lot farthest from both streets; to allow an accessory building (garage) to have a height of 24 ft. +/- in lieu of the maximum permitted 15 ft.; to allow an accessory building (pavilion) to have a height of 20 ft. +/- in lieu of the maximum permitted 15 ft.

Hearing: Thursday, April 14, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2043 Old Valley Rd; SW corner of Greenspring *
Valley Road and Old Valley Road * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): Scott D. Burger * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-185-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
FEB 18 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 18th day of February, 2016, a copy of the foregoing Entry of Appearance was mailed to Adam Rosenblatt, Esquire, 210 West Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2016-0185-A
Petitioner: Scott Burger
Address or Location: 2013 Old Valley Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Rosenblatt
Address: Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21207
Telephone Number: 410-499-6271

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

No. **135708**

Date: **2-12-16**

PAID RECEIPT

BUSINESS ACTUAL TIME (H:M)
 2/12/2016 2/12/2016 10:10:00 2

REG 4502 WALKIN JENA JEE
 RECEIPT # 957260 2/12/2016 JFLN
 Unit 3 328 ZINUS VERIFICATION
 CP NO. 135708

Receipt Tot 175.00
 375.00 EX 3.00 CA
 Baltimore County, Maryland

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

Total: **75.00**

Rec From: **VENDOR**

For: **Petition for Variance**
2043 Old Valley Rd
2016-0185-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 6, 2016

Scott D Burger
12000 Hammonds Glen Circle
Kingsville MD 21087

RE: Case Number: 2016-0185 A, Address: 2043 Old Valley Road

Dear Mr. Burger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 12, 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
Adam M Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/17/16

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

RE: Baltimore County
Item No. 2016-0185-A
Variance
Scott D. Burger
2043 Old Valley 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. 2016-0185-A.

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

JS 4-14-16
@ 11 AM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: March 7, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-185

RECEIVED

MAR 14 2016

INFORMATION:

Property Address: 2043 Old Valley Road
Petitioner: Scott D. Burger
Zoning: RC 2
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for variance to allow an accessory structure (garage) to be located in the side yard with a height of 24 feet in lieu of the required one third of the rear yard farthest removed from the street and 15 feet respectively and also to allow an accessory structure (pavilion) with a height of 20 feet in lieu of the required 15 feet.

The Department confirms that Greenspring Valley Road and Old Valley Road are Baltimore County Scenic Routes and therefore subject to the requirements of Division VI, Section A of the Comprehensive Manual of Development Policies (CMDP). The subject property was approved as Lot 1, Baetjer Property, PDM # 10032M.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

General note #25 on the aforementioned minor subdivision of the Baetjer Property indicates the plan will meet the CMDP Development Guidelines for scenic routes for "expansive views" (CMDP pg. 182). The Department's file contains notes indicating that at the time of the review of the minor subdivision there was extensive discussion on the landscape treatments along the scenic route frontages. Those notes endorsed a landscape resulting in an expansive view with the clustering of plant materials to mitigate the impact of the proposed development on those routes.

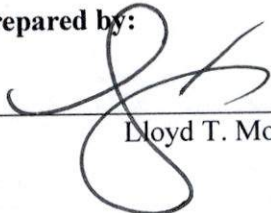
A site visit conducted on February 22, 2016 confirms that the landscaping now installed consists of a mix of deciduous and evergreen trees. The most striking feature of the manipulated landscape is that the landscaping was installed such that there now exists a nearly impenetrable "wall" of green. This is contrary to the CMDP and approved development plan.

The Department recommends the applicant open the view so that the visual experience from the scenic routes is more naturalistic and allows selected or filtered views into the site. The Department further recommends that deciduous trees and shrubbery be combined with the remaining plantings to comprise informal clusters. This will help to preserve the rural character of the scenic routes and also that of the Greenspring Valley National Register Historic District, of which this site is a part.

Date: March 7, 2016
Subject: ZAC #16-185
Page 2

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Mr. Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

FEB 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: February 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0185-A
Address 2043 Old Valley Road
(Burger Property)

Zoning Advisory Committee Meeting of February 22, 2016.

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

Reviewer: Steve Ford Date: 02-19-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 18, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2016
Item No. 2016-0130, 0172, 0182 and 0185

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\ZAC02222016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: March 7, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-185

INFORMATION:

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Petitioner: Scott D. Burger
Zoning: RC 2
Requested Action: Variance

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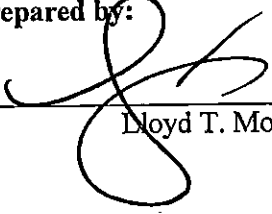
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APPROVALS AND INSPECTIONS
DEPARTMENT OF PERMITS
MAY 12 2012
RECEIVED

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Mr. Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME 2016-185-A
CASE NUMBER _____
DATE 4/14

[illegible]

4-281-6195

4/12

can be done in 10 minutes
if you have a good
sample of material, more
than 100g of material, and
a good sample of material
from the same area.

For the 4th sample, we
need a good sample of
material from the same
area. We need a good
sample of material from
the same area.

For the 5th sample, we
need a good sample of
material from the same
area. We need a good
sample of material from
the same area.

For the 6th sample, we
need a good sample of
material from the same
area. We need a good
sample of material from
the same area.

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>2/18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>2/19</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
<u>3/7</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>No Obj w/Comment</u>
<u>2/17</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>no Obj</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>3/24/16</u>	
SIGN POSTING	Date: <u>3/25/16</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

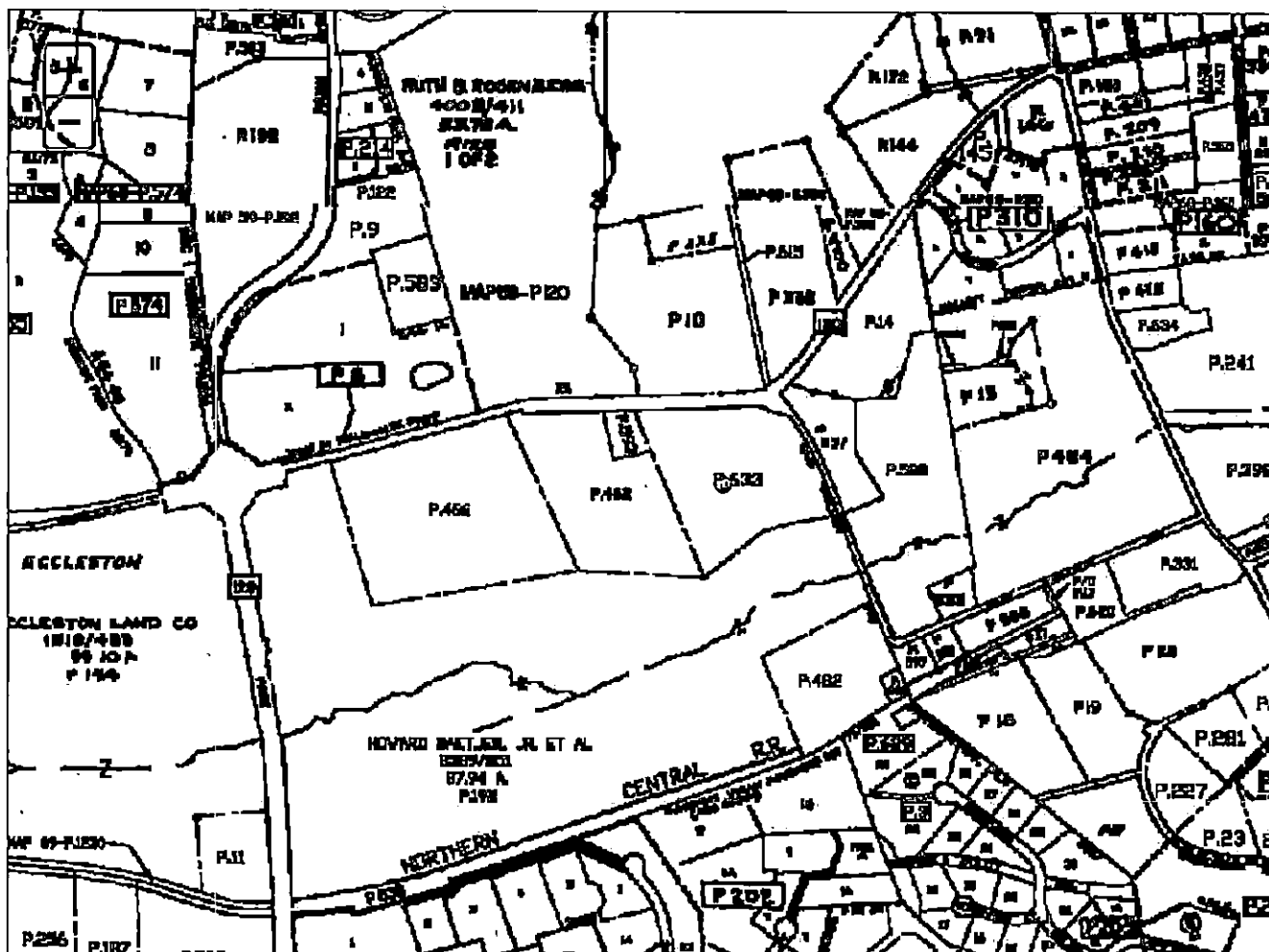
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 03 Account Number - 2500009332							
Owner Information											
Owner Name:		BURGER SCOTT D BURGER JENNIFER				Use: Principal Residence:		RESIDENTIAL NO			
Mailing Address:		12000 HAMMONDS GLEN CIR KINGSVILLE MD 21087-				Deed Reference:		/36618/ 00388			
Location & Structure Information											
Premises Address:		OLD VALLEY RD 0-0000				Legal Description:		10 AC MINOR SUB WS OLD VALLEY RD SW COR GREENSPRING VALLEY RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	ms	
0068	0002	0633		0000			1	2014	Plat Ref:		
Special Tax Areas:						Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area 10.0000 AC		County Use 04		
Stories 2 1/2	Basement YES	Type STANDARD UNIT		Exterior	Full/Half Bath 0 full		Garage	Last Major Renovation			
Value Information											
				Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015			As of 07/01/2016
Land:		303,500		272,100							
Improvements		0		0							
Total:		303,500		272,100		272,100		272,100			
Preferential Land:		0							0		
Transfer Information											
Seller: HORWITZ JASON Type: ARMS LENGTH IMPROVED				Date: 09/03/2015 Deed1: /36618/ 00388				Price: \$1,990,000 Deed2:			
Seller: RUSH WILLIAM Type: ARMS LENGTH VACANT				Date: 01/23/2013 Deed1: /33088/ 00188				Price: \$750,000 Deed2:			
Seller: BAETJER H NORMAN JR Type: ARMS LENGTH VACANT				Date: 09/14/2011 Deed1: /31182/ 00283				Price: \$550,000 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											

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **03** Account Number: **2500009332**

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

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

Property maps provided courtesy of the Maryland Department of Planning.

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>).

Case No. 2016-185-A

Exhibit Sheet

Petitioner/Developer

DW
5-18-16

Protestant

ser
H-14-16

No. 1	site plan	
No. 2	elevations-dwelling	
No. 3	3A-3E photos of site	
No. 4	Elevations - pavillion	
No. 5	landscaping photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S EXHIBIT 3 A

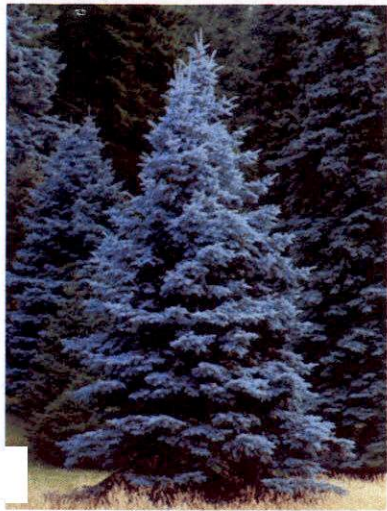




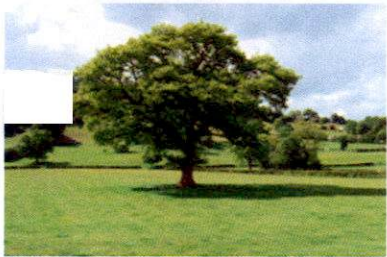




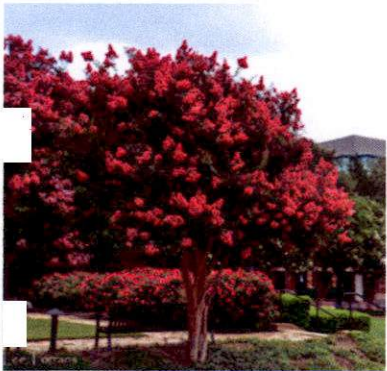




Blue Spruce



Large Oak



Crape Myrtle



Tree Lilac



Weeping Cherry



Hydrangea Snowball



Transplanted Spruce



Ilex Verticillata



Star Magnolia



River Birch



Transplanted Green Giants







Tree Lilac



Large Oak



Zelkova Trees



Transplanted Spruce



Transplanted Green Giants





Red bud



Red buckeye



Red Maple



Tri-color beech



Transplanted Spruce



Wigela



River birch



Blue Spruce



Transplanted Green Giants



White Buckeye



Dog wood tree



Anthony water spirea



Hawthorn



Red twig dogwood

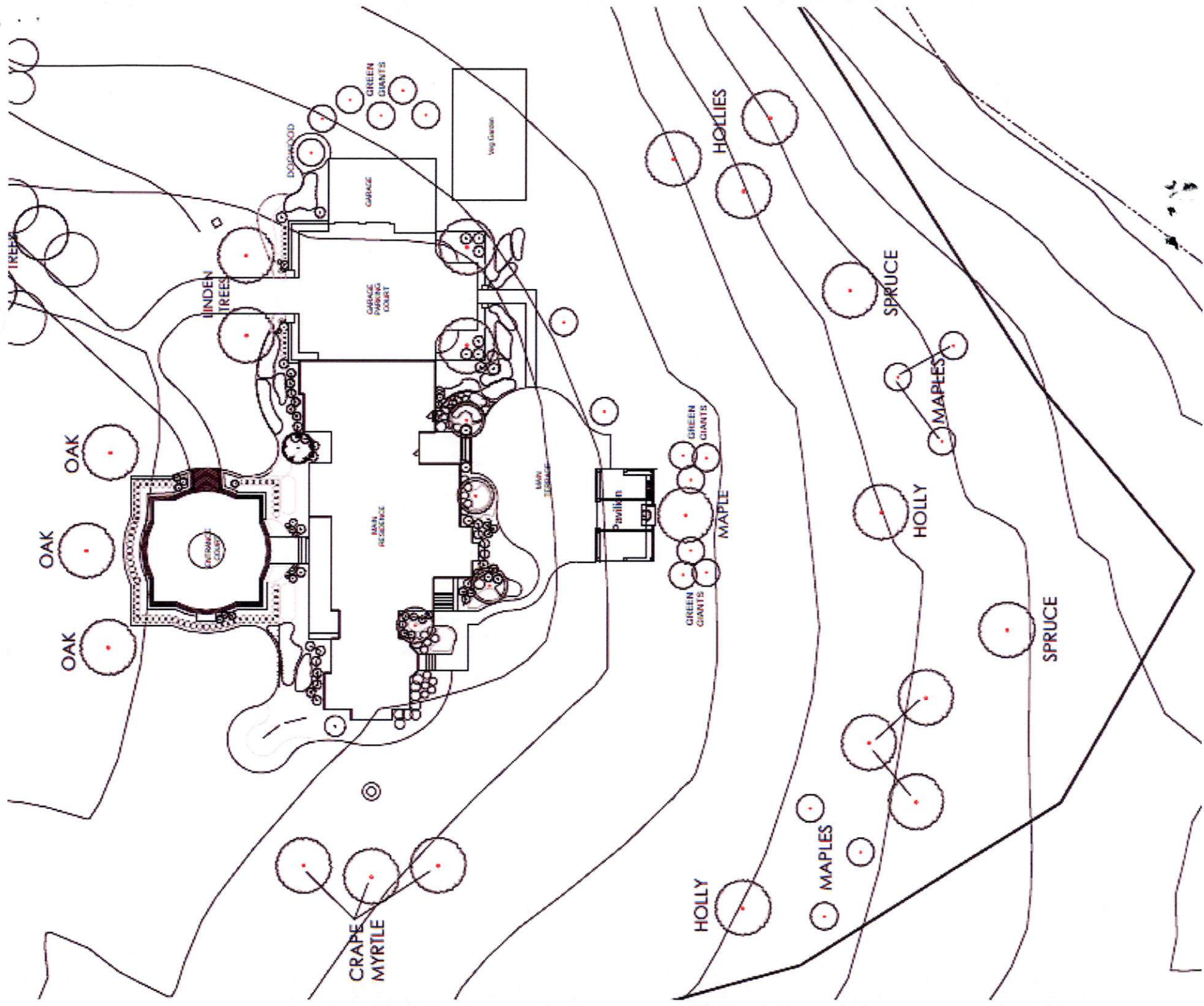


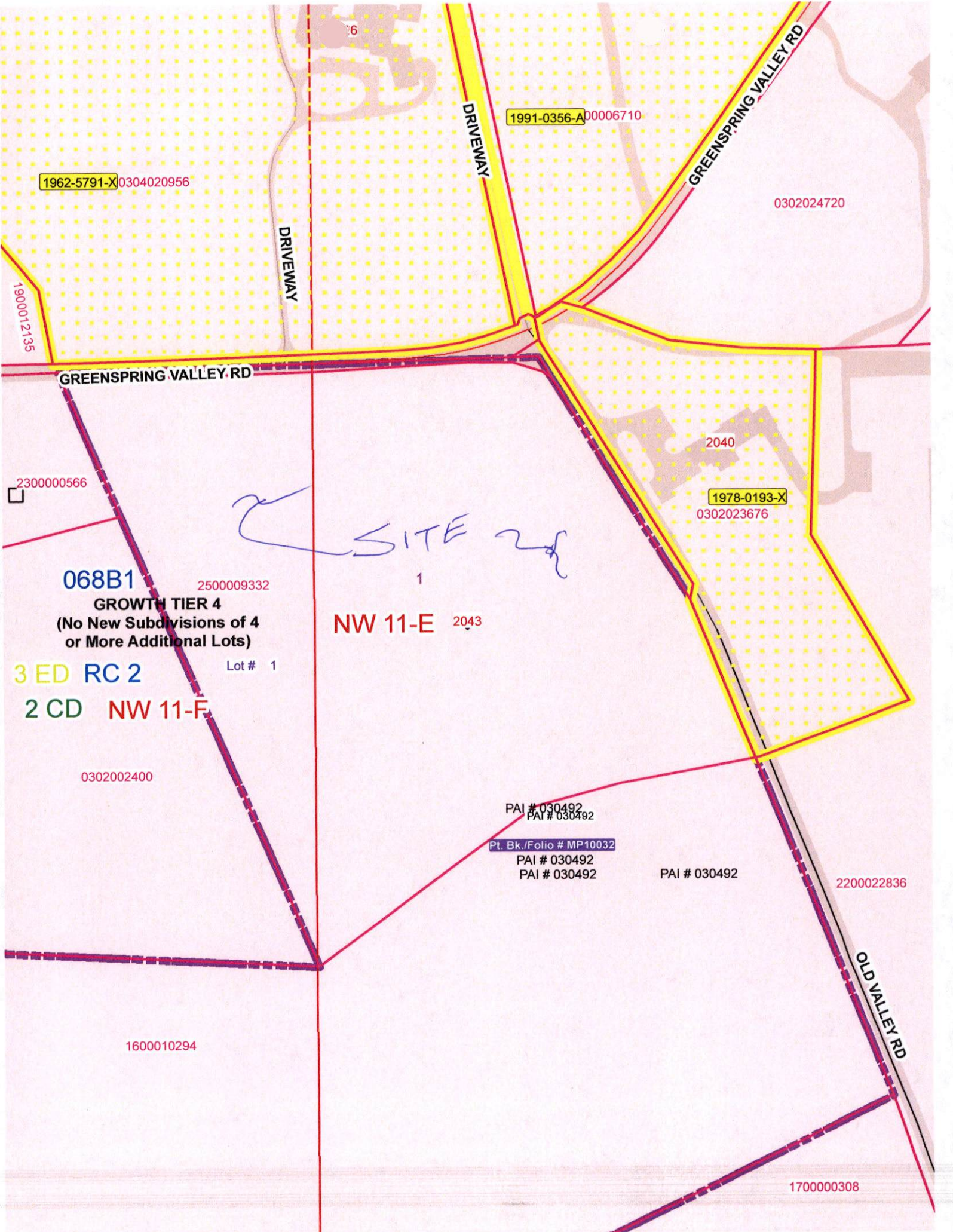
Large Oak



Viburnum







1962-5791-X 0304020956

1991-0356-A 00006710

0302024720

1900012135

DRIVEWAY

DRIVEWAY

GREENSPRING VALLEY RD

GREENSPRING VALLEY RD

2300000566

2040

1978-0193-X
0302023676

Handwritten: SITE 2
1

068B1

2500009332

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

NW 11-E 2043

3 ED RC 2

Lot # 1

2 CD NW 11-F

0302002400

PAI # 030492
PAI # 030492

Pt. Bk./Folio # MP10032

PAI # 030492
PAI # 030492

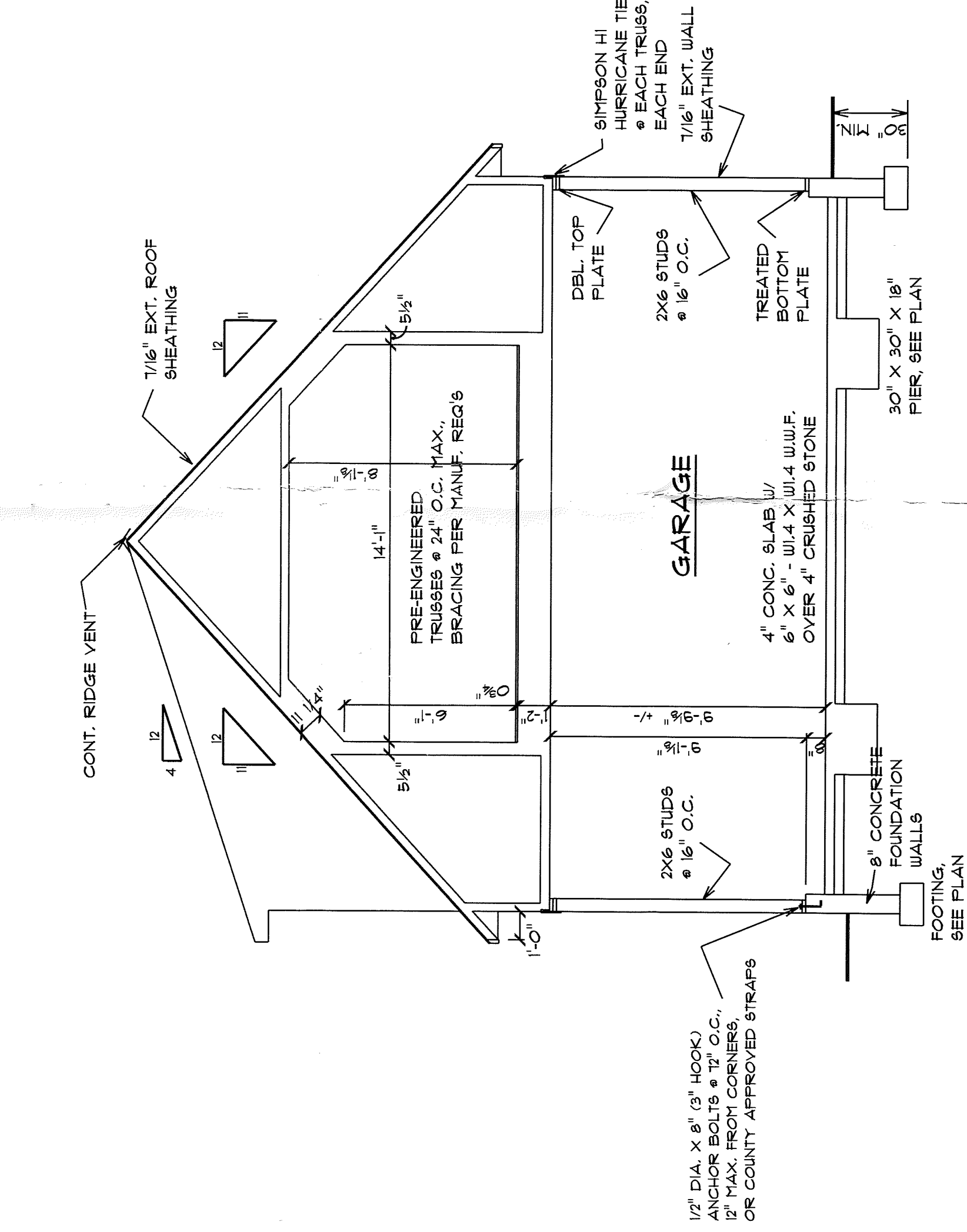
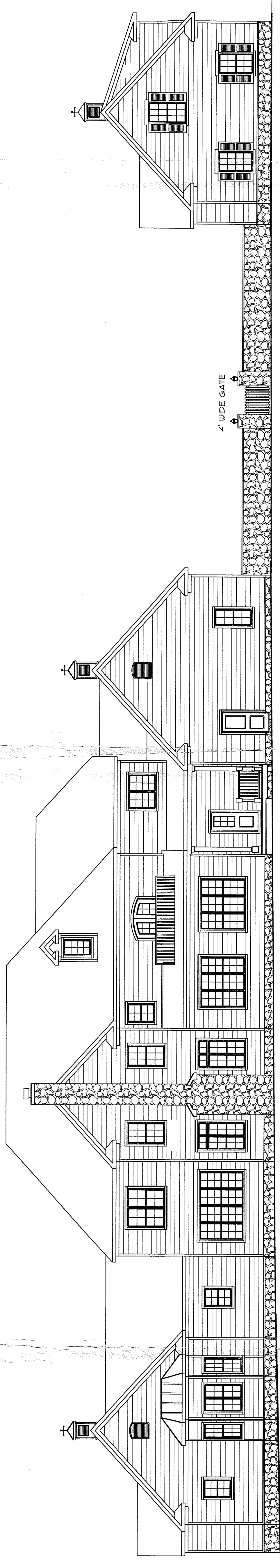
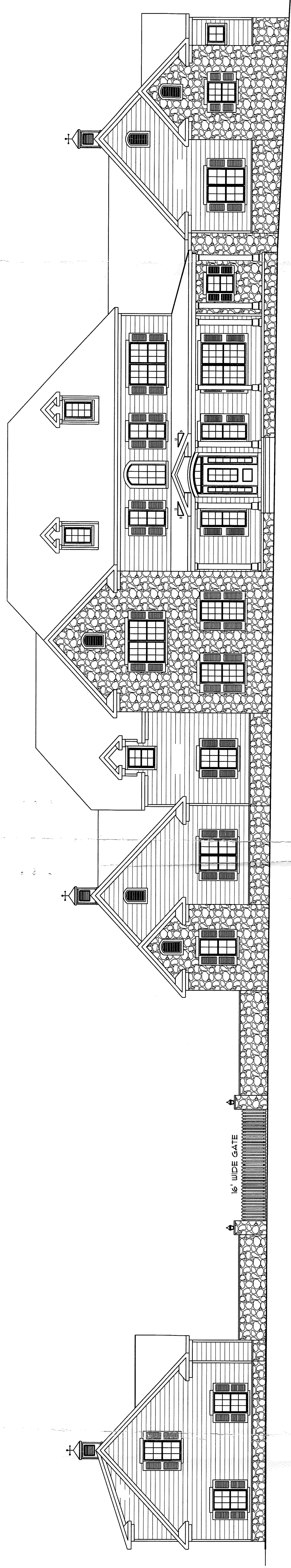
PAI # 030492

2200022836

OLD VALLEY RD

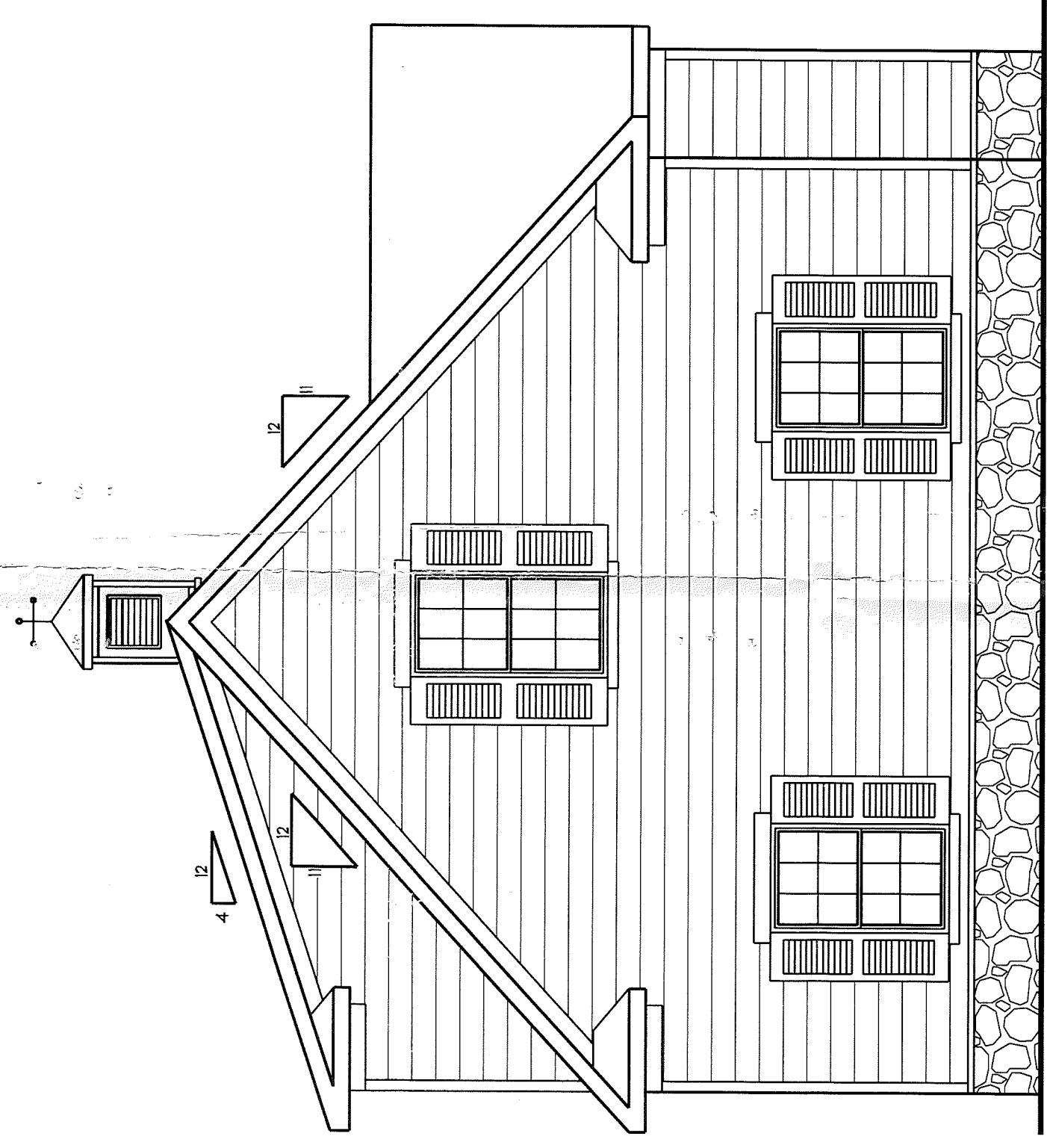
1600010294

1700000308



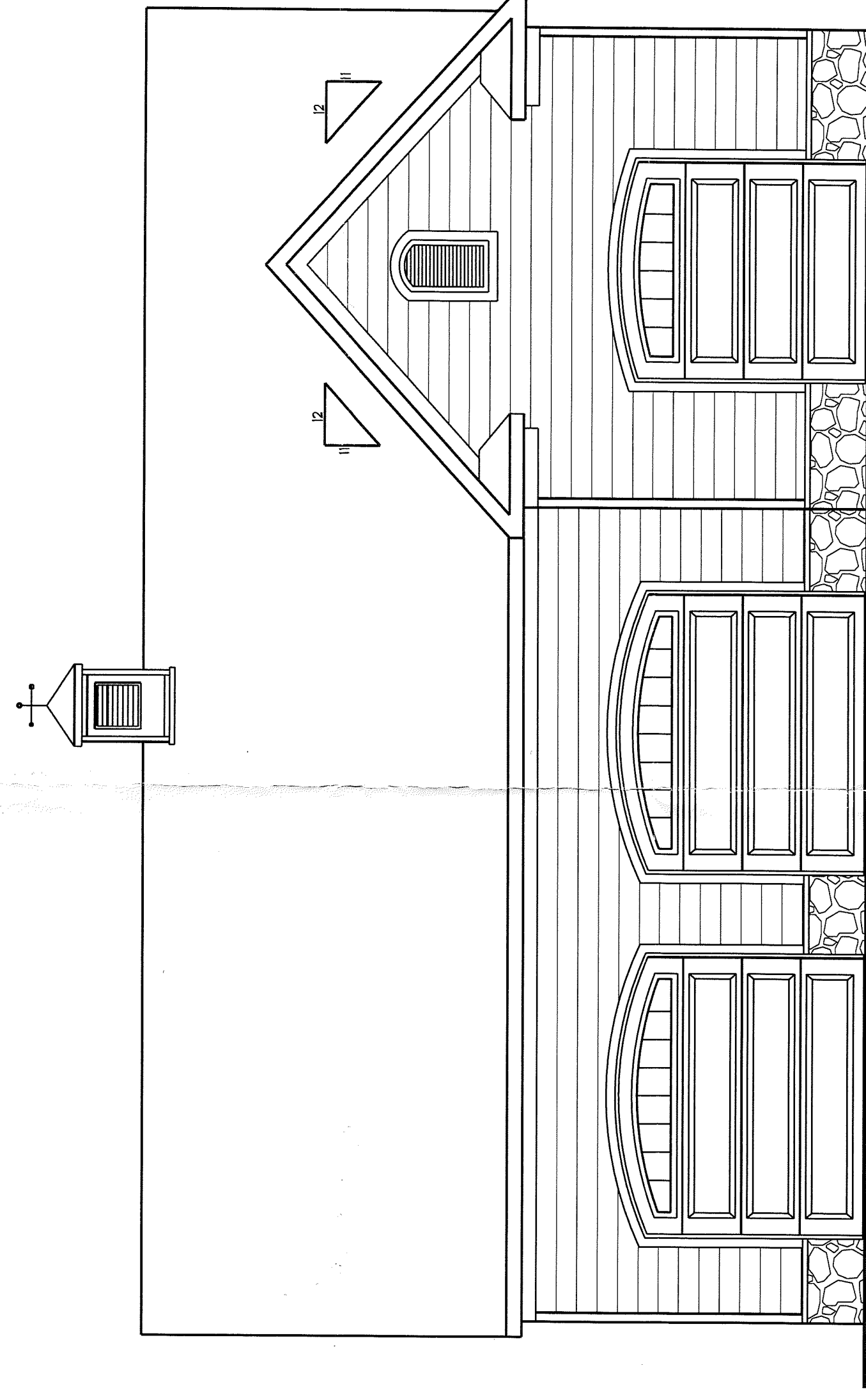
SECTION A

SCALE 1/4" = 1'-0"



GARAGE LEFT ELEVATION

SCALE 1/4" = 1'-0"



GARAGE FRONT ELEVATION

SCALE 1/4" = 1'-0"

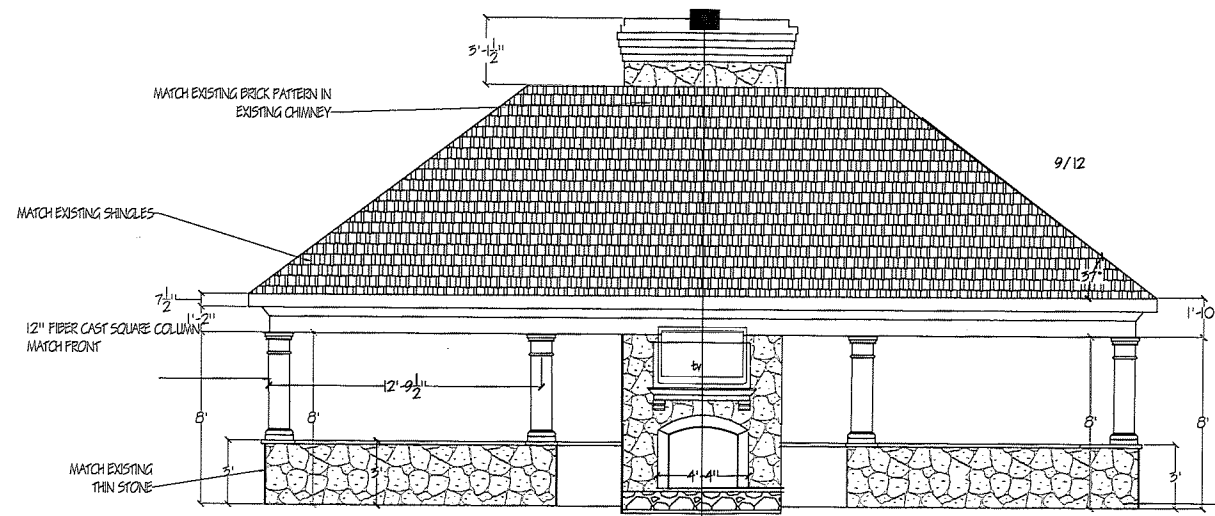
LETKEDESIGN
& CONSULTING L.L.C.
A.M. DESIGN & ENGINEERING, LLC
RESIDENTIAL DESIGN / COMPUTER DRAFTING
STRUCTURAL ENGINEERING CONSULTING
www.amsdesign.com (410) 812-4315

Mueller Homes, Inc.
7520 MAIN STREET
SYKESVILLE, MD 21784
(410) 549-4444

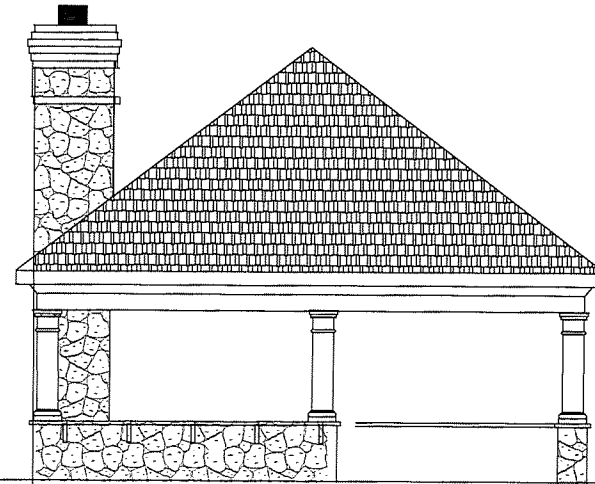
BURGER RESIDENCE
GREENSPRING VALLEY ROAD
BALTIMORE COUNTY, MD

DATE	SUBMISSION
4/7/16	VARIANCE PLAN

A-9



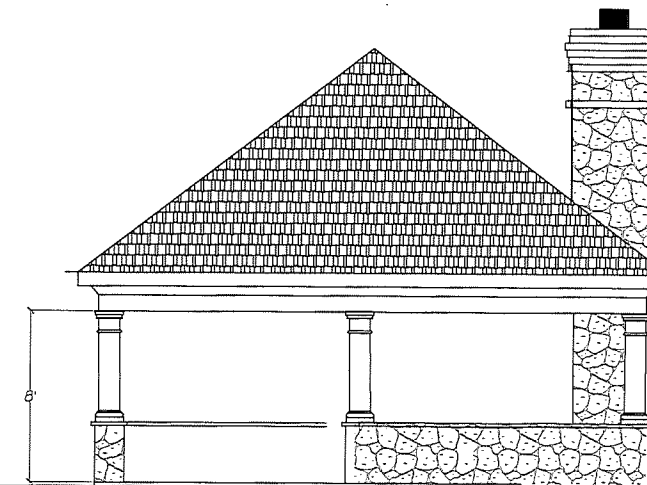
FRONT ELEVATION



LEFT SIDE ELEVATION



BACK ELEVATION



RIGHT SIDE ELEVATION

A COVERED PAVILLION
BURGER RESIDENCE
BALTIMORE COUNTY, MARYLAND

Date: 4/9/16

Revisions
No. Date Reference

Drawing Title
EXTERIOR
ELEVATIONS
1/4" = 1'-0"

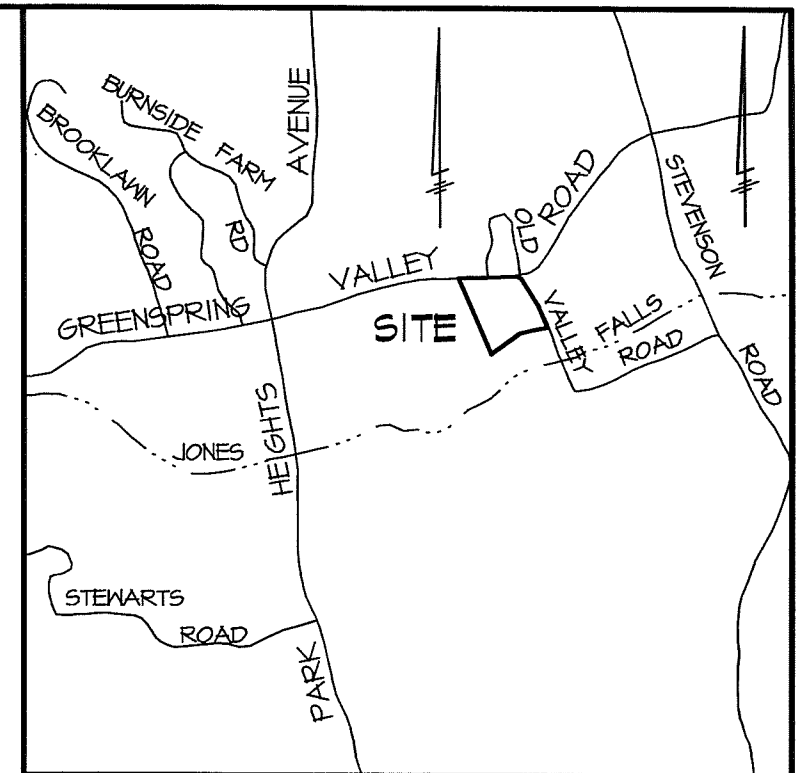
Drawing Number

A1

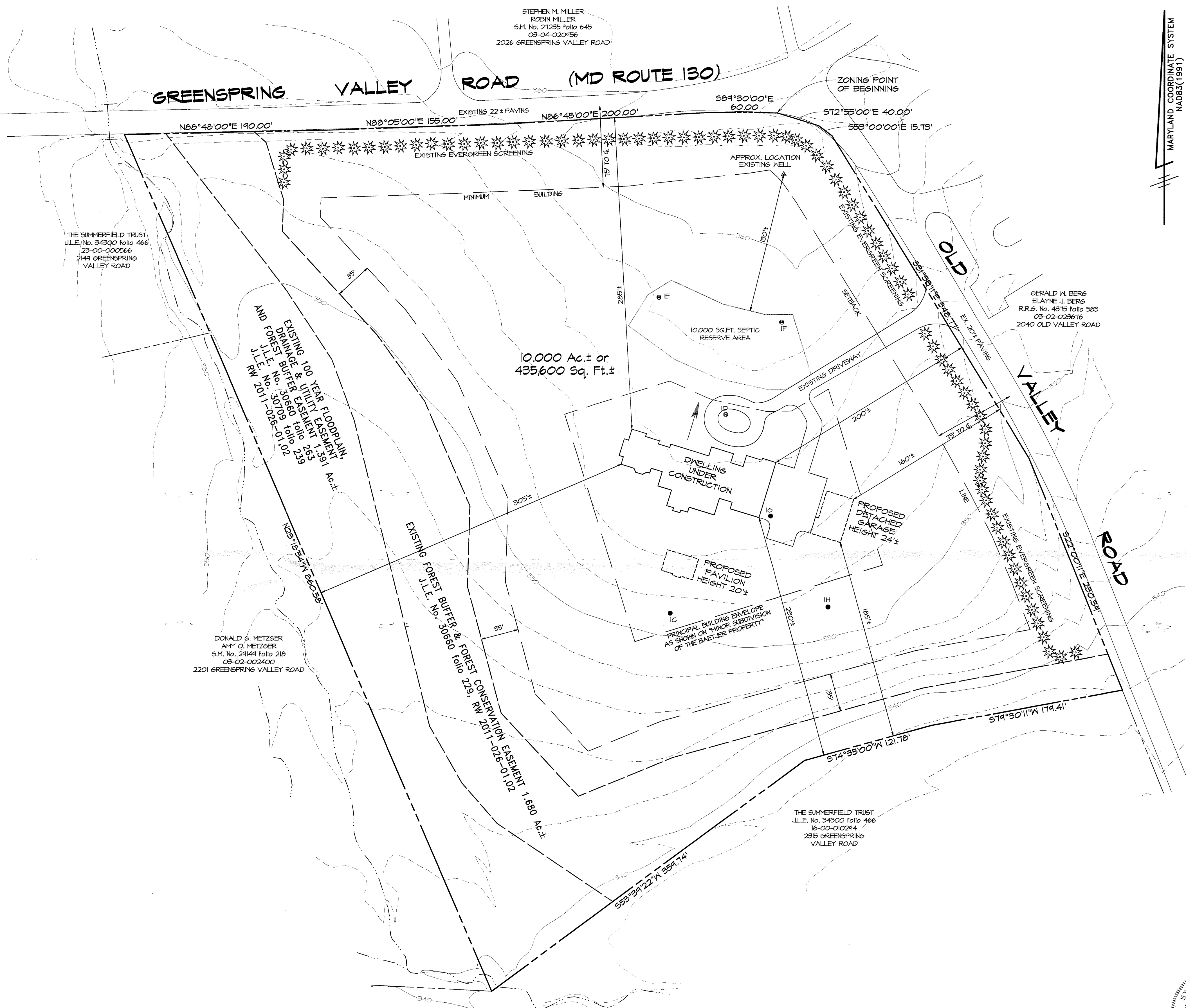
DANIELS & ASSOCIATES
ARCHITECTS, Ltd.



1113 Ivy Hill Road
Rum Valley, MD 21030 (410) 560-3569
Suite #100



VICINITY MAP
1" = 2000'



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 06881.
3. CENSUS TRACT: 403801 REGIONAL PLANNING DISTRICT: 313
WATERSHED: JONES FALLS
A.D.C. MAP 4 GRID: 45TT D-5
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS LOCATED IN THE GREENSPRING VALLEY NATIONAL REGISTER HISTORIC DISTRICT.
6. THE SUBJECT PROPERTY IS LOT 1 MINOR SUBDIVISION OF THE BAETJER PROPERTY, MINOR SUBDIVISION #1003214, PAI 103-442.
7. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
8. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A 100 YEAR FLOODPLAIN.
9. THE SUBJECT PROPERTY IS NOT WITHIN A BASIC SERVICES MAP FAILING TRAFFIC SHED.

VARIANCE REQUESTS

- SECTION 400.1 BCZR: TO ALLOW AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND THIRD OF THE LOT FARTHEST FROM BOTH STREETS
- SECTION 400.3 BCZR: TO ALLOW AN ACCESSORY BUILDING (GARAGE) TO HAVE A HEIGHT OF 24' IN LIEU OF THE MAXIMUM PERMITTED 15'
- SECTION 400.3 BCZR: TO ALLOW AN ACCESSORY BUILDING (PAVILION) TO HAVE A HEIGHT OF 20' IN LIEU OF THE MAXIMUM PERMITTED 15'

OWNER

SCOTT D. BURGER
JENNIFER BURGER
12000 HAMMONDS GLEN CIRCLE
KINGSVILLE, MARYLAND 21087

PLAT TO ACCOMPANY A PETITION FOR VARIANCE BURGER RESIDENCE

2043 OLD VALLEY ROAD
Deed Ref: J.L.E. No. 36618 folio 388
Tax Account No.: 25-00-009332
Zoned RC 2; GIS Tile 06881
Tax Map 0068; Grid 0002; Parcel 0633
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: DECEMBER 17, 2015

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



LICENSE EXPIRES/RENEWS 2/26/17

REVISION TO VARIANCE REQUEST	04/11/16
REVISIONS AND ADDITIONS	02/09/16
VARIANCE REQUEST FOR PAVILION ADDED	01/26/16
REVISION	DATE

COMPUTED: RTD DRAWN: SAL CHECKED: SAL