

M E M O R A N D U M

DATE: February 9, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0154-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 8, 2018. 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 ADMIN. VARIANCE	*	BEFORE THE
(1513 Burke Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Millard W. Leary, Jr. & Karen M. Leary	*	HEARINGS FOR
Petitioners.		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0154-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Millard W. Leary, Jr. and Karen M. Leary ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a second detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot. 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.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements as noted in the ZAC comment dated January 9, 2018 submitted by the Department of Environmental Protection and Sustainability ("DEPS"). In a comment dated January 8, 2018, the Bureau of Development Plans Review ("DPR") indicated there could be a discrepancy in terms of property ownership based on a comparison of the site plan and the County GIS map. While that could be an important issue in another setting, the order in this case will not determine ownership.

ORDER RECEIVED FOR FILING

Date 1-9-18

Bv low

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 17, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

Although the Department of Planning did not make any recommendations related to the proposed accessory building's (detached garage) height and usage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

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

THEREFORE, IT IS ORDERED, this 9th day of January, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a second detached accessory building (relocation of a shed in the rear yard) with a centerline

ORDER RECEIVED FOR FILING

Date 1-9-18

2

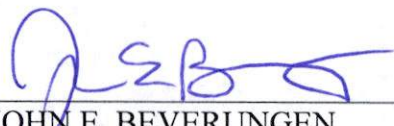
By 102

setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot, be and is hereby GRANTED.

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.
2. Petitioners or subsequent owners shall not convert the proposed accessory building (detached garage) into a dwelling unit or apartment. The proposed accessory building (detached garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed accessory building (detached garage) shall not be used for commercial purposes.
4. Petitioners must comply with the DEPS ZAC comment dated January 9, 2018; a copy of which is attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 1-9-18

By dlw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 1513 Burke Road

which is presently zoned DR-3.5

Deed Reference 16096/214

10 Digit Tax Account # 1522350490

Property Owner(s) Printed Name(s) Millard W. Leary, Jr. and Karen M. Leary

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

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

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 400.1 to allow a detached accessory structure (garage) in the side ~~front~~ yard of the lot in lieu of the required rear yard.

SEB Attached

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

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

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Millard W. Leary, Jr.

/ Karen M. Leary

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

1513 Burke Road

Baltimore

MD

Mailing Address

City

State

21220

/ 443-392-1640

/ MillardLeary@berryglobal.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

30 E. Padonia Road, Timonium

MD

Mailing Address

City

State

21093

/ 410-560-1502

/ rick@richardsonengineering.net

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 19 day of 11 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

By

Administrative Law Judge of Baltimore County

CASE NUMBER

2018-0154-A

Filing Date

12/17

Estimated Posting Date

12/17/17

Reviewer

JS

Affidavit in Support of Administrative Variance

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

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

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

Address: 1513 Burke Road Baltimore MD 21220
Print or Type Address of property City State Zip Code

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

The existing driveway for the house is located on the west side and the new garage will be constructed in place of an existing shed. The lot has frontage on Bowleys Quarter Road as well, but there is a ditch located there that would limit access from that location. The house is located in the CBCA and to require the garage be in the rear yard would add to the impervious area of the property and put it over the allowable lot coverage to comply with the regulations. For these reasons it is a practical difficulty to put the garage in the rear yard and would create a hardship to require it to be done.

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

Millard W. Leary Jr.
Signature of Affiant
Millard W. Leary Jr.
Name- Print or Type

Karen M. Leary
Signature of Affiant
Karen M. Leary
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of November, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Millard Leary Jr and Karen Leary
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public
03/10/2018
My Commission Expires

2018-0154-A

Administrative Variance from sections: 400.1 of the BCZR & 400.1.d.(2)(A) of the ZCPM, To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 feet and a 2nd detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 feet in lieu of the minimum required 75 feet on a double front lot.

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING DESCRIPTION FOR THE
LEARY PROPERTY
1513 BURKE ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side of Burke Road which is 30 feet wide at the intersection of Bowleys Quarters Road which is 40 feet wide. Being lot 118, in the subdivision of "Bowleys Quarter", recorded in the land records of Baltimore County in Plat Book 9 Folio 56, containing 26,727 square feet, or 0.61 acres of land, more or less.

2018-0154-A

CERTIFICATE OF POSTING

2018-0154-A

RE: Case No.: _____

Petitioner/Developer: _____

Millard & Karen Leary

January 1, 2018

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: _____

1513 Burke Road

December 17, 2017

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



Sincerely,

December 17, 2017

(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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0154 -A Address 1513 Burke Rd

Contact Person: Gary Kucuk Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/6/17 Posting Date: 12/17/17 Closing Date: 1/1/18

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2018- 0154 -A Address 1513 Burke Ave
Petitioner's Name Millard & Karen Leary Telephone 443-392-1640
Posting Date: 12/17/17 Closing Date: 1/1/18

To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 feet and a 2nd detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 feet in lieu of the minimum required 75 feet on a double front lot.

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

NO 161154

Date: 12/6/17

Fund	Dept	Unit	Sub Unit	Rev		Sub-Obj	Dept-Obj	BS Acct	Amount
				Source/	Rev/				
001	000	000		0150					75.00

Total: 75.00

Rec From: Millard Leary RD

For: 1513 Burke RD

2018 0154-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS: ACTUAL TIME: 12/07/2017 12/06/2017 09:20:02
REG: DEPT: WALKIN LAR
RECEIPT # 764742 12/06/2017 OFL
Dept: 5 528 ZONING VERIFICATION
CR NO: 161154
Receipt Tot: 175.00
175.00 CR 4.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

January 3, 2018

Millard W & Karen Leary
1513 Burke Road
Baltimore MD 21220

RE: Case Number: 2018-0154 A, Address: 1513 Burke Road

Dear Mr. & Ms. Leary:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 6, 2017. 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Richardson Engineering, 30 E Padonia Road, Timonium MD 21093

Date: 12/14/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0154-A

*Administrative Variance
Millard W. Leary, Jr. & Karen M. Leary
1513 Burke Road.*

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,

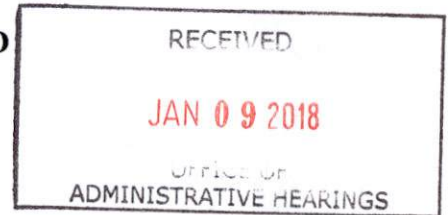


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0154-A
Address 1513 Burke Road
(Leary Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

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

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow a garage in the side and front yards with less setback than permitted. The lot is not waterfront, and the garage must meet all LDA requirements, including lot coverage limits and afforestation. Lot coverage is limited to a maximum of 5,445 square feet with mitigation required for any lot coverage between 15% and 5,445 square feet. The plan shows existing and proposed lot coverage but it appears to be incomplete. There is a pool shown on the plan that is not included in Note #17; existing walkways are not included in the new total figure; and the shed to be relocated shows as 288 square feet on the site plan and 390 square feet in Note #17. Complete lot coverage information must be provided to ensure the limit is not exceeded. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the lot coverage and afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the lot coverage and afforestation requirements will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, however if the lot coverage and afforestation requirements will be met then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Debra Wiley

From: Stephen Ford
Sent: Tuesday, January 09, 2018 8:46 AM
To: Debra Wiley; June Wisnom; Kristen L Lewis; Sherry Nuffer
Cc: Jeffery Livingston
Subject: Zoning Petition Comments
Attachments: ZAC 18-0154-A-1513 Burke Road EIR.doc; ZAC 18-0159-A 11309 Mayberry Avenue-EIR.doc

For your files.
Thanks,

Stephen A. Ford
Engineering Associate III
Department of Environmental Protection
And Sustainability
Development Coordination
111 West Chesapeake Avenue, Room 319
Towson, Maryland 21204
sford@baltimorecountymd.gov
410-887-5859
410-887-4804 fax



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

RECEIVED

JAN 08 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
MSL
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2017
Item No. 2018-0154-A

DATE: January 8, 2018

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

In reviewing property ownership, there seems to be a discrepancy between what is shown on the plan and what is shown in the County GIS map.

* * * * *

VKD: cen
cc: file

Debra Wiley

From: Vishnubhai K Desai
Sent: Monday, January 08, 2018 2:12 PM
To: Debra Wiley; Stephen Ford
Cc: Eugene Cauley; Charles Nwokoro
Subject: ZAC Comments, for Case Nos. 2018-0154-A, 2018-0156-A and 2018-0158-A.
Attachments: 2018-0154-A.pdf; 2018-0156-A.pdf; 2018-0158-A.pdf

Good Afternoon,

As requested, please find attached review comments for the Case Nos. 2018-0154-A, 2018-0156-A and 2018-0158-A.

Thanks,
Vishnu Desai

From: Debra Wiley
Sent: Monday, January 08, 2018 10:43 AM
To: Stephen Ford <sford@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: Additional ZAC Comment Missing - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Here is an additional one that's missing. Thanks again.

Case No. 2018-0158-A

8211 Peach Orchard Road

Location: SW/S of Peach Orchard Road, 180 ft. S of the centerline of the intersection with Watershed Road
Twelfth Election District & Seventh Council District

Legal Owner: Edward Auld

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft.

From: Debra Wiley
Sent: Monday, January 08, 2018 10:17 AM
To: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: ZAC Comments - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Please see below administrative variances that closed on January 1, 2018. I am in receipt of the case files and believe they're in floodplain but files doesn't appear to have a ZAC comment.

Thanks in advance.

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road

Debra Wiley

From: Debra Wiley
Sent: Monday, January 08, 2018 10:17 AM
To: Vishnubhai K Desai
Subject: ZAC Comments - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Please see below administrative variances that closed on January 1, 2018. I am in receipt of the ca they're in floodplain but files doesn't appear to have a ZAC comment.

Thanks in advance.

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road

Fifteenth Election District & Seventh Council District

Legal Owners: Millard W. Leary, Jr. and Karen M. Leary

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a second detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot.

Case No. 2018-0156-A

1126 Susquehanna Avenue

Location: W/S of Susquehanna Avenue, 268 ft. N of the intersection with Chesapeake

Fifteenth Election District & Sixth Council District

Legal Owner: Frank J. & Kimberly L. Battaglia

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit an open access strip of 15 ft. between adjoining property and proposed piles and boat lift in lieu of the required 20 ft.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

file +
ZAC
agenda
NO
zon. per. +
site plan
yes

1/8 Day to ~~1/8~~
take info. to Steve Ford.
Also in B.C.A.

Debra Wiley

From: Debra Wiley
Sent: Monday, January 08, 2018 10:13 AM
To: Stephen Ford
Subject: CBCA ZAC Comments Needed

Hi Steve,

Please see below administrative variances that closed on January 1, 2018. I am in receipt of the case files and they're in CBCA and file doesn't appear to have a ZAC comment.

Thanks in advance.

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road

Fifteenth Election District & Seventh Council District

Legal Owners: Millard W. Leary, Jr. and Karen M. Leary

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a second detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot.

Case No. 2018-0156-A

1126 Susquehanna Avenue

Location: W/S of Susquehanna Avenue, 268 ft. N of the intersection with Chesapeake Avenue

Fifteenth Election District & Sixth Council District

Legal Owner: Frank J. & Kimberly L. Battaglia

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit an open access strip of 15 ft. between existing facilities of an adjoining property and proposed piles and boat lift in lieu of the required 20 ft.

Debra Wiley

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 8, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2017
Item No. 2018-0154-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

In reviewing property ownership, there seems to be a discrepancy between what is shown on the plan and what is shown in the County GIS map:

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 09 2018

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 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0154-A
Address 1513 Burke Road
(Leary Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

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

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow a garage in the side and front yards with less setback than permitted. The lot is not waterfront, and the garage must meet all LDA requirements, including lot coverage limits and afforestation. Lot coverage is limited to a maximum of 5,445 square feet with mitigation required for any lot coverage between 15% and 5,445 square feet. The plan shows existing and proposed lot coverage but it appears to be incomplete. There is a pool shown on the plan that is not included in Note #17; existing walkways are not included in the new total figure; and the shed to be relocated shows as 288 square feet on the site plan and 390 square feet in Note #17. Complete lot coverage information must be provided to ensure the limit is not exceeded. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the lot coverage and afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

ORDER RECEIVED FOR FILING

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the lot coverage and afforestation requirements will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, however if the lot coverage and afforestation requirements will be met then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

ORDER RECEIVED FOR FILING

Date 1-9-18

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\DXWB6LKP\ZAC 18-0154-A-1513 Burke Road EIR.doc By hew

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1-8DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)C1-9DEPS
(if not received, date e-mail sent _____)C

FIRE DEPARTMENT

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

12-10

STATE HIGHWAY ADMINISTRATION

No object.

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 12-17-17 by BeckPEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1522350490			
Owner Information					
Owner Name:	LEARY MILLARD W JR LEARY KAREN M		Use:	RESIDENTIAL	
Mailing Address:	1513 BURKE RD BALTIMORE MD 21220-4440		Principal Residence:	YES	
			Deed Reference:	/16096/ 00214	
Location & Structure Information					
Premises Address:		1513 BURKE RD 0-0000		Legal Description: 1513 BURKE RD BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0011	0016		0000	
					Block:
					118
					Lot:
					2018
					Assessment Year:
					3
					Plat No:
					0009/0056
					Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1964	1,278 SF		26,727 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	FRAME	1 full	
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2018	As of 07/01/2017	As of 07/01/2018	
Land:	125,100	125,600			
Improvements	64,000	85,600			
Total:	189,100	211,200	189,100	196,467	
Preferential Land:	0			0	
Transfer Information					
Seller: LEE BARBARA		Date: 02/12/2002		Price: \$164,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /16096/ 00214		Deed2:	
Seller: LINKE ERNEST A		Date: 09/19/1997		Price: \$109,900	
Type: ARMS LENGTH IMPROVED		Deed1: /12392/ 00295		Deed2:	
Seller: VIGNERI PETER V		Date: 10/01/1973		Price: \$35,000	
Type: ARMS LENGTH IMPROVED		Deed1: /04399/ 00233		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: Approved 03/30/2011					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

2018-0134-A





2018-0154-A

ZAC AGENDA

Number: 2018-0154-A
ADMINISTRATIVE VARIANCE
Legal Owner: Millard W Leary, Jr. and Karen M Leary

Primary Use: RESIDENTIAL

Reviewer: Hucik Gary

Contract Purchaser

Critical Area : No Flood Plain: No Historic No Election Dist Fifteenth Councilmanic Dist Seventh

Property Address: 1513 Burke ROAD

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road.

Existing Zoning: RC 5 Area: .61 +/- acres

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a 2nd detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 1/1/2018 12:00:00AM

Miscellaneous:

098C.1

Lot # 162A

152

050

1986-0245-A

1500

Lot # 163A 1502571480

Lot # 164A

1502

1503370880

2013-0011-A

Pt. Bk. 0000013, Folio 0039

Pt. Bk./Folio # 013039

1504

1520301250

Lot # 165A

1508

Lot # 166A

1519511340

1953-2707-A

1512

1516001080

1951-1989-XA

1514

Lot # 167

1506

Pt. Bk./Folio # 007012

Lot # 168

1503671321

2011-0345-SPH

1996-0258-SPH

1997-0046-A

Bowleys Quarters-Back River Neck Area

6-CD

Martin State Airport Restriction 1513

PAI # 150010

PAI # 150010

1513855710

Lot # 117 1516001081

Back River Neck District

NE 1-L

098C2

RC 5

15 ED

Pt. Bk./Folio # 009056

Lot # 116

1503671610

Pt. Bk. 0000009, Folio 0056

Lot # 106 1519714660

2003-0540-A

Lot # 2A

Pt. Bk. 0000078, Folio 0143

2500000489

2005-0650-SPHA

Pt. Bk./Folio # 078143

Lot # 1A 2500000488

1504000760

Lot # 62

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

RC 20

1521400042

Lot # 70

Lot # 71

1607

1523153750

Lot # 69

Lot # 70

1613

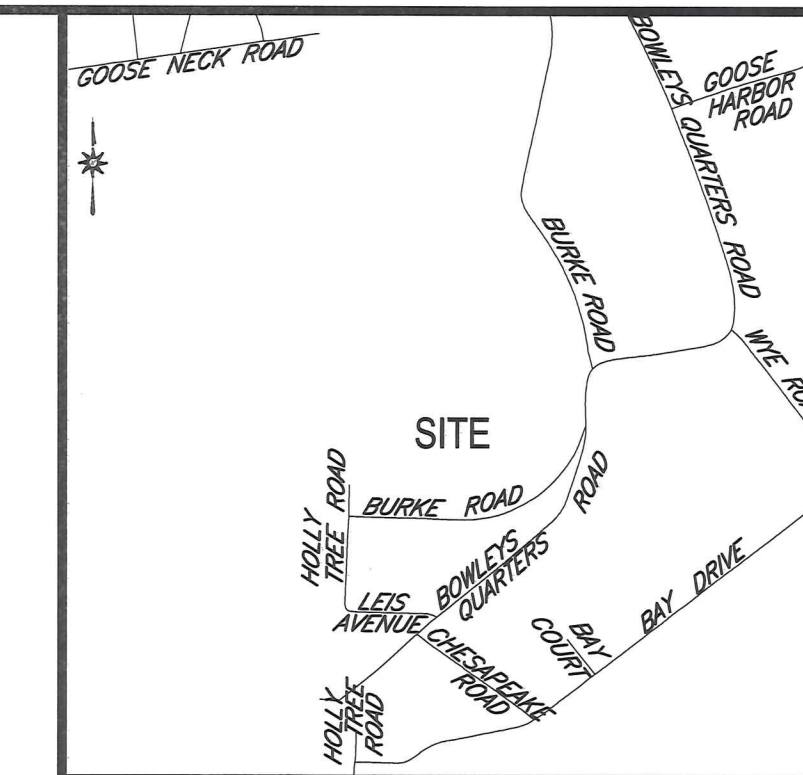
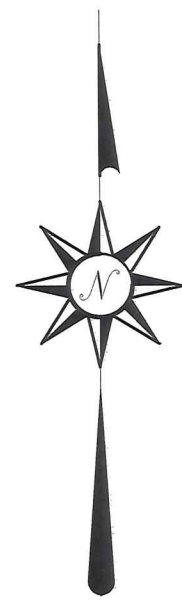
1516151341

1523155880

BOWLEYS QUARTERS RD

BURKE RD

2018-0121-A



LOCATION MAP
SCALE: 1" = 1000'

SITE DATA

- OWNER:
MILLARD W., JR & KAREN M. LEARY
1513 BURKE ROAD
BALTIMORE, MD 21221
- SITE ADDRESS: 1513 BURKE ROAD
- SITE AREA: 28,727 SF or 0.61 Ac.±
- DEED REF: 18098/214
- TAX MAP #98, GRID #11, PARCEL #16, LOT #118
- PLAT REF: 9-56 "BOWLEYS QUARTER"
- PRESENT ZONING: RC 5 (PER 1"=200' ZONING MAP 098C2)
- USE: RESIDENTIAL
- UTILITIES: PUBLIC WATER & PUBLIC SEWER
- TAX ACCOUNT #1522350490
- SITE LIE WITHIN ZONE A68 AND X (AREAS OF 2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1' FLOOD ZONES (FIRM PANEL 240010045F)
- NO PREVIOUS ZONING CASES ON FILE
- NO PREVIOUS PERMITS ON FILE
- SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA. ✓
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- WATERSHED: MIDDLE RIVER
- IMPERVIOUS AREAS
EXISTING:
DWELLINGS = 852 SF
SHEDS = 490 SF
DRIVEWAY = 608 SF
WALKWAY = 121 SF
PATIO = 268 SF
TOTAL = 2,339 SF OR 8.8%
PROPOSED:
DWELLING = 852 SF
GARAGE = 900 SF
DRIVEWAY = 608 SF
SHED = 390 SF
PATIO = 268 SF
WALKWAY = 121 SF
TOTAL = 3,139 SF OR 11.7 %
- SETBACKS FOR RC 5
REQUIRED
FRONT: 50'
SIDE: 50'
REAR: 50'
PROVIDED
FRONT: 16'±
SIDE: 152'±
REAR: 57'±

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

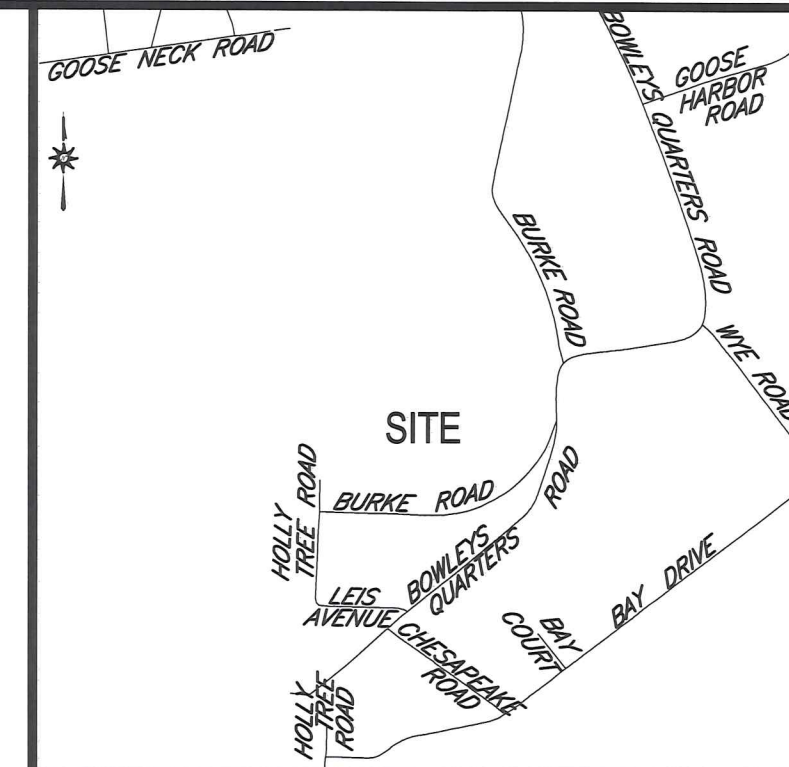
PLAN TO ACCOMPANY ZONING PETITION FOR LEARY RESIDENCE

1513 BURKE ROAD
ESSEX, MD 21221

BALTIMORE COUNTY
15TH ELECTION DISTRICT

MARYLAND
7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	EBJ	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	12/1/17	17136	1 OF 1



LOCATION MAP
SCALE: 1" = 1000'

SITE DATA

- OWNER: MILLARD W. JR & KAREN M. LEARY
1513 BURKE ROAD
BALTIMORE, MD 21221
- SITE ADDRESS: 1513 BURKE ROAD
- SITE AREA: 26,727 SF or 0.61 Ac.±
- DEED REF: 16096/214
- TAX MAP #98, GRID #11, PARCEL #16, LOT #118
- PLAT REF: 9-56 "BOWLEYS QUARTER"
- PRESENT ZONING: RC 5 (PER 1"=200' ZONING MAP 098C2)
- USE: RESIDENTIAL
- UTILITIES: PUBLIC WATER & PUBLIC SEWER
- TAX ACCOUNT #1522350490
- SITE LIE WITHIN ZONE AEB AND X (AREAS OF 2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1') FLOOD ZONES (FIRM PANEL 2400100445F)
- NO PREVIOUS ZONING CASES ON FILE
- NO PREVIOUS PERMITS ON FILE
- SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- WATERSHED: MIDDLE RIVER
- IMPERVIOUS AREAS
EXISTING:
DWELLINGS = 852 SF
SHEDS = 490 SF
DRIVEWAY = 608 SF
WALKWAY = 121 SF
PATIO = 268 SF
TOTAL = 2,339 SF OR 8.8%
PROPOSED:
DWELLING = 852 SF
GARAGE = 900 SF
DRIVEWAY = 608 SF
SHED = 390 SF
PATIO = 268 SF
WALKWAY = 121 SF
TOTAL = 3,139 SF OR 11.7 %
- SETBACKS FOR RC 5

	REQUIRED	PROVIDED
FRONT:	50'	16'±
SIDE:	50'	152'±
REAR:	50'	57'±

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

LEARY RESIDENCE

1513 BURKE ROAD
ESSEX, MD 21221

BALTIMORE COUNTY
15TH ELECTION DISTRICT

MARYLAND
7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	EBJ	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	12/1/17	17136	1 OF 1

2018-0154-A