

MEMORANDUM

DATE: April 24, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0204-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 23, 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 *
(1513 Burke Road)

15th Election District

7th Council District

Millard W. Leary, Jr. & Karen M. Leary *
Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0204-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 § 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to allow a detached accessory structure (garage) to be 20 ft. tall in lieu of the allowable 15 ft. 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 February 26, 2018 submitted by the Department of Environmental Protection and Sustainability (“DEPS”). In addition, a ZAC comment was received from the Bureau of Development Plans Review (“DPR”) dated March 7, 2018 indicating: “Prior to submitting a building permit application, the petitioner shall contact the Office of The Director of Public Works to determine the Building Code Requirements for building a garage (unoccupied structure) within a Tidal Floodplain.”

ORDER RECEIVED FOR FILING

Date 3-22-18

By WJ

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 4, 2018, 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 ("BCC"). 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 BCZR. Furthermore, strict compliance with the BCZR 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 garage's height and usage, I will impose conditions that the 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 22nd day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the BCZR, to allow a detached accessory structure (garage) to be 20 ft. tall in lieu of the allowable 15 ft., 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,

ORDER RECEIVED FOR FILING

Date 3-22-18

2

By WJ

Petitioners would be required to return the subject property to its original condition.

2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.
4. Petitioners must comply with the ZAC comments received from DEPS and DPR, dated February 26, 2018 and March 7, 2018 respectively; copies of which are 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 3-22-18

By ISW

3-19-18

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: February 26, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0204-A
Address 1513 Burke Road
(Leary Property)

Zoning Advisory Committee Meeting of **February 26, 2018.**

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 with greater eave height than permitted. The lot is not waterfront, and the garage must meet all LDA requirements, including lot coverage limits and afforestation. As shown on the plan, lot coverage limits will be met. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the 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 afforestation requirements will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

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Date 3-22-18

By low

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 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 3-22-18



CBCA

ADMINISTRATIVE ZONING PETITION

Flood

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 Roadwhich is presently zoned DR-5.5Deed Reference 16096/21410 Digit Tax Account # 1522350490Property Owner(s) Printed Name(s) Millard W. Leary, Jr. and Karen M. Leary(SELECT THE HEARING(S) BY MARKING **X** 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. **X** **ADMINISTRATIVE VARIANCE** from section(s) 400.3 to allow a detached accessory structure (garage) to be 20' (ft) tall in lieu of the allowable 15'.

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 2 **day of** September **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.**

Administrative Law Judge of Baltimore County

CASE NUMBER 2018-0204A Filing Date 2/9/18 Estimated Posting Date 2/18/18 Reviewer JCM

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 proposed garage will have an eave height of 14' to allow for a 12' high door so that it will be able to fit a boat into the garage. With a frame roof it needs to have an 20' height to the peak to allow for pitch of the roof for shingles and strength for snow load..

(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 Leary
Signature of Affiant
Karen 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 2 day of February, 2018, 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

**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.

CERTIFICATE OF POSTING

2018-0204-A

RE: Case No.: _____

Petitioner/Developer: _____

Karen Leary

March 19, 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

March 4, 2018

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

Sincerely,



March 4, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

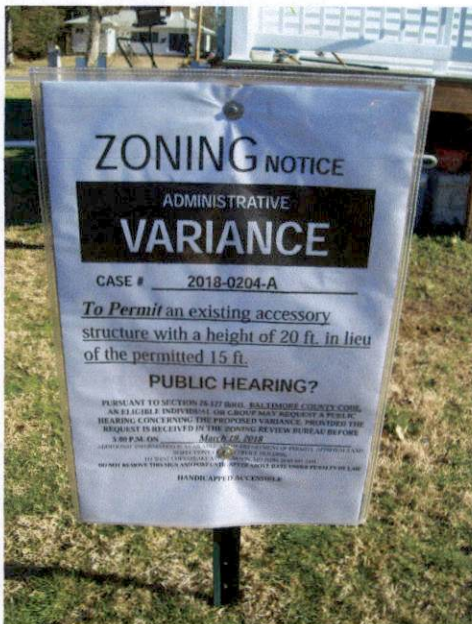
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0204 -A Address 1513 Burke Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/9/18 Posting Date: 2/18/18 Closing Date: 3/5/19

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- 0204 -A Address 1513 Burke Rd.
Petitioner's Name KAREN LEARY Telephone 443-392-1640
Posting Date: 2/18/18 Closing Date: 3/5/18
Wording for Sign: To Permit AN EXISTING ACCESSORY STRUCTURE
WITH AN HEIGHT OF 20ft. IN LIEU OF THE
PERMITTED 15ft.

Revised 6/30/2018

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0204-A

Property Address: 1513 BURKE RD

Property Description: South side of Burke Rd. on
the SW corner of the intersection of Burke & Bowley
Rd.

Legal Owners (Petitioners): MILLARD & KAREN LEARY

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MILLARD LEARY

Company/Firm (if applicable): _____

Address: 1513 BURKE ROAD
BALT MD 21220

Telephone Number: 443-392-1640

ME 161298

Date:

2/9/18

PAID RECEIPT

BUSINESS	ACTUAL	TIME	BRO
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2/09/2018 2/09/2018 05:10:27

REG. 1501 WALKER LTR

RECEIPT # 774824 2/09/2018 OFLN

Revised 5-528 ZONING VERIFICATION

CR NO. 161298

Recpt Tot 975.00

\$75.00 00 1.00 04

Baltimore County, Maryland

Total:

75

Rec

From:

KAREN LEARY

For:

2019-0204-A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

3-19-18

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: February 26, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0204-A
Address 1513 Burke Road
(Leary Property)

Zoning Advisory Committee Meeting of **February 26, 2018.**

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 with greater eave height than permitted. The lot is not waterfront, and the garage must meet all LDA requirements, including lot coverage limits and afforestation. As shown on the plan, lot coverage limits will be met. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the 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 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 afforestation requirements will be met then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: 2/21/18

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

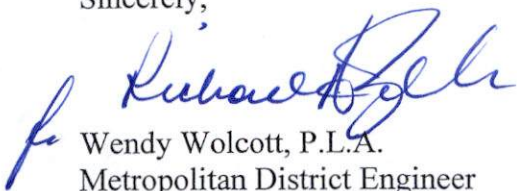
Dear Ms. Lewis:

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. 2018-0204-A

*Administrative Variance
Millard W. & 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

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2018
Item No. 2018-0204-A

DATE: March 07, 2018

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

Prior to submitting a building permit application, the petitioner shall contact the Office of The Director of Public Works to determine the Building Code Requirements for building a garage (unoccupied structure) within a Tidal Floodplain.

* * * * *

VKD: cen
cc: file

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: February 26, 2018

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2. Conserve fish, plant, and wildlife habitat;

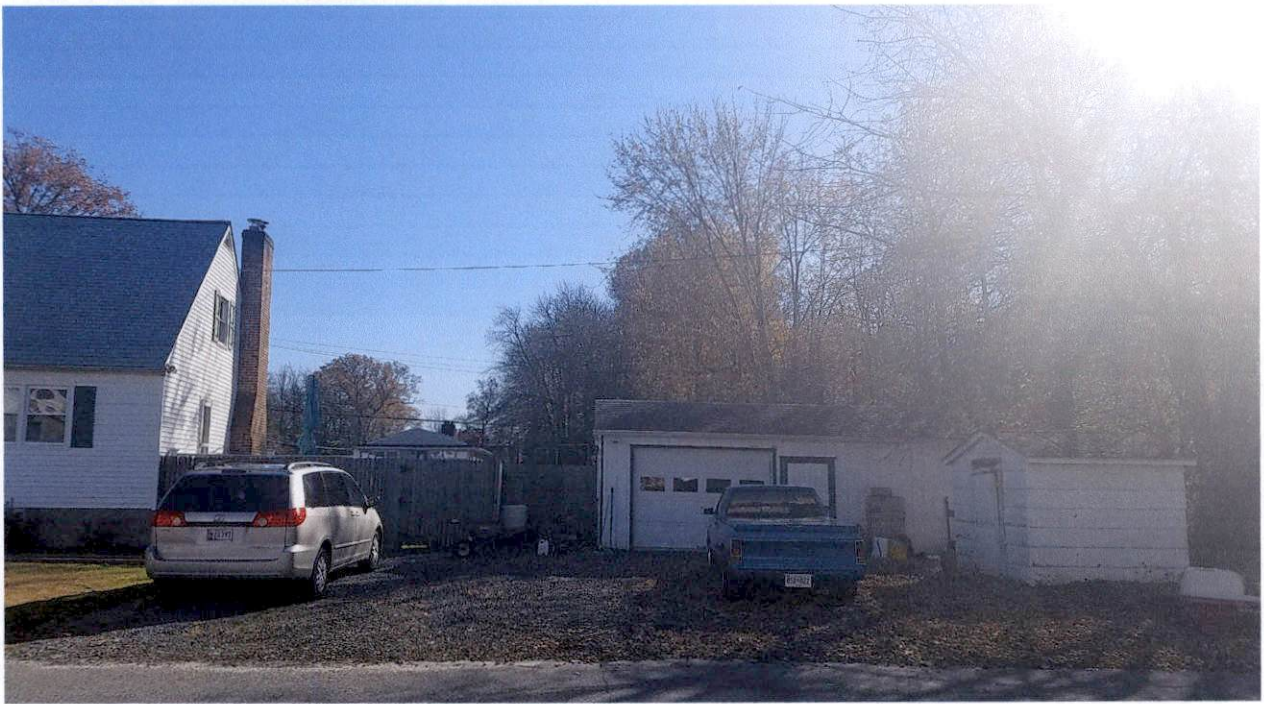
This property is not waterfront. If the afforestation requirements will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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 afforestation requirements will be met then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger





CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>2-26</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-21</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>3-4-18</u> by <u>Black</u>	
PEOPLE'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:
					Plat No: 3
					Plat Ref: 0009/0056
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:					



KEVIN KAMENETZ
County Executive

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

March 20, 2018

Millard W & Karen M Leary
1513 Burke Road
Baltimore MD 21220

RE: Case Number: 2018-0204 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 February 9, 2018. 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,

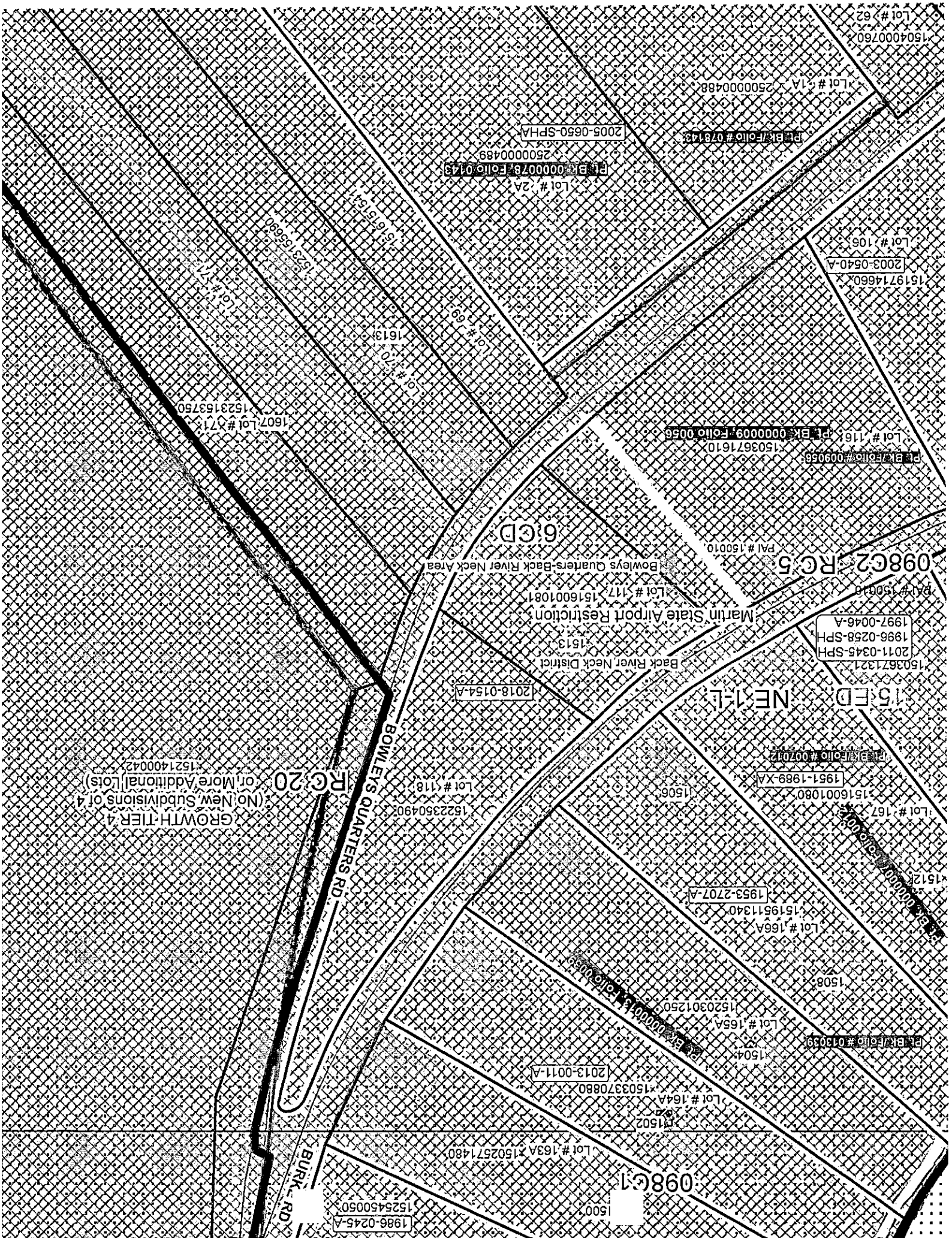
A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

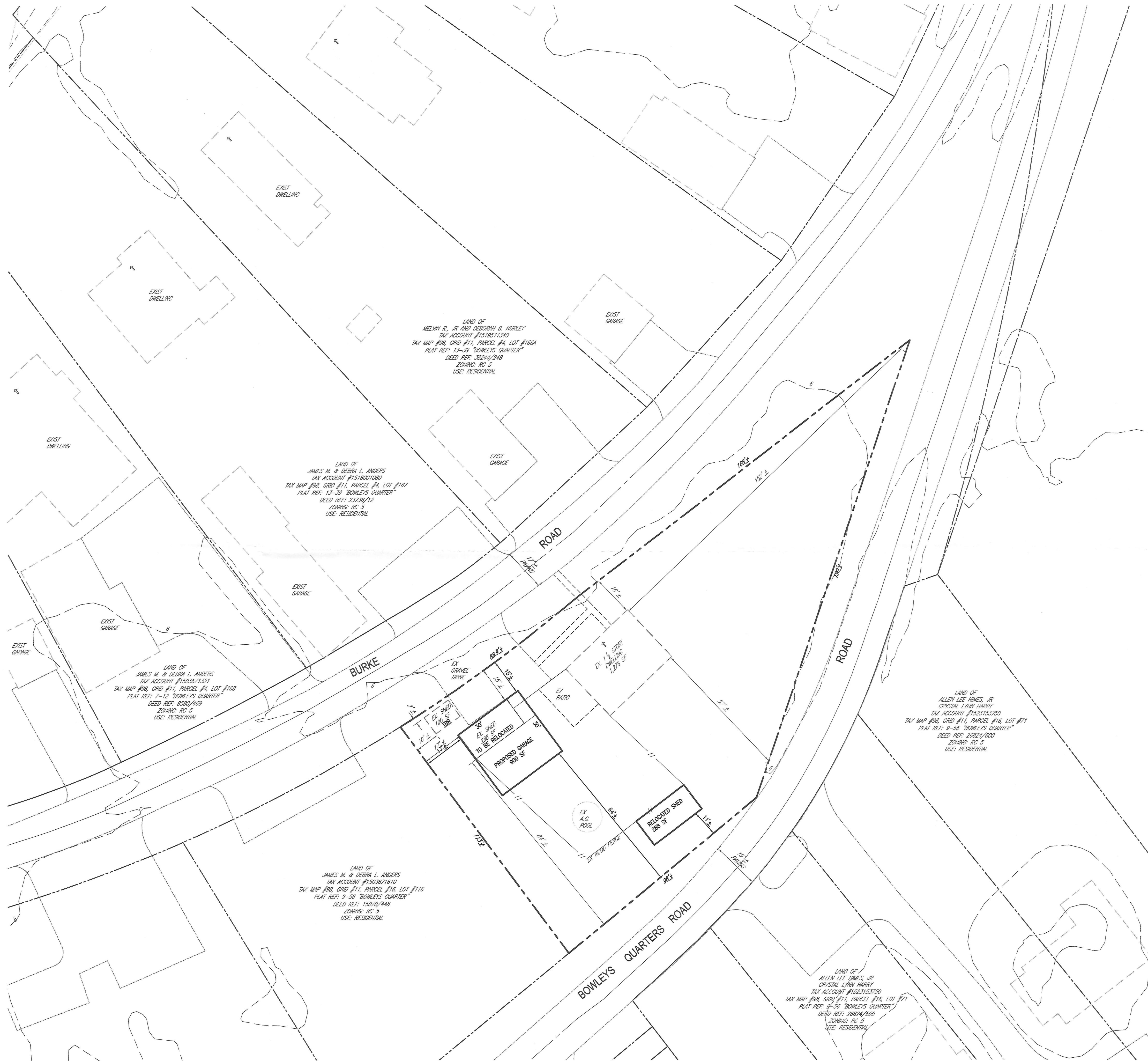
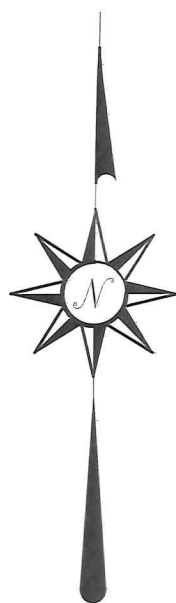
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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





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 AE6 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)
- PREVIOUS ZONING CASE: 2018-0154-A APPROVED JANUARY 9, 2018 TO PERMIT ACCESSORY STRUCTURES ON THE PROPERTY AS DESCRIBED BELOW
- 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 = 388 SF
DRIVEWAY = 608 SF
WALKWAY = 121 SF
PATIO = 268 SF
POOL = 113 SF
TOTAL = 2,350 SF OR 8.8%
PROPOSED:
DWELLING = 852 SF
GARAGE = 900 SF
DRIVEWAY = 608 SF
SHED = 288 SF
WALKWAY = 121 SF
PATIO = 268 SF
POOL = 113 SF
TOTAL = 3,150 SF OR 11.8 %
- SETBACKS FOR RC 5
FRONT: 50' REQUIRED 16'± PROVIDED
SIDE: 50' 16'±
REAR: 50' 57'±

ZONING CASE 2018-0154-A

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 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:

- 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.
- 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.
- The proposed accessory building (detached garage) shall not be used for commercial purposes.
- 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
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

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 MARYLAND
15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	EBJ	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	2/5/18	17136	1 OF 1



SCALE: 1" = 1000

1. OWNER: MILLARD W., JR & KAREN M. LEARY
1513 BURKE ROAD
BALTIMORE, MD 21221
2. SITE ADDRESS: 1513 BURKE ROAD
3. SITE AREA: 26,727 SF or 0.61 Ac.±
4. DEED REF: F0806/214
5. TAX MAP #98, GRID #11, PARCEL #16, LOT #118
6. PLAT REF: S-58 "BOWLEYS QUARTER"
7. PRESENT ZONING: RC 5 (PER 1"=200' ZONING MAP 098C2)
8. USE: RESIDENTIAL
9. UTILITIES: PUBLIC WATER & PUBLIC SEWER
10. TAX ACCOUNT #1522350490
11. SITE LIE WITHIN ZONE A66 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)
12. PREVIOUS ZONING CASE: 2018-0154-A APPROVED JANUARY 9, 2018 TO PERMIT ACCESSORY STRUCTURES ON THE PROPERTY AS DESCRIBED BELOW
13. NO PREVIOUS PERMITS ON FILE
14. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
15. THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
16. WATERSHED: MIDDLE RIVER
17. IMPERVIOUS AREAS
- EXISTING:
- DWELLINGS = 852 SF
SHEDS = 388 SF
DRIVEWAY = 608 SF
WALKWAY = 121 SF
PATIO = 288 SF
POOL = 113 SF
TOTAL = 2,350 SF OR 8.8%
- PROPOSED:
- DWELLING = 852 SF
GARAGE = 900 SF
DRIVEWAY = 608 SF
SHED = 288 SF
WALKWAY = 121 SF
PATIO = 288 SF
POOL 113 SF
TOTAL = 3,150 SF OR 11.8 %
18. SETBACKS FOR RC 5
- | | | | |
|--------|-----|----------|----------|
| FRONT: | 50' | REQUIRED | PROVIDED |
| SIDE: | 50' | | 15'± |
| REAR: | 50' | | 152'± |
| | | | 57'± |

ZONING CASE 2018-0154-A:

THEREFORE, IT IS ORDERED, this 2nd 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 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 DEFS ZAC Commission 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
Baltimore County

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

1513 BURKE ROAD
ESSEX, MD 21221

BALTIMORE COUNTY
15TH ELECTION DISTRICT

MARYLAND
7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: EBJ	CHECKED BY: PCR	SCALE: 1" = 20'
	DATE: 2/5/18	JOB NO.: 17136	SHEET NO.: 1 OF 1

Pet. Exh. 1