

M E M O R A N D U M

DATE: August 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0275-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on August 12, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

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

(1616 Burke Road) *
15th Election District *
6th Council District *

Frank & Deborah Scarfield *
Legal Owners *
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0275-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Variance filed on behalf of Frank & Deborah Scarfield, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to permit a side yard setback of 6 ft. and 10 ft. in lieu of the required 50 ft., respectively; (2) to permit a rear yard setback of 44 ft. in lieu of the required 50 ft.; and (3) to permit a lot containing 0.19 acres in lieu of the required one and one-half acres.

In the alternative, a Petition for Variance was filed: (1) to permit side yard setbacks of 6 ft. and 10 ft. in lieu of the required 50 ft., respectively; (2) to permit a rear yard setback of 44 ft. in lieu of the required 50 ft.; (3) to permit a lot containing of 0.19 acres in lieu of the required one and one-half acres; (4) to permit a lot coverage of 25 percent in lieu of the maximum permitted 15 percent; (5) to permit a structure (principal residence) with a height of 40 ft. in lieu of the maximum permitted 35 ft.; (6) to permit an accessory building in a residence zone with a height of 22 ft. in lieu of the permitted 15 ft.; (7) to permit a 10 ft. street property line setback in lieu of the required 50 ft. and 75 ft. from the centerline of the street for an accessory building; and (8) to permit a porch and deck with side yard setbacks of 6 ft. and 10 ft. in lieu of the required 37.5 ft., respectively.

ORDER RECEIVED FOR FILING

Date 6/6/19

By ben

A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Landscape architect Matthew Bishop and Frank Scarfield appeared in support of the requests. Timothy M. Kotroco, Esq. represented Petitioners. Several neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), Bureau of Development Plans Review ("DPR") and the Department of Planning ("DOP"). None of the agencies opposed the request.

The unimproved waterfront lot is in the Bowley's Quarters community, and was created by a plat recorded in 1921. See Ex. 6. Though shown on the plat and title deed as being 50' wide, Mr. Bishop surveyed the site and determined the lot is just 45½ feet wide. Neighbors oppose the zoning request and primarily object to the proposed 6 ft. side yard setback and the height of both the proposed dwelling and garage.

The property is zoned RC-5 and (like nearly every other RC-5 waterfront lot in eastern Baltimore County) Petitioners would be unable to make any use of the lot without zoning relief, given the substantial setbacks and 1.5 acre minimum lot size required in that zone. Petitioners requested special hearing relief as an alternative to the variances; while the requests are to a large extent overlapping I believe the petition for variance more appropriately addresses the shortcomings of this unique site.

VARIANCE

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.

ORDER RECEIVED FOR FILING

Date 6/6/19

By Sen

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

The lot is narrow and deep and was created long before adoption of the BCZR. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct a home on this lot. This in my opinion would be especially egregious since the property is assessed for tax purposes at \$194,600 which surely represents a valuation for a buildable lot. Finally, I find that the variances (as modified below) can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

I am certainly sympathetic to the concerns of the neighbors, who have lived in this bucolic setting for many years having enjoyed the openness provided by the vacant lot. The proposed home would be located 6 ft. from the property boundary with 1618 Burke Road, which I believe is not sufficient. In addition, I agree with the neighbors' concerns regarding the height of the proposed structures, which would be out of keeping with the improvements in the immediate vicinity. As such, while I believe Petitioners should as a matter of law and logic be permitted to construct a single-family dwelling on the lot, the design and layout of the site should accommodate to the extent possible the longtime residents of the area. In addition, such a result is in keeping with the generally applicable rule in zoning cases that the relief should be the minimal amount necessary to afford relief and allow the applicant to make a reasonable use of the property.

THEREFORE, IT IS ORDERED this 6th day of **June, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing: (1) to permit side yard setbacks of 6 ft. and 10 ft. in lieu of the required 50 ft., respectively; (2) to permit a rear yard setback of 44 ft. in lieu of the required 50 ft.; and (3) to permit a lot containing 0.19 acres in lieu of the required one and one-half acre, be and is hereby DISMISSED WITHOUT PREJUDICE.

ORDER RECEIVED FOR FILING

Date 6/6/19
By sen

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit side yard setbacks of 6 ft. and 10 ft. in lieu of the required 50 ft. and 50 ft., respectively, subject to the condition noted below; (2) to permit a rear yard setback of 44 ft. in lieu of the required 50 ft.; (3) to permit a lot containing 0.19 acres in lieu of the required one and one-half acres; (4) to permit a lot coverage of 25 percent in lieu of the maximum permitted 15 percent; (5) to permit a 10 ft. street property line setback in lieu of the required 50 ft. and 75 ft. from the centerline of the street for an accessory building; and (5) to permit a porch and deck with side yard setbacks of 6 ft. and 10 ft. in lieu of the required 37.5 ft. and 37.5 ft., respectively, 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. A 10 ft. side yard setback shall be provided on the side of the lot which adjoins the property at 1618 Burke Road.

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6/6/19
By sen

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

(1616 Burke Road)
15th Election District
6th Council District

Frank & Deborah Scarfield
Legal Owners
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0275-SPHA

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Patrick McCann. Mr. McCann, who resides at 1614 Burke Road, seeks reconsideration of the order dated June 6, 2019, granting variance relief permitting the construction of a single-family dwelling on an unimproved lot.

While I am sympathetic to Mr. McCann's concerns, no new information or issue was identified in the motion which was not discussed or considered at the June 3, 2019 hearing. In *Calvert County v. Howlin Realty, Inc.*, 364 Md. 301 (2001), the court held that an agency (like the OAH) "may reconsider an action previously taken and come to a different conclusion upon a showing that ... some new or different factual situation exists that justifies the different conclusion." In this case, I do not believe the movant has identified "some new or different factual situation." *Id.* at 325. As such, the motion will be denied.

Zoning variances are frequently granted to permit construction of single-family dwellings on undersized waterfront lots in eastern Baltimore County. Most of those lots are 50 ft. wide, permitting an owner to construct a 30 ft. wide home with 10 ft. setbacks on each side. But in this case, due to an anomaly with the survey and/or record plat, the lot is only 46 ft. wide, which means that Petitioner could not provide 10 ft. setbacks on each side and construct a 30' wide dwelling.

ORDER RECEIVED FOR FILING

Date 7/12/19

By Sen

In the majority of cases involving waterfront lots in eastern Baltimore County, dwellings are often separated by 20 ft. or less, and 6 ft. side yard setbacks are not uncommon. As shown on the site plan in this case, the dwellings at 1618, 1620, and 1622 Burke Road are each separated by 20 ft. or less. In this case, the proposed home would be situated more than 60 ft. from the existing dwelling owned by Mr. McCann. The variance was granted to allow Petitioners to make a reasonable use of the property, and the 6 ft. setback will in my opinion have far less of an impact adjoining 1614 Burke than it would adjoining 1618 Burke as originally proposed.

THEREFORE, IT IS ORDERED this 12th day of **July, 2019**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 7/12/19

By sen



PETITION FOR ZONING 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 1616 Burke Road

which is presently zoned RC-5

Deed References: 34331/313

10 Digit Tax Account # 11519073960

Property Owner(s) Printed Name(s) Frank and Deborah Scarfield

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

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

1. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached Exhibit A for Special Hearing Relief Requested.

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 Exhibit A for Variance Relief Requested.

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:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Ave.

Towson

MD

Mailing Address

City

State

21204

410-299-2943

tkotroco@gmail.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Frank Scarfield

Deborah Scarfield

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

744 Holabird Avenue

Baltimore

MD

Mailing Address

City

State

21222

410-282-6060

frankscarfieldjr@castlerockrealtyllc.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Matthew Bishop

Name - Type or Print

Signature

2835 Smith Avenue

Baltimore

MD

Mailing Address

City

State

21209

410-653-3838

mbishop@cmrengineers.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0275-SP4A Filing Date 3/20/19

Do Not Schedule Dates: Reviewer JF

Attachment A

Requested Variance Relief

1. Variance from BCZR Section 1A04.3.B.2.b to permit a side yard setback of 6 feet and 10 feet in lieu of the required 50 feet respectively.
2. Variance from BCZR Section 1A04.3.B.2.b to permit a rear yard setback of 44 feet in lieu of the required 50 feet.
3. Variance from BCZR Section 1A04.3.B.1.a to permit a lot containing 0.19 acres in lieu of the required one and one-half acres.
4. Variance from BCZR Section 1A04.3.B.3 to permit a lot coverage of 25 percent in lieu of the maximum permitted 15 percent.
5. Variance from BCZR Section 1A04.3.A to permit a structure (principal residence) with a height of 40 feet in lieu of the maximum permitted 35 feet.
6. Variance from BCZR Section 400.3 to permit an accessory building in a residence zone with a height of 22 feet in lieu of the permitted 15 feet.
7. Variance from BCZR Section 400.2.A to permit a 10 foot street property line setback in lieu of the required 50 feet and 75 feet from the center line of the street for an accessory building.
8. Variance from BCZR Section 301.1 to permit a porch and deck with a side yard setback of 6 feet and 10 feet in lieu of the required 37.5 feet.

In the Alternative

Special Hearing Relief

1. Pursuant to BCZR Section 1A04.3.B.b(1) the following Special Hearing relief is requested.
 - a) To permit a side yard setback of 6 feet and 10 feet in lieu of the required 50 feet respectively.
 - b) To permit a rear yard setback of 44 feet in lieu of the required 50 feet.
 - c) To permit a lot containing 0.19 acres in lieu of the required one and one-half acres.

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

5/14/2019

Order #: 11743408
Case #: 2019-0275-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0275-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0275-SPHA

1616 Burke Road

N/side of Burke Road at the distance of 180 ft. east from centerline of Holly Tree Road

15th Election District - 6th Councilmanic District

Legal Owners: Frank & Deborah Scarfield

Special Hearing to permit a side yard setback of 6 ft. and 10 ft. in lieu of the required 50 ft. respectively. To permit a rear yard setback of 44 ft. in lieu of the required 50 ft. To permit a lot containing 0.19 acres in lieu of the required one and one-half acres. Variance to permit a side yard setback of 6 feet and 10 feet in lieu of the required 50 feet respectively. To permit a rear yard setback of 44 feet in lieu of the required 50 feet. To permit a lot containing of 0.19 acres in lieu of the required one and one-half acres. To permit a lot coverage of 25 percent in lieu of the maximum permitted 15 percent. To permit a structure (principal residence) with a height of 40 feet in lieu of the maximum permitted 35 feet. To permit an accessory building in a residence zone with a height of 22 feet in lieu of the permitted 15 feet. To permit a 10 foot street property line setback in lieu of the required 50 feet and 75 feet from the center line of the street for an accessory building. To permit a porch and deck with a side yard setback of 6 feet and 10 feet in lieu of the required 37.5 feet

Hearing: Monday, June 3, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mallinoff

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.

my14

$\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2}$

• • •

100-442139-3889

THE UNIVERSITY OF CHICAGO

Journal of Management Studies, 1986, 23(1), 7-10.

1. What is the purpose of the study?
 2. What are the research questions?
 3. What is the significance of the study?

[illegible]

JB 6-3-19
11 Am

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, June 2, 2019 11:42 PM
To: Administrative Hearings
Subject: Case # 2019-0270-SPH Geier Court Cert. & Case # 2019-0275-SPHA Burke Road Cert.
Attachments: Geier Court Cert. .jpeg; Geier Court Photos.docx; Burke Rd. Cert. .jpeg; Burke Rd. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I have a couple of Certs and background photos for your records. The first is of Case # 2019-0270-SPH @ Geier Road & the second is Case # 2019-0275-SPHA @ Burke Rd.

Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 6/2/2019

Case Number: 2019-0275-SPHA

Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~

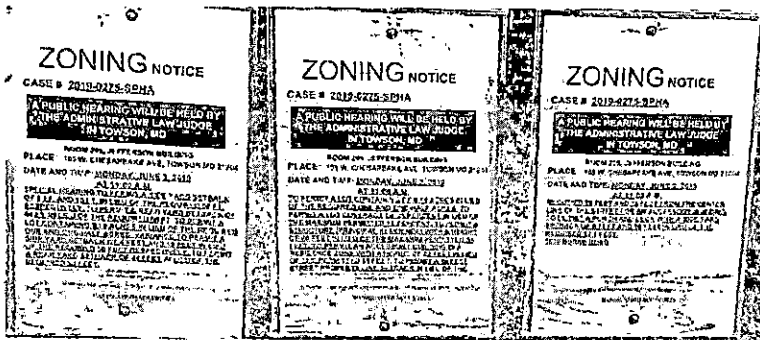
MR. & MRS. SCARFIELD ~ MATTHEW BISHOP

Date of Hearing: JUNE 3, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1616 BURKE ROAD

The sign(s) were posted on: MAY 14, 2019

The sign(s) were re-photographed on: JUNE 2, 2019



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

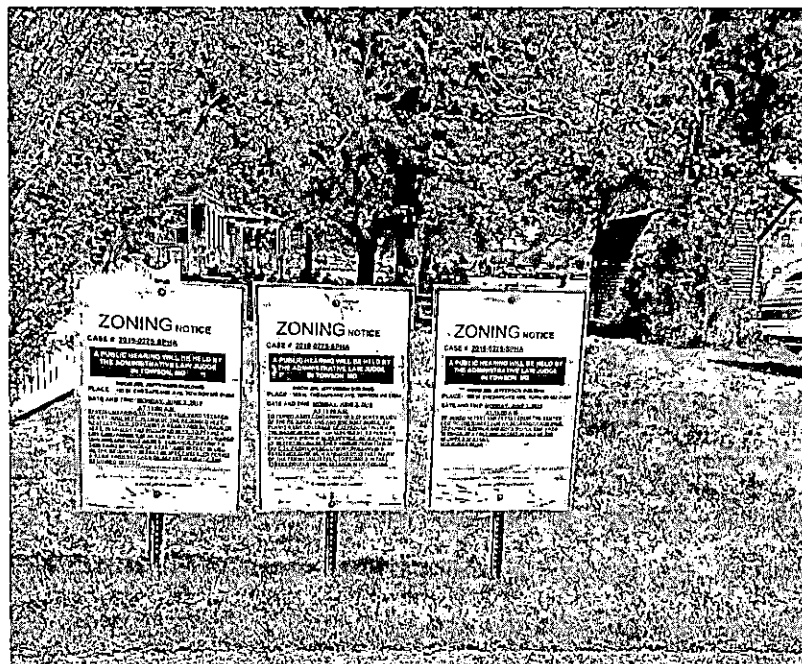
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Re-Photographed 1st Sign @ 1616 Burke Road ~ 6/2/2019



Re-Photographed 2nd Sign @ 1616 Burke Road ~ 6/2/2019
CASE # 2019-0275-SPHA

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/14/2019

Case Number: 2019-0275-SPHA

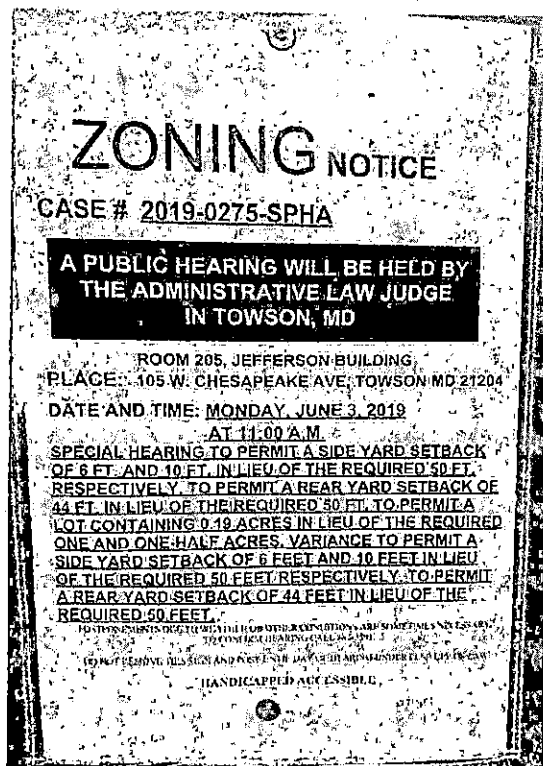
Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~

MR. & MRS. SCARFIELD ~ MATTHEW BISHOP

Date of Hearing: JUNE 3, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1616 BURKE ROAD

The sign(s) were posted on: MAY 14, 2019



SIGN (A)

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2019-0275-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: MONDAY, JUNE 3, 2019

AT 11:00 A.M.

TO PERMIT A LOT CONTAINING OF 0.19 ACRES IN LIEU
OF THE REQUIRED ONE AND ONE-HALF ACRES, TO
PERMIT A LOT COVERAGE OF 25 PERCENT IN LIEU OF
THE MAXIMUM PERMITTED 15 PERCENT, TO PERMIT A
STRUCTURE (PRINCIPAL RESIDENCE) WITH A HEIGHT
OF 40 FEET IN LIEU OF THE MAXIMUM PERMITTED 35
FEET, TO PERMIT AN ACCESSORY BUILDING IN A
RESIDENCE ZONE WITH A HEIGHT OF 22 FEET IN LIEU
OF THE PERMITTED 15 FEET, TO PERMIT A 10 FEET
STREET PROPERTY LINE SETBACK IN LIEU OF THE

POSTER HEIGHTS DUE TO WEATHER OR OTHER CONDITIONS ARE SO MUCH NECESSARY
TO CONFORM HEARING CALLER (AM)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2019-0275-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: MONDAY, JUNE 3, 2019

AT 11:00 A.M.

REQUIRED 50 FEET AND 75 FEET FROM THE CENTER
LINE OF THE STREET FOR AN ACCESSORY BUILDING,
TO PERMIT A PORCH AND DECK WITH A SIDE YARD
SETBACK OF 6 FEET AND 10 FEET IN LIEU OF THE
REQUIRED 37.5 FEET,
1616 BURKE ROAD

POSTER HEIGHTS DUE TO WEATHER OR OTHER CONDITIONS ARE SO MUCH NECESSARY
TO CONFORM HEARING CALLER (AM)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

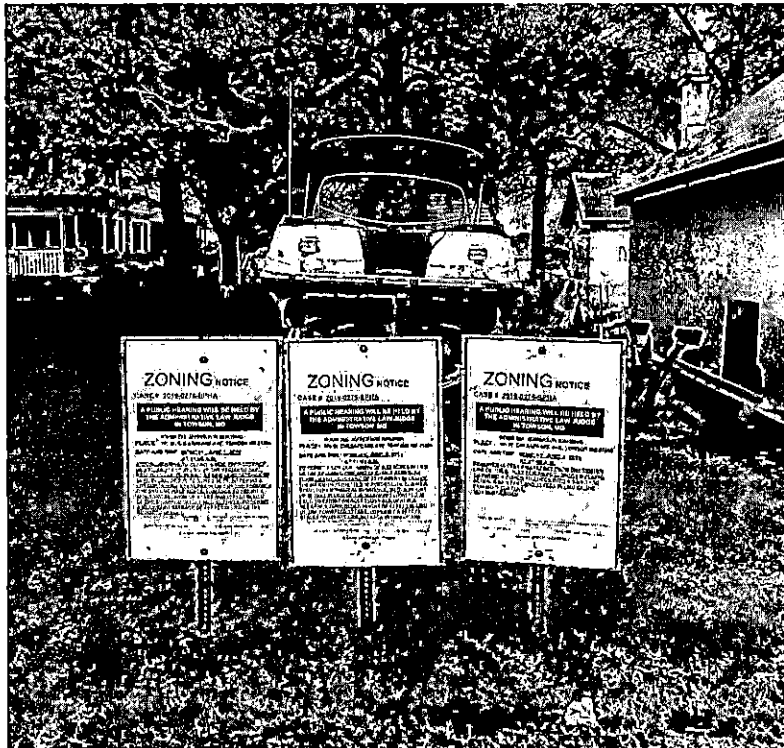
HANDICAPPED ACCESSIBLE

Sign (B)

Sign (C)

Posted 5/14/2019 @ 1616 Burke Road

CASE # 2019-0275-SPHA



Background Photo 1st Set of Signs posted 5/14/2019



Background Photo 2nd Set of Signs posted 5/14/2019

1616 Burke Road

CASE # 2019-0275-SPHA



JOHN A. OLSZEWSKI, JR.
County Executive

May 8, 2019

Department of Permits,
Approvals & Inspections

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: 2019-0275-SPHA

1616 Burke Road

N/side of Burke Road at the distance of 180 ft. east from centerline of Holly Tree Road

15th Election District – 6th Councilmanic District

Legal Owners: Frank & Deborah Scarfield

Special Hearing to permit a side yard setback of 6 ft. and 10 ft. in lieu of the required 50 ft. respectively. To permit a rear yard setback of 44 ft. in lieu of the required 50 ft. To permit a lot containing 0.19 acres in lieu of the required one and one-half acres. Variance to permit a side yard setback of 6 feet and 10 feet in lieu of the required 50 feet respectively. To permit a rear yard setback of 44 feet in lieu of the required 50 feet. To permit a lot containing of 0.19 acres in lieu of the required one and one-half acres. To permit a lot coverage of 25 percent in lieu of the maximum permitted 15 percent. To permit a structure (principal residence) with a height of 40 feet in lieu of the maximum permitted 35 feet. To permit an accessory building in a residence zone with a height of 22 feet in lieu of the permitted 15 feet. To permit a 10 foot street property line setback in lieu of the required 50 feet and 75 feet from the center line of the street for an accessory building. To permit a porch and deck with a side yard setback of 6 feet and 10 feet in lieu of the required 37.5 feet

Hearing: Monday, June 3, 2019 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 "Mike Mallinoff".

Mike Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Towson 21204
Mr. & Mrs. Scarfield, 744 Holabird Avenue, Baltimore 21222
Matthew Bishop, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 14, 2019.**
- (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: THE DAILY RECORD
Tuesday, May 14, 2019 - Issue

Please forward billing to:

Matthew Bishop
Colbert, Matz & Rosenfelt
2835 Smith Avenue, Ste. G
Baltimore, MD 21209

410-653-3838

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: 2019-0275-SPHA

1616 Burke Road

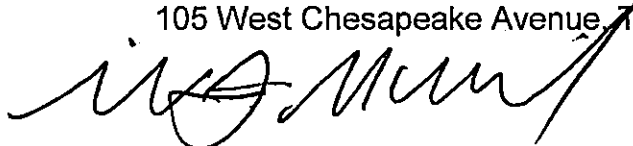
N/side of Burke Road at the distance of 180 ft. east from centerline of Holly Tree Road

15th Election District – 6th Councilmanic District

Legal Owners: Frank & Deborah Scarfield

Special Hearing to permit a side yard setback of 6 ft. and 10 ft. in lieu of the required 50 ft. respectively. To permit a rear yard setback of 44 ft. in lieu of the required 50 ft. To permit a lot containing 0.19 acres in lieu of the required one and one-half acres. Variance to permit a side yard setback of 6 feet and 10 feet in lieu of the required 50 feet respectively. To permit a rear yard setback of 44 feet in lieu of the required 50 feet. To permit a lot containing of 0.19 acres in lieu of the required one and one-half acres. To permit a lot coverage of 25 percent in lieu of the maximum permitted 15 percent. To permit a structure (principal residence) with a height of 40 feet in lieu of the maximum permitted 35 feet. To permit an accessory building in a residence zone with a height of 22 feet in lieu of the permitted 15 feet. To permit a 10 feet street property line setback in lieu of the required 50 feet and 75 feet from the center line of the street for an accessory building. To permit a porch and deck with a side yard setback of 6 feet and 10 feet in lieu of the required 37.5 feet

Hearing: Monday, June 3, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mallinoff

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 SPECIAL HEARING
AND VARIANCE

1616 Burke Road; N/S of Burke Road,
180' E of c/line of Holly Tree Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Frank & Deborah Scarfield
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-275-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 26 2019

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 26th day of March, 2019, a copy of the foregoing Entry of Appearance was mailed to Matthew Bishop, 2835 Smith Avenue, Baltimore, Maryland 21209 and Timothy Kotroco, Esquire, 305 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

No. **181968**

Date:

3/20/19

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/20/2019 3/20/2019 10:25:51 1

REG WSO1 WALKIN LJR
 >>RECEIPT N 000245 3/20/2019 OFLN

Dept 5 528 ZONING VERIFICATION
 181968

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

Recpt Tot \$ 150.00
 150.00 CK .00 CA
 Baltimore County, Maryland

Total: **150.00**

Rec

From: **Holabird East Apartments**

For:

Petition for SPHA
1616 Burke Rd. 2019-0275-SPHA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: 2019-0275-SPHA

Property Address: 1616 Burke Road

Property Description: _____

Legal Owners (Petitioners): Frank Scarfield Jr. and Deborah Scarfield

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew Bishop

Company/Firm (if applicable): CMR

Address: 2835 Smith Avenue, Suite 6
Baltimore, MD 21209

Telephone Number: (410) 653-3838

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 30, 2019

Timothy M. Kotroco
305 Washington Ave
Towson MD 21204

RE: Case Number: 2019-0275-SPHA, 1616 Burke Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 20, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

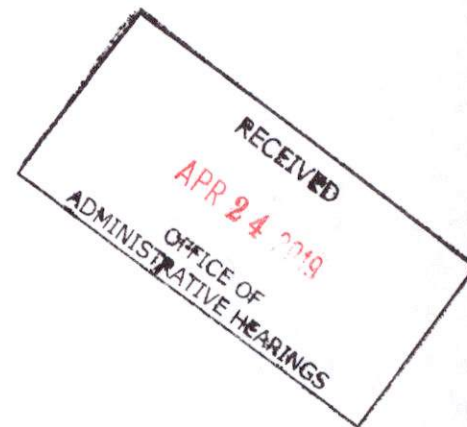
Enclosures

c: People's Counsel
Frank Scarfield Jr. Deborah Scarfield 744 Holabird Ave Baltimore MD 21222
Matthew Bishop 28735 Smith Ave Baltimore MD 21209

6-3

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: April 24, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0275-SPHA
Address 1616 Burke Road
(Scarfield Property)

Zoning Advisory Committee Meeting of **April 1, 2019.**

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to permit a single family dwelling with less side yard, rear yard and property line setbacks, greater height, and less lot size than permitted. The site plan shows a proposed dwelling with two decks and porch, detached garage and driveway. The lot is waterfront and is not currently developed. Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA setbacks and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (2,649 square feet), with mitigation required for any lot coverage between 25% (2,119 square feet) and 31.25%. Proposed lot coverage is not provided. 15% afforestation (3 trees) is required. The Critical Area buffer is not shown but the proposed development is partially within the buffer. Mitigation, in the form of plantings and/or fee-in-lieu, may be required to meet the MBA requirements. If the lot coverage, afforestation, and MBA 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 waterfront and must meet all lot coverage, MBA, and afforestation requirements. At this time this information has not been provided. If lot coverage, MBA and afforestation requirements can be met this request 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;

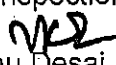
This is a grandfathered lot. Provided that the applicants meet their lot coverage, MBA, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 01, 2019
Item No. 2019-0275-SPHA

DATE: April 22, 2019

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

Prior to building permit application, the petitioner must contact the Office of the Director of Public Works in writing to determine the flood protection elevation so that the first floor elevation can be established.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 4/9/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-275

INFORMATION:

Property Address: 1616 Burke Road
Petitioner: Frank Scarfield, Jr., Deborah Scarfield
Zoning: RC 5
Requested Action: Variance, Special Hearing



The Department of Planning has reviewed the petition for variance and, in the alternative, the petition for special hearing to permit zoning relief as identified on the attachment submitted in support of the petitions.

A site visit was conducted on April 2, 2019. The site is improved with is an existing shed.

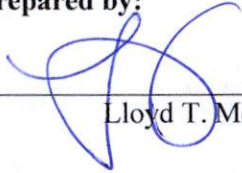
The Department of Planning has no objections granting the petitioned zoning relief conditioned upon the following:

- The proposed detached garage shall not be used for principal residential of commercial purposes.

Please be aware that this site is subject to the RC 5 performance standards pursuant to BCZR §1A04.4. Architectural elevations must be submitted to the Department for review at the time of building permit application.

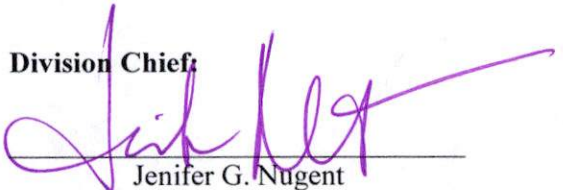
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

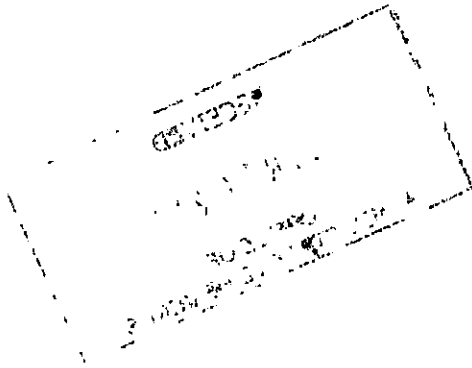
Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
Matthew Bishop
Timothy Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 4/9/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-275

INFORMATION:

Property Address: 1616 Burke Road
Petitioner: Frank Scarfield, Jr., Deborah Scarfield
Zoning: RC 5
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition for variance and, in the alternative, the petition for special hearing to permit zoning relief as identified on the attachment submitted in support of the petitions.

A site visit was conducted on April 2, 2019. The site is improved with is an existing shed.

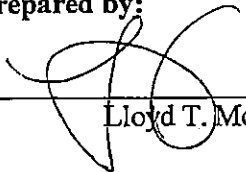
The Department of Planning has no objections granting the petitioned zoning relief conditioned upon the following:

- The proposed detached garage shall not be used for principal residential or commercial purposes.

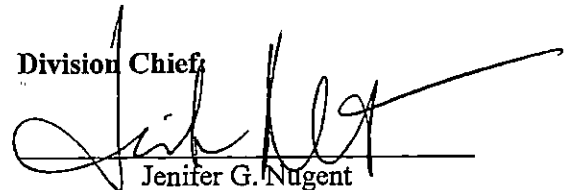
Please be aware that this site is subject to the RC 5 performance standards pursuant to BCZR §1A04.4. Architectural elevations must be submitted to the Department for review at the time of building permit application.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
Matthew Bishop
Timothy Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 3/25/19

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

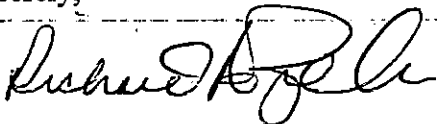
Dear Ms. Lewis:

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. 2019-0275-SPHA.

*Special Hearing, Variance
Front of Deborah Scarfield
1616 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,

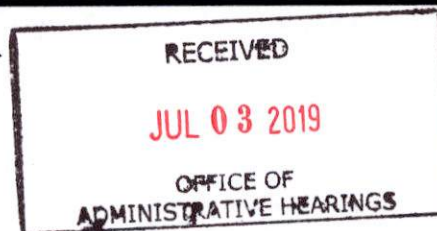


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Sherry Nuffer

From: patrick mccann <patrick.mccann@hotmail.com>
Sent: Wednesday, July 3, 2019 7:38 AM
To: Administrative Hearings
Cc: Robin Dougherty; John E. Beverungen
Subject: Motion for Consideration
Attachments: Burke Rd..jpg



CAUTION: This message from patrick.mccann@hotmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Judge Beverungen,

I would like you to strongly consider my concerns with Case No. 2019-0275-SPHA. They are listed below:

The petitioner has requested a variance to build a house 29 feet wide on a 45 foot wide lot located at 1616 Burke. Rd. My understanding is a variance is usually granted with consideration to the area but still keeping the proposed house at least ten feet from property lines. This case originally had the proposed house ten feet from my property line at the original hearing, so I never challenged that. However, the neighbor at 1618 did challenge it because the proposed house was to be built 6 feet from her property line. The decision was to move the house to be built 6 feet from my property line, keeping the proposed house the same size. Had I know that this was a possible solution at the time, I would have strongly opposed that as an option. My understanding when I left the hearing was that that ten foot line on my side would remain.

There are other homes built in the immediate neighborhood that were required to maintain that ten foot space. They are located at 1121 Cold Spring Lane and 3662 Galloway Rd. I have personally spoken to the original owner of 3662 Galloway Rd., Dan Welsh and the original owner of 1121 Cold Spring La., Bob Krausman. Both lots are 45 feet wide. They advised me of the challenges they faced getting the variances approved just to build a house, let alone keeping within the guideline set by the County to maintain the ten foot setback requirement. Both owners were able to build but stayed within the parameters set by the County. Both houses are only 25 feet wide.

Because I was fortunate to purchase a home with a double lot, I am now being penalized by having the proposed home being built 6 feet from my property line. The proposed home will be 8 feet from an existing building on my property. This is not a shed but a small outdoor building that is used for parties and pleasure. The new home would be about a foot farther to the right of the blue shed. See attached photo.

No one knows what the future holds as far as building permission on land in the area. Because I have an additional lot next to mine, what happens if I would decide add on to my house or build a newer, bigger home on that piece of property? Would I be able to have a 6 foot setback as well. That would make the houses twelve feet apart.

My understanding also was that the hearing was to either grant or deny the variances requested. I was not aware that the the Judge could/would decide where a home should be located. Again, had I known this was a possibility, I would have vehemently challenged that possibility as well.

While I am not fond of a home being built on the vacant lot, I understand that is their right to do so. What I am requesting is for the decision to be made for the proposed home follow the County guidelines for new homes in the area. A 25 foot wide home can be very comfortable and would follow those guidelines. Not following those guidelines sets a precedent for possible new construction or additions to existing homes. Neither neighbor should have to sacrifice their space or privacy to accommodate a new home.

Respectfully,

Patrick McCann
1614 Burke Rd.
Middle River Md. 21220

CASE NAME 2019-275-SHA
CASE NUMBER _____
DATE JUNE 3, 2019

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME 2019-275-SPHA
CASE NUMBER _____
DATE JUNE 3, 2019

[illegible]

CASE NO. 2019-

0275-SPHA

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/22

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

4/24

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

Comment

4/9

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO OBJ
w/COMMENT

3/25

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 5/14/19

SIGN POSTING (1st) Date: 5/14/19

by O'Keefe

SIGN POSTING (2nd) Date: 6-2-19

by "

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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1519073960			
Owner Information					
Owner Name:	SCARFIELD FRANK D SCARFIELD DEBORAH A ETAL		Use:	RESIDENTIAL	
Mailing Address:	7444 HOLABIRD AVE BALTIMORE MD 21222-1845		Principal Residence:	NO	
			Deed Reference:	/34331/ 00313	
Location & Structure Information					
Premises Address:		BURKE RD BALTIMORE 21220-0000 Waterfront		Legal Description:	
				BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0004	0004		0000	
					Block:
					179
					Lot:
					2018
					Assessment Year:
					Plat No: 1
					Plat Ref: 0007/0012
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			8,750 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	194,600	194,600			
Improvements	0	0			
Total:	194,600	194,600	194,600	194,600	
Preferential Land:	0			0	
Transfer Information					
Seller: SCARFIELD FRANK D		Date: 10/15/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34331/ 00313		Deed2:	
Seller:		Date:		Price: \$0	
Type:		Deed1: /04249/ 00602		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Homeowners' Tax Credit Application Status: No Application

Date:

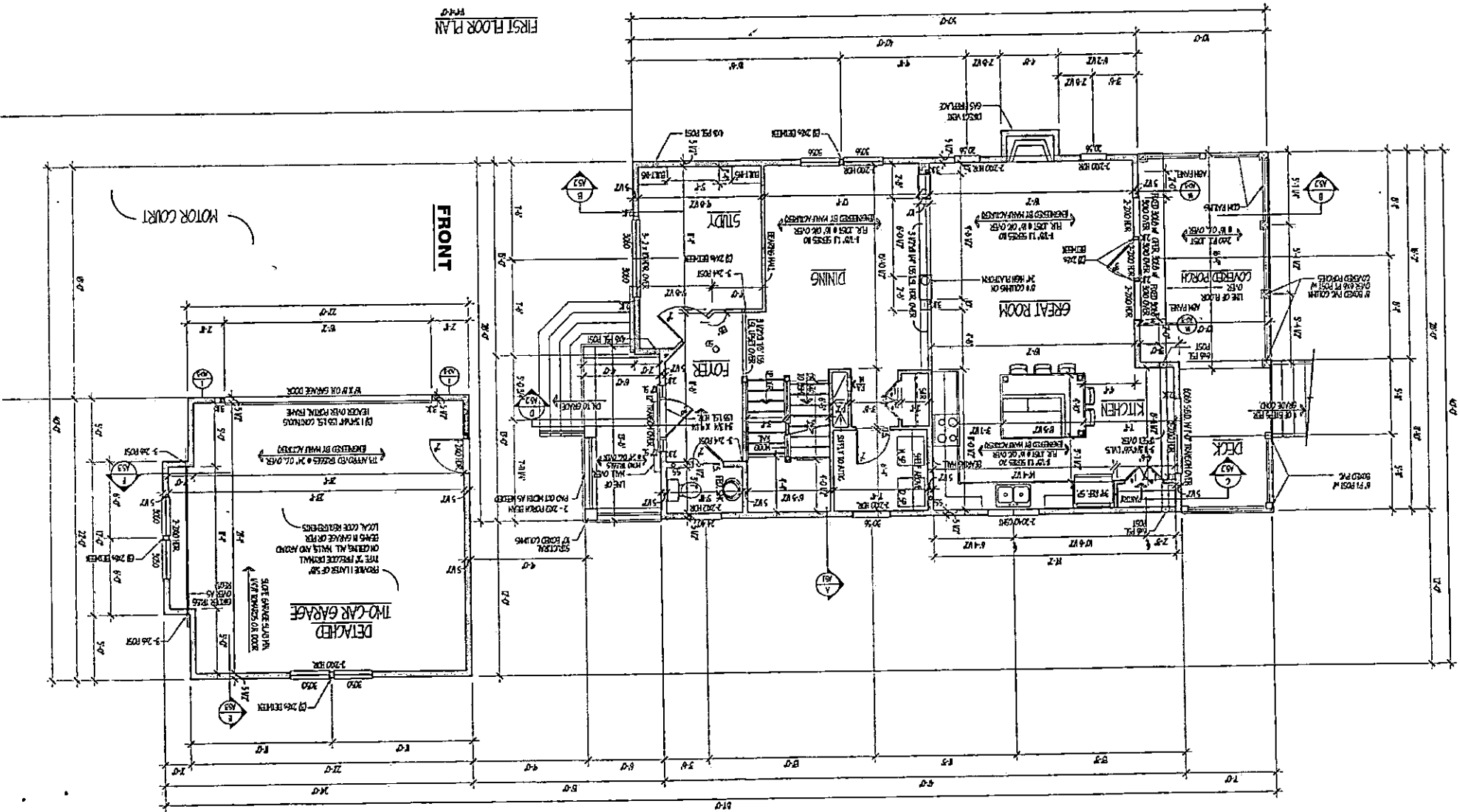


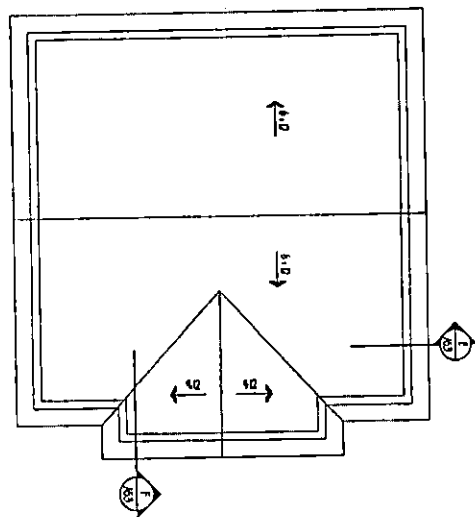
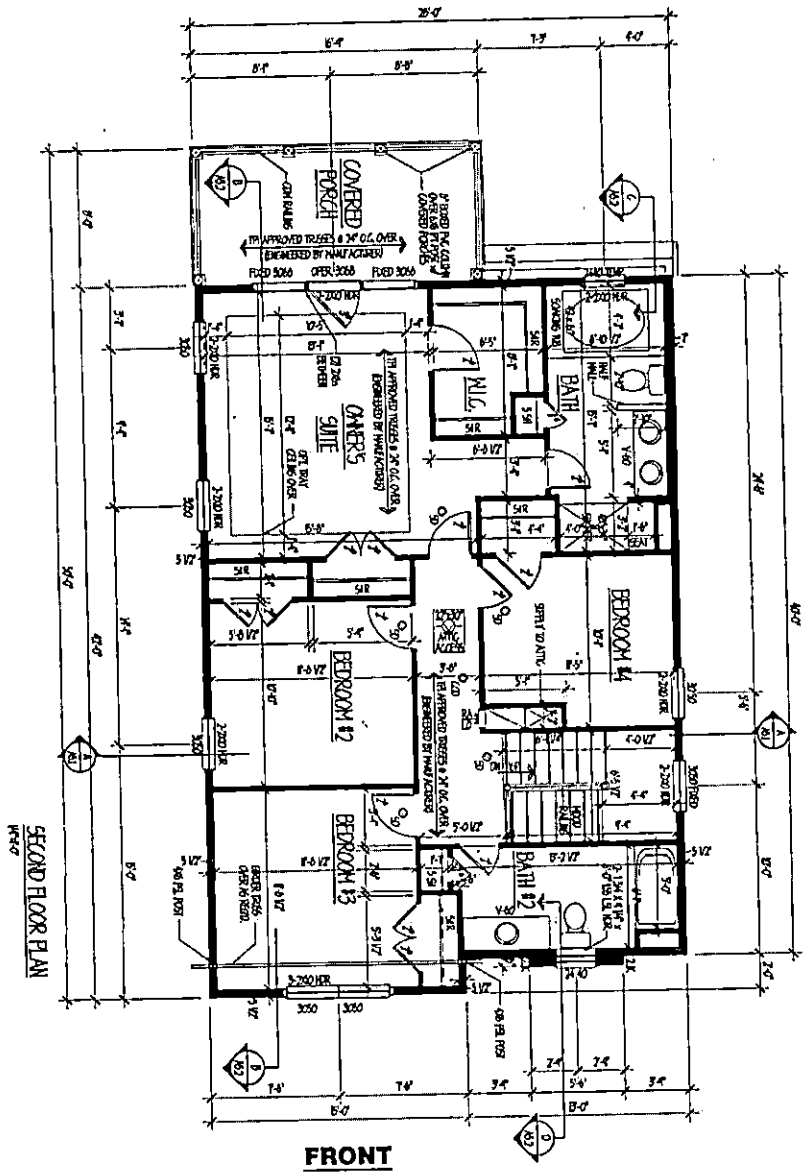
PET.4

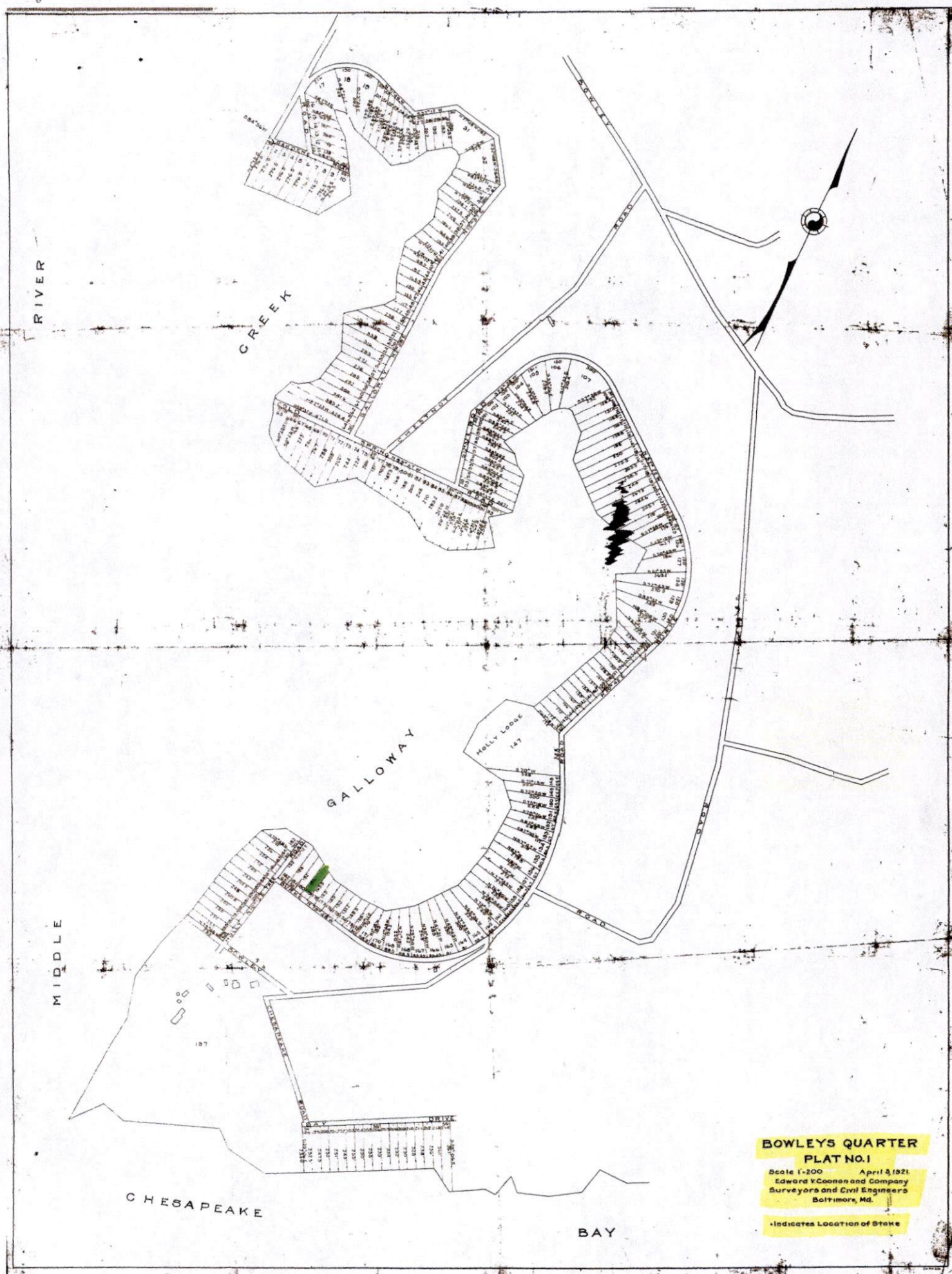
377

PETEX.5

FRONT







BOWLEYS QUARTER
PLAT NO. 1
Scale 1"=200' April 5, 1921
Edward V. Coonan and Company
Surveyors and Civil Engineers
Baltimore, Md.
*Indicates Location of Stake

PFT. 6

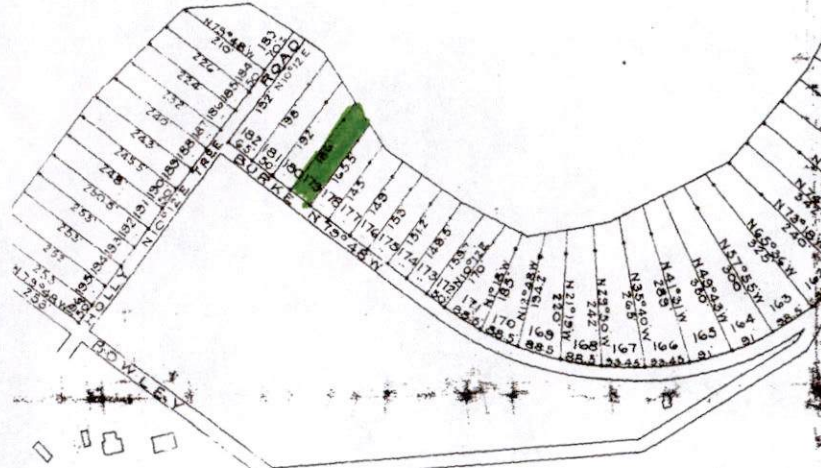
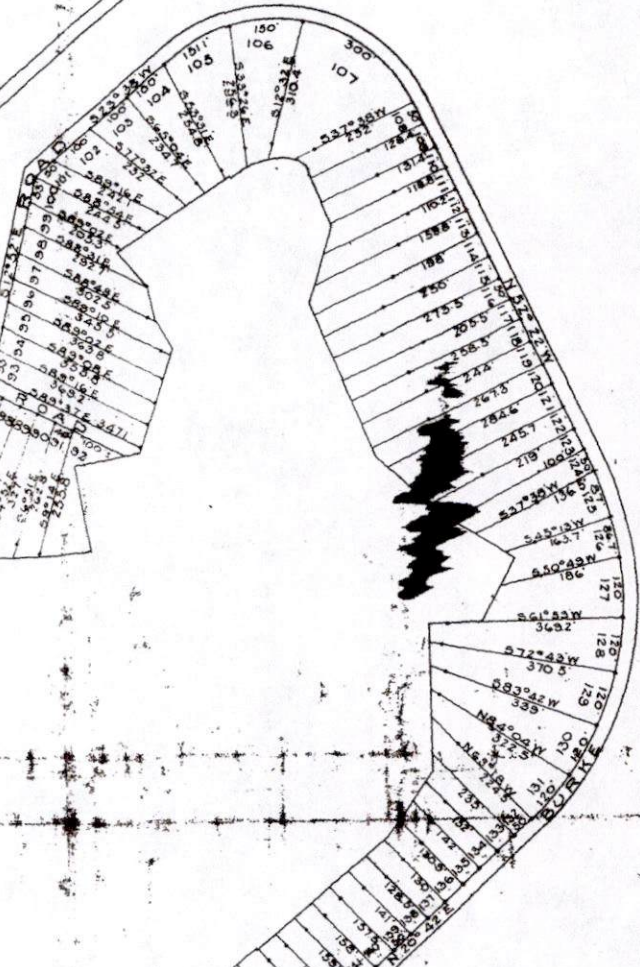
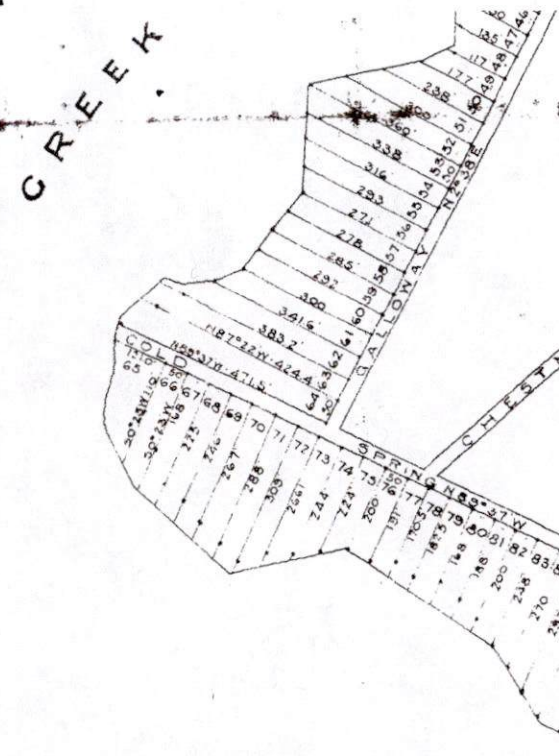
CREEK

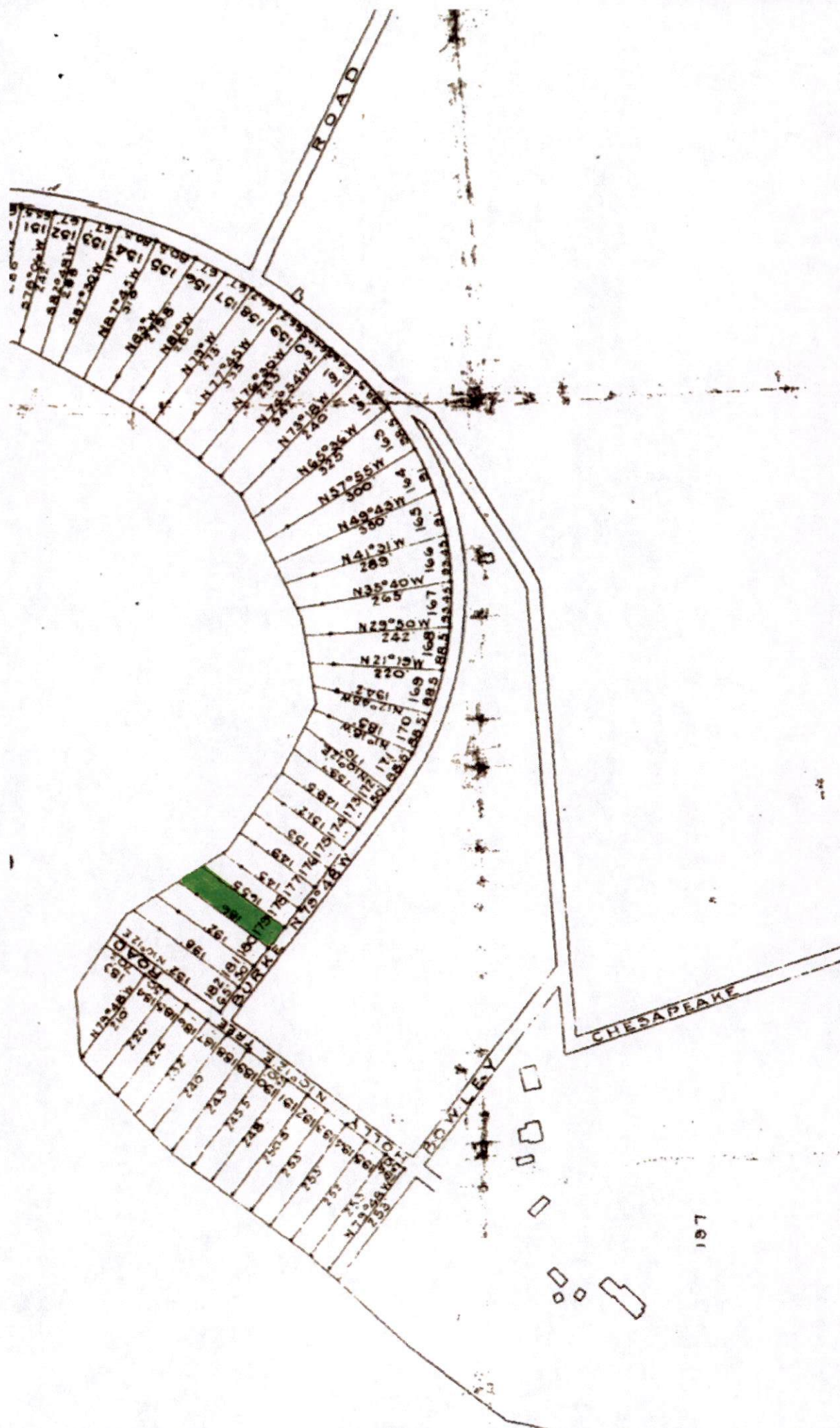
GALLOWAY

Holly Lodge
147

ROAD

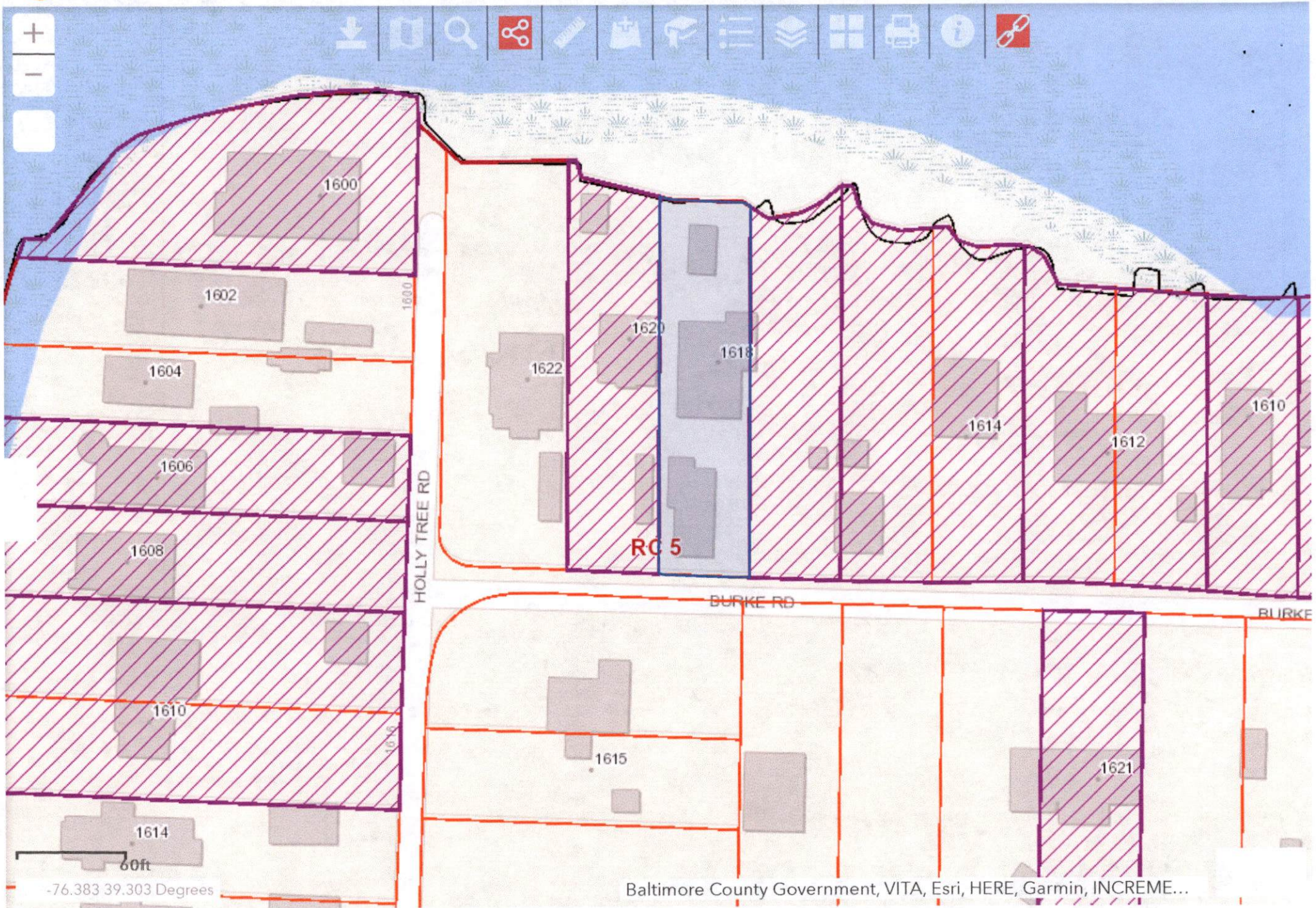
ROAD







Baltimore County - My Neighborhood





Baltimore County - My Neighborhood



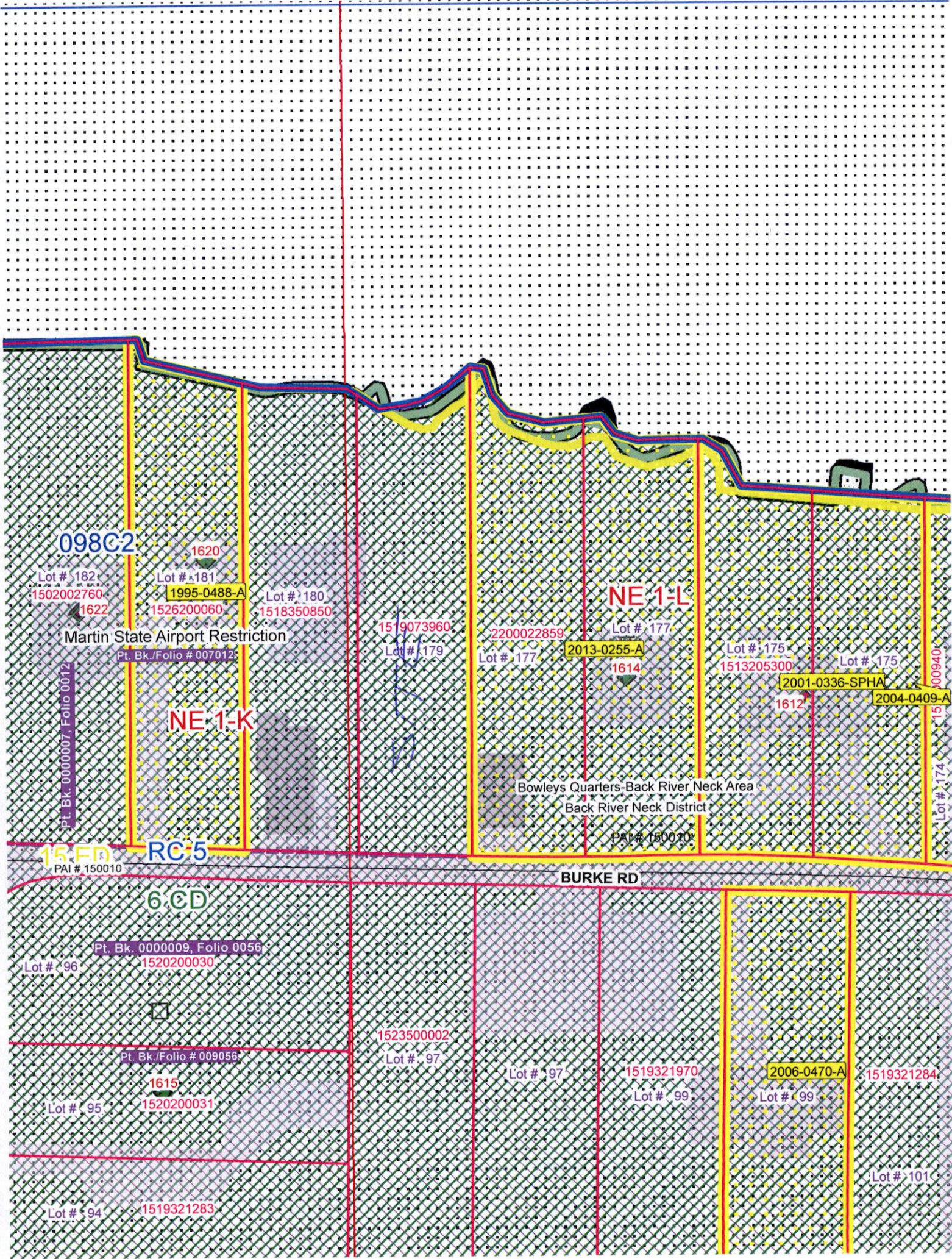
PET. 2



Baltimore County - My Neighborhood



PET. 3



098C2

Lot # 182
1502002760
1622

1620
Lot # 181
1995-0488-A
1526200060

Lot # 180
1518350850

Martin State Airport Restriction

Pt. Bk./Folio # 0070125

NE 1-K

NE 1-L

1519073960
Lot # 179

2200022859
Lot # 177

2013-0255-A
1614

Lot # 177

Lot # 175
1513205300

2001-0336-SPHA

2004-0409-A

1612

Bowleys Quarters-Back River Neck Area
Back River Neck District

PAI # 150010

15 FD
PAI # 150010

RC-5

6 CD

BURKE RD

Pt. Bk. 0000009, Folio 0056
1520200030

Lot # 96

Pt. Bk./Folio # 009056

1615
1520200031

Lot # 95

1523500002
Lot # 97

Lot # 97

1519321970
Lot # 99

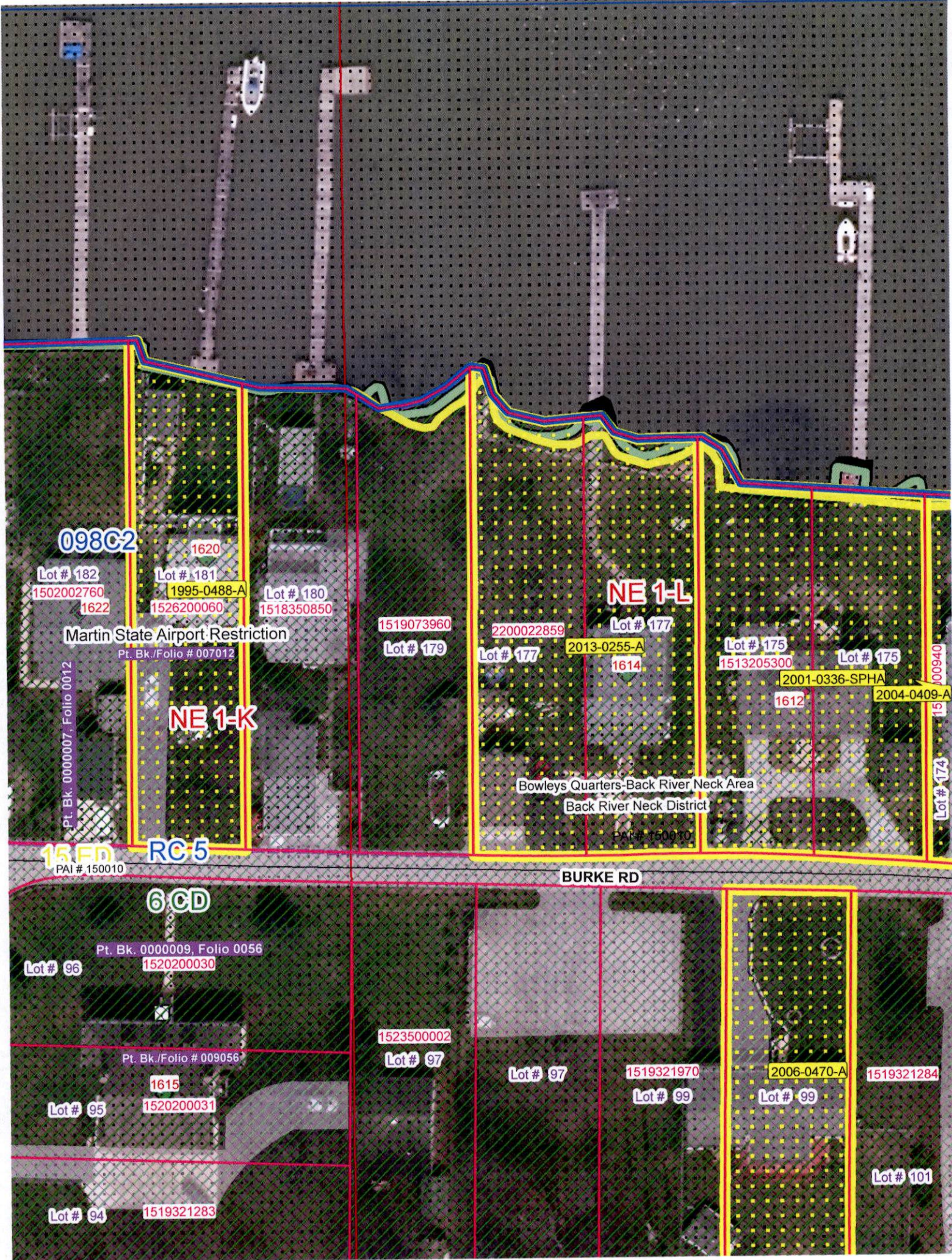
2006-0470-A
Lot # 99

1519321284

Lot # 94

1519321283

Lot # 101



098C2

Lot # 182
1502002760
1622

Lot # 181
1995-0488-A
1526200060

Lot # 180
1518350850

Martin State Airport Restriction
Pt. Bk./Folio # 007012

NE 1-K

1519073960
Lot # 179

2200022859
Lot # 177

2013-0255-A
1614

NE 1-L

Lot # 177

Lot # 175
1513205300

Lot # 175

2001-0336-SPHA

2004-0409-A

1612

Bowleys Quarters-Back River Neck Area
Back River Neck District

PAI # 160910

15 FD
PAI # 150010

RC-5

BURKE RD

6CD

Lot # 96

Pt. Bk. 0000009, Folio 0056
1520200030

Pt. Bk./Folio # 009056

1615

Lot # 95

1520200031

1523500002
Lot # 97

Lot # 97

1519321970
Lot # 99

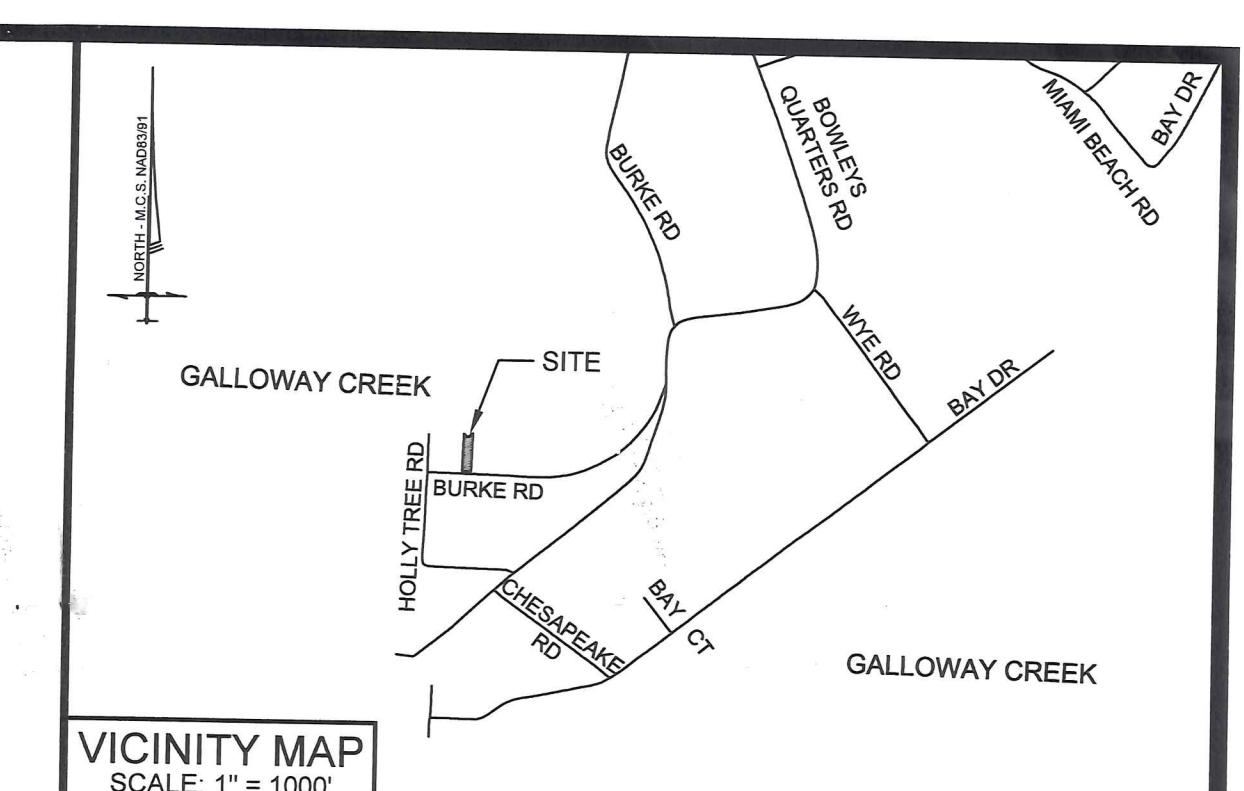
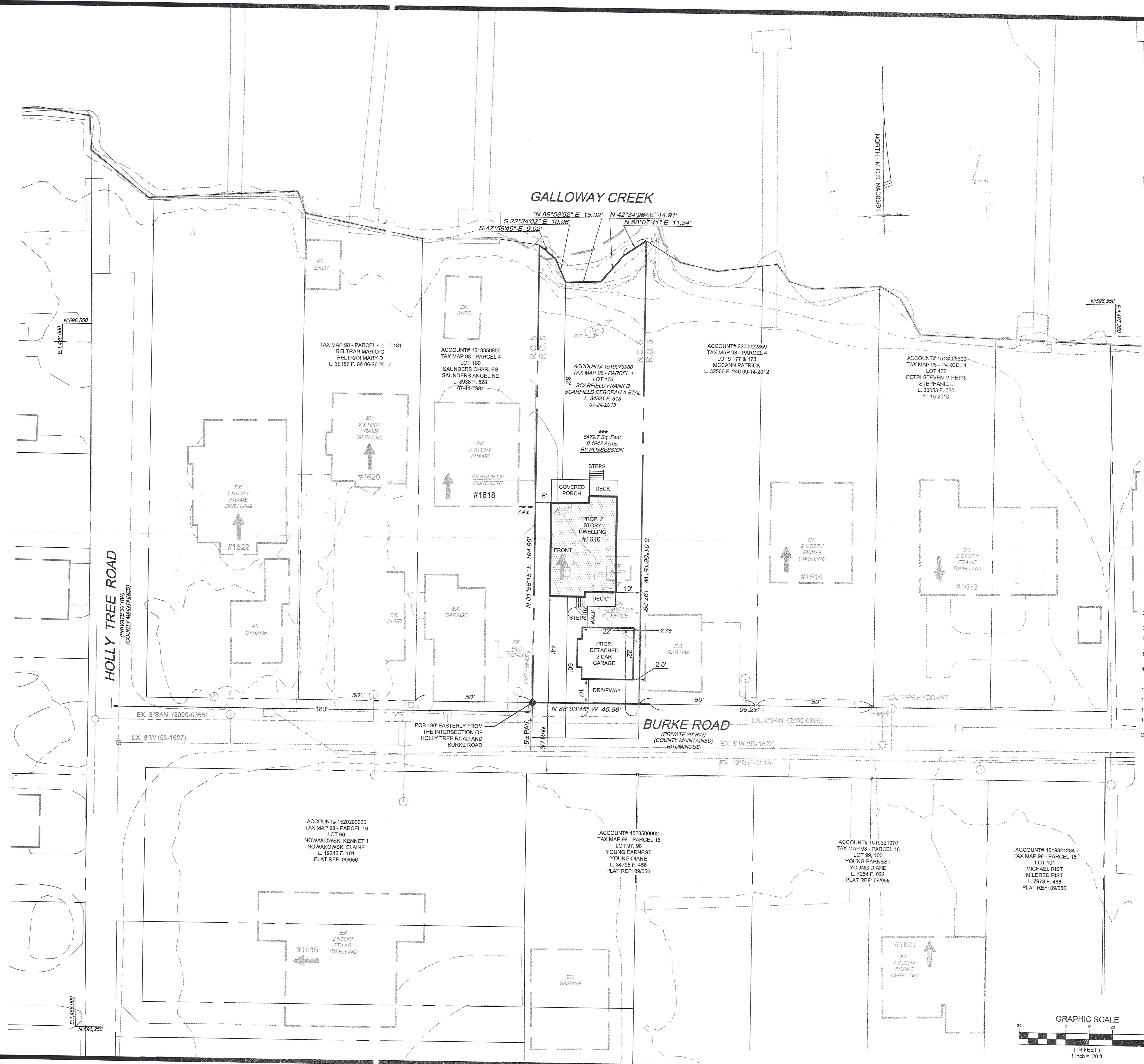
2006-0470-A
Lot # 99

1519321284

Lot # 94

1519321283

Lot # 101



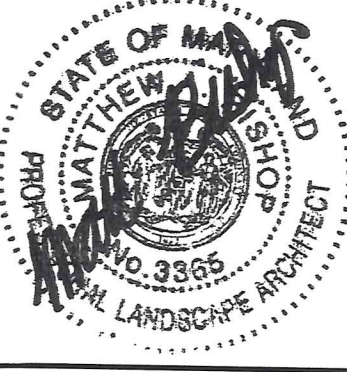
- OWNERS/APPLICANT: FRANK D SCARFIELD & DEBORAH A SCARFIELD
MAILING ADDRESS: 144 HOLABIRD AVENUE, BALTIMORE MD, 21222-1845
PHONE: 410-282-6060
- SITE DATA: GRID 04, TAX MAP 088
TAX ACCOUNT NO. 151973980
DEED REFERENCE: L 34331 F 313
PLAT REFERENCE: 0712
CENSUS TRACT: 4518.02
LAND MANAGEMENT AREA: RURAL RESIDENTIAL AREA
GROWTH TIER: 1A
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6
ELEMENTARY SCHOOL DISTRICT: SENECA
MIDDLE SCHOOL DISTRICT: MIDDLE RIVER
HIGH SCHOOL DISTRICT: KENWOOD
200 SCALE GIS TILE REFERENCE: 098C2
WATERSHED: MIDDLE RIVER
TRANSPORTATION ZONE: 851
ZIP CODE: 21220
KEY SHEET: ZSW
ZONE: RC-3
- GROSS SITE AREA: 9,178.1 SF ± OR 0.21 AC ±
NET SITE AREA: 8,479.7 SF ± OR 0.19 AC ±
- MAXIMUM GROSS RESIDENTIAL DENSITY:
REQUIRED: PER SPECIAL HEARING / VARIANCE PETITION.
- MAXIMUM LOT COVERAGE:
REQUIRED: PER SPECIAL HEARING / VARIANCE PETITION.
PROPOSED: 23%
- MAXIMUM BUILDING HEIGHT: 35'
PROPOSED BUILDING HEIGHT: 40' MAX.
- REQUIRED PRINCIPAL BUILDING SETBACKS:
FRONT: 75'
SIDE: 50'
REAR: 50'
- PROPOSED PRINCIPAL BUILDING SETBACKS:
FRONT: 62'
SIDE: 6'
REAR: 44'
- REQUIRED ACCESSORY STRUCTURE SETBACKS AND PERMITTED HEIGHT:
LOCATED IN REAR YARD AND OCCUPY NO MORE THAN 40% THEREOF.
MAX HEIGHT: 15'
- PROPOSED ACCESSORY STRUCTURE SETBACKS AND PERMITTED HEIGHT:
LOCATED IN REAR YARD AND OCCUPIES 32% OF REAR YARD
PROPOSED HEIGHT: 22'
- THIS SITE IS ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- ACCORDING TO F.E.M.A. F.I.R.M. PANEL 240010045g, DATED NOVEMBER 8, 2018, THIS SITE IS WITHIN A 100 YEAR FLOODPLAIN.
- THERE ARE NO KNOWN WETLANDS ON THIS SITE.
- THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY.
- THE PROJECT SITE IS NOT LOCATED IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT.
- THIS PROJECT IS LOCATED OUTSIDE OF THE URBAN RURAL DEMARCATION LINE.
- THERE ARE NO KNOWN EXISTING WELLS OR SEWAGE DISPOSAL SYSTEMS ON-SITE OR WITHIN 100' OF THE DEVELOPMENT SITE.
- THERE ARE NO KNOWN UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON OR WITHIN 100' OF THE DEVELOPMENT SITE.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND LOCATED ON SITE.
- THIS SITE WILL BE SERVICED BY PUBLIC WATER & SEWER.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- DESIGN STANDARDS, SCREENING, AND LANDSCAPING MUST BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION (32-4-404) OF THE BALTIMORE COUNTY CODE.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON ARE BASED ON A FIELD RUN SURVEY PERFORMED BY MTR & LAND SURVEYORS LLC, DATED 08/25/2018. ADDITIONAL INFORMATION SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY GIS, DEED INFORMATION AND AVAILABLE RECORDS.
- THERE ARE NO PREVIOUS COMMERCIAL PERMITS FOR THE SUBJECT SITE.
- THERE ARE NO KNOWN PREVIOUS ZONING HEARINGS, CRG, DRC WAIVERS FOR THE SUBJECT SITE.
- THE SUBJECT SITE IS NOT WITHIN ANY FAILING AREAS AS SHOWN ON THE 2018 BASIC SERVICES MAP.
- PARKING REQUIRED: 2 SPACES
PARKING PROVIDED: 2 SPACES
- EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING PETITIONS

1616 BURKE ROAD

PLAT 007/012, LOT 179
BALTIMORE COUNTY, MARYLAND 21220

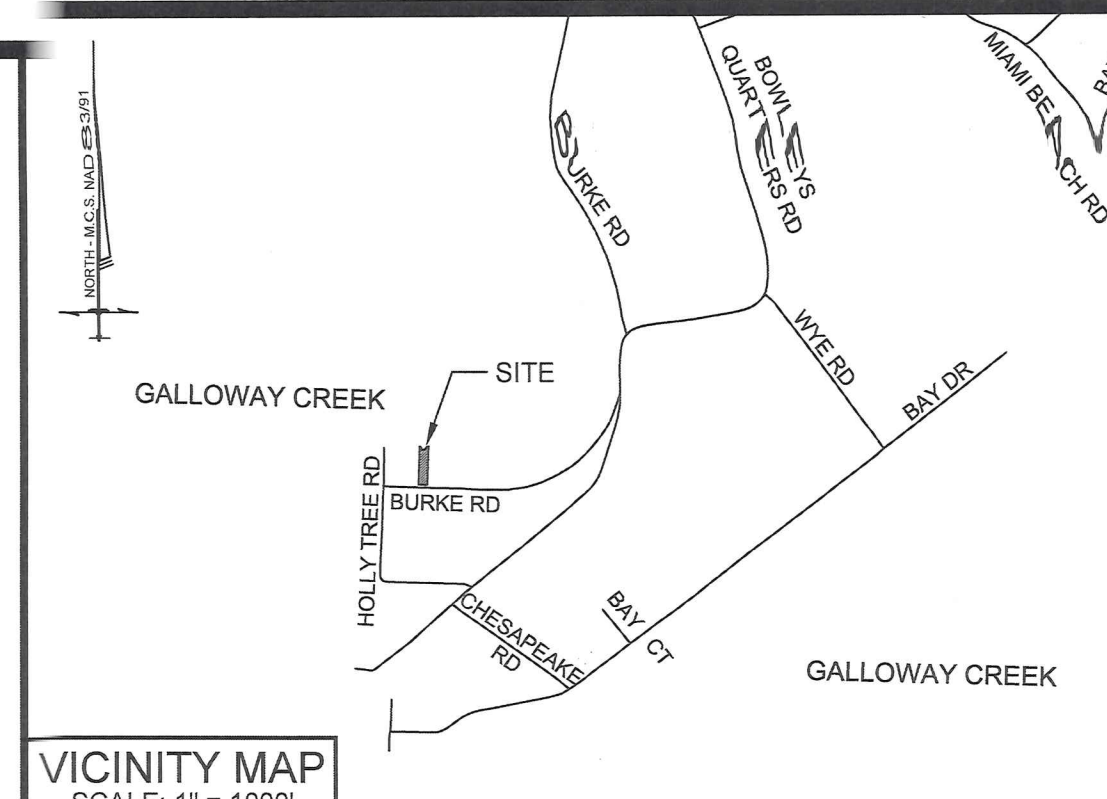
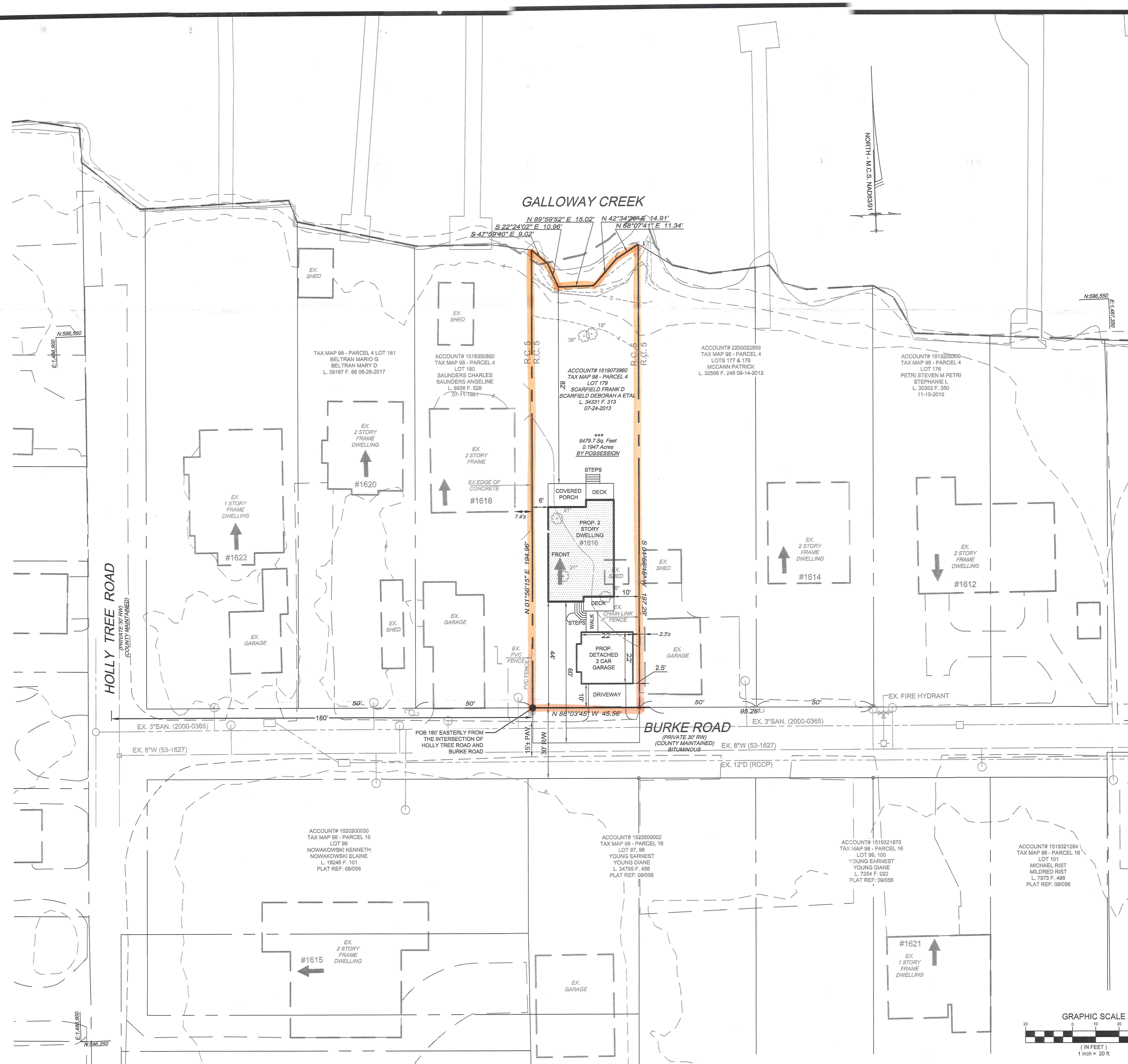
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT



Colbert Matz Rosenfelt
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 20'				
DATE: 03/19/2019				
JOB NO.: 2017073				
DESIGNED: CMR				
DRAWN: MS				
CHECKED: MB				
FILE: ZP-2017073.dwg				
DRAWING NUMBER: ZP-1				
NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1



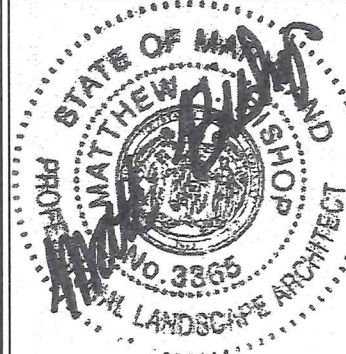
- OWNERS/APPLICANT: FRANK D SCARFIELD & DEBORAH A SCARFIELD
MAILING ADDRESS: 744 HOLABIRD AVENUE, BALTIMORE MD, 21222-1845
PHONE: 410-282-8080
- SITE DATA:
PARCEL 04, GRID 04, TAX MAP 098
TAX ACCOUNT NO. 1519073950
DEED REFERENCE: L 34331 F 313
PLAT REFERENCE: 07/12
CENSUS TRACT: 4618.02
LAND MANAGEMENT AREA: RURAL RESIDENTIAL AREA
GROWTH TIER: 1A
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6
ELEMENTARY SCHOOL DISTRICT: SENEGA
MIDDLE SCHOOL DISTRICT: MIDDLE RIVER
HIGH SCHOOL DISTRICT: KENWOOD
200 SCALE GIS TILE REFERENCE: 098C2
WATERSHED: MIDDLE RIVER
TRANSPORTATION ZONE: 651
ZIP CODE: 21220
KEY SHEET: ZSW
ZONE: RD-5
- GROSS SITE AREA: 9,178.1 SF± OR 0.21 AC±
NET SITE AREA: 8,479.7 SF± OR 0.19 AC±
- MAXIMUM GROSS RESIDENTIAL DENSITY:
REQUIRED: PER SPECIAL HEARING / VARIANCE PETITION.
PROPOSED: 23%
- MAXIMUM LOT COVERAGE:
REQUIRED: PER SPECIAL HEARING / VARIANCE PETITION.
PROPOSED: 23%
- MAXIMUM BUILDING HEIGHT: 35'
PROPOSED BUILDING HEIGHT: 40' MAX.
- REQUIRED PRINCIPAL BUILDING SETBACKS:
FRONT: 15'
SIDE: 50'
REAR: 50'
- PROPOSED PRINCIPAL BUILDING SETBACKS:
FRONT: 52'
SIDE: 6'
REAR: 44'
- REQUIRED ACCESSORY STRUCTURE SETBACKS AND PERMITTED HEIGHT:
LOCATED IN REAR YARD AND OCCUPY NO MORE THAN 40% THEREOF.
2.5' FROM SIDE OR REAR LOT LINES.
MAX HEIGHT: 15'
- PROPOSED ACCESSORY STRUCTURE SETBACKS AND PERMITTED HEIGHT:
LOCATED IN REAR YARD AND OCCUPIES 425% OF REAR YARD
2.5' FROM SIDE LOT LINE.
PROPOSED HEIGHT: 22'
- THIS SITE IS ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- ACCORDING TO F.E.M.A. F.I.R.M. PANEL 2400100445g, DATED NOVEMBER 8, 2018, THIS SITE IS WITHIN A 100 YEAR FLOODPLAIN.
- THERE ARE NO KNOWN WETLANDS ON THIS SITE.
- THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY.
- THE PROJECT SITE IS NOT LOCATED IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT.
- THIS PROJECT IS LOCATED OUTSIDE OF THE URBAN RURAL DEMARCATION LINE.
- THERE ARE NO KNOWN EXISTING WELLS OR SEWAGE DISPOSAL SYSTEMS ON-SITE OR WITHIN 100' OF THE DEVELOPMENT SITE.
- THERE ARE NO KNOWN UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON OR WITHIN 100' OF THE DEVELOPMENT SITE.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND LOCATED ON SITE.
- THIS SITE WILL BE SERVICED BY PUBLIC WATER & SEWER.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- DESIGN STANDARDS, SCREENING, AND LANDSCAPING MUST BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION (32-4-404) OF THE BALTIMORE COUNTY CODE.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON ARE BASED ON A FIELD RUN SURVEY PERFORMED BY MTPS, LAND SURVEYORS, LLC, DATED 06/25/2018. ADDITIONAL INFORMATION SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY GIS, DEED INFORMATION AND AVAILABLE RECORDS.
- THERE ARE NO PREVIOUS COMMERCIAL PERMITS FOR THE SUBJECT SITE.
- THERE ARE NO KNOWN PREVIOUS ZONING HEARINGS, CRG, DRC WAIVERS FOR THE SUBJECT SITE.
- THE SUBJECT SITE IS NOT WITHIN ANY FAILING AREAS AS SHOWN ON THE 2018 BASIC SERVICES MAP.
- PARKING REQUIRED: 2 SPACES
PARKING PROVIDED: 2 SPACES
- EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING PETITIONS

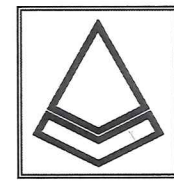
1616 BURKE ROAD
PLAT 007/012, LOT 179
BALTIMORE COUNTY, MARYLAND 21220

15TH ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT



Colbert Matz Rosenfelt
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 20'
DATE: 03/19/2019
JOB NO.: 2017073
DESIGNED: CMR
DRAWN: MS
CHECKED: MB
FILE: ZP-2017073.dwg
DRAWING NUMBER: ZP-1
NO. DATE REVISIONS BY SHEET 1 OF 1