

M E M O R A N D U M

DATE: 3/11/2021
TO: ZONING REVIEW
FROM: Office of Administrative Hearings
RE: Case No. 2020-0308-A

The appeal period for the above-referenced cases expired on March 10, 2021. There being no appeal filed, the subject file is ready for return to the Development Processing Office and is placed in the 'pick up box.'

/dlm

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE
(15827 Yeoho Rd.)

8th Election District

3rd Council District

Tommy D. & Barbara A. Burke
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0308-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 subject property, Tommy D. and Barbara A. Burke (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 400.1 to permit a proposed accessory use (garage) in the front and side yards of a residential lot in the required rear yard, and from § 400.3 to permit a proposed accessory use (garage) with a height of 18.25 ft. in lieu of the required 15 ft. maximum height. 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 subject to Forest Conservation and Ground Water Management Regulations as noted in the ZAC comment dated January 28, 2021 submitted by the Department of Environmental Protection and Sustainability (“DEPS”).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 3, 2021, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 2-8-2021

By DW

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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall not be 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 8th day of **February, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") § 400.1 to permit a proposed accessory use (garage) in the front and side yards of a residential lot in the required rear yard, and from § 400.3 to permit a proposed accessory use (garage) with a height of 18.25 ft. in lieu of the required 15 ft. maximum height, and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

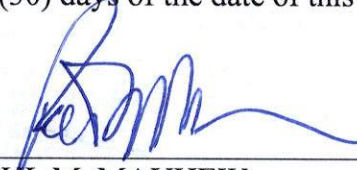
ORDER RECEIVED FOR FILING

Date 2-8-2021

By [Signature]

- Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed garage shall not be used for commercial purposes.
- Petitioners must comply with the DEPS ZAC comment, dated January 28, 2021; 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 2-8-2021

By DW

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0308-A
Address 15827 Yeoho Road
(Burke Property)

Zoning Advisory Committee Meeting of **January 11, 2021**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

For this project, Forest Conservation Law can be addressed by filing a Single Lot Declaration of Intent.

Reviewer: Glenn Shaffer

Additional Comments:

The proposed garage is shown 25 feet from the existing well. A variance from our Ground Water Management section (Bill Ensor – currently) is required in order to get approval for a new building less than 30 feet from the well.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 2-8-2021

By [Signature]

Debra Wiley

From: Debra Wiley
Sent: Monday, February 8, 2021 12:08 PM
To: 'burkesparks@aol.com'
Cc: County Council; Henry Ayakwah; Jeffery Livingston; Vishnubhai K Desai; Peoples Counsel
Subject: Decision - Case No. 2020-0308-A - 15827 Yeoho Road
Attachments: 20210208114629207.pdf

Good Afternoon Mr. and Mrs. Burke,

Attached please find a copy of the decision rendered in the above-captioned matter.

Have a great and safe day.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Monday, February 8, 2021 11:46 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 02.08.2021 11:46:29 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 15827 YEOHO RD SPARKS MD 21152 Currently zoned RC2
Deed Reference 05359 100442 10 Digit Tax Account # 1600009844
Owner(s) Printed Name(s) TOMMY D BURKE + BARBARA A BURKE

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

(SEE ATTACHED)

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

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

TOMMY D BURKE / BARBARA A BURKE
Name #1 – Type or Print Name #2 – Type or Print

Tommy D. Burke / Barbara A. Burke
Signature #1 Signature #2

15827 Yeoho RD SPARKS MD
Mailing Address City State

21152 / (410) 472-3057 / burkesparks@aol.com
Zip Code Telephone # Email Address

Representative to be contacted:

self
Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
2-8-2021
Attorney for Owner(s)/Petitioner(s): BW

Name – Type or Print

Signature N/A

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 12/27/2020 day of December that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0308-A Filing Date 12/27/2020 Estimated Posting Date 1/3/2021 Reviewer PT

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 15827 YEOHO RD SPARKS MD 21152
Print or Type Address of property City State Zip Code

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

We are submitting this request for a variance from Baltimore County to build a 30'x35'x18'3" detached garage on our property at 15827 Yeoho Road, Sparks, MD 21152. We are 75 and 76 years old and our proposed site is strategically conducive to our physical needs. The garage will house our vehicle but also, be used for personal hobby of vehicle restoration of an old vehicle. We wish to install an auto lift which requires a height variance. There will be no commercial use of the garage or have any separate living quarters in the structure.

Zoning Recommendation Site: The current zoning recommendation location is in the SE rear yard. The proposed site has its limitations. Not only is the presence of exiting septic and septic reserve in the recommended area, but overhead and buried utility lines are also present. Also, the slope and grade of the area which is located adjacent to the in-ground pool, would require significant restructuring to eliminate the potential for collapse. The recommended site will also infringe upon the adjacent neighbor's views due to the close proximity of the property line.

Owner Proposed Site: The proposed garage location site is clear of trees and limbs, and is buffered by woods between the structure and Yeoho Road. The location is also adjacent to the existing paved driveway, approximately 48' east of Yeoho Road and approximately 34' from existing primary residence. The wooded area west of Yeoho Road is void of home sites and is a land preservation program.

Tommy D. Burke
Signature of Owner (Affiant)

Tommy D Burke
Name- Print or Type

Barbara A Burke
Signature of Owner (Affiant)

Barbara A Burke
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 18th day of December, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Divyesh Patel

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

My Commission Expires

Divyesh Patel
NOTARY PUBLIC MARYLAND
Baltimore County
Commission Expires : 1/13/2022

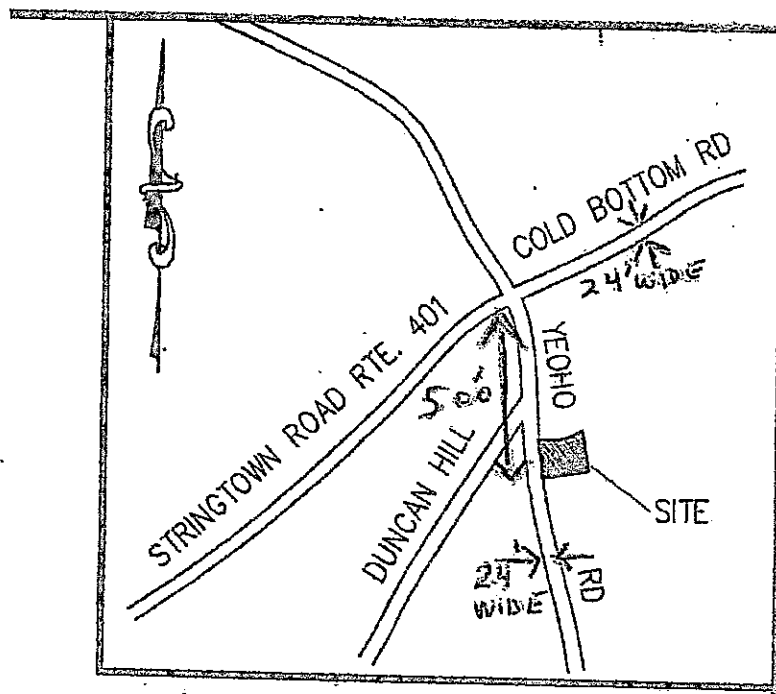
Zoning Variance Petition Case Number: 2020-0308-A
15827 Yeoho Road

1. **Variance from Section 400.1 of BCZR** – to permit a proposed accessory use garage in the front and side yards of a residential lot in lieu of the required rear yard; and
2. **Variance from Section 400.3 of BCZR** – to permit a proposed accessory use garage with a height of 18.25 ft. in lieu of the required 15 ft. maximum height.

2020-0308-A

15827 Yeoho Road Sparks Maryland 21152

Beginning at the northwest corner of the property line, at a point on the east side of Yeoho Road which is 24 feet wide, at a distance of 500 feet south of the center line of the nearest intersecting streets Stringtown/Cold Bottom Roads, which is 24 feet wide.



VICINITY MAP

CERTIFICATE OF POSTING

Date: 1-3-21

RE: Case Number: 2020-0308-A



Petitioner/Developer: Burke

Date of Hearing/Closing: 1-18-21

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 15827 Yeok Rd

The signs(s) were posted on 1-3-21

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

443-834-8162

(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2020-0308 - A

TO: RESIDENT AND ACCESSORY USE DETACHED GARAGE IN THE
FRONT AND SIDE YARDS OF THE PROPERTY
TO BE REMOVED WITH A HEIGHT OF 18.25 FEET IN THE REAR YARD

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
4:00 P.M. ON 1/13/21

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
COUNTY OFFICE BUILDING,



JOHN A. OLSZEWSKI, JR.
County Executive

JOANNE R. RUND, *Chief*
Fire Department

January 14, 2021

To: Zoning Advisory Committee
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 123
Towson, Maryland 21204
Attention: Zoning Review

Distribution Meeting of: **January 4, 2021**

Formal or Informal Response Due: **January 11, 2021**

Item No.:

Administrative Variance: 2020-0307-A, 2020-0308-A, 2021-0002-A, 2021-0005-A.

Variance: 2020-0179-SPHA, 2020-0300-A, 2020-0304-SPHXA, 2020-0305-A,
2020-0309-SPHA, 2021-0003-A.

Special Hearing: 2020-0179-SPHA., 2020-0306-SPH, 2021-0001-SPH.

Comments:

The Baltimore County Fire Marshal's Office has no comments at this time on the above listed case numbers.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3rd Floor

CERTIFICATE OF POSTING

Date: 1-3-21

RE: Case Number: 2020-0308-A

Petitioner/Developer: Burke

Date of Hearing/Closing: 1-18-21

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 15827 Yeob Rd

The signs(s) were posted on 1-3-21
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

443-834-8162
(Telephone Number of Sign Poster)

#1

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2020-0308-A

TO PERMIT AN ACCESSORY USE DETACHED GARAGE IN THE
FRONT AND SIDE YARD OF A RESIDENTIAL LOT IN LIEU OF THE REQUIRED
REAR YARD WITH A HEIGHT OF 18.25 FT. IN LIEU OF THE REQUIRED
15 FT. MAXIMUM HEIGHT

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY

REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

4:30 P.M. ON 1/18/21

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
COUNTY OFFICE BUILDING

ZONING NOTICE

#2

ADMINISTRATIVE VARIANCE

CASE # 2020-0308-A

TO PERMIT AN ACCESSORY USE DETACHED GARAGE IN THE
FRONT AND SIDE YARD OF A RESIDENTIAL LOT IN LIEU OF THE
REQUIRED REAR YARD WITH A HEIGHT OF 18.25 FT IN LIEU OF
THE REQUIRED 15 FT. MAXIMUM HEIGHT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 1/18/21

ADDITIONAL INFORMATION IS AVAILABLE AT
DEPT. OF PERMITS, APPROVALS AND INSPECTIONS

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0308 -A Address 15827 YECHO ROAD

Contact Person: ROZ JOHNSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/22/2020 Posting Date: 1/3/2021 Closing Date: 1/18/2021

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 2020- 0308 -A Address 15827 YECHO ROAD

Petitioner's Name TOMMY & BARBARA BURKE Telephone 410-472-3057

Posting Date: JANUARY 3, 2021 Closing Date: JANUARY 18, 2021

Wording for Sign: TO PERMIT AN ACCESSORY USE DETACHED GARAGE
IN THE FRONT AND SIDE YARD OF A RESIDENTIAL LOT IN LIEU
OF THE REQUIRED REAR YARD WITH A HEIGHT OF 18.25 FT. IN
LIEU OF THE REQUIRED 15 FT. MAXIMUM HEIGHT.

Revised 2/20/2020

**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: 2020-0308-A
Property Address: 15827 Yeoho Road Sparks Md 21152
Property Description: ADMINISTRATIVE VARIANCE TO build
35'x30' detached garage
Legal Owners (Petitioners): TOMMY D + BARBARA A BURKE
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: TOMMY D BURKE
Company/Firm (if applicable): N/A
Address: 15827 Yeoho Road
SPARKS MD 21152
Telephone Number: (410) 472-3057

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

January 27, 2021

Tommy D Burke,
15827 Yeoho Road
Sparks MD 21152

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 December 22, 2020. 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 "C. Pete Gutwald", is written over a horizontal line.

C. PETE GUTWALD, AICP

PCG

Enclosures

CC: People's Counsel
CC: Jeff Perlow

November 20, 2020

VIA Email: mitchellcontractinginc@gmail.com

Mr. Robert Mitchell
Mitchell Contracting Company
1610 Bramble Court
Bel Air, MD 21015

Dear Mr. Mitchell:

The Maryland Department of Transportation's Maryland Aviation Administration (MDOT MAA) Office of Planning has received and reviewed Airport Zoning Permit number 20-308 for a single family dwelling addition located at 800 Middle Road and **determined that the proposed project lies within the Martin State Airport (MTN), Airport Zoning District.** To ensure the safety of the traveling public, the Code of Maryland Regulations (COMAR) authorizes the MDOT MAA to review each project proposed within the Airport Zoning District, which is defined as the area within 3.3 miles of a fixed point on MTN.

In order to determine whether aircraft or airport noise will impact the proposed structure, our office has confirmed **that your project does not fall within the boundaries of MTN's Airport Noise Zone.** However, nearby residents may experience noise from aircraft overflights and other operations due to the proximity of the property to the Airport. Also, please inform the owner that future growth and expansion could possibly change the noise environment in communities near the Airport.

In addition, the MDOT MAA reviewed the application to ensure that the proposed project poses no hazard to the airspace surrounding MTN. The MDOT MAA analysis revealed that the structure at 32 feet above ground level (AGL)/39 feet mean sea level (MSL) would not be an obstruction to the Federal Aviation Regulations (FAR) Part 77 surfaces.

The MDOT MAA hereby **approves application number 20-308** for the construction of a single family dwelling addition at a height of 32 feet AGL/39 feet MSL. This approval is being sent to Ms. Karen L. Lewis, Supervisor for the Office of Permits, Baltimore County. If you have any questions concerning this review, please do not hesitate to contact me via email at rshepley@bwiairport.com.

Sincerely,

J Richard Shepley

J. Richard Shepley, Airport Planner/Airport Zoning Permits
Office of Planning and Environmental Services

Enclosures

cc: Ms. Karen L. Lewis, Supervisor, Office of Permits, Baltimore County
VIA Email: KLLewis@baltimorecountymd.gov

2021-0005-A

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0308-A
Address 15827 Yeoho Road
(Burke Property)

Zoning Advisory Committee Meeting of **January 11, 2021.**

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

For this project, Forest Conservation Law can be addressed by filing a Single Lot Declaration of Intent.

Reviewer: Glenn Shaffer

Additional Comments:

The proposed garage is shown 25 feet from the existing well. A variance from our Ground Water Management section (Bill Ensor – currently) is required in order to get approval for a new building less than 30 feet from the well.

Reviewer: Dan Esser

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

MDOT - MAA

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING (1st)

Date: 1-3-21

by Pison

SIGN POSTING (2nd)

Date: _____

by _____

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Search Result for BALTIMORE COUNTY

ZAC AGENDA

Case Number: 2020-0308-A **Reviewer:** Rosalie Johnson

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Tommy & Barbara A Burke

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 15827 YEOHO RD

Location: South of Intersection of Duncan Hill Road and Yeoho Road on the East side of Yeoho Road on the East side of Yeoho Road.

Existing Zoning: RC 2

Area: 2.1 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

Section 400.1 of BCZR To permit a proposed accessory use (garage) in the front and side yards of a residential lot in lieu of the required rear yard.

Section 400.3 of BCZR To permit a proposed accessory use (garage) with a height of 18.25 feet in lieu of the maximum required 15 feet maximum height.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/18/2021

Miscellaneous Notes:

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 08 Account Number - 1600009844			
Owner Information					
Owner Name:	BURKE TOMMY D BURKE BARBARA A		Use:	RESIDENTIAL	
Mailing Address:	15827 YEOHO RD SPARKS MD 21152-9526		Principal Residence:	YES	
			Deed Reference:	/05359/ 00442	
Location & Structure Information					
Premises Address:	15827 YEOHO RD SPARKS 21152-9526		Legal Description:	2.1 AC PRT LT 1A 500 S COLD BOTTOM RD WALTER BURKE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0027	0017	0254	8040089.04	0000	
					Block:
					1A
					Lot:
					2020
					Assessment Year:
					Plat No:
					Plat Ref: 0036/ 0095
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1974		2,397 SF		2.1000 AC	
Property Land Area		County Use			
2.1000 AC		04			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
2	YES	STANDARD UNIT	1/2 BRICK SIDING/ SIDING	4	2 full/ 1 half
Garage					
Last Notice of Major Improvements					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2020		07/01/2020	
				As of	
				07/01/2021	
Land:	194,200	194,200			
Improvements	203,400	241,300			
Total:	397,600	435,500	410,233		422,867
Preferential Land:	0	0			
Transfer Information					
Seller: BURKE WALTER T		Date: 05/18/1973		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05359/ 00442		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2020		07/01/2021	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: Approved 04/30/2008					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

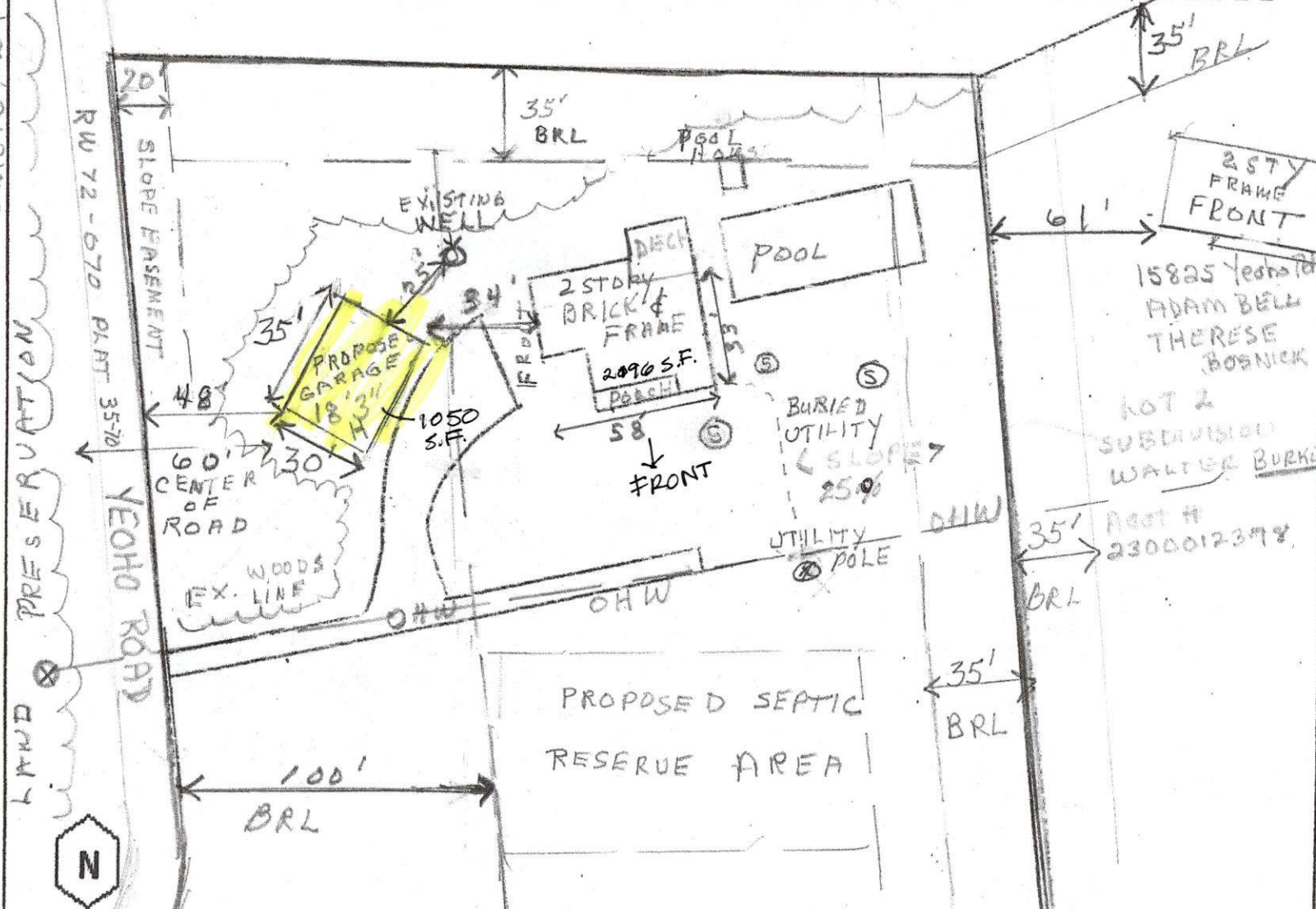
2020-0308-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 15827 YECCHO RD. OWNER(S) NAME(S) TOMMY D + BARBARA A. BURKE

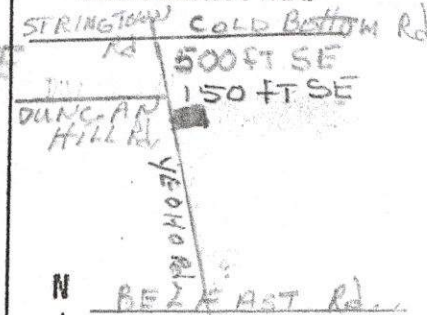
SUBDIVISION NAME WALTER T. BURKE LOT # 1A BLOCK # N/A SECTION # N/A

PLAT BOOK # 0036 FOLIO # 0095 10 DIGIT TAX # 16 00009244 DEED REF. # 05359100442



PLAN DRAWN BY TOMMY D. BURKE DATE 11/30/2020 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 027-B2

SITE ZONED RC2

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE 2.1

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

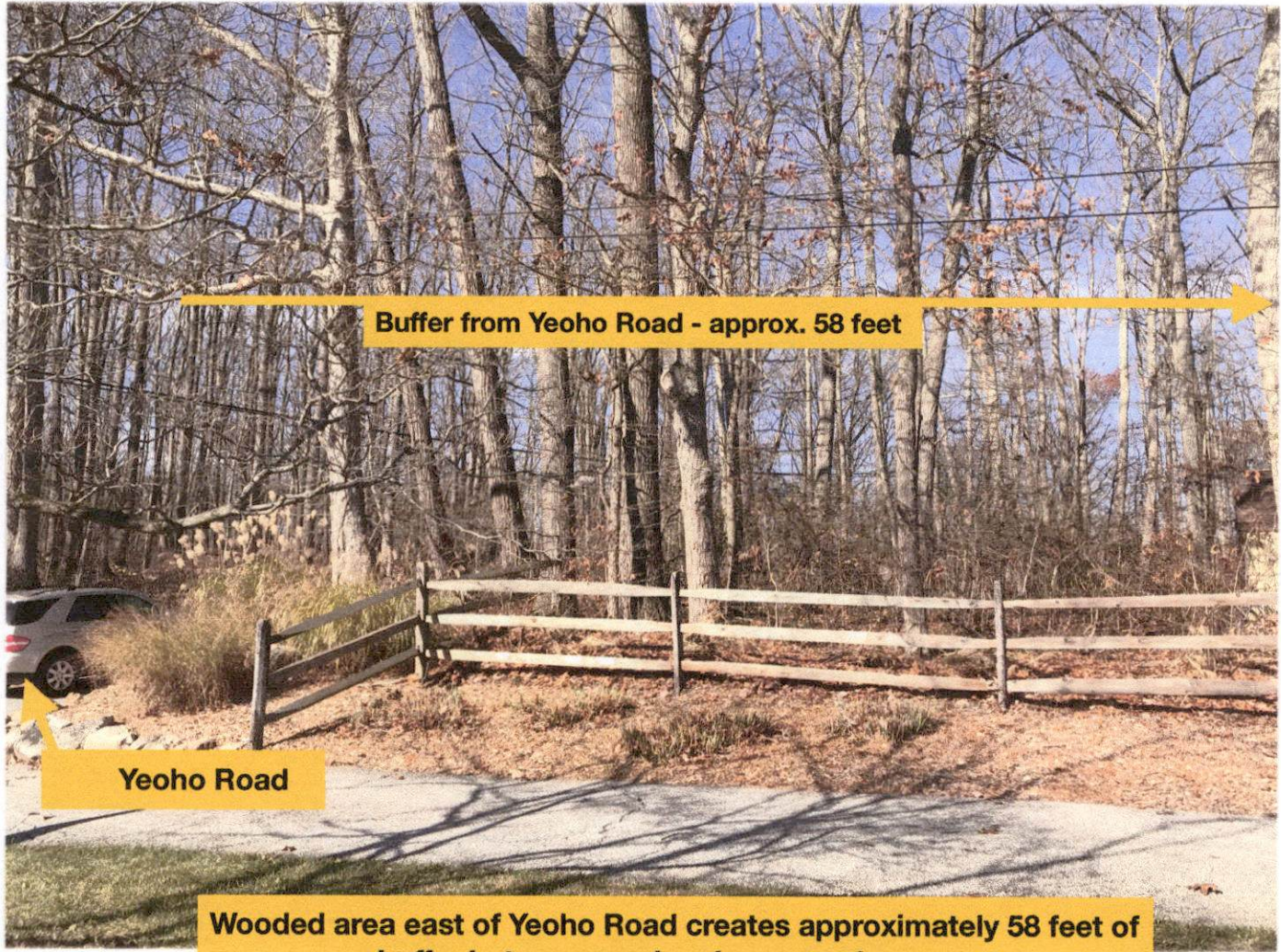


Proposed Garage Site
Note cleared area marked between pink flags



Proposed Garage Site
Note proximity to house and paved access

2020-0308-A



Yeoho Road

Buffer from Yeoho Road - approx. 58 feet

**Wooded area east of Yeoho Road creates approximately 58 feet of
buffer between road and proposed garage**

2020-0308-A



**Garage
Built in 2019
15701 Yeoho Road
with variance approval**



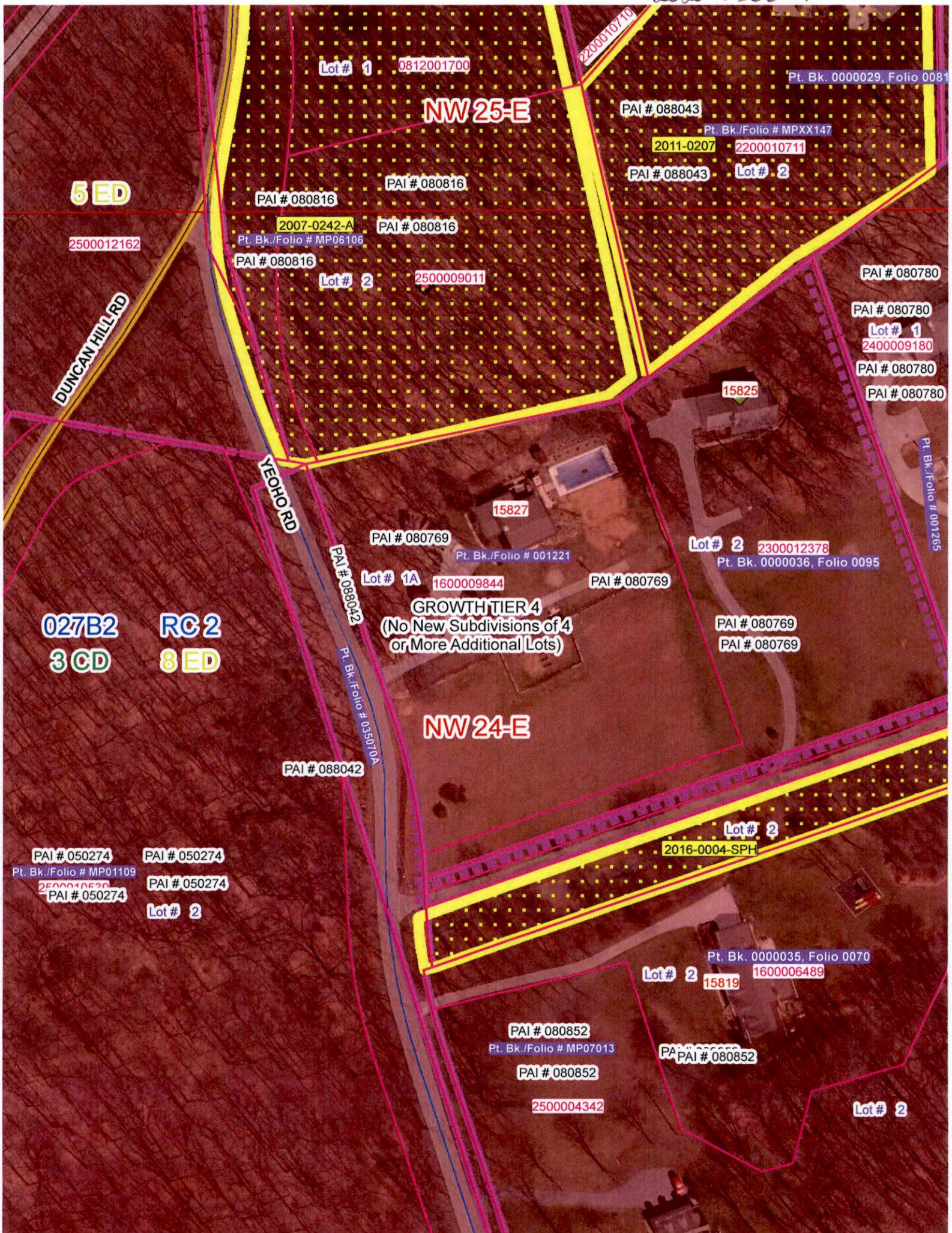
**Garage
Built in 2019
15701 Yeoho Road
with variance approval**

Note proximity to Yeoho Road

**** Additional Variance Approval ****

**SWIMMING POOL
Located at 15808 Yeoho Road, Sparks, MD
Variance Number 1987-0231A**

2020-0308-A

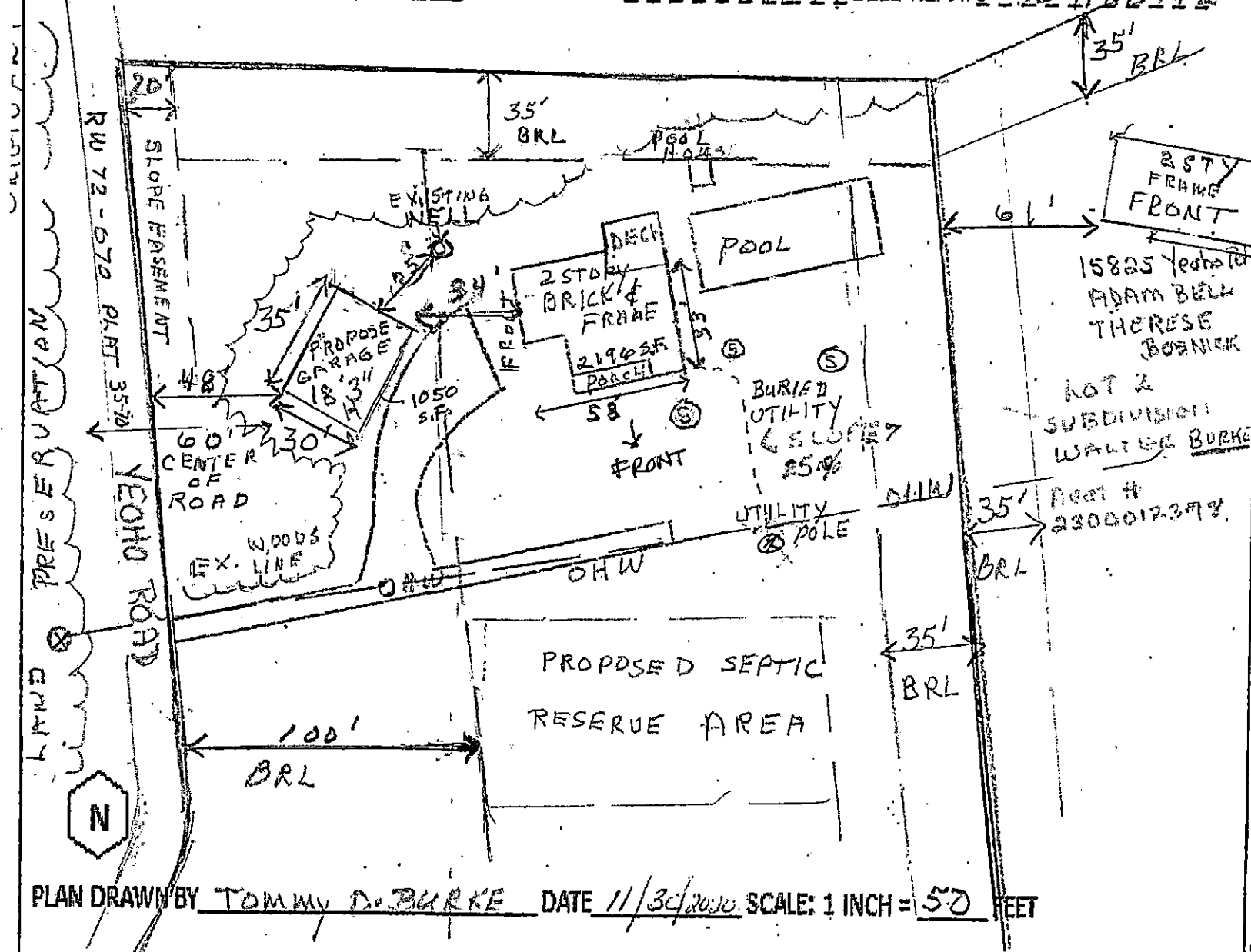


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 15827 YEGHO RD. OWNER(S) NAME(S) TOMMY D. + BARBARA A. BURKE

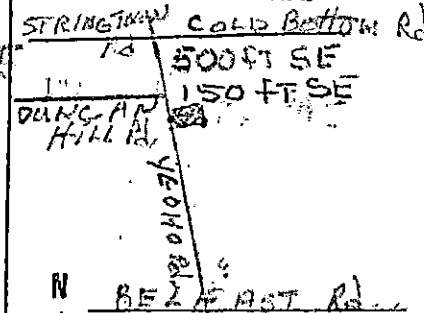
SUBDIVISION NAME WALTER T. BURKE LOT # 1A BLOCK # N/A SECTION # 11/A

PLAT BOOK # 0032 FOLIO # 0095 10 DIGIT TAX # 16 00009244 DEED REF. # 05359100442



PLAN DRAWN BY TOMMY D. BURKE DATE 11/30/2020 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



N BEZ EAST RD.

MAP IS NOT TO SCALE

ZONING MAP # 027-132

SITE ZONED RC2

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE 2.1

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2020-0308-A