



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 4, 2024

Brian and Irene Smith
1614 Burke Road
Baltimore, MD 21220

RE: Petition for Administrative Variance
Case No. 2024-0189-A
Property: 1614 Burke Road

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maureen E. Murphy", is written over the typed name and title.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: James Anders – james@testamentconstruction.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1614 Burke Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Brian & Irene Smith	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0189-A
* * * * *		* * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Brian and Irene Smith (“Petitioners”) for the property located at 1614 Burke Road, Middle River (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1A04.3.B.2.b and §1A04.3.B.3, to permit a 37 ft side lot line setback, 61 ft street centerline setback (existing) and an 18.1% lot coverage (by buildings) in lieu of 50 ft, 75 ft and 15%, respectively, for a proposed addition. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2D).

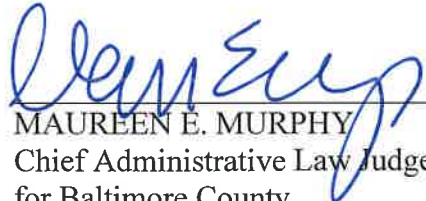
The property is located within the Chesapeake Bay Critical Area (“CBCA”) and Floodplain Zone; therefore, is subject to Critical Area and Floodplain Regulations. As such, the Petitioners must comply with those conditions imposed by the respective County agencies during the permitting process.

A Zoning Advisory Committee (“ZAC”) comment, dated August 16, 2024, was submitted by the Bureau of Development Plans Review (“DPR”), indicating the following:

The relief granted herein shall be subject to the following:

1. 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.
2. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.
3. Petitioners and all subsequent owners shall comply with the DPR ZAC comment dated August 16, 2024, a copy of which is attached hereto.
4. Petitioners and all subsequent owners shall comply with all applicable CBCA, BCZR, §500.14, and all applicable County Critical Area regulations and requirements.

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


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

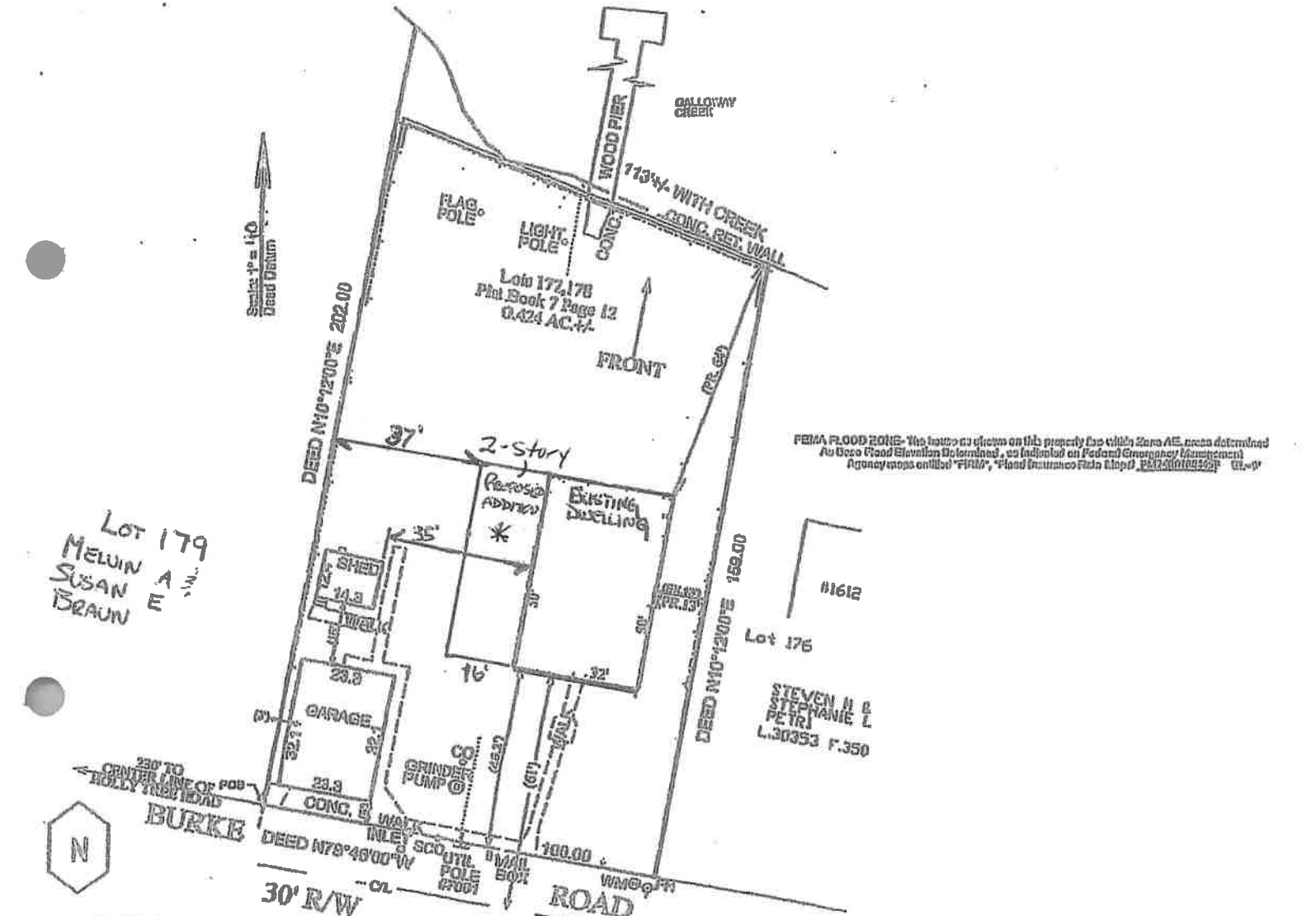
MEM:dlw

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

ADDRESS 1614 BURKE ROAD OWNER(S) NAME(S) BRIAN & IRENE SMITH

SUBDIVISION NAME BOWLEYS QUARTER PLAT NO. 1 LOTS# 177, 178 BLOCK# N/A SECTION# N/A

PLAT BOOK# 7 FOLIO# 12 10 DIGIT TAX# 2200022859 DEED REF.# 32566 / 246



PLAN DRAWN BY DATE 6-10-24 SCALE 1 INCH = 40 FEET



MAP IS NOT TO SCALE
ZONING MAP# 098C2
SITE ZONED RC-5
ELECTION DISTRICT 15
COUNCIL DISTRICT 85
LOT AREA ACREAGE 0.424
OR SQUARE FEET 18,470
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? AE EL=9'
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? YES
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
2013-0255-A

VIOLATION CASE INFO:

Pet. Exp. 1 2024-0189-A

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0189-A

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 7 NAVD88, BC AE Zone BF 8.5 NAVD88.

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

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

No. 233462

Date: 8/8/2024

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

Total: \$ 75.00

Rec From: Testament Construction Group, LLC

For: Administrative Zoning Variance
1614 Burke Road

Zoning Case # 2024-0189-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

mmk

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024-0189-A Address 1614 Burke Road

Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/8/2024 Posting Date: 8/18/2024 Closing Date: 9/2/2024

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.

Petitioner: This Part of the Form is for the Sign Poster Only. (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024-0189-A Address 1614 Burke Road

Petitioner's Name: Brian and Irene Smith Telephone (Cell): 443-869-0066
(contact person)

Posting Date: 8/18/2024 Closing Date: 9/2/2024

Wording for Sign: To Permit a 37-foot side lot line setback, 61-foot street centerline setback, and an 18.1% lot coverage (by buildings) in lieu of 50 feet, 75 feet, and 15%, respectively for a proposed addition.

Revised 1/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 2200022859

Owner Information

Owner Name: SMITH BRIAN LEE Use: RESIDENTIAL
SMITH IRENE M Principal Residence: YES
Mailing Address: 1614 BURKE RD Deed Reference: /47253/ 00371
BALTIMORE MD 21220-4421

Location & Structure Information

Premises Address: 1614 BURKE RD Legal Description: .424 AC LTS 177,178
BALTIMORE 21220-4421 1614 BURKE RD
Waterfront BOWLEYS QUARTER

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1
0098 0004 0004 15030020.04 0000 177 2024 Plat Ref: 0007/ 0012

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2014	1,920 SF		18,470 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	NO	STANDARD UNITS	SIDING/5	2 full/ 1 half	1 Detached		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	263,600	341,400		
Improvements	200,900	388,100		
Total:	464,500	729,500	552,833	641,167
Preferential Land:	0	0		

Transfer Information

Seller: MCCANN PATRICK J	Date: 08/11/2022	Price: \$790,000
Type: ARMS LENGTH IMPROVED	Deed1: /47253/ 00371	Deed2:
Seller: BIEMER DOROTHY EDNA/GEORGE	Date: 09/20/2012	Price: \$300,000
STEPHEN		
Type: ARMS LENGTH IMPROVED	Deed1: /32566/ 00246	Deed2:
Seller: BIEMER DOROTHY EDNA/GEORGE	Date: 09/22/2009	Price: \$0
STEPHEN		
Type: NON-ARMS LENGTH OTHER	Deed1: /28666/ 00418	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
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 02/08/2024

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0189-A

2024-0189-A

Baltimore County - My Neighborhood



Legend

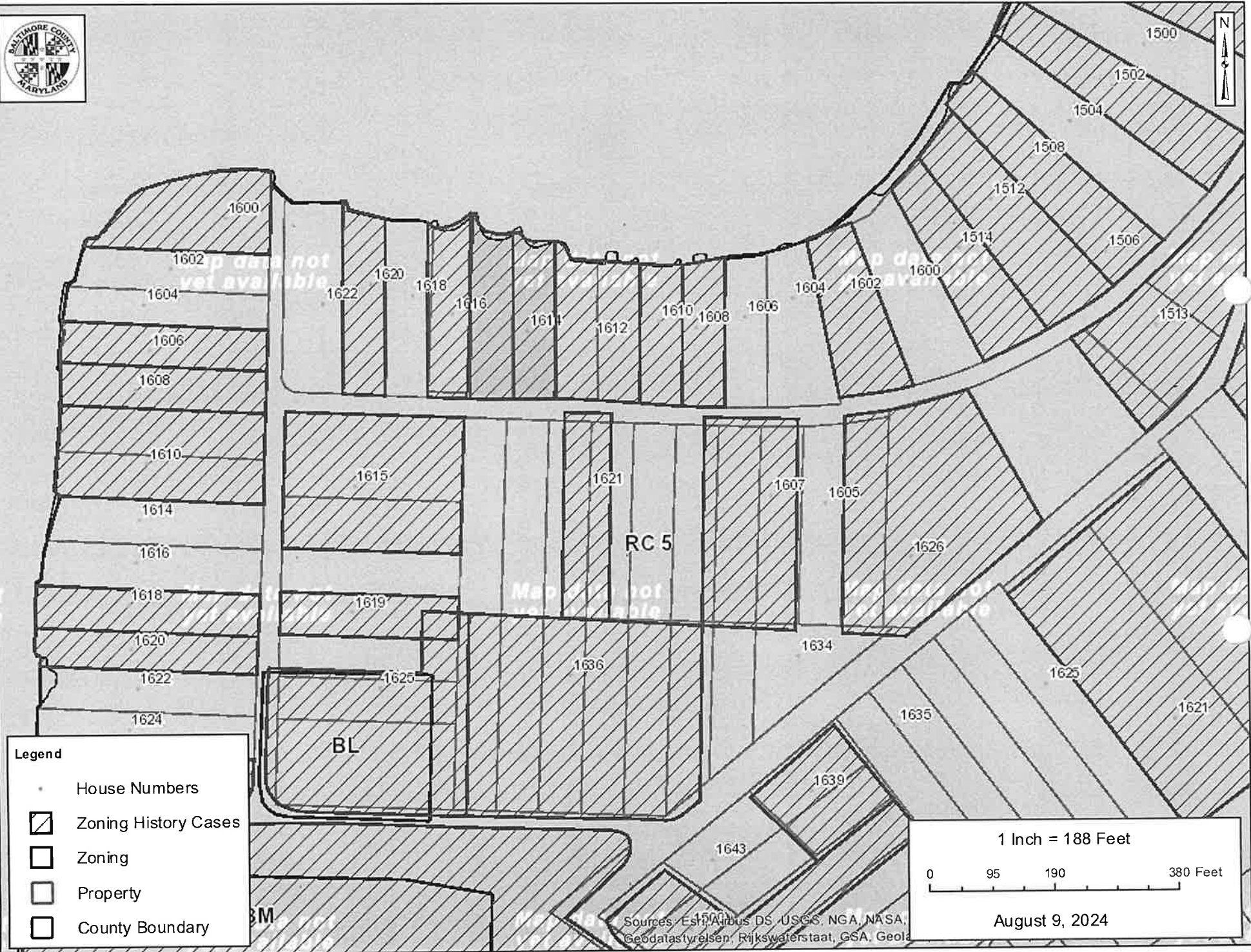
- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary

1 Inch = 188 Feet

0 95 190 380 Feet

August 9, 2024

Sources: Esri, Airbus DS, USGS, NGA, NASA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geologic





2024-0189-A



2024-0189-A



2024-0189-A



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 1614 Burke Rd. Currently Zoned RC-5
Deed Reference 32566 / 246 10 Digit Tax Account # 2200022859
Owner(s) Printed Name(s) BRIAN SMITH / IRENE SMITH

(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) 1A04.3.B.2, 6 & 1A04.3.B.3 to permit a 37-foot side lot line setback, 61-foot street centerline setback (existing) and an 18.1% lot coverage (by buildings) in lieu of 50 feet, 75 feet, and 15%, respectively, for a proposed addition.

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

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

I/ 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):

BRIAN SMITH / IRENE SMITH
Name #1 – Type or Print Name #2 – Type or Print
[Signature] / [Signature]
Signature #1 Signature #2
1614 Burke Rd. / Baltimore MD
Mailing Address City State
21220 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address City State
 / /
Zip Code Telephone # Email Address

Representative to be Contacted:

JAMES ANDERS
Name - Type or Print
[Signature]
Signature
1514 Burke Rd. Baltimore MD
Mailing Address City State
21220 / 443-869-0060 / JAMES @
Zip Code Telephone # Email Address

TESTAMENT CONSTRUCTION
com

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 day of , 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 2024-0189-A Filing Date 8/8/2024 Estimated Posting Date 8/18/2024 Reviewer [Signature]

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: 1614 BURKE RD. BALTIMORE MD 21220
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)**

1614 BURKE RD. IS A RARE ADDRESS IN BOWLEYS QUARTERS WHICH
CONSISTS OF TWO LOTS ON THE WATER. MOST LOTS ARE AT MOST 75'-100' IN
WIDTH. A 50' MINIMUM SIDE SETBACK DOES NOT EXIST AT ANY
OF THE NEIGHBORING PROPERTIES AND MOST LIKELY NOT AT ANY
BOWLEYS QUARTERS WATER FRONT PROPERTIES. WE REQUEST THAT THE
SIDE SETBACK BE REDUCED TO 35' ON THE WEST SIDE OF THE DWELLING
TO ALLOW FOR AN ADDITION TO BE BUILT ONTO THE EXISTING HOUSE. THE
ADDITION WILL INCLUDE A GARAGE WITH PROTECTED ACCESS TO THE HOUSE.
DUE TO MRS. IRENE'S DISABILITY, COVERED AND PROTECTED ACCESS TO
THE HOUSE IS NECESSARY FOR SAFETY.

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

Signature of Owner (Affiant)

Brian Lee Smith
Name - Print or Type

Signature of Owner (Affiant)

Irene Melinda Smith
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 31st day of July, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Brian Lee Smith and Irene Melinda Smith

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

AS WITNESS my hand and Notaries Seal

Jenna Marie Cichosz
Notary Public
9/30/2025
My Commission Expires

JENNA MARIE CICHOSZ
Notary Public
Baltimore County, Maryland
My Commission Expires 09/30/2025

THE ZONING PETITION PROPERTY DESCRIPTION

PART A

ZONING PROPERTY DESCRIPTION FOR: 1614 Burke Road

Beginning at a point on the North side of Burke Road which is 30' wide at the distance of 230' of the centerline of the nearest improved intersecting street Holly Tree Road which is 30' wide.

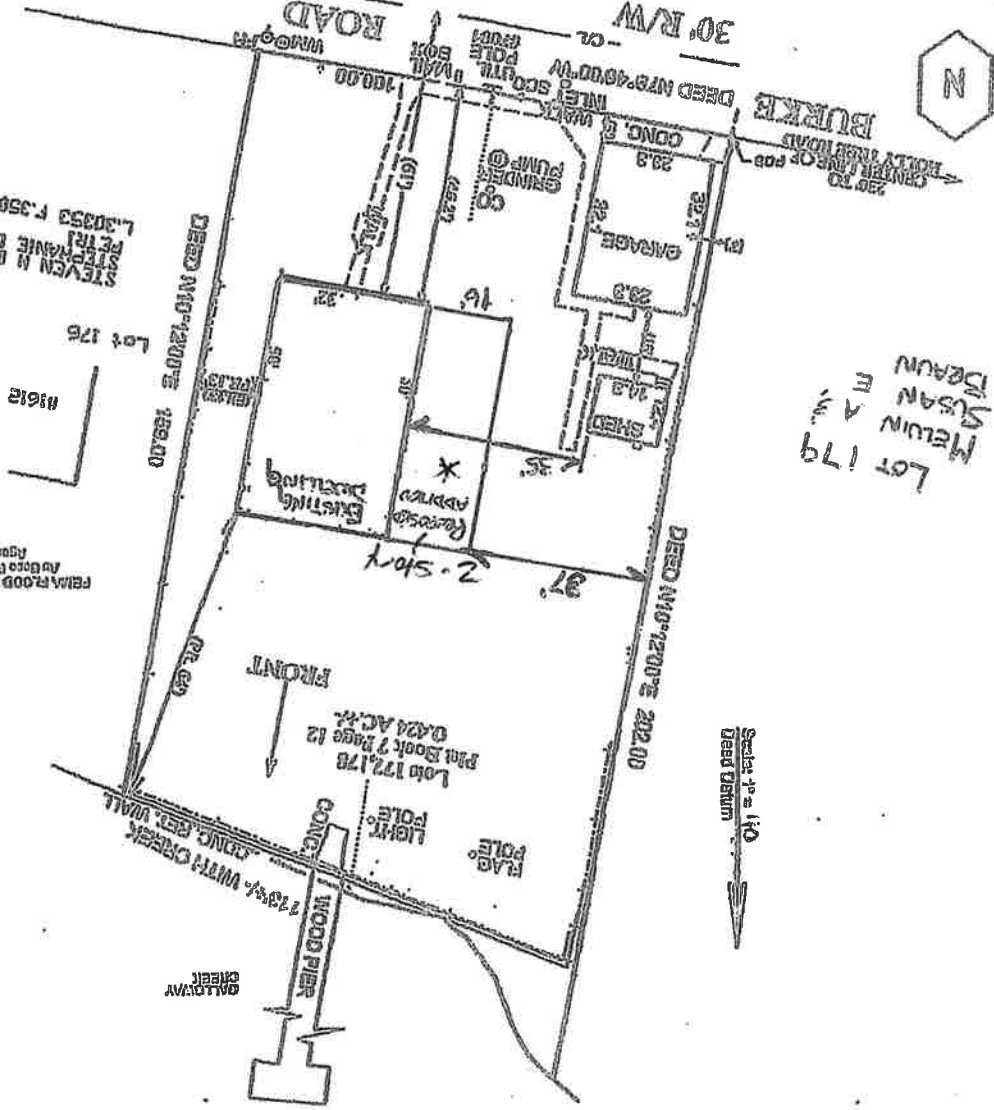
PART B (Option 2)

Being Lot # 177,178, Block # N/A, Section # N/A in the subdivision of Bowleys Quarters Plat No. 1 as recorded in Baltimore County Plat Book # 7, Folio # 12, containing 18,470 SF. Located in the 15 election district and ~~6~~ council district.

5

2024-0189-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
 ADDRESS 1614 BURKE ROAD
 OWNER(S) NAME(S) BELAN & IGENE SMITH
 SUBDIVISION NAME BOWLEYS QUARTER PLAT NO. 1 LOTS# 177, 178 BLOCK# N/A SECTION# N/A
 PLAT BOOK# 7 FOLIO# 12 10 DIGIT TAX# 2200022859 DEED REF.# 32566 / 246

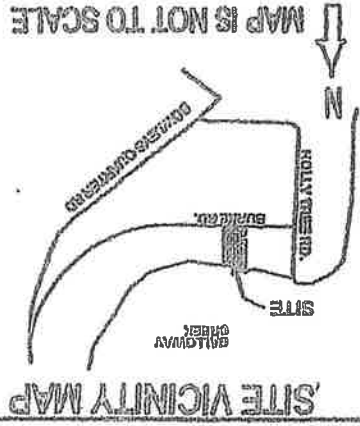


PER A FLOOD ZONE - This has to do with the property line with Zone A.E. area determined by local flood elevation determination, as indicated on Federal Emergency Management Agency maps entitled "Flood", "Flood Insurance Rate Map", "Flood Hazard", etc.

Lot 179
 MEUN
 SUSAN
 DEAN

Scale: 1" = 10'
 Deed Datum

PLAN DRAWN BY
 DATE 6-10-24 SCALE 1 INCH = 40 FEET



MAP IS NOT TO SCALE
 ZONING MAP# 098C2

SITE ZONED RC-5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 85
 LOT AREA ACREAGE 0.424
 OR SQUARE FEET 18,470
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? AE EL=9'
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC X PRIVATE
 SEWER IS: PUBLIC X PRIVATE

PRIOR HEARING? YES
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
 2013-0255-A

VIOLATION CASE INFO:

2024-0189-A

CERTIFICATE OF POSTING

CASE NO. 2024-0189-A

PETITIONER/DEVELOPER

Brian & Irene Smith

DATE OF HEARING/CLOSING

September 2, 2024

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1614 Burke Road



THE SIGN(S) POSTED ON August 17, 2024

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411



2024-0159-A