



Board of Appeals of Baltimore County

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November 4, 2016

J. Neil Lanzi, Esquire
Wright, Constable & Skeen, L.L.P.
102 W. Pennsylvania Avenue, Suite 406
Towson, Maryland 21204

David F. Mister, Esquire
13604 Brookline Road
Baldwin, Maryland 21013

RE: *In the Matter of: Ellen McBarron Burger and Kirsten Burger, Trustees of the
Ellen McBarron Burger Revocable Trust – Legal Owners*
Case No.: 16-158-SPHA

Dear Counsel:

Enclosed please find a copy of the Amended Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Ellen McBarron Burger
Kirsten Burger
Bruce E. Doak/Bruce E. Doak Consulting, LLC
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

John and Maria Pycha
Judith Wilson
Richard Edmunds
Office of People's Counsel

IN THE MATTER OF
Ellen McBarron Burger and Kirsten Burger,
Trustees of the Ellen McBarron Burger
Revocable Trust, Legal Owner/Petitioner
13607 Brookline Road
Baldwin, MD 21013

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 16-158-SPHA

Re: Petition for Variance pursuant to
BCZR §1A04.3B.2.b and Petition for
Special Hearing BCZR §1A04.3B.1

* * * * *

AMENDED OPINION

On October 24, 2016, this Board issued an Opinion and Order in the above-captioned matter.

On October 28, 2016, it was brought to our attention that the Order incorrectly stated:

Petition for Variance filed pursuant to BCZR §1A04.3B.2.b to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street, be, and the same is hereby **GRANTED**.

The parties entered into a Settlement Agreement, dated July 8, 2016, which was incorporated into the Opinion and Order, wherein they agreed that the Variance relief would allow a setback of 40 feet in lieu of the required 50 feet.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

Accordingly, the Board has reviewed its Opinion and Order issued in these proceedings and finds that an error existed within that Order. Accordingly, the Board will amend their Order to reflect the agreed upon setback.

IT IS THEREFORE ORDERED that the Order is hereby amended to read:

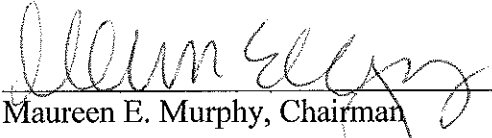
ORDERED, that the relief requested in the Petition for Special Hearing and Petition for Variance, be, and the same is hereby **GRANTED** pursuant to the Settlement Agreement dated July

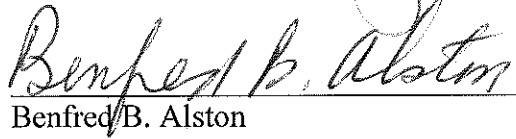
Amended Opinion
In the matter of: Ellen McBaron Burger and Kirsten Burger
Case number 16-158-SPHA

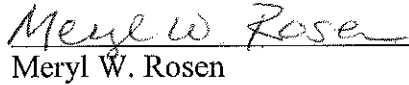
8, 2016 (Pet. Ex. 4) and the Site Plan attached thereto, which are hereby incorporated into and made a part of this Order.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued October 24, 2016.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Benfred B. Alston


Meryl W. Rosen