

IN RE: PETITION FOR VARIANCE
E/S Rockaway Beach Avenue,
550' N of Regina Avenue
(607 Rockaway Beach Avenue)
15th Election District
5th Councilmanic District

Betty L. Seidel
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-15-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 607 Rockaway Beach Avenue, located in the vicinity of Regina Avenue and Turkey Point Road in Essex. The Petition was filed by the owner of the property, Betty L. Seidel. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet each in lieu of the minimum required 10 feet, and to approve the subject property as an under-sized lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Betty Seidel, her daughter, Nancy Seidel, and Buck Jones, builder. Appearing as Protestants in the matter were Martin J. Dudek, owner of the adjoining property at 609 Rockaway Beach Avenue, and his daughter, Cynthia McDaniels, who resides thereon.

Testimony and evidence offered revealed that the subject property is approximately 40 feet wide by 235 feet deep and fronts on Middle River, not far from Turkey Point. The property consists of a gross area of 10,482 sq.ft., more or less, zoned D.R. 5.5. and is improved with a single

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Date

By

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family dwelling, a detached patio and shed, and a macadam paved parking pad. The dwelling has existed on the property for many years and is in need of many updates and improvements. Ms. Seidel testified that she has resided on the property for the past 35 years, first as a tenant and later purchased the property in 1968. The Petitioner wishes to construct a new dwelling on the property in accordance with the elevation drawings submitted with the Petition. The proposed two-story dwelling will be approximately 28 feet wide and 42- to 52 feet deep, and will feature an attached deck which will face the water and a front porch facing the street. The existing storage shed and patio area towards the waterfront of the property will be removed, as will the existing dwelling, upon completion of the new house. It is to be noted that the proposed dwelling will maintain the same side setbacks as the existing dwelling. Furthermore, the new dwelling will be connected with and served by public water and sewer. Due to the size of the lot and its narrow width, the requested variances are necessary in order to proceed with the proposed improvements.

Mr. Martin Dudek, who owns the adjoining property at 609 Rockaway Beach Avenue, appeared and testified, not necessarily in opposition to the relief requested, but to voice several concerns. First, Mr. Dudek noted that the bulkhead that runs across the waterfront of both his and the Petitioner's property is in need of repair. Mr. Dudek is concerned whether equipment necessary to make the repairs will be able to access the bulkhead after the new dwelling is constructed. He also wanted assurance that a reasonable setback from the water, shown as 105 feet on the site plan, will be maintained, and indicated that he is satisfied with the proposed distance. Mr. Dudek's daughter, Cynthia McDaniels, resides on her father's property and expressed similar concerns.

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Date 5/16/96
By [Signature]

After due consideration of the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In the opinion of this Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The proposed improvements represent an upgrade in the use of this site. The existing house, which is in need of extensive repair will be razed, and a new dwelling constructed in its place. Moreover, public utilities will serve the site and the use of the septic system presently on the property will be discontinued. All of these factors are positive features of the proposed development. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. and the case law as to the granting of the variance relief. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony

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with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 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;
- 2) Conserve fish, wildlife, and plant habitat; and
- 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Notwithstanding the granting of this relief, several conditions and restrictions will be attached to this Order. These conditions and restrictions are intended to protect the surrounding properties.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of August, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet each in lieu of the minimum required 10 feet, and to approve the subject property as an undersized lot, for a proposed dwelling reconstruction in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following terms and restrictions:

- 1) The Petitioners may apply for their building permit 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, the relief granted herein shall be rescinded.
- 2) As a condition of the relief granted, the Petitioner shall grant a limited access easement to the property owner of 609 Rockaway Beach Avenue, solely for the purpose of allowing ingress and egress by construction equipment as may be necessary to repair the common bulkhead between these two properties.
- 3) The design and architecture of the new dwelling will be substantially in accordance with the elevation drawings submitted with the Petition and previously reviewed and approved by the Office of Planning.
- 4) The proposed dwelling and deck will maintain a minimum setback of 105 feet from the bulkhead.
- 5) The new dwelling will be served by public water and sewer and the existing septic system and well will be capped and back-filled as required by the Department of Environmental Protection and Resource Management (DEPRM).
- 6) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated July 26, 1996 and the Development Plans Review Division comments dated, July 22, 1996, copies of which have been attached hereto and made a part hereof.

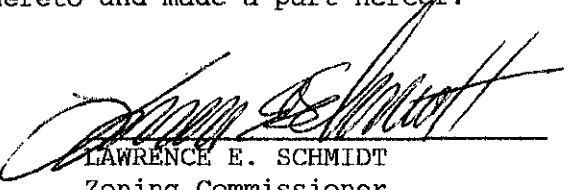
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Date

By

7) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 26, 1996, attached hereto and made a part hereof.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/14/96
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 22, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for July 22, 1996
Item No. 014

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

This site is located in two flood zone designations - Zone A10 and Zone B per F.I.R.M.

Rockaway Beach Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

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Date

By

ZONE19D

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

July 26, 1996

FROM: Robert A. Wirth *RAW/gp*
DEPRM

SUBJECT: Zoning Item #14 - Seidel Property
607 Rockaway Beach Road
Zoning Advisory Committee Meeting of July 22, 1996

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

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RAW:SA:sp

c: Ms. Betty Seidel

SEIDEL/DEPRM/TXTSBP

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Date

By

MAILED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 16, 1996

(410) 887-4386

Ms. Betty L. Seidel
607 Rockaway Beach Avenue
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
E/S Rockaway Beach Avenue, 550' N of Regina Avenue
(607 Rockaway Beach Avenue)
15th Election District - 5th Councilmanic District
Betty L. Seidel - Petitioner
Case No. 97-15-A

Dear Ms. Seidel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Cynthia McDaniels & Mr. Martin J. Dudek
609 Rockaway Beach Avenue, Baltimore, Md. 21221

People's Counsel; DEPRM

✓ File

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

97-15-A

607 Rockaway Beach Ave

which is presently zoned

D.R.S.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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

1 B02.3.C.1 to permit a 40 ft existing lot width and 6 ft side setbacks in lieu of 55 ft and 10 ft respectively, and approve an undersized lot as determined by the Zoning Commissioner.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Lot size is 40' wide
2. In order to comply with a 10' side yard, set back house would be only 20' wide
3. Existing house on lot is 28' wide
4. If required to keep a 10' side yard, set back house would not conform with homes in community

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do 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 Petition.

Legal Owner(s):

Betty L. Seidel

(Type or Print Name)

Signature

(Type or Print Name)

Signature

607 Rockaway Beach Ave 687-4178

Address

Phone No.

BALTO, MARYLAND 21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Nancy S. Seidel

Name

607 Rockaway Beach Ave 687-4178 686-1558

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

7/16/96

Printed with Soybean Ink
on Recycled Paper

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Date

By

EXAMPLE 3 -- Zoning Description

3 COPIES

97-15-A

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 607 Rockaway Beach Ave
(address)

Beginning at a point on the east side of
(north, south, east or west)
Rockaway Beach Ave which is 30ft
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 550' NORTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Begonia Ave
(name of street)

which is 30ft wide. *Being Lot # 67
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Middle Back River Neck Area
(name of subdivision)

as recorded in Baltimore County Plat Book # 41, Folio # 171.

containing 10482 sq ft Also known as 607 Rockaway Beach Ave
(square feet or acres) (property address)

and located in the 15 Election District, 5 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E 87.2 ft., S 62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning

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8862

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/25

THIS IS TO CERTIFY, that the annexed advertiser published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/25, 1997.

THE JEFFERSONIAN,
A. H. Amick
LEGAL AD. - TOWSON

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

97-15-A

District 457 Date of Posting 7/26/96

Posted for: Various

Petitioner: Betty Seidel

Location of property: 607 Rockaway Beach Ave

Location of Signer: Facing road way on property being zoned

Remarks:

Posted by M. H. Hickey Date of return: 7/2/96

Number of Signs: 1

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DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

FOR: 24 +
516 MICROFILMED

03821#0278116HRC
BA 0011139AM07-10-96

\$85.00

RECEIVED Free State - 607 Rockaway Beach Ave
FROM: 010 - Res Var (under 1st) - \$50.00
080 - 1 sign - \$35.00

DATE 7/10/96 ACCOUNT 01-615

AMOUNT \$ 85.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN E. REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 022009

97-15-A



Baltimore County
Department of Permits and
Development Management

14
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 14 Petitioner: Betty Seidel

Location: 667 Rockaway Beach Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Nancy S. Seidel

ADDRESS: 607 Rockaway Beach Ave
Balto, md 21221

PHONE NUMBER: 687-4178

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TO: PUTUXENT PUBLISHING COMPANY
July 25, 1996 Issue - Jeffersonian

Please forward billing to:

Nancy S. Seidel
607 Rockaway Beach Avenue
Baltimore, MD 21221
687-4178

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-15-A (Item 14)
607 Rockaway Beach Avenue
E/S Rockaway Beach Avenue, 550' N of c/l Regina Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Betty L. Seidel

Variance to permit a 40 foot existing lot width and 6 foot side setbacks in lieu of 55 feet and 10 feet respectively and approve an undersized lot as determined by the zoning commissioner.

HEARING: MONDAY, AUGUST 12, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Rescheduled from 1/16/96
CASE NUMBER: 96-245-SPH (Item 245)
7200 Green Bank Road
N/S Green Bank Road, 25' E of c/l Choptank Road
15th Election District - 5th Councilmanic
Legal Owner: Paul D. Kiebler and Jean A. Kiebler

Special Hearing to determine whether the divisional lines established on the plat accompanying this Petition are in compliance with the provisions of Section 417.3 and such other actions which will be required to construct the piers as shown on the plat; further to determine that the adjacent properties designated as Lot #31 and #32 are not in compliance with the provisions of B.C.Z.R. contained in Section 417; and to determine such items which may be presented at the hearing relative to this issue.

HEARING: WEDNESDAY, APRIL 3, 1996 at 9:00 a.m. in Room 106, County Office Building.

Rescheduled from 11/29/95 and 2/21/96
CASE NUMBER: 96-168-SPHA (Item 162)
2260 Cromwell Bridge Road
Sanders Corner
NW/S. Cromwell Bridge Road, 78' SW of c/l Loch Raven Road
9th Election District - 6th Councilmanic
Legal Owner: Ronald Sanders

Special Hearing to allow commercial parking in a residential zone; to amend a previous site plan dated 10/23/90 (case #91-256-SPH); to confirm an existing non-conforming use; and to approve a modified parking plan. Variance to allow for a reduction in the required number of parking spaces from 72 to 39.

HEARING: WEDNESDAY, APRIL 3, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

CASE NUMBER: 96-317-SPH (Item 316)
5 Celebrie Court
E/S Celebrie Court, approximately 500' S of Glenbaur Road
11th Election District - 5th Councilmanic
Legal Owner: Sharon L. Rose

Special Hearing to approve an addition for an in-law apartment with self-contained facilities and kitchen for owner's parents.

HEARING: WEDNESDAY, APRIL 3, 1996 at 11:00 a.m. in Room 106, County Office Building.

CASE NUMBER: 96-318-A (Item 319)
1633 Jeffers Road
S/S Jeffers Road, 145' NE of c/l Thornton Road
8th Election District - 4th Councilmanic
Legal Owner: Charles M. Hughes and Lynnallen Hughes

Variance to permit two storage sheds to be situated in the side yard in lieu of the rear yard.

HEARING: WEDNESDAY, APRIL 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

CASE NUMBER: 96-319-SPH (Item 318)
600 Reisterstown Road
4th Election District - 3rd Councilmanic
Legal Owner: Pikesville Plaza Building Company
Contract Purchaser/Lessee: L & J Associates, Inc.

Special Hearing to approve the use of the premises as a beauty shop with accessory massage services.

HEARING: THURSDAY, APRIL 4, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

CASE NUMBER: 96-320-SPH (Item 328)
600 Reisterstown Road
NWC Reisterstown Road and Slade Avenue
4th Election District - 3rd Councilmanic
Legal Owner: Frank Scarfield/Pikesville Plaza Building Company
Contract Purchaser/Lessee: Progressive Ambulance Company/Millard C. Sheppard

Special Hearing to approve an amendment to the site plan and parking variance granted in case #74-232-A to allow a total of 161 spaces provided in lieu of the total 172 spaces permitted and to reduce the total by 12 spaces used for storage and parking by ambulances and limousines for a new total of 149 spaces. Special Exception to permit a service garage providing for storage and parking of ambulances and limousines.

HEARING: THURSDAY, APRIL 4, 1996 at 10:00 a.m. in Room 118, Old Courthouse.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 18, 1996

NOTICE OF HEARING

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HEARING: MONDAY, AUGUST 12, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Betty and Nancy Seidel

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 5, 1996

Ms. Betty L. Seidel
607 Rockaway Beach Avenue
Baltimore, MD 21221

RE: Item No.: 14
Case No.: 97-15-A
Petitioner: Betty L. Seidel

Dear Ms. Seidel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 16, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



MICROFILMED

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 22, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for July 22, 1996
 Item No. 014

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

This site is located in two flood zone designations - Zone A10 and Zone B per F.I.R.M.

Rockaway Beach Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE19D

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-23-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 014 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 07/23/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 22, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 008, 009, 010, 013, 014,
015 AND 016.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED

cc: File





DIRECTOR

A handwritten signature in black ink, likely belonging to the Director of the Department of Permits and Development Management.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

A handwritten signature in black ink, likely belonging to the Buildings Engineer.

PETITION PROBLEMS

#10 --- JCM

1. No fee was charged for special hearing to amend the final development plan.

#11 --- MJK

1. No telephone number for legal owner.

#12 --- MJK

1. Petitioner's copy of receipt still in folder.

#13 --- MJK

1. No undersized lot information in folder.

#14 --- MJK

1. No undersized lot information in folder.

#16 --- JRA

1. No review information on bottom of petition form.
2. No item number on any papers in folder.
3. Who signed for contract purchaser? - Need authorization.

MICROFILMED

July 16, 1996

TIME: 09:34:23
DATE: 05/21/96
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE 05/07/96
FLS 14:03:12

PERMIT #: B260240
RECEIPT #: A288719
CONTROL #: NRFP
XREF #: B260240
PROPERTY ADDRESS
7134 GREENBANK RD
SUBDIV: OLIVER BEACH
TAX ACCOUNT #: 1513401430
OWNERS INFORMATION (LAST, FIRST)
NAME: FERTITTA, DOROTHEA
ADDR: 7134 GREENBANK RD BALTO, MD 21220

FEE: 168.00
PAID: 168.00
PAID BY: APPL
DATES
APPLIED: 02/09/96
ISSUED: 02/29/96
COMPANY:
ADDR1: 7134 GREENBANK RD
ADDR2: BALTO, MD 21220
INSPECTOR: 15F
NOTES: KRA/JB

INSPECTOR: 15F
PHONE #: 335-0177
LICENSE #:

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQUIRY
TIME: 09:34:40
DATE: 05/21/96
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE 02/29/96
PANEL BP1018M

PERMIT #: B260240
CONTROL #: NRFP
AGENCY DATE CODE COMMENTS
BLD PLAN 02/15/96 01 ALR-ABOVE 100 YR FP ELEV SO NO FP RESTRICTIONS
SEDI CTL 02/27/96 01 ANE/SP
ZONING 02/09/96 01 RT/JB
PUB SERV 02/09/96 01 RT/JB
ENVRMNT 02/21/96 01 ANE/CBCA-2/21SBA
PERMITS 02/29/96 01 DS/RSD

01 THRU 99 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"
ENTER - GENERAL PERMIT PF4 - ISSUE PERMIT
PF3 - INSPECTIONS PF8 - GENERAL SCREEN W/NEXT PERMIT CLEAR - MENU

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ Nancy Seidel 607 Rockaway Beach Ave 687-4178 4M 686-1550 W/L
Print Name of Applicant Address Telephone Number

☐ Lot Address 607 Rockaway Beach Ave Election District 15 Council District Square Feet 10,482

Lot Location: N E S W / side / corner of EK Rockaway Av. feet from N E S W corner of Regina Av
(street) (street)

Land Owner Betty L Seidel Tax Account Number 15-19-271940

Address 607 Rockaway Beach Ave Telephone Number 687-4178

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>/</u>	<u> </u>
2. Permit Application	<u>W/L</u>	<u> </u>
3. Site Plan	<u>/</u>	<u> </u>
Property (3 copies)	<u>/</u>	<u> </u>
Topo Map (available in Rm 206 C.O.B.) (2 copies)	<u>/</u>	<u> </u>
(please label site clearly)	<u>/</u>	<u> </u>
4. Building Elevation Drawings	<u>/</u>	<u> </u>
5. Photographs (please label all photos clearly)	<u>/</u>	<u> </u>
Adjoining Buildings	<u>/</u>	<u> </u>
Surrounding Neighborhood	<u>/</u>	<u> </u>

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by
ZADM

Date

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

MICROFILMED

Signed by: Ervin McDaniel
for the Director, Office of Planning & Community Conservation

Date: 7/25/96

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

~~1/11/77~~

Nancy Seidel
Betty Seidel
Buck Jones

607 Rockaway Beach Ave
" " " "

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 607 Rockaway Beach Ave

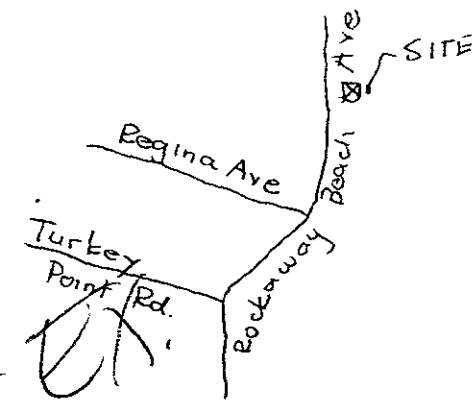
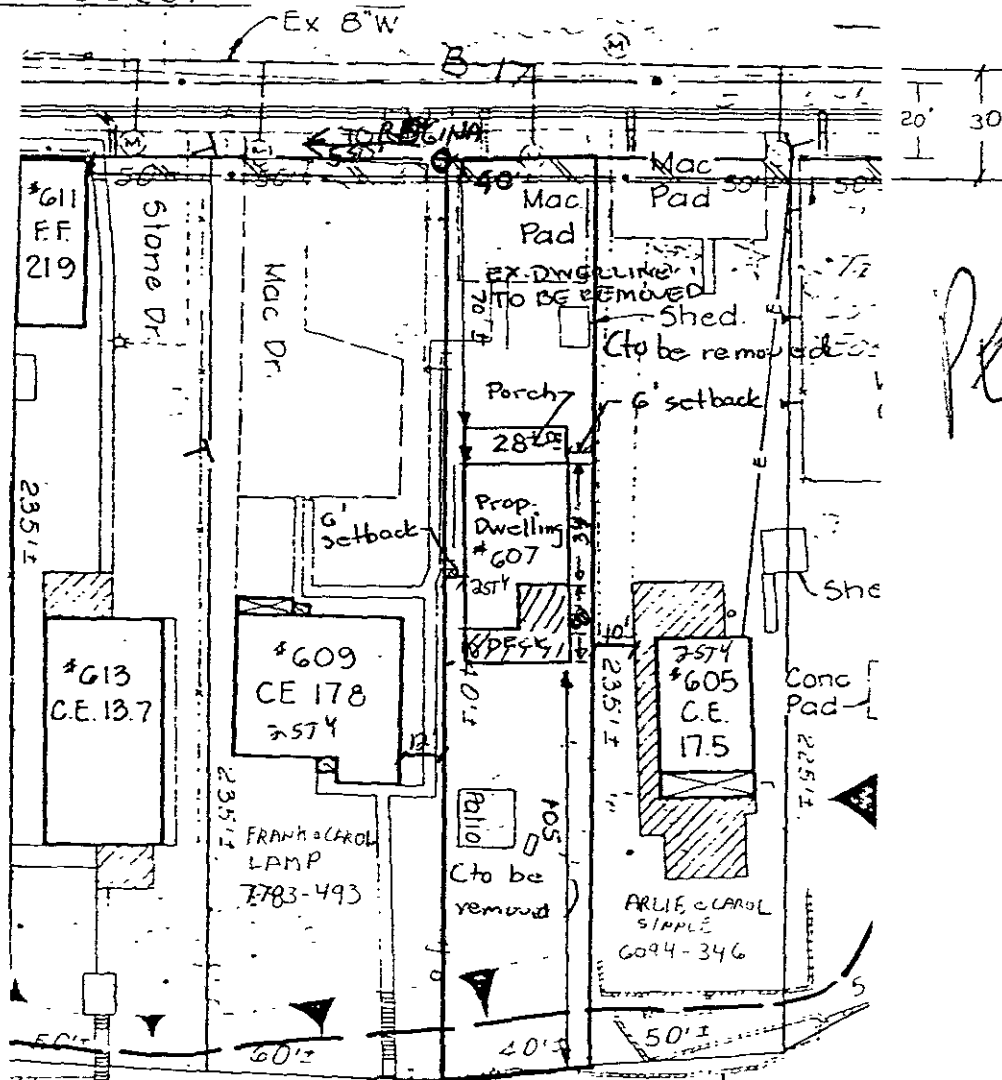
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Middle Back Riverneck Area

plat book # 4, folio # 171, lot # 67, section #

97-15-A

OWNER: Betty L Sedel



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 15 H
 Councilmanic District: 5
 1"=200' scale map #: SE-1K
 Zoning: DR 5-5
 Lot size: 0.24 AC 10,482
 acreage square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐
Chesapeake Bay Critical Area:	☒	☐
Prior Zoning Hearings:	<u>NONE</u>	

Zoning Office USE ONLY!
 reviewed by: ITEM #: 14 CASE #:

MICROFILMED



North

date: 6-10-96

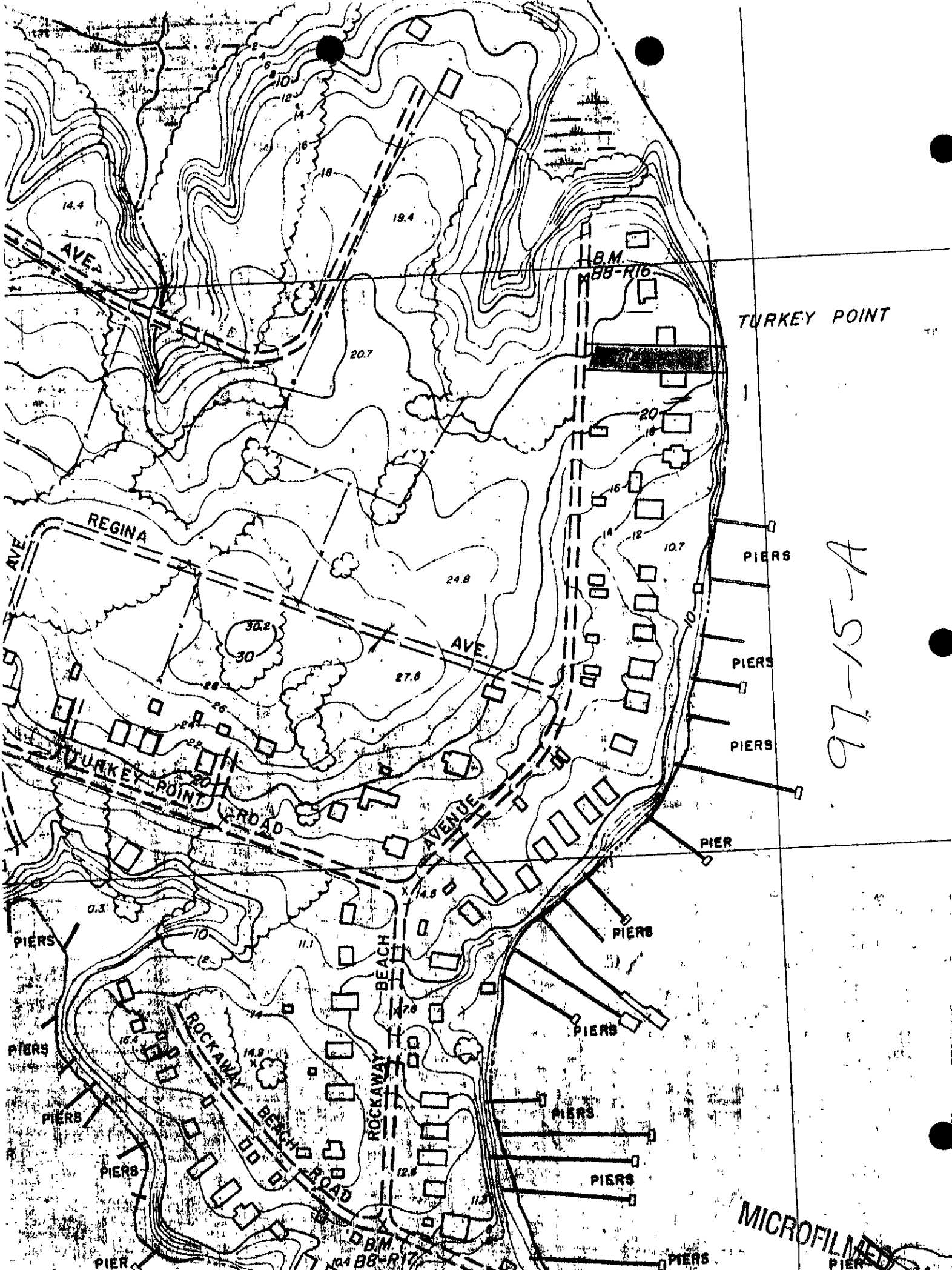
prepared by: N.S.

Scale of Drawing: 1"=50'

MIDDLE RIVER

TURKEY POINT
S.E. 1-K
97-15-A

MICROFILMED



TURKEY POINT

97-15-A

PIERS

PIERS

PIERS

PIER

PIERS

PIERS

PIERS

PIERS

PIERS

MICROFILMED

APPEAL

Petition for Special Hearing
S/S Belmont Road
2,050' W of Tufton Avenue
3501 Belmont Road
4th Election District - 3rd Councilmanic District
Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1 - Site Plan to Accompany Petition for Special Hearing
2 - Subdivision Plat to Accompany Petition for Special Hearing

Deputy Zoning Commissioner's Order dated February 26, 1996 (Granted with Restrictions)

Notice of Appeal received on May 2, 1996 from Barry J. and Carol E. Renbaum

c: James R. Andersen, Esquire, 105 W. Chesapeake Avenue, Suite 300, Towson, MD 21204
Dr. and Mrs. Richard D. Maffezzoli, 3501 Belmont Road, Glyndon, MD 21136
Ms. Patricia A. Ward, 13860 Wellington Trace, #12, Wellington, FL 33414
Dr. John Bernstein, Executive Director, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402
Mr. George M. Durrett, 123 St. Thomas Lane, Owings Mills, MD 21117
Nancy West, Esquire, Baltimore County Office of Law
Catherine Milton, PDM
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy M. Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

97-15-A



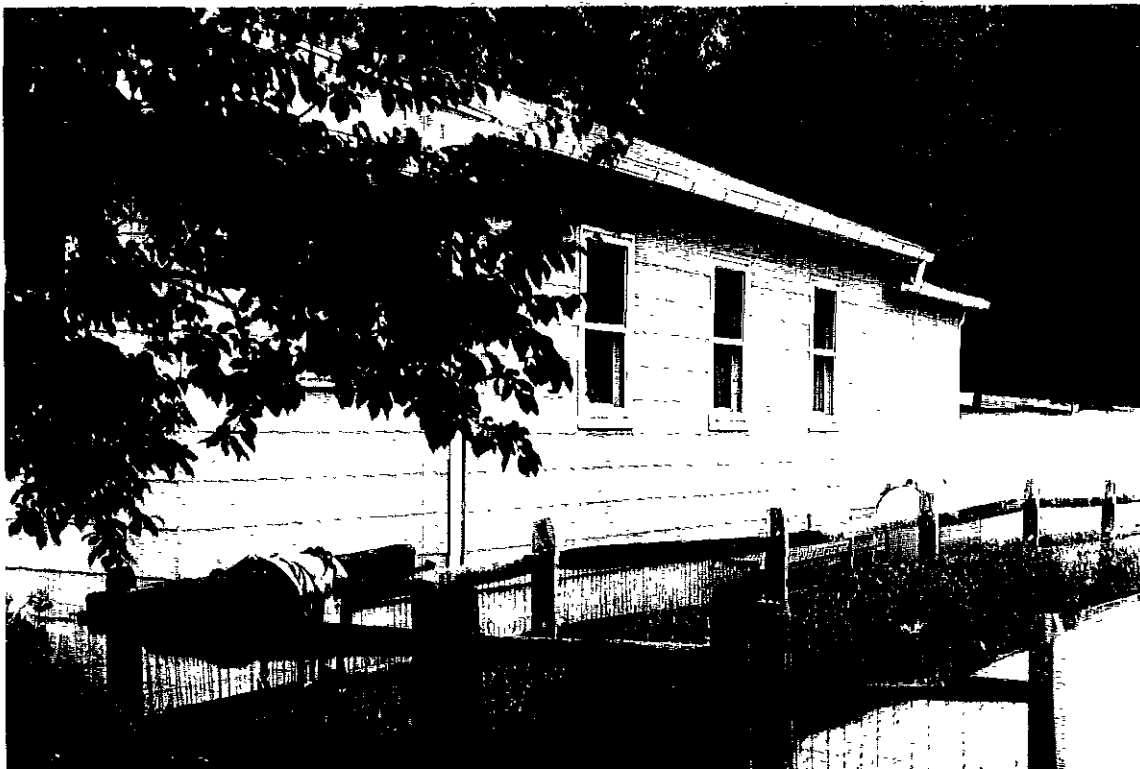
from rear
looking to
left side



from rear
looking to
right side



from rear
looking to
right side



right
side



front



front



left side



front



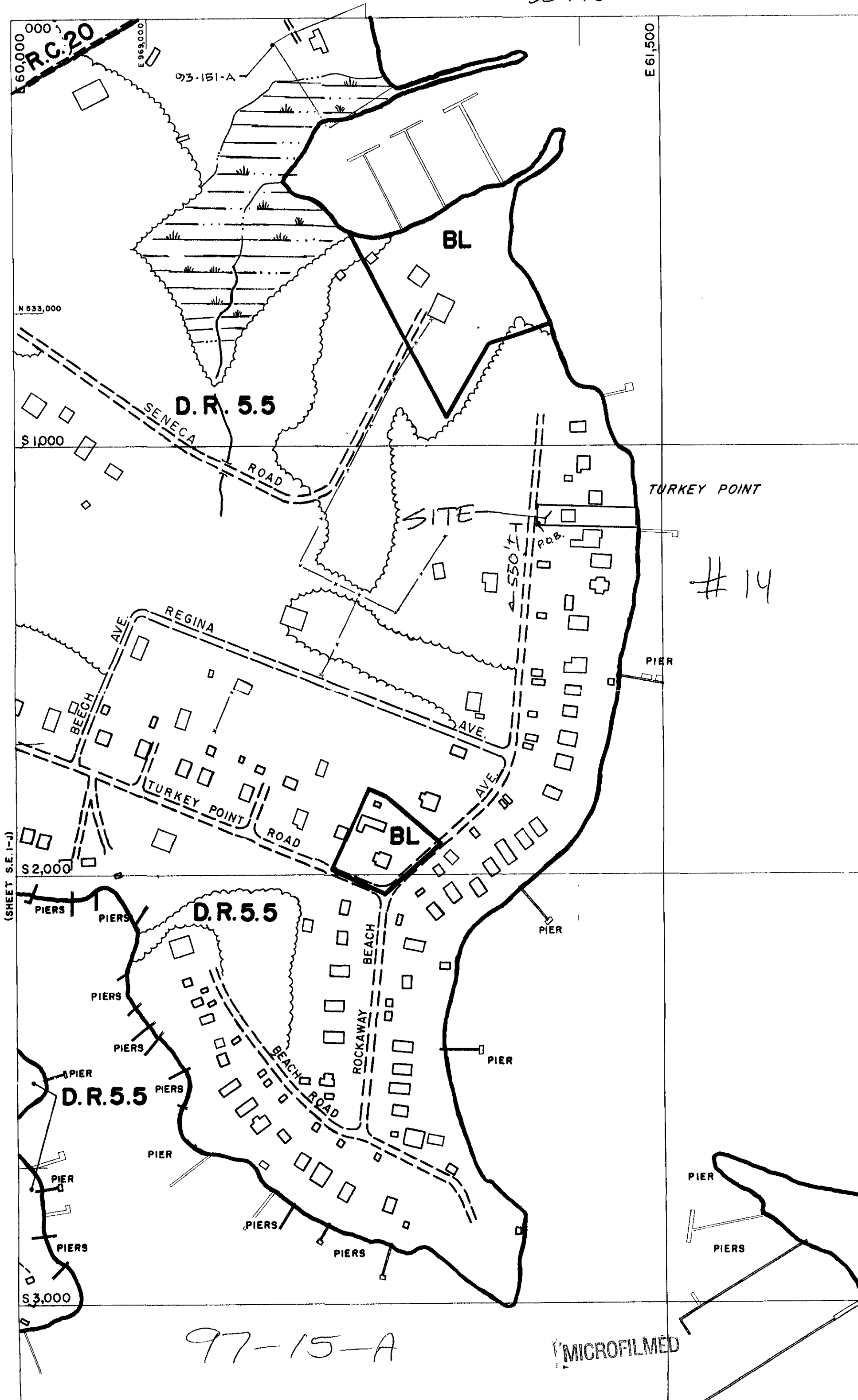
97-15-A



near

MICROFILMED

SE 1-K



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-15-A
(Item 14)
607 Rockaway Beach Avenue
607 Rockaway Beach Avenue
550' N. of 61 Regina Avenue
15th Election District
5th Councilmanic
Legal Owner(s):
Betty L. Seidel

Variance: To permit a 40 foot existing lot width and 6 foot side setbacks in two 465 feet and 17' lot respectively and approved as a residential lot as determined by the zoning commission.

Hearing: Wednesday, August 12, 1996 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWYER: [REDACTED]
Zoning Commission
Baltimore County

NOTICE: [REDACTED], et

Have [REDACTED] for
Special [REDACTED]
Please call [REDACTED]

(2) For information concerning the file and/or hearing, Please Call 867-3391.

7/26/96 July 25 OS89862

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/25, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/25, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Enidson

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. E. REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

0622001

97-15-A

DATE 7/10/96 ACCOUNT 01-615

AMOUNT \$ 85.00

RECEIVED

FROM: Freight - 607 Seaboard Bldg

010-615-00 (Freight) - 85.00

85.00

FOR:

RN +

516 N

12310-1700-0000
11-101159-000-10-95

85.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by _____ on _____
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Cynthia McDaniels
Martin J. Dudek

609 Rockaway Beach Ave.
owner T above address



MICROFILMED

97-15-A

from pont
looking to
right
side



from pont
looking to
left side



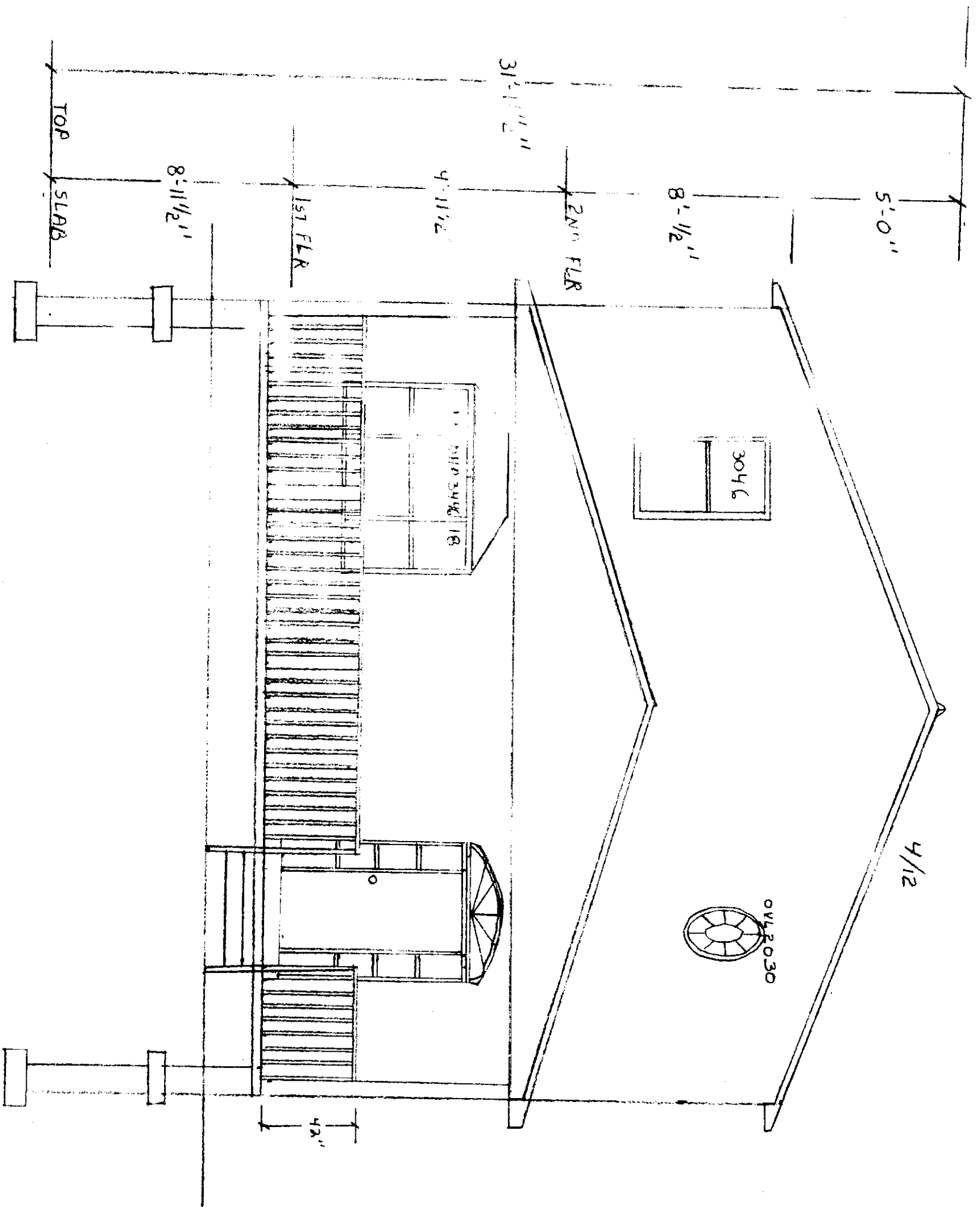
MICROFILMED

97-15-A

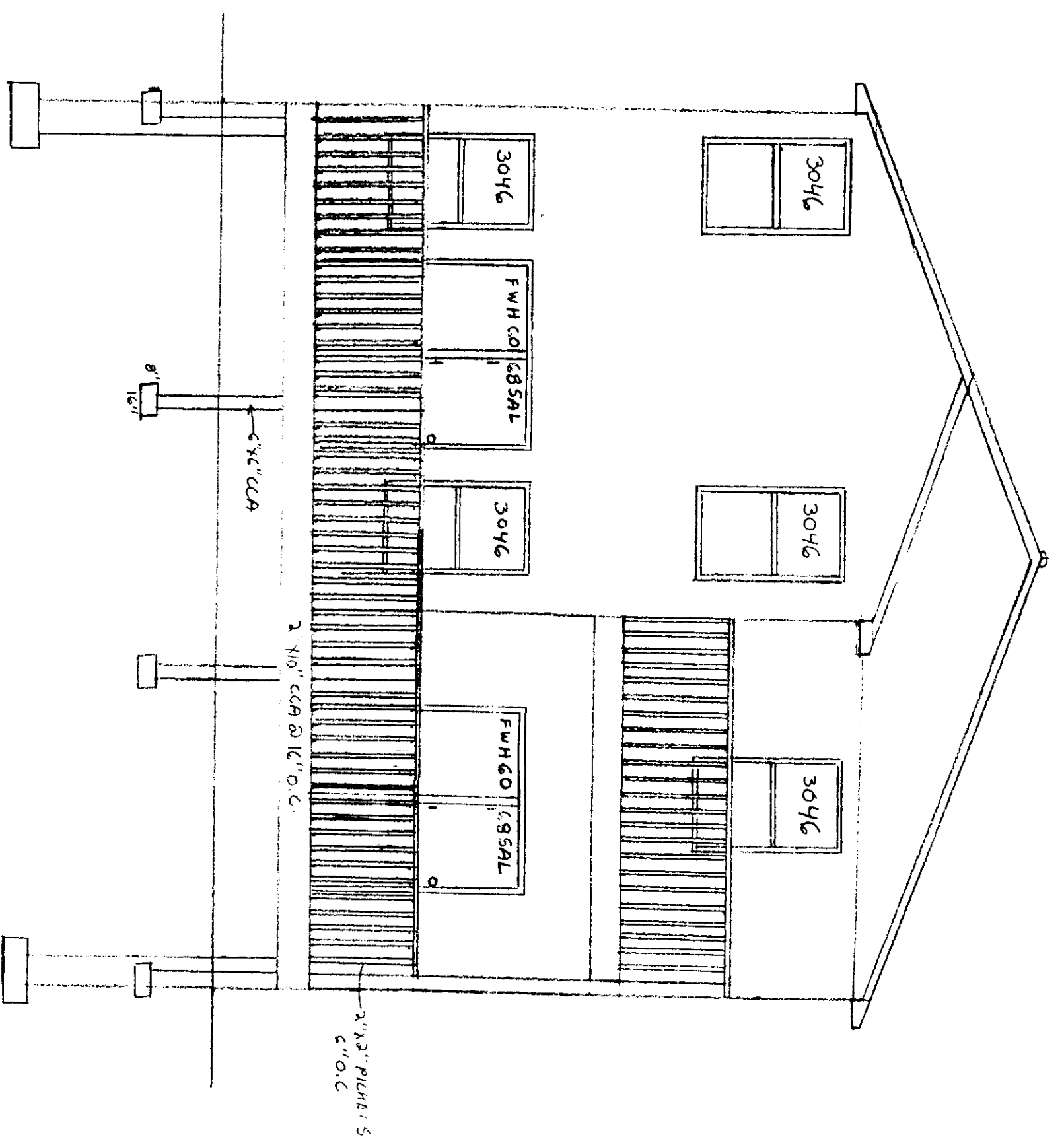
from front
looking to
left side



MICROFILMED



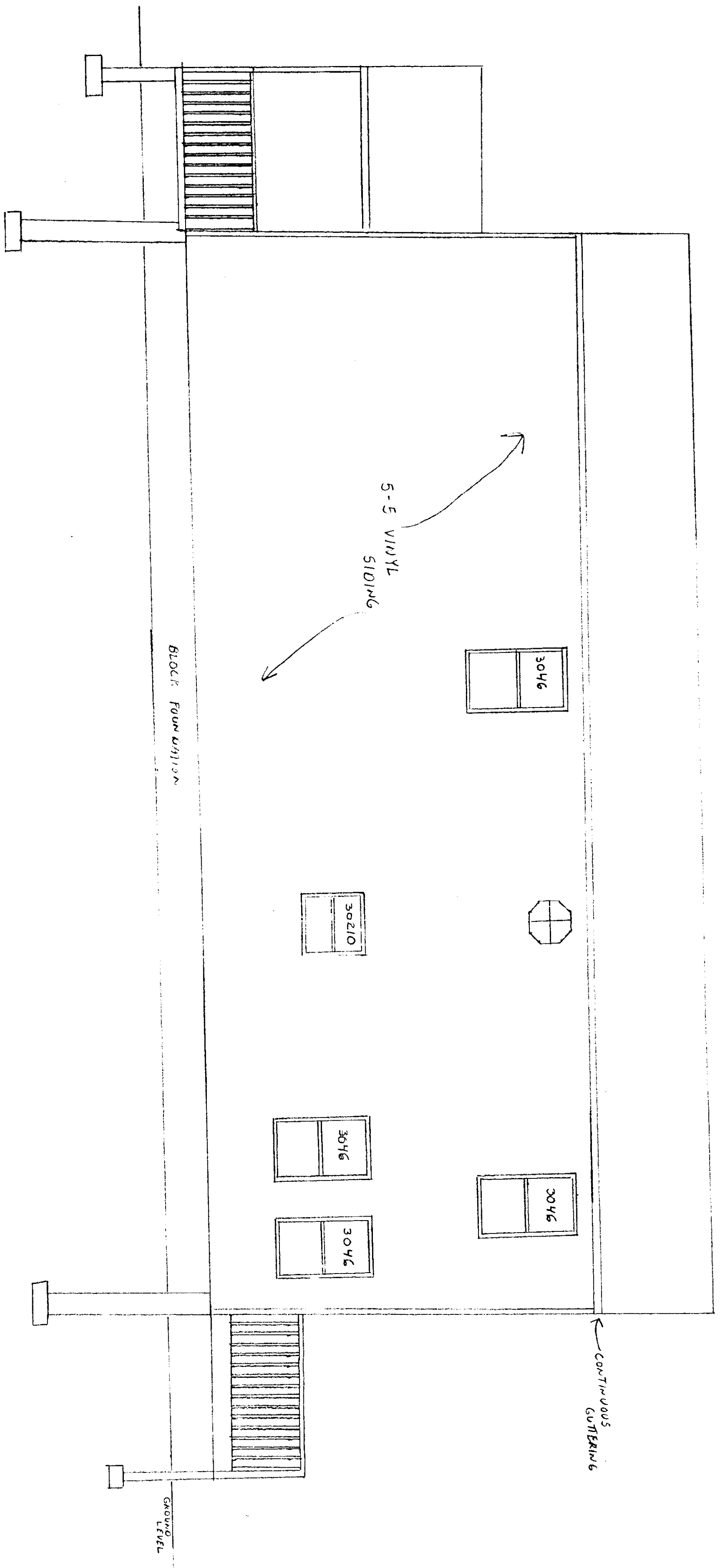
REAR ELEVATION $\frac{1}{4}"=1'$



FRONT ELEVATION $\frac{1}{4}"=1'$

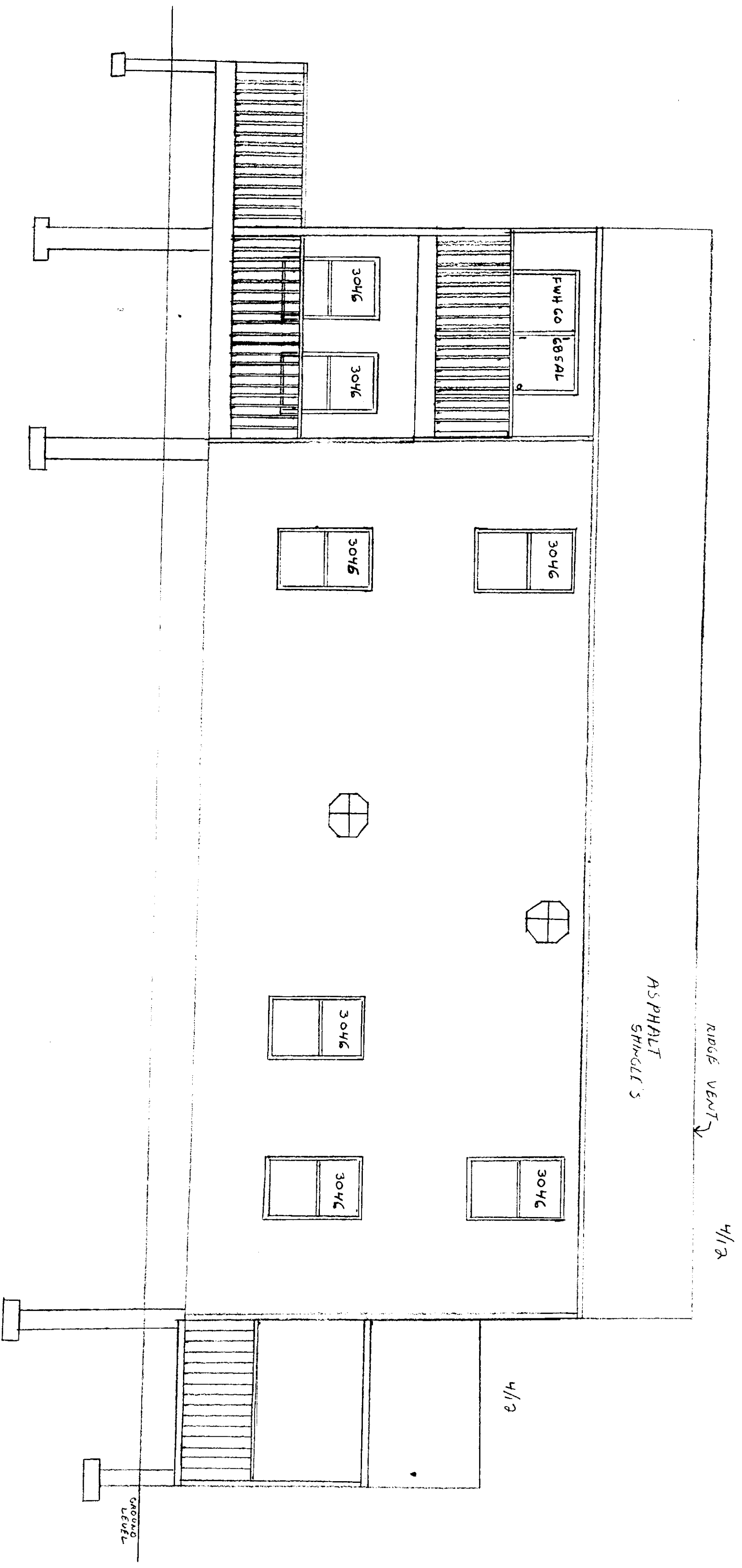
UNAPPROVED

97-15-A



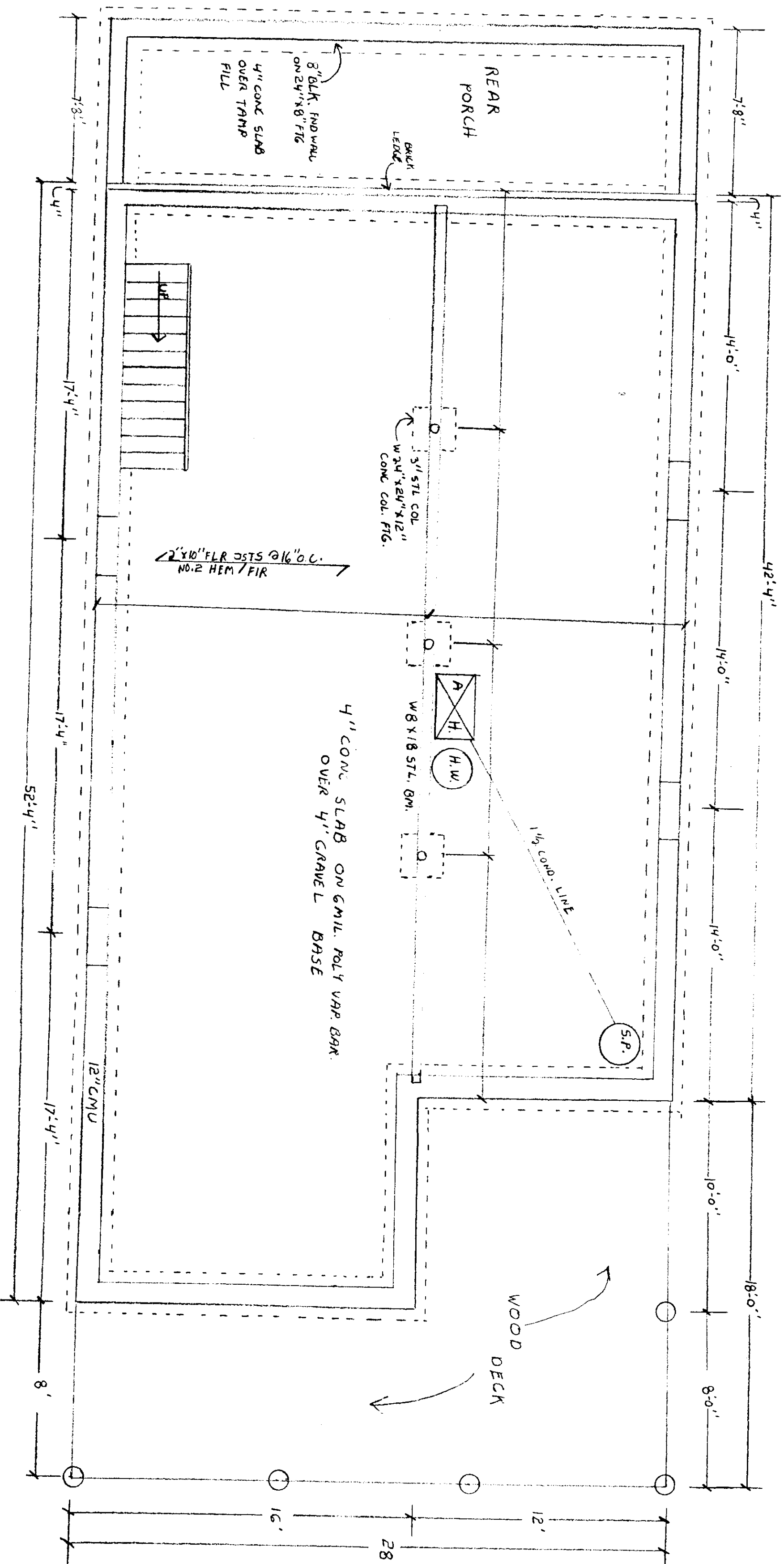
LEFT ELEVATION 1/4" = 1'

97-15-A



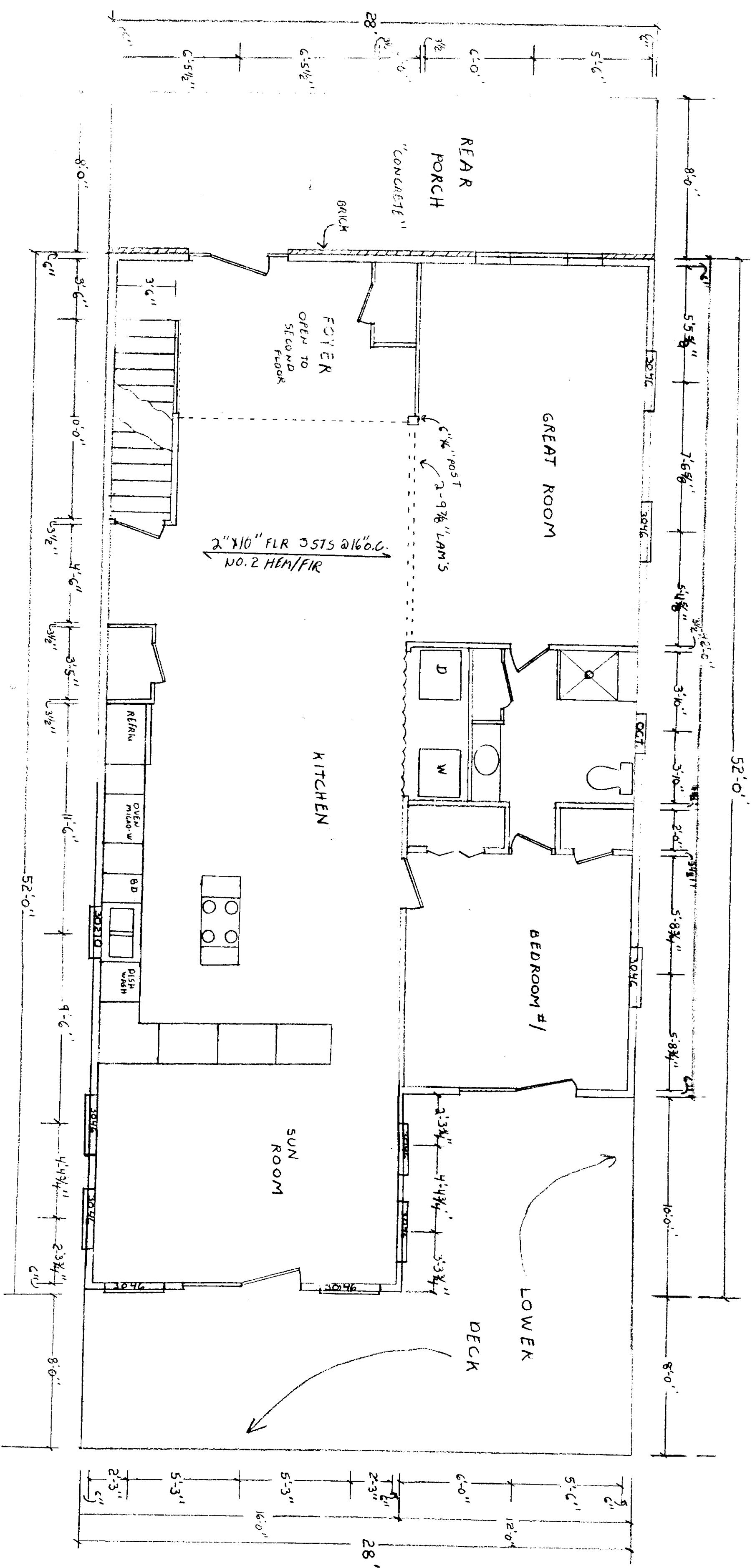
RIGHT ELEVATION 1/4" = 1'

97-15-A

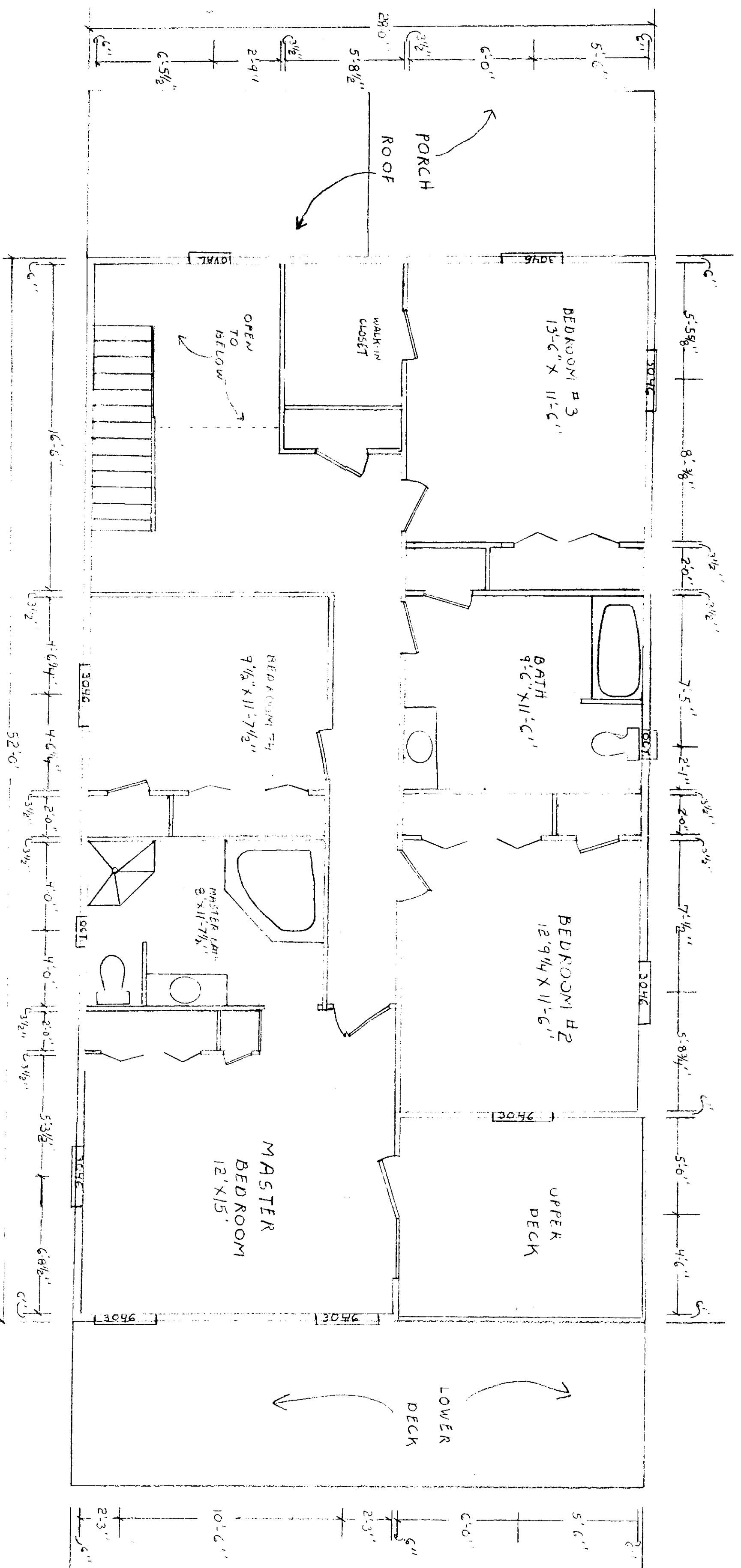


FOUNDATION PLAN 1/4" = 1'

97-15-A



FIRST FLOOR PLAN 1/4" = 1'



SECOND FLOOR PLAN 1/4" = 1'

97-15-A

IN RE: PETITION FOR VARIANCE
E/S Rockaway Beach Avenue,
550' N of Regina Avenue
(607 Rockaway Beach Avenue)
15th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-15-A

Betty L. Seidel
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 607 Rockaway Beach Avenue, located in the vicinity of Regina Avenue and Turkey Point Road in Essex. The Petition was filed by the owner of the property, Betty L. Seidel. The Petitioner seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet each in lieu of the minimum required 10 feet, and to approve the subject property as an undersized lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Betty Seidel, her daughter, Nancy Seidel, and Buck Jones, builder. Appearing as Protestants in the matter were Martin J. Dudek, owner of the adjoining property at 609 Rockaway Beach Avenue, and his daughter, Cynthia McDaniels, who resides thereon.

Testimony and evidence offered revealed that the subject property is approximately 40 feet wide by 235 feet deep and fronts on Middle River, not far from Turkey Point. The property consists of a gross area of 10,482 sq.ft., more or less, zoned D.R. 5.5. and is improved with a single

family dwelling, a detached patio and shed, and a macadam paved parking pad. The dwelling has existed on the property for many years and is in need of many updates and improvements. Ms. Seidel testified that she has resided on the property for the past 35 years, first as a tenant and later purchased the property in 1968. The Petitioner wishes to construct a new dwelling on the property in accordance with the elevation drawings submitted with the Petition. The proposed two-story dwelling will be approximately 28 feet wide and 42- to 52 feet deep, and will feature an attached deck which will face the water and a front porch facing the street. The existing storage shed and patio area towards the waterfront of the property will be removed, as will the existing dwelling, upon completion of the new house. It is to be noted that the proposed dwelling will maintain the same side setbacks as the existing dwelling. Furthermore, the new dwelling will be connected with and served by public water and sewer. Due to the size of the lot and its narrow width, the requested variances are necessary in order to proceed with the proposed improvements.

Mr. Martin Dudek, who owns the adjoining property at 609 Rockaway Beach Avenue, appeared and testified, not necessarily in opposition to the relief requested, but to voice several concerns. First, Mr. Dudek noted that the bulkhead that runs across the waterfront of both his and the Petitioner's property is in need of repair. Mr. Dudek is concerned whether equipment necessary to make the repairs will be able to access the bulkhead after the new dwelling is constructed. He also wanted assurance that a reasonable setback from the water, shown as 105 feet on the site plan, will be maintained, and indicated that he is satisfied with the proposed distance. Mr. Dudek's daughter, Cynthia McDaniels, resides on her father's property and expressed similar concerns.

- 2 -

After due consideration of the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In the opinion of this Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The proposed improvements represent an upgrade in the use of this site. The existing house, which is in need of extensive repair will be razed, and a new dwelling constructed in its place. Moreover, public utilities will serve the site and the use of the septic system presently on the property will be discontinued. All of these factors are positive features of the proposed development. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. and the case law as to the granting of the variance relief. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony

- 3 -

with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 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;
- 2) Conserve fish, wildlife, and plant habitat; and
- 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Notwithstanding the granting of this relief, several conditions and restrictions will be attached to this Order. These conditions and restrictions are intended to protect the surrounding properties.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

- 4 -

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of August, 1996 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 40 feet in lieu of the required 55 feet, side yard setbacks of 6 feet each in lieu of the minimum required 10 feet, and to approve the subject property as an undersized lot, for a proposed dwelling reconstruction in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following terms and restrictions:

- 1) The Petitioners may apply for their building permit 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, the relief granted herein shall be rescinded.
- 2) As a condition of the relief granted, the Petitioner shall grant a limited access easement to the property owner of 609 Rockaway Beach Avenue, solely for the purpose of allowing ingress and egress by construction equipment as may be necessary to repair the common bulkhead between these two properties.
- 3) The design and architecture of the new dwelling will be substantially in accordance with the elevation drawings submitted with the Petition and previously reviewed and approved by the Office of Planning.
- 4) The proposed dwelling and deck will maintain a minimum setback of 105 feet from the bulkhead.
- 5) The new dwelling will be served by public water and sewer and the existing septic system and well will be capped and back-filled as required by the Department of Environmental Protection and Resource Management (DEPRM).
- 6) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated July 26, 1996 and the Development Plans Review Division comments dated, July 22, 1996, copies of which have been attached hereto and made a part hereof.

- 5 -

7) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 26, 1996, attached hereto and made a part hereof.

LES:bjjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 6 -

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for July 22, 1996
Item No. 014

Date: July 22, 1996

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

This site is located in two flood zone designations - Zone A10 and Zone B per F.I.R.M.

Rockaway Beach Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE19D

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Robert A. Wirth RAW/jrp
DEPRM

SUBJECT: Zoning Item #14 - Seidel Property
607 Rockaway Beach Road
Zoning Advisory Committee Meeting of July 22, 1996

Date: July 26, 1996

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

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RAW:SA:sp

c: Ms. Betty Seidel
SEIDEL/DEPRM/TXTSBP

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 16, 1996

(410) 887-4386

Ms. Betty L. Seidel
607 Rockaway Beach Avenue
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
E/S Rockaway Beach Avenue, 550' N of Regina Avenue
(607 Rockaway Beach Avenue)
15th Election District - 5th Councilmanic District
Betty L. Seidel - Petitioner
Case No. 97-15-A

Dear Ms. Seidel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Cynthia McDaniels & Mr. Martin J. Dudek
609 Rockaway Beach Avenue, Baltimore, Md. 21221

People's Counsel; DEPRM

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 607 Rockaway Beach Ave
which is presently zoned DKSS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3 C.1 to permit a 40 ft existing lot width and 6 ft side setbacks in lieu of 55 ft and 10 ft respectively and approve an undersized lot as determined by the Zoning Commissioner.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

1. Lot size is 40' wide
2. In order to comply with a 10' side yard, set back house would be only 20' wide
3. Existing house on lot is 28' wide
4. If required to keep a 10' side yard, set back house would not conform with homes in community

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Phone No.

Address

City

State

Zipcode

Printed with Soybean Ink

on Recycled Paper

I/we do 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 Petition.

Legal Owner:

Betty L. Seidel

Signature Betty L. Seidel

(Type or Print Name)

Signature

607 Rockaway Beach Ave 689478

BALD, MARYLAND 21221

City Name, Address and phone number of representative to be contacted

Nancy S. Seidel

607 Rockaway Beach Ave 689478-684-1581

City Name, Address and phone number of representative to be contacted

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING 2 hr

DATE 7/14/96

REVIEWED BY ms DATE 7/14/96

EXAMPLE 3 -- Zoning Description

3 COPIES

These copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form.

ZONING DESCRIPTION FOR 607 Rockaway Beach Ave
(address)

Beginning at a point on the east side of Rockaway Beach Ave which is 304 (number of feet of right-of-way width)

wide at the distance of 550' NORTH (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Regina Ave (name of street)

which is 304 wide. "Being Lot # 67" (number of feet of right-of-way width)

Block Section # in the subdivision of Middle Back River Neck Area (name of subdivision)

as recorded in Baltimore County Plat Book # 41, Folio # 171

containing 10412 sq ft Also known as 607 Rockaway Beach Ave (square feet or acres) (property address)

and located in the 15 Election District, 5 Councilmanic District.

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N 87° 12' 13" E 321.1 ft. S 18° 21' 03" E 87.2 ft. S 52° 15' 00" W 318 ft. and N 08° 15' 22" W 80 ft. to the place of beginning.

14

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 7/14/96

Posted for: Betty Seidel

Petitioner: Betty Seidel

Location of property: 607 Rockaway Beach Ave

Location of Sign: Rockaway Beach Ave property being zoned

Remarks:

Posted by: M. G. Haly Date of return: 7/14/96

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/25, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/25, 1996.

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case No. 97-15-A (Item 14)
607 Rockaway Beach Avenue
E/S Rockaway Beach Avenue, 550' N of c/l Regina Avenue
15th Election District - 5th Councilmanic District
Legal Owner(s): Betty L. Seidel

Variance: to permit a 40 foot existing lot width and 6 foot side setbacks in lieu of 55 feet and 10 feet respectively and approve an undersized lot as determined by the zoning commissioner.

Hearing: Monday, August 12, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

Handicapped Accessible, for Special Accommodations Please Call 887-3353.

For information concerning the file and/or hearing, contact this office at 887-3391.

7/26/96 July 25 058862



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 14 Petitioner: Betty Seidel

Location: 607 Rockaway Beach Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Nancy S Seidel

ADDRESS: 607 Rockaway Beach Ave

BALD, MD 21221

PHONE NUMBER: 687-4178

TO: PUTNEM PUBLISHING COMPANY
July 25, 1996 Issue - Jeffersonian

Please forward billing to:

Nancy S. Seidel
607 Rockaway Beach Avenue
Baltimore, MD 21221
687-4178

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-15-A (Item 14)
607 Rockaway Beach Avenue
E/S Rockaway Beach Avenue, 550' N of c/l Regina Avenue
15th Election District - 5th Councilmanic District
Legal Owner(s): Betty L. Seidel

Variance to permit a 40 foot existing lot width and 6 foot side setbacks in lieu of 55 feet and 10 feet respectively and approve an undersized lot as determined by the zoning commissioner.

HEARING: MONDAY, AUGUST 12, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 18, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-15-A (Item 14)
607 Rockaway Beach Avenue
E/S Rockaway Beach Avenue, 550' N of c/l Regina Avenue
15th Election District - 5th Councilmanic District
Legal Owner(s): Betty L. Seidel

Variance to permit a 40 foot existing lot width and 6 foot side setbacks in lieu of 55 feet and 10 feet respectively and approve an undersized lot as determined by the zoning commissioner.

HEARING: MONDAY, AUGUST 12, 1996 at 9:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Betty and Nancy Seidel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 5, 1996

Ms. Betty L. Seidel
607 Rockaway Beach Avenue
Baltimore, MD 21221

RE: Item No.: 14
Case No.: 97-15-A
Petitioner: Betty L. Seidel

Dear Ms. Seidel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 16, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

MCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management July 26, 1996

FROM: Robert A. Wirth *RAW/jrb*
DEPRM

SUBJECT: Zoning Item #14 - Seidel Property
607 Rockaway Beach Road
Zoning Advisory Committee Meeting of July 22, 1996

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

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RAW:SA:sp

c: Ms. Betty Seidel

SEIDEL/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management Date: July 22, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for July 22, 1996
Item No. 014

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

This site is located in two flood zone designations - Zone A10 and Zone B per F.I.R.M.

Rockaway Beach Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

JONE19D

SHA Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Raf Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *014 (MJK)*

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2238 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government
Fire Department



Office of the Fire Marshal
(410) 887-4880

700 East Jones Road
Towson, MD 21286-5500

DATE: 07/23/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 22, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 008, 009, 010, 013, 014, 015 AND 016.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

PETITION PROBLEMS

#10 --- JCM

1. No fee was charged for special hearing to amend the final development plan.

#11 --- MJK

1. No telephone number for legal owner.

#12 --- MJK

1. Petitioner's copy of receipt still in folder.

#13 --- MJK

1. No undersized lot information in folder.

#14 --- MJK

1. No undersized lot information in folder.

#16 --- JRA

1. No review information on bottom of petition form.
2. No item number on any papers in folder.
3. Who signed for contract purchaser? - Need authorization.

July 16, 1996

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attn: Evin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

FROM: Arnold Jablon, Director, Department of Permits & Development Management

Permit Number _____

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☒ *Nancy Seidel* 607 Rockaway Beach Ave. 687-4175-4m 686-1550-4m
Lot Address: 607 Rockaway Beach Ave. Electric District: 15 Parcel District: Square Feet: 10,482
Lot Location: W 5 W / side / corner of 675 Rockaway Ave. West end of 6 S W corner of 675 Rockaway Ave.
Lead Owner: *Betty L. Seidel* Tax Account Number: 15-19-2719-0
Address: 607 Rockaway Beach Ave. Telephone Number: 687-4175

☒ CHECKLIST OF MATERIALS: to be submitted for design review by the Office of Planning & Community Conservation

	YES	NO
1. This Recommendation Form (2 copies)	☒	☐
2. Permit Application	☒	☐
3. Site Plan Property (2 copies) Topo Map (see spec in PM 224-2183) (2 copies) Survey (see spec in PM 224-2183)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (same size as all photos accepted) Existing Buildings Surrounding neighborhood	☒	☐

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: *Evin McDaniel*
Evin McDaniel, Director, Office of Planning & Community Conservation
Revised: 9/5/95

Date: 7/25/96

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME: *Cynthia McDaniels* ADDRESS: *609 Rockaway Beach Ave.*
Martin J. Dudek owner *Nancy Seidel*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: *Nancy Seidel* ADDRESS: *607 Rockaway Beach Ave.*
Betty Seidel
Buck Jones

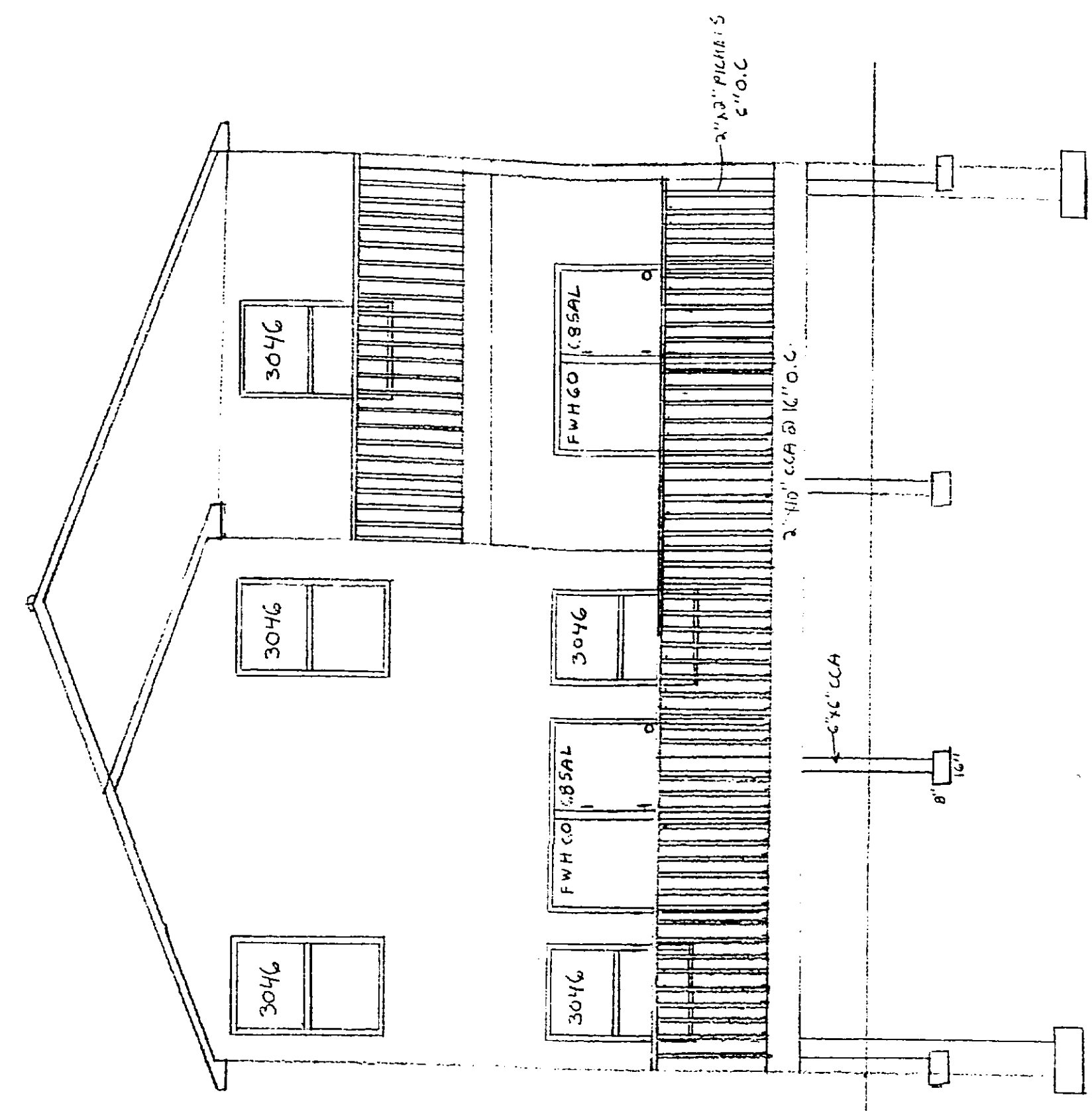
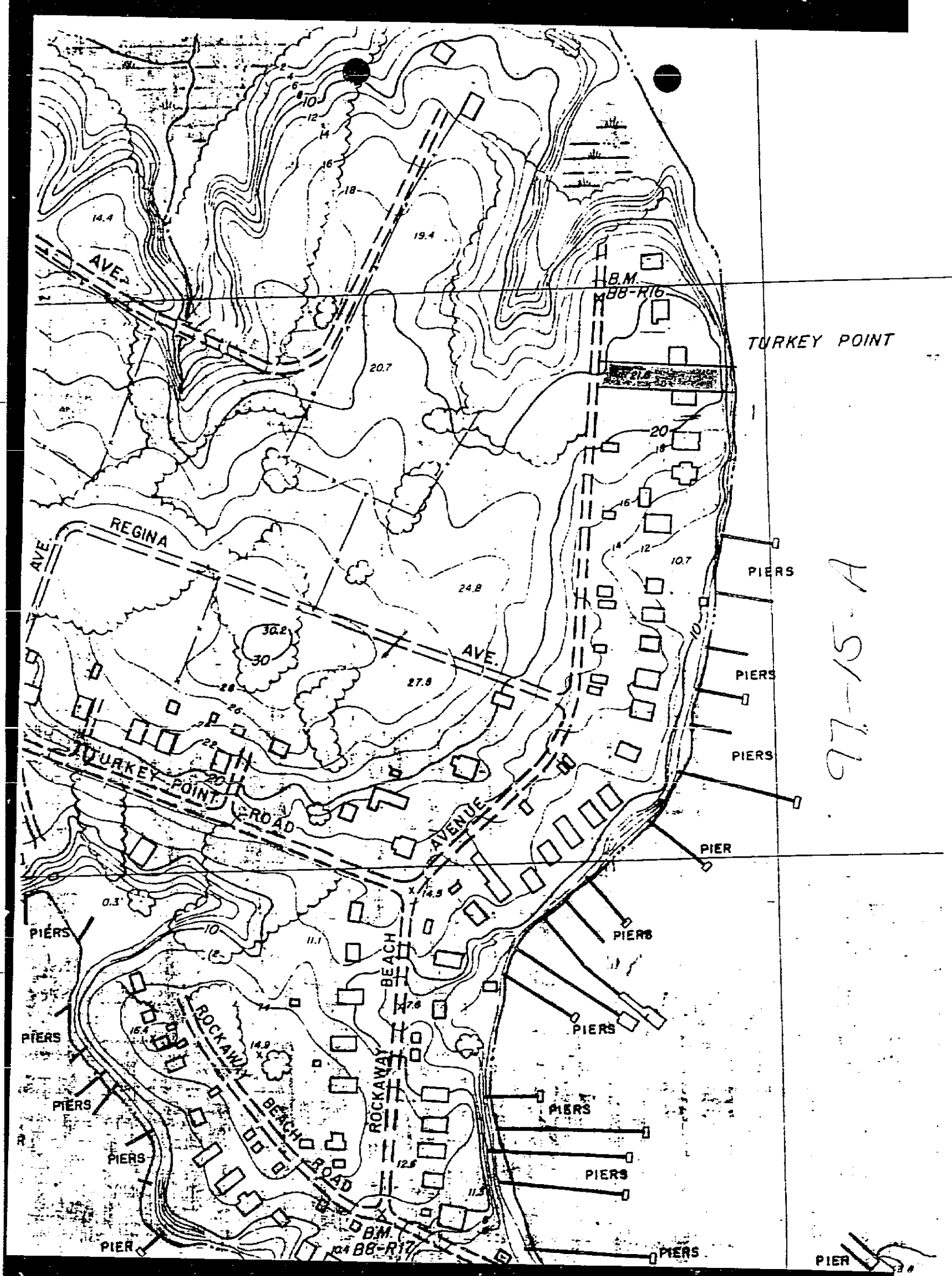
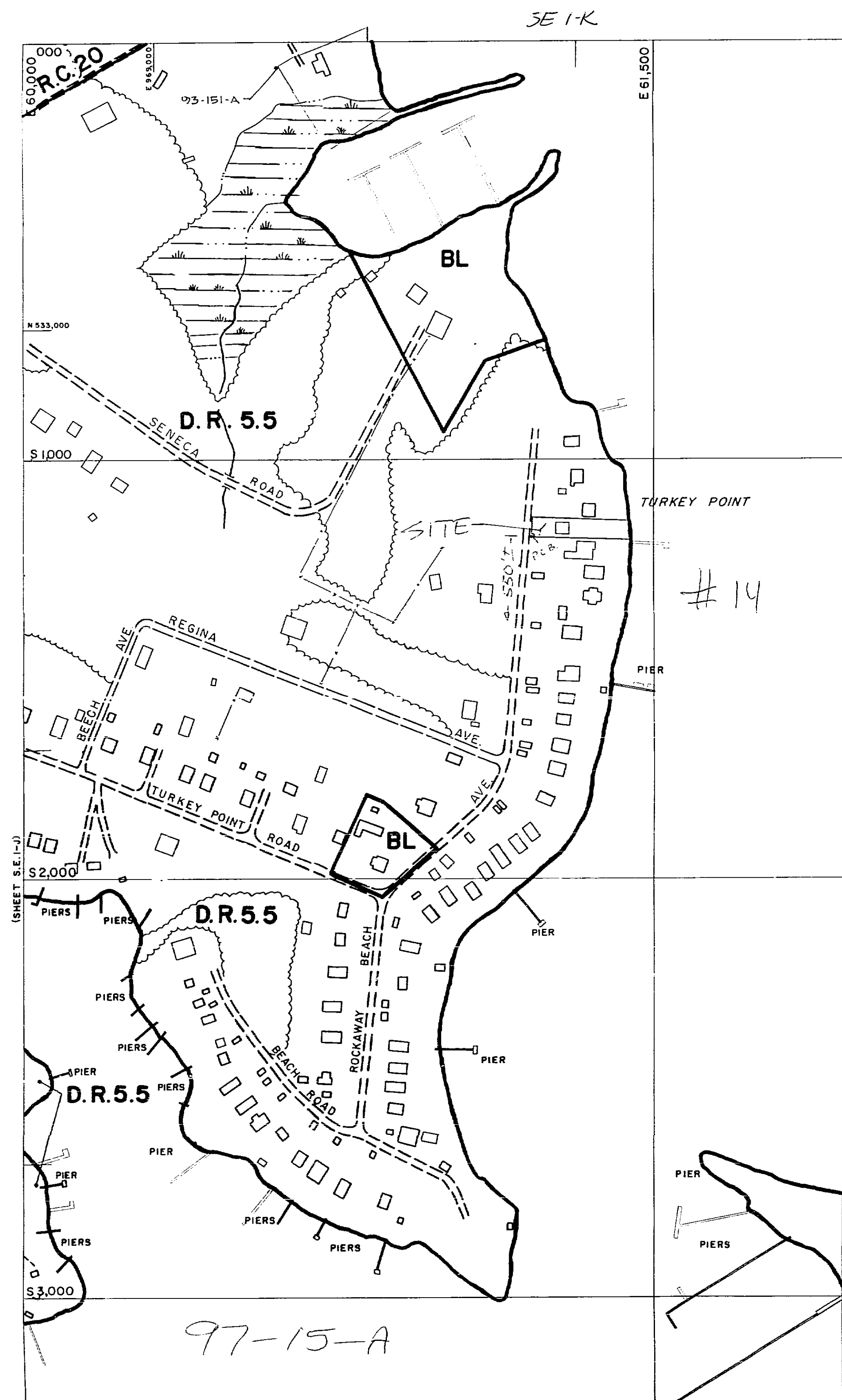
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 607 Rockaway Beach Ave
 Subdivision name: Middle Bay Business Area
 Plat book: M, Jones 111, 1st 1st section
 OWNER: Betty L Sedel

97-15-A

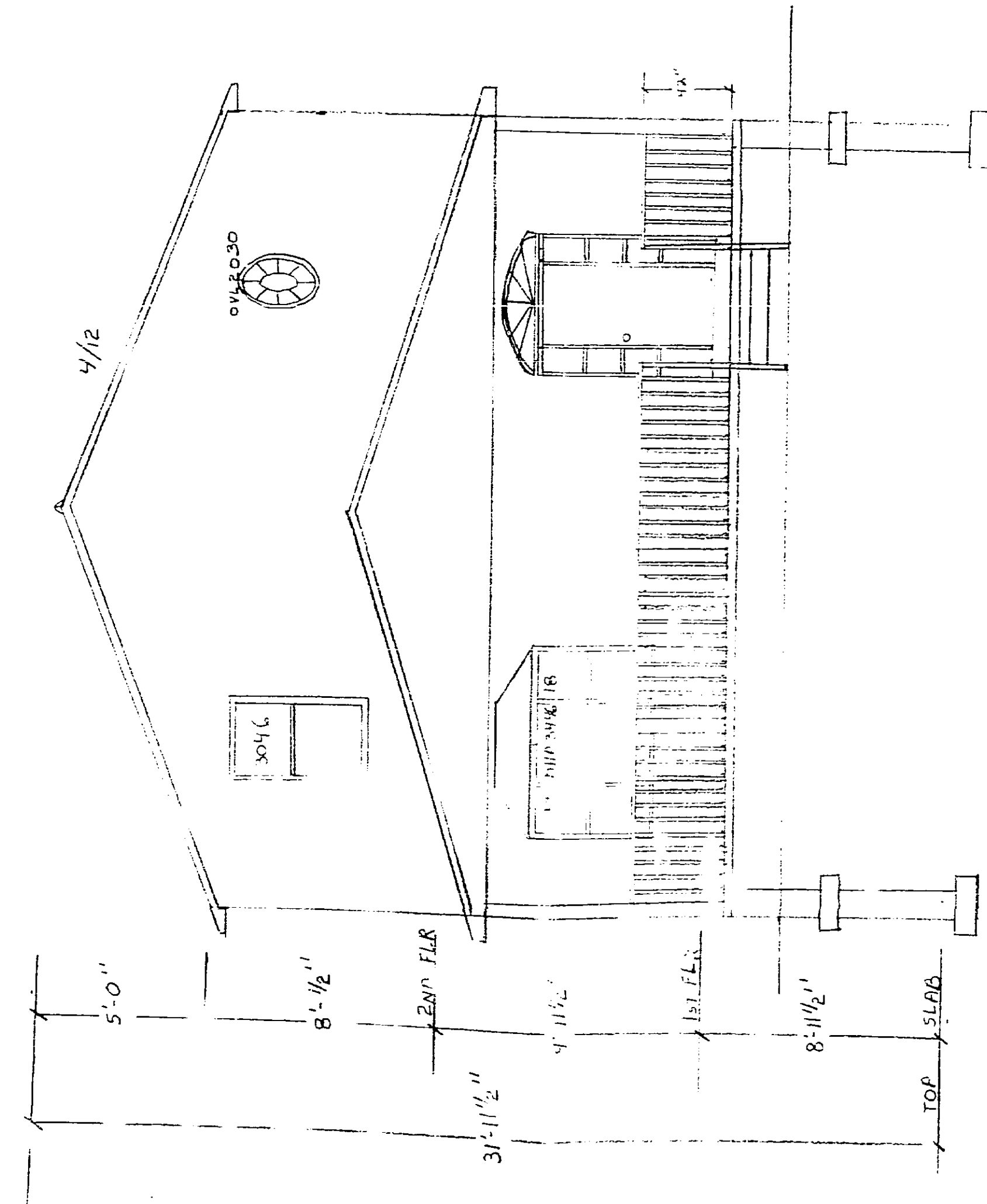
LOCATION INFORMATION
 Election District: 15
 Councilmanic District: 5
 1"=200' scale map: SE-1K
 Zoning: DE-5.5
 Lot size: 0.24 ac / 10,442 sq. ft.
 Sewer: ☒ Water: ☒
 Chesapeake Bay Critical Area: ☐
 Prior Zoning Hearings: NONE
 Zoning Office USE ONLY!
 reviewed by: ITEM #: CASE#:
 2/2K 14

North
 date: 6-28-96
 prepared by: N.S.



FRONT ELEVATION 1/4"=1'

97-15-A



REAR ELEVATION 1/4"=1'

