

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
 ZONING VARIANCE *
 S/S New Section Road, 1030 ft. * ZONING COMMISSIONER
 SE of Seneca Road *
 3941 New Section Road * OF BALTIMORE COUNTY
 15th Election District *
 5th Councilmanic District * Case No. 98-248-A
 James N. Hock, Jr., et ux, Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James N. Hock, Jr., and Joanne T. Hock, his wife, property owners, for that property known as 3941 New Section Road in the Bowleys Quarters section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1A04.3B.3 of the Baltimore County Zoning Regulations (BCZR) to allow an attached garage with a side yard setback of 0 ft. in lieu of the minimum required 50 ft. in an R.C.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

DATE: 1/30/98
 BY: [Signature]
 TITLE: ZONING COMMISSIONER

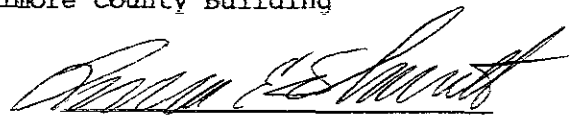
This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) dated January 21, 1998. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of January 1998, that the Petition for a Residential Variance from Section 1A04.3B.3 of the Baltimore County Zoning Regulations (BCZR) to allow an attached garage with a side yard setback of 0 ft., in lieu of the minimum required 50 ft., in an R.C.5 zone, be and is hereby GRANTED, subject, however, to the following 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 Petitioners would be required to return said property to its original condition.

2. The relief granted herein is only to the zoning setback requirement as set forth in Section 1A04.3.B.3 of the BCZR. The Petitioners shall be required to comply with, or obtain a waiver from all other applicable Federal, State and/or local regulations, including but not limited to the Chesapeake Bay Critical Area Regulations, the Critical Area Buffer Management Area requirements, Federal Flood Insurance requirements, and the Baltimore County Building Code.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER GRANTED BY ZONING
DATE 1/30/98
BY M. Hord



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 28, 1998

Mr. and Mrs. James M. Hock, Jr.
3941 New Section Road
Baltimore, Maryland 21220

RE: Petition for Administrative Variance
Case No. 98-248-A
Property: 3941 New Section Road

Dear Mr. and Mrs. Hock:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3941 New Section Rd.
which is presently zoned RC 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) 1A04.3.B.3

To allow an attached garage with a side yard setback of zero feet in lieu of the minimum required 50 feet.

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

- 1) practical difficulty, due to size of lot
- 2) connection to existing structure for safety and protection to vehicle and family
- 3) location of existing structure makes it impossible to build garage any where else

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.

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

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

JAMES NICHOLAS HOCK JR
(Type or Print Name)

Signature

Signature

Address

Joanne T. Hock
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner.

(Type or Print Name)

Address

3941 New Section Rd 410-597-7569(w)
410-325-8593(h)
Phone No

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 12-30-97

ESTIMATED POSTING DATE: 1-11-98

Printed with Soybean Ink
on Recycled Paper

ITEM #: 248

98-248-A

248

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3941 New Section Rd.
address
Balto. MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

without an administrative variance I would not be able
to develop my property to include a garage attached
to my house and enlarge my bed room and add a computer
room. Due to not having a basement the garage will help
with storage of vehicles, bikes and summer equipment.
This will also give us space to work on crafts for
school and Scouts.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James Nicholas Hock Jr.
(signature)

JAMES NICHOLAS HOCK JR
(type or print name)



Joanne T. Hock
(signature)

Joanne T. Hock
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of December, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James Nicholas Hock, Jr.

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/30/97
date

Sandra Howell
NOTARY PUBLIC

My Commission Expires:

My Commission Expires June 1, 1999

A-8415-89

Zoning Description

" As recorded in Deed Liber 6604, Folio 544," being known and designated as Lot No. 326, second addition to Plat No. 2, Bowley's Quarters, which plat is recorded among the Land Records of Baltimore County in Plat Book L.McL. M. No. 10, folio 64. The improvements thereon being formerly known as No. 326 New Section Road, and now being known as 3941 New Section Road.

Being the same property described in a Deed dated August 30, 1983 and recorded among the Land Records of Baltimore County in Liber 6604, Folio 544, which was granted and conveyed by Thomas P. Sinnott and Kay A. Sinnott, his wife unto James N. Hock Jr. and his wife Joanne T. Hock.

248

No. 046938

AMOUNT \$ 50.00

FOR: Registered Address of Native Village
3941 New Section Rd

Q8-248-A

CASHIER'S VALIDATION

[illegible]



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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: _____

Petitioner: JAMES NICHOLAS HOCK JR

Location: 3941 NEW SECTION RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES NICHOLAS HOCK JR

ADDRESS: 3941 NEW SECTION RD

BALTO. MD 21220

PHONE NUMBER: 410-335-8593

AJ:ggs

(Revised 09/24/96)

98-248-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 98- 248 -AAddress 3941 New Section Rd.Contact Person: John Sullivan
Planner, Please Print Name

Phone Number: 410-887-3391

Filing Date: 12-30-97Posting Date: 1-11-98Closing Date: 1-26-98

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 he/she 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 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), 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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 98- 248 -AAddress 3941 New Section Rd.Posting Date: 1-11-98Closing Date: 1-26-98

Wording for Sign: To Permit a side yard setback of 0 ft (for
an attached garage) in lieu of the minimum required
50 ft. per Sect. 1404.3.B.3.



Baltimore County
Department of Permits and
Development Management

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

January 27, 1998

Mr. and Mrs. James Hock
3941 New Section Road
Baltimore, MD 21220

RE: Item No.: 248
Case No.: 98-248-A
Petitioner: James Hock, et ux

Dear Mr. and Mrs. Hock:

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 December 30, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

DATE: January 21, 1998

To: Arnold L. Jablon
From: Bruce Seeley *BS/98*
Subject: Zoning Item #248

Hock Property, 3941 New Section Road

Zoning Advisory Committee Meeting of January 12, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)

----- Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code), if the property is being subdivided according to the Development Regulations.

X 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).

X This site is limited to 25% impervious surface area. Also, a portion of the proposed addition is within the 100 foot tidal buffer and would have to meet Critical Area Buffer Management Area requirements in order to be approved. The applicant should contact Paul Dennis at 410-887-3980 to discuss the requirements.

GWM: An evaluation of the septic system may be required prior to building permit approval.

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: January 22, 1998

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for January 20, 1998
 Item No. 248

The Bureau of Developer's Plans Review 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 flood plain elevation in all construction.

The minimum flood protection elevation for this site is 11.2 feet (base flood elevation 10.2 feet plus 1 foot freeboard). The ground floor of the garage must be at an elevation of 11.2 feet or greater or a waiver is necessary.

RWB:HJO:jrb

cc: File

ZONE0120.248

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: January 7, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 230, 246, and 248

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

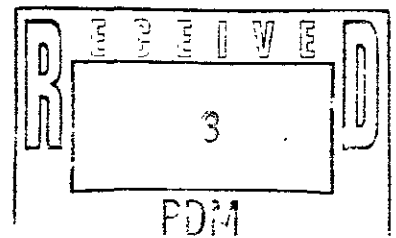
Prepared by:

Jeffrey M. Long

Division Chief:

Sam L. Kerns

AFK/JL





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 1-7-98
Item No. 248 (JJS)

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

January 9, 1998

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

RE: Property Owner: Paul D. Farace & Denise Farace
James Nicholas Hock, Jr. & Joanne T. Hock

Location: DISTRIBUTION MEETING OF January 12, 1998

Item No.: 246. 249 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.

2. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4821. ME-11025

cc: File



Dec. 24-97

To Whom It May Concern -

We have no objections to
James W. Hook & building to our
property line.

Wm R. Hook
Derdinand R. Hook

248

98-248-A

Dec. 31 1997

To whom it may concern:

We hereby grant permission to James N. Hock, Jr. and Joanne Hock to build an extension on their present dwelling at 3941 New Section Road, Balto. MD 21220 up to our property line at 3943 New Section Rd. This also extends to them the right to come on our property to expedite the building and maintenance of said structure.

Signed James N. Hock SR
James N. Hock, SR.

Signed Barbara C. Hock 12/30/97
Barbara C. Hock

#248

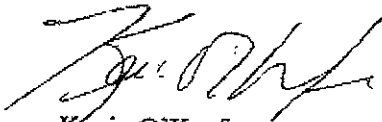
98-248-A

December 29, 1997

To whom it may concern:

This letter expresses my acceptance of Jim Hock's intent to erect an addition to his residence at 3941 New Section Road. As the neighbor immediately adjacent to his house, I have no objection to his plans.

Submitted by



Kevin O'Keefe
3939 New Section Road
Baltimore, MD 21221

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98-248-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3941 NEW SECTION RD

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

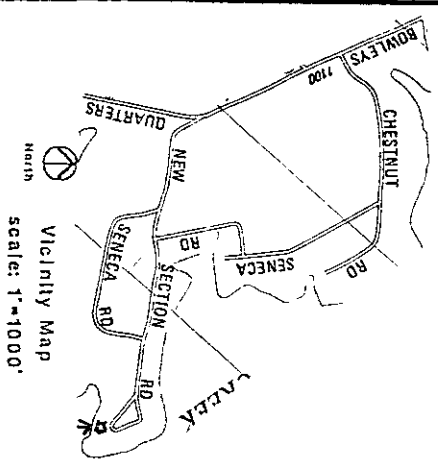
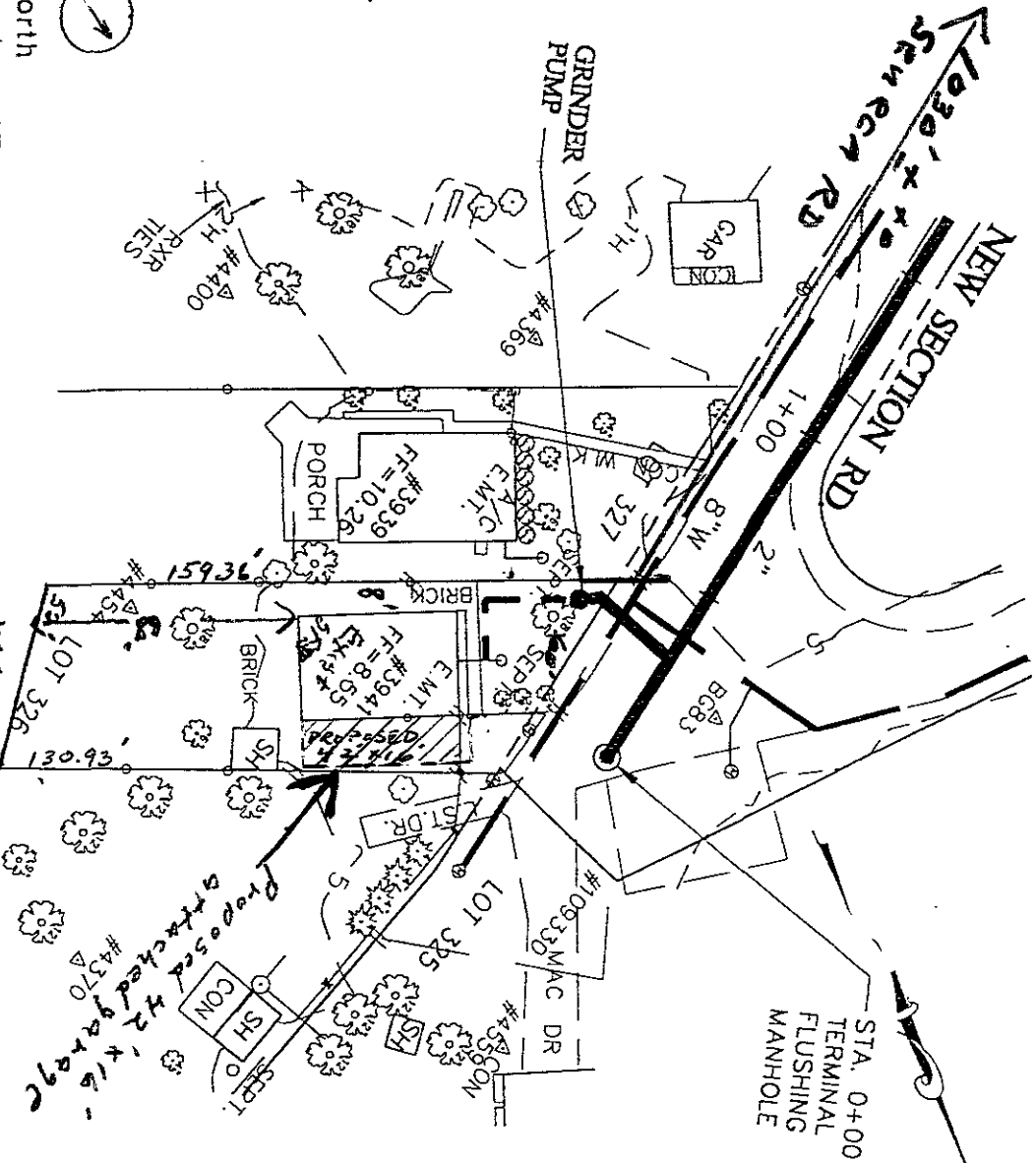
Subdivision name: BOULETTS QUARTERS

plat book # 10, folio # 64, lot # 326, section # 2

OWNER: JAMES N HOCK SR JOANNE T HOCK

North
date: 10-10-97
prepared by: W & C M

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 15
Councilmanic District: 5

1"=200' scale map#: NE 2 + 3 - L

Zoning: RC 5

Lot size: 0.185 8071.26
acreage square feet

Chesapeake Bay Critical Area: ☒ yes ☐ no
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

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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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____

Petitioner: JAMES NICHOLAS HOCK JR

Location: 3941 NEW SECTION RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES NICHOLAS HOCK JR

ADDRESS: 3941 NEW SECTION RD

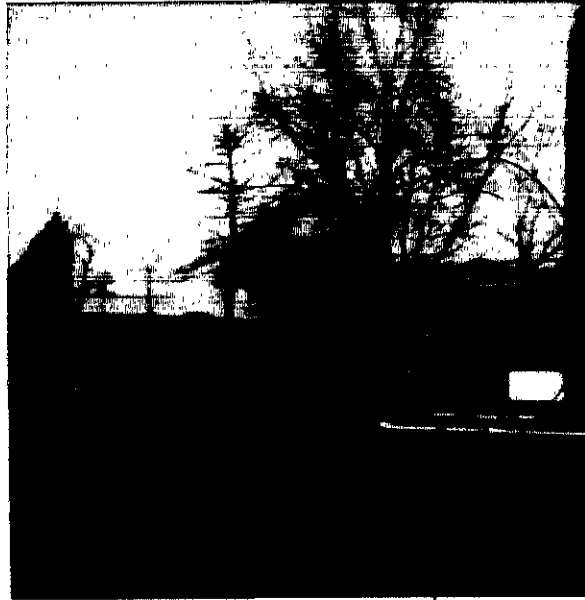
BALTO. MD 21220

PHONE NUMBER: 410-335-8593

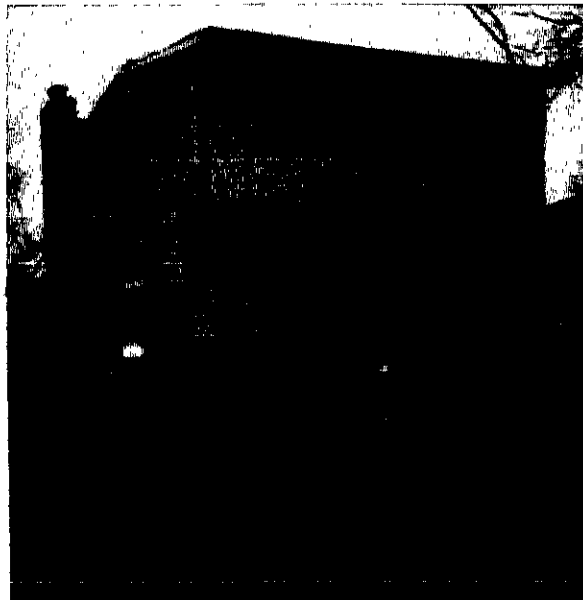
AJ:ggs

(Revised 09/24/96)





Proposed
garage



Proposed
garage

98-248-A