

IN RE: PETITION FOR VARIANCE
NE/S New Section Road, 1,190' NE
of the c/l of Seneca Road
(3950 New Section Road)
15th Election District
5th Councilmanic District

John N. Callin, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-254-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, John N. and Edna B. Callin. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23.5 feet in lieu of the maximum allowed 15 feet for the proposed expansion of an existing garage. 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 John and Edna Callin, property owners, and Joseph McGraw, Registered Land Surveyor with JST Engineering Co., Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot consisting of a gross area of 15,585.7 sq.ft., zoned R.C.5, and is located in the vicinity of Bowleys Quarters on Seneca Creek. The property is presently improved with a two-story frame dwelling and a 20' x 32' garage. This property was the subject of prior zoning Case No. 97-31-A in which the Petitioners requested, through the administrative variance process, a variance to permit an accessory structure height of 17

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Date 5/13/98

By [Signature]

feet in lieu of the maximum allowed 15 feet to expand an existing garage to its present size (20'x 32'x 17'). The relief requested was granted, subject to certain restrictions, by Order issued August 20, 1996. The Petitioners apparently decided that the additional storage provided by virtue of the relief granted in the prior case was insufficient to serve their needs and filed the instant Petition for Variance seeking greater relief. Specifically, the Petitioners now come before me seeking a variance to permit a height of 23.5 feet in lieu of the maximum permitted 15 feet and propose to expand the first floor area and construct a second floor addition to the existing structure. According to the site plan submitted and marked into evidence as Petitioner's Exhibit 1, the first floor of the garage will be 20.67' x 36' in dimension, and the second floor addition, 25' x 36' in dimension, with an overall height for the structure of 23.5'. Testimony and evidence presented indicated that several of the neighbors support the Petitioners' request, including an adjoining property owner at 3948 New Section Road.

Following the hearing on this matter, I conducted a site visit to the property to determine the appropriateness of the relief requested. Based upon my inspection of the property and the documentation contained in the case file, I am persuaded to grant the variance. There were no adverse comments from any Baltimore County reviewing agency and it appears that the neighbors who would be most affected by the proposed garage expansion have no objections. Therefore, the relief requested shall be granted, subject to certain terms and restrictions as set forth below.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of

5/13/98
[Signature]

the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented have established 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 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;

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Date

By

- 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.

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 Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1998 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23.5 feet in lieu of the maximum permitted 15 feet for the proposed expansion of an existing 20' x 32' garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

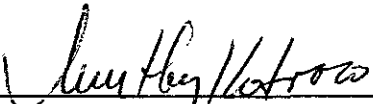
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

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By [Signature]

3) Compliance with all Zoning Plans Advisory Committee comments submitted, including, but not limited to, the Department of Environmental Protection and Resource Management (DEPRM), dated January 21, 1998, the Bureau of Developer's Plans Review division of the Department of Permits and Development Management (DPDM), dated January 26, 1998, and the Office of Planning (OP), dated January 22, 1997, copies of which have been attached hereto and made a part hereof.

4) During my site visit to the property, I observed a storage trailer located on the east side of the existing garage. Inasmuch as the Petitioners are gaining additional storage space by virtue of the relief granted herein, the Petitioners shall be required to remove this storage trailer prior to the issuance of any permits for the proposed garage expansion.

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


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

5/13/98

By





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 13, 1998

Mr. & Mrs. John N. Callin
3950 New Section Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
NE/S New Section Road, 1,190' NE of the c/l of Seneca Road
(3950 New Section Road)
15th Election District - 5th Councilmanic District
John N. Callin, et ux - Petitioners
Case No. 98-254-A

Dear Mr. & Mrs. Callin:

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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Joseph W. McGraw, Jr., c/o JST Engineering Co., Inc.
3812 Mary Avenue, Baltimore, Md. 21206

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

DEPRM; OP; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3950 New Section Road

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)

400.3 VARIANCE TO ALLOW A GARAGE WITH A HEIGHT OF 23.5'
IN LIEU OF THE MAXIMUM 15'.

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

Existing garage needs to be repaired & Owners wish to enlarge garage to accommodate both parking of vehicles and storage of belongings by expanding first floor area and adding second floor. Several garages in the neighborhood are two stories over 15 feet high.

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):

Edna B. Callin

(Type or Print Name)

Edna B. Callin

Signature

John Norman Callin

(Type or Print Name)

John N. Callin

Signature

3950 New Section Road (410) 335-2249

Address

Phone No.

Baltimore, MD. 21220

City

State

Zipcode

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

Joseph W. McGraw, Jr.

c/o JST Engineering Co., Inc.

Name

3812 Marv Avenue (410) 444-8848

Address

21206

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

15 MIN

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

7 JAN 98

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

98-254-A

254

Zoning Description for #3950 New Section Road.

Beginning at a point on the northeast side of New Section Road which is 30 feet wide at the distance of 1,190 feet northeast of the centerline of the nearest improved intersecting street, Seneca Road, which is 30 feet wide. Being Lot #324 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #10, Folio #64, containing 15,585.7 square feet. Also known as #3950 New Section Road and located in the 15TH Election District, 5TH Councilmanic District.



98-254-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 29, 19 98

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 Jan - 29, 19 98.

THE JEFFERSONIAN,

A. H. Henrichs, Jr.

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-254-A
3950 New Section Road
(21220)
NE/S New Section Road,
1190' NE centerline Seneca
Road
15th Election District
5th Councilmanic District
Legal Owner(s): Edna B. Callin
& John Norman Callin

Variance: to allow a garage
with a height of 23.5 feet in
lieu of the maximum 15 feet.
Hearing: Thursday, February
19, 1998 at 9:00 a.m., Room
407 County Courts Bldg., 401
Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.
(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

1/437 Jan. 29 C203266

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044563

DATE 7 JAN 98 ACCOUNT R-001-6150
CAM
254 AMOUNT \$ 50.00

RECEIVED FROM: JST for LALIN
FOR: Variance 3950 New Section Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
1/08/1998 1/07/1998 14:51:09
REG 0002 CASHIER JRIC JAR DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 029041 OFLN
CR NO. 044563

50.00 CHECK
Baltimore County, Maryland

98-254-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 98-254-A
Petitioner/Developer:
(John Callin)
Date of Hearing/Closing:
(Feb. 19, 1998)

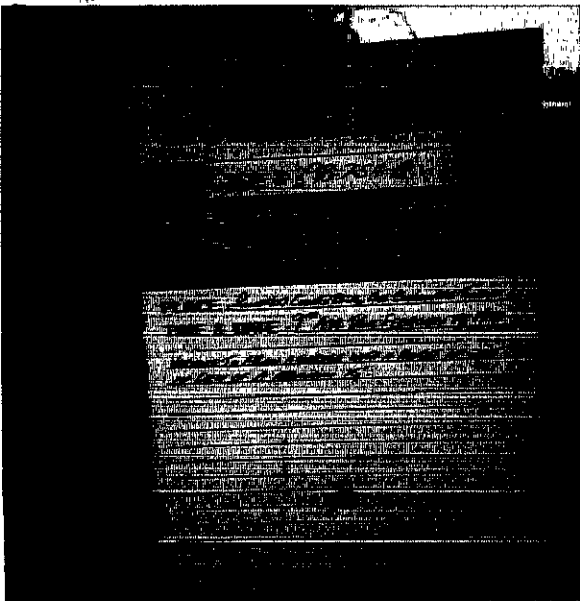
**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____
3950 New Section Road Baltimore, Maryland 21220 _____**

**The sign(s) were posted on _____ Feb. 4, 1998 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle 2/4/98
(Signature of Sign Poster & Date)

_____**Thomas P. Ogle, Sr.**_____

_____**325 Nicholson Road**_____

_____**Baltimore, Maryland 21221**_____

_____**(410)-687-8405**_____
(Telephone Number)

98-254-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-254-A

A PUBLIC HEARING WILL BE HELD BY:
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: _____

DATE AND TIME: _____

REQUEST: To allow a garage a height
of 23 1/2' in lieu of the maximum
15'

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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 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.: 254 Petitioner: EDNA B. CALLIN & JOHN N. CALLIN

Location: 3950 NEW SECTION ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOHN N. CALLIN

ADDRESS: 3950 NEW SECTION ROAD

BALTIMORE MD. 21220

PHONE NUMBER: 410 335-2249

98-254-A

254 12



TO: PATUXENT PUBLISHING COMPANY
January 29, 1998 Issue - Jeffersonian

Please forward billing to:

John N. Callin 410-335-2249
3950 New Section Road
Baltimore, MD 21220

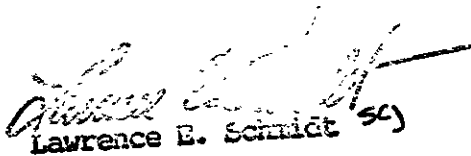
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-254-A
3950 New Section Road (21220)
NE/S New Section Road, 1190' NE centerline Seneca Road
15th Election District - 5th Councilmanic District
Legal Owner: Edna B. Callin & John Norman Callin

Variance to allow a garage with a height of 23.5 feet in lieu of the maximum 15 feet.

HEARING: Thursday, February 19, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt (SC)

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

January 15, 1998

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-254-A
3950 New Section Road (21220)
NE/S New Section Road, 1190' NE centerline Seneca Road
15th Election District - 5th Councilmanic District
Legal Owner: Edna B. Callin & John Norman Callin

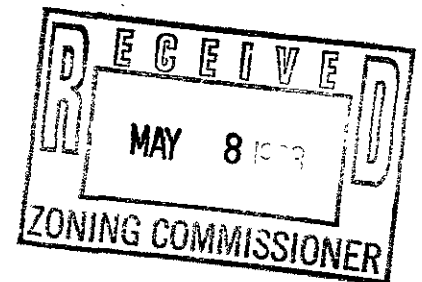
Variance to allow a garage with a height of 23.5 feet in lieu of the maximum 15 feet.

HEARING: Thursday, February 19, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "SJ" written below it.

Arnold Jablon
Director

c: JST Engineering Co., Inc.
Edna & John Callin



- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 4, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

February 12, 1998

Mr. and Mrs. John Callin
3950 New Section Road
Baltimore, MD 21220

RE: Item No.: 254
Case No.: 98-254-A
Petitioner: John Callin, et ux

Dear Mr. and Mrs. Callin:

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 January 7, 1998.

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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

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*
Subject: Zoning Item #254

Callin Property, 3950 New Section Road

Zoning Advisory Committee Meeting of January 20, 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).

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Date

By

GP:sp

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 26, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for January 26, 1998
Item No. 254

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. The first floor of the garage must be 11.2 feet or a waiver is required.

RWB:HJO:jrb

cc: File

ZONE0126.254

ORDER RECEIVED FOR FILING
Date 5/13/98
By [Signature]

Jm
2/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 22, 1997

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

SUBJECT: 3950 New Section Road Item 254

The Office of Planning does not oppose the request to permit an accessory structure with a height in excess of the permitted 15 foot height limitation. However, a condition should be placed in the Zoning Commissioner's Order restricting future conversion of the accessory structure for dwelling purposes.

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 W. Long

Division Chief:

Gary L. Kerns

AFK/JL

ORDER RECEIVED FOR FILING

Date

By



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 1/16/98
Item No. 254 CAN

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
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 28, 1998

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 January 20, 1998

Item No.: See Below

Zoning Agenda:

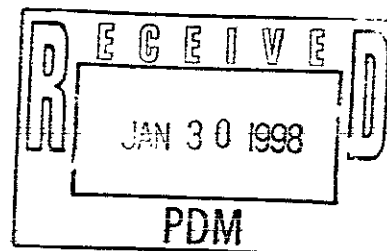
Gentlemen:

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:

249, 250, 251, 252, 254, 255, 256, and 258

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



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: Donald T. Rascoe, Development Manager DATE: December 8, 1997
 Division of Development Processing

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

SUBJECT: Waiver to Work in Flood Plain
 Callin Property
 D.R.C. #11107F

I have discussed the need for a waiver with John Joyce of the State. In his opinion, there is no need for a waiver and the garage construction can go straight to building permit.

The following criteria must be taken into account:

- A. All mechanical and electrical equipment must be kept 3 feet above the flood plain level.
- B. The garage must be anchored to the ground.
- C. The structure must have water equalizing vents.

If there are any questions, I may be contacted at extension 3751.

RWB:jrb

cc: File

RWB178

98-254-A

25A

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3335

January 2, 1998

J. S. T. Engineering Co., Inc.
3812 Mary Avenue
Baltimore, MD 21206

RE: Callin Property
3950 New Section Road; 21220
DRC Number 11107F, Dist. 15C5

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland and as provided in Section 602 (d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on December 15, 1997, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A)(7). Please see Robert Bowling's enclosed memo dated December 8, 1997.

Now that you have received an A-7 limited exemption, please proceed with building permit application.

J. S. T. Engineering Co., Inc.
Callin Property
January 2, 1998
Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a building permit.

Please be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement, also, please be advised that sidewalks will be required.

Herein find a commercial site plan checklist which will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing, which will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications.

Should you have any questions regarding the above, please contact the Zoning Review Section at 887-3391.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 2nd day of January 1998, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,



Arnold Jablon
Director

AJ:DTR:dak
c: Bruce Seeley
Joyce Watson
File
Enclosure

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 045149

DATE 10/29/97 ACCOUNT R-001-6150

AMOUNT \$250.00

RECEIVED
FROM:

J. J. T. Engineering Co. Inc.

FOR:

DR# 11107F - Collin Property

dlb

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTUAL TIME

01/30/1997 10/29/1997 15:00:53

REC 1305 CASHIER BTRY EXT BRIDGE

5 MISCELLANEOUS CASH RECEIPT

Receipt # 037181

OR #01 045149

Baltimore County - has been

Fee to be
Refunded
Per Don R.

RE: PETITION FOR VARIANCE
3950 New Section Road, NE/S New Section
Road, 1190' NE c/l Seneca Rd
15th Election District, 5th Councilmanic

John N. & Edna B. Callin
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-254-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 1998, a copy of the foregoing Entry of Appearance was mailed to John N. and Edna B. Callin, 3950 New Section Road, Baltimore, MD 21220, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CALLIN

case # 98-254-A

May 7, 1998

To Whom it May Concern,

I am Mr. Charles L McDaniel Jr. and I live next door to the Callin family and I have no objection to them building a garage.

Thank You,

Charles L. McDaniel Jr.

Charles L McDaniel Jr.

3945 New Section Rd

Baltimore Md. 21220

410-335-6322

5-7-98

CALLIN
case # 98-254-A

PETITION

We, the undersigned, have no objection to the construction of a ^{Two} ~~second~~ story to the
~~existing~~ garage located at 3950 New Section Road, Baltimore County, Maryland 21220. in place
of existing garage. 25' W X 36' L X 23' H

Debb. Winger
Printed Name

Deborah J. Winger
Signature

3932 New Section Rd.
Address

410-335-5043
Phone Number

Mary E. REINHART
Printed Name

3930 New Section Rd.
Signature

Baltimore Md.
Address

335-4521
Phone Number

MARY FARUOL
Printed Name

Mary A. Faruol
Signature

3956 New Section Rd.
Address

410-882-9616
Phone Number

Jim Scott
Printed Name

James Scott
Signature

3928 New Section Rd
Address

1-410-335-6832
Phone Number

Holly Faruol
Printed Name

Holly E. Faruol
Signature

3936 New Section Rd.
Address

410-882-9616
Phone Number

Diane Scott
Printed Name

Diane Scott
Signature

3928 New Section Rd
Address

410-335-6832
Phone Number

Petition

2 Two

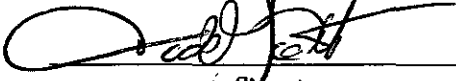
RE: Construction of ~~Second~~ Story
to ~~Existing~~ Garage located at
3950 New Section Road
Baltimore County, MD 21220
in place of existing Garage

CALLIN

Case # 98-254-A

Todd Scott

Printed Name



Signature

870 Sewer Park Dr.

Address

410 335-7169

Phone Number

HR Bowerman

Printed Name



Signature

3921 New Section Rd.

Address

410-335-0470

Phone Number

Joanne Hook

Printed Name



Signature

3941 New Section Rd.

Address

21220

410 335-8593

Phone Number

Printed Name

Signature

Address

Phone Number

Printed Name

Signature

Address

Phone Number

Printed Name

Signature

Address

Phone Number

To Whom This May Concern: 5/7/98

William & Maxine Wagner neighbors and property owners at 3942 New Section Road ^{Ex Boulevard} Quarters have no objection for property owner Edna Callan at 3950 New Section Road Boulevard Quarters to erect a two story garage on said property or to enlarge existing garage to a two story garage.

There have been several garages along New Section Road made from one story garage to a two story garage.

William W. Wagner
Maxine W. Wagner
3942 New Section Rd
Baltimore Md. 21220
410-335-8521

CALLIN

case # 98-254-A

5/6/98

Dear Sirs

My wife & I have no objection
to the Callins at 3950 New Section Rd.
Balto Md 21220.

Putting a second story (floor) on their
Garage.

Sincerely

James A Dorff Sr.
3948 New Section Rd.

James A. Dorff Sr
3948 New Section Rd
Baltimore, MD. 21220-4030

410-335-8557

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
NE/S New Section Road, 1190' NE	
of the c/l of Seneca Road	* DEPUTY ZONING COMMISSIONER
(3950 New Section Road)	
15th Election District	* OF BALTIMORE COUNTY
5th Councilmanic District	
	* Case No. 97-31-A
John N. Callin, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 3950 New Section Road, located in the vicinity of Seneca Road in Bowleys Quarters. The Petition was filed by the owners of the property, John N. and Edna B. Callin. The Petitioners seek relief from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 17 feet in lieu of the maximum permitted 15 feet for a proposed detached garage. 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.

The subject property having been duly posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation submitted for review and consideration.

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 Deputy Zoning Commissioner, the information and affidavit submitted provide sufficient facts that the relief requested complies with the

requirements of Section 307.1 of the B.C.Z.R. and that strict compliance would be unnecessarily burdensome.

It should also be noted that this property is located within the Chesapeake Bay Critical Areas on Seneca Creek, and as such, is subject to compliance with any 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.). Therefore, the relief granted herein shall be conditioned upon Petitioner's compliance with said recommendations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

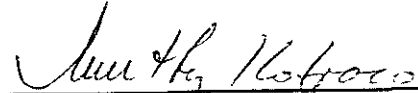
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of August, 1996 that the Petition for Administrative Variance seeking relief from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 17 feet in lieu of the maximum permitted 15 feet for a proposed detached garage, in accordance with Petitioner's Exhibit 1, 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 relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Compliance with Critical Areas legislation and any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM).

4) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Development Plans Review Division of the Department of Permits and Development Management dated August 9, 1996, a copy of which has been attached hereto and made a part hereof.

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



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 9, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for August 12, 1996
Item 039

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 flood plain elevation in all construction.

RWB:HJO:jrb

cc: File

ZONE21D

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 20, 1996

Mr. & Mrs. John N. Callin
3950 New Section Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S New Section Road, 1190' NE of the c/l of Seneca Road
(3950 New Section Road)
15th Election District - 5th Councilmanic District
John N. Callin, et ux - Petitioners
Case No. 97-31-A

Dear Mr. & Mrs. Callin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Joseph W. McGraw, Jr., JST Engineering Company, Inc.
3812 Mary Avenue, Baltimore, Md. 21206

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

People's Counsel; DEPRM; Case File



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

John A. Callin

3950 New Section Rd.

Elma B. Callin

3950 New Section Rd.

Joe M^c Graw 1ST ENG CO. INC.

6912 NORTH RIVER DR.

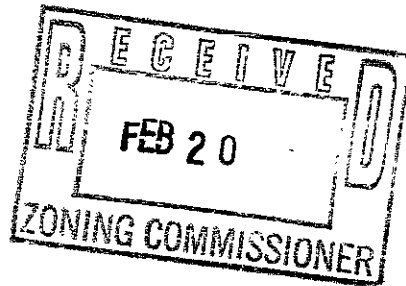


Thomas F. Kreiner Jr.
3946 New Section Road
Baltimore, Md. 21220

2/17/98 *Guinn*
8 *File*

Turn
2/19/98
Hessing

Baltimore County Zoning
Docket Clerk
Room 111
111 W. Chesapeake Avenue
Towson, Md. 21204



February 11, 1998

ref: case no. 98-254-A

attn: Guinn Stevens

I am writing in response to the above case for a variance for a garage height. The variance sign was just posted on Feb. 9th and case hearing is the 19th. I thought that variance signs were posted longer than that to give the neighborhood enough time to respond.

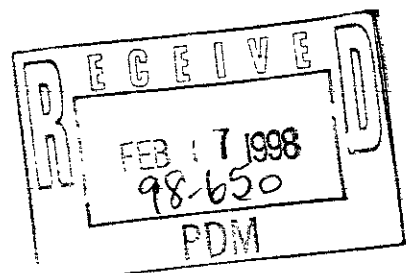
I am urging that this variance not be granted for a number of reasons. First, this garage has already been expanded in square footage, now they want to raise to 23 1/2 feet? If the overall property and garage were in visibly better shape, I would have no complaint, but the garage is an eye sore. There are no roof shingles, roof planking is exposed and there is a large roof opening. It is big enough of an eye sore now. At present they do not park vehicles in the garage because it is full.

I recently tried to sell my property with no success. Prospective clients looked at that property and were never heard from again. I do not know why they want to expand the garage, they have a construction trailer on the property for storage !! Raising the garage to 23 1/2 feet is approaching commercial height and it is not appropriate for residential property. I am sorry to write this letter about a neighbor, but it certainly will not be in the best interest of the neighborhood to grant this variance. It will only turn out to be more of the same mess.

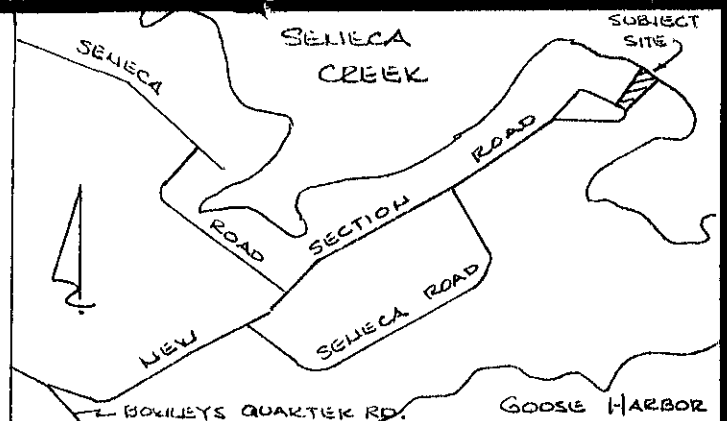
Finally, I request that this letter be held confidential, because of recent vandalism to my property. I am rather confident that this letter would only aggravate existing conditions.

Respectfully,

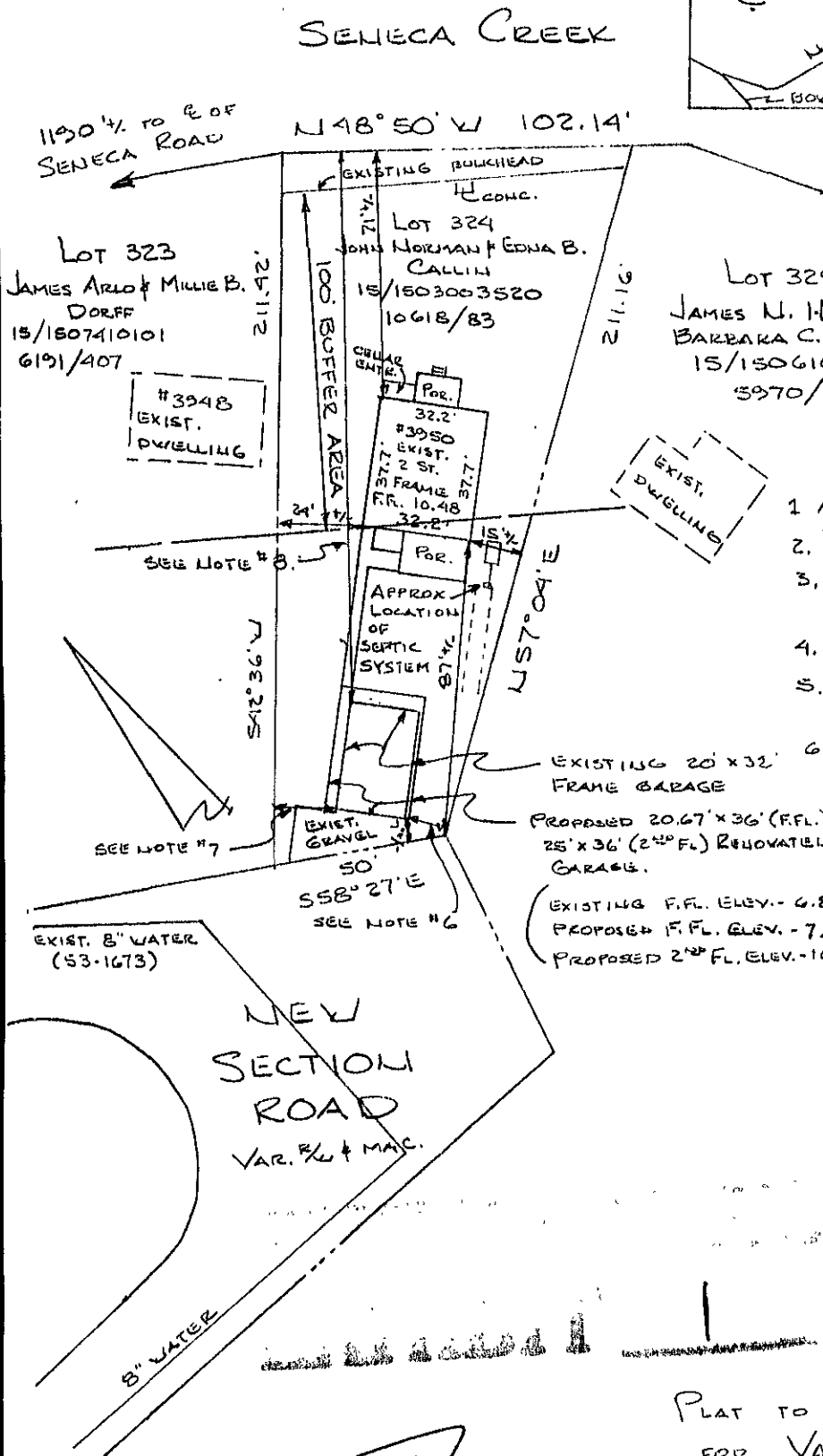
Thomas Kreiner Jr.
Thomas Kreiner Jr.







VICINITY SKETCH
SCALE: 1" = 1000'



NOTES:

1. AREA OF SITE: 15,585.7 SQ. FT.
2. ZONING OF SITE: R.C.5
3. SEWER: PRIVATE (NEW PUBLIC SEWER IS CURRENTLY BEING DESIGNED)
4. WATER: PUBLIC
5. SITE IS IN CHESAPEAKE BAY CRITICAL AREA.
6. EXISTING SIDE YARD: 11' 1/2"
PROPOSED SIDE YARD: 10' 1/2"
7. EXISTING SIDE YARD: 17.8' 1/2"
PROPOSED SIDE YARD: 13' 1/2"
8. EXISTING FRONT YARD: 160' 1/2"
PROPOSED FRONT YARD: 156' 1/2"
9. PROPERTY IS IN A ZONE A FLOOD PLAIN

SITE INFORMATION

15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
1" = 200' MAP "N.E. 2-L
ZONING - R.C. 5
AREA: 15,585.7 SQ. FT. (0.3578 Acs.)
SEWER - PRIVATE
WATER - PUBLIC
IN CHESAPEAKE CRITICAL AREA
PRIOR ZONING CASE #97-31-A

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
	2541	

PLAT TO ACCOMPANY PETITION
FOR VARIANCE

FOR

3950 NEW SECTION ROAD

LOT 324

SECOND ADDITION TO PLAT NO. 2, BOULEYS QUARTERS
PLAT BOOK #10, FOLIO 64.

JOHN NORMAN & EDNA B. CALLIN (OWNER)

15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

98-254-A

J.S.T. Engineering Co., Inc. 3812 Mary Avenue

Baltimore, MD 21206

410-444-8848

Scale: 1" = 50'

Date: 6-19-97

Rev: 9-10-97

photographs

Case 98-254-A



