IN RE: PETITION FOR ADMIN. VARIANCE 30' SE of SE/S Beach Road, 375' SW centerline Seneca Park Drive 15th Election District 7th Councilmanic District

(3501 Beach Road)

Gary and Deborah Houck Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 01-214-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Gary and Deborah Houck. The variance request is for property located at 3501 Beach Road in the Seneca Park area of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 1' in lieu of the required 50' for an attached garage and a variance from Section 301.A of the B.C.Z.R., to allow an open projection (covered porch) setback of 12' in lieu of the required 37.5'. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy Zoning

12/19/00 Tomason Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 Petitioners; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners 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 Petitioners 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 (DEPRM) has submitted recommendations (attached herewith) which describe what steps the Petitioners 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

12/19/00 ON FRANCE

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.

In addition, the Bureau of Development Plans Review has reviewed this variance request and in their comments dated December 12, 2000 have recommended that if the additional construction brings the value of the structure to greater than double the existing value, then the first floor must be raised to an elevation of 11 ft.

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 Deputy Zoning Commissioner for Baltimore County this 19th day of December, 2000, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 1' in lieu of the required 50' for an attached garage and a variance from Section 301.A of the B.C.Z.R., to allow an open projection (covered porch) setback of 12' in lieu of the required 37.5', be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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, and be responsible for returning, said property to its original condition.

12/9/00 Remain

- 2) Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by (DEPRM), dated December 7, 2000, to minimize any effect the proposed development might have on the Bay and its tributaries.
- 3) Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by Robert W. Bowling of Bureau of Development Plans Review dated December 12, 2000.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMOTHY M. KOTROCO

**DEPUTY ZONING COMMISSIONER** 

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

December 19, 2000

Mr. & Mrs. Gary E. Houck 3501 Beach Road Baltimore, Maryland 21220

Re: Petition for Administrative Variance

Case No. 01-214-A

Property: 3501 Beach Road

Dear Mr. & Mrs. Houck:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours, withy llotroes

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Mr. George D. McClelland 25 Waterview Road Baltimore, MD 21222





For You, For Baltimore County



Census 2000





## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

•		D 1
for the property located at	3501 Deack	road
	h is presently zoned	RC5

This Petition shall be filed with the Department of Permits and 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. 2 to permit a setback of 1' in lieu of the reguired 50' for an attached garage and Section 301.A to allow an open projection (Covered parch) setback of 12' in lieu of the required 37.5'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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): Name - Type or Print Signature Address Telephone No. City State Zip Code Attornev For Petitioner: Telephone No. Name - Type or Print Representative to be Contacted: Signature Add Telephone No. Zip Code that the subject matter of this petition be set for a public bearing advertised as required by the Zoning. that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning egulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Estimated Posting Date

01-214A

REV 9/15/98

# 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

3501 BEACH

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

2220

Zip Code

Variance at the above address (indicate hardship or pra	ctical difficulty):
•	•
•	
•	• •
<u> </u>	
That the Affiant(s) acknowledge(s) that if a formal deadvertising fee and may be required to provide additional	emand is filed, Affiant(s) will be required to pay a reposting and al information.
Gan E. House	Delook / Book
Signature	Signature
GREY E. Hovek	Deborah J. Houck
Name - Type or Print	Name - Type or Print
والترابيع المناب محافظ مصيطات والمستنب	
STATE OF MARYLAND, COUNTY OF BALTIMORE, t	o wit:
1	Vember 2000, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally	
GARY E HOUCK AND	
the Affiant(s) herein, personally known or satisfactorily law that the matters and facts hereinahove set farth are	identified to me as such Affiant(s), and made oath in due form of true and correct to the best of his/her/their knowledge and belief.
aw that the matters and racts hereitiabove set forth are	The and conect to the best of this/hel/their knowledge and belief.
AS WITNESS my hand and Notariai Seal	
11/100	(P) and $(P)$ $(P)$
Date Date	Lama m Nobbel
Vale	Notary Public  LAURA M. RESBEL  NOTARY PUBLIC STATE OF MARYLAND
	My Commission Expires NOTARY PUBLIC STATE OF MARYUAND  My Commission Expires Following 1, 2003
REV 09/15/98	

# Affidavit in Support of Administrative Variance

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3501

That the Affiant(s) does/do presently reside at

That based upon personal knowledge, the following are Variance at the above address (indicate hardship or practical process).	the facts upon which I/we base the request for an Administrative ctical difficulty):
•	
•	
That the Affiant(s) acknowledge(s) that if a formal de- advertising fee and may be required to provide additional	mand is filed, Affiant(s) will be required to pay a reposting and al information.
Can & Hours	John Whal
Signature	Signature
CARY E. HOUR Name - Type of Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	) wit
of Maryland, in and for the County aforesaid, personally	rember, 2000, before me, a Notary Public of the State appeared
GARY E HOUCK AN	D DEBORAH J. HOUCK
me Amanus) nerein, personally known or satisfactorily law that the matters and facts hereinabove set forth are	identified to me as such Affiant(s), and made oath in due form of true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
11/100	Lama m Relibel
Date	Notary Public  ŁAURA M. REBSZ:
	My Commission Expires NOTARY PHENO STATE OF MARYLAND My Commission Expires February 1, 2003
REV 09 15 98	



REU 9/15/98

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	3501 Beach	Road
	n is presently zoned	ACE

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baitimore 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) 1AO4.3.B.2 to permit a setback of 1' in lieu of the required 50' for an attached garage and Section 301.A to allow an open projection (covered parch) setback of 13' in lieu of the required 37.5'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
	Legal Owner(s):
	GARY E. Houch
	Name Type or Print
	Signature Hayle 1
Telephone No.	Name - Type or Pript
ate Zip Code	Signature J. 1500
	3501 Beach Rd 410-344-1107 Address Telephone No.
1	Paltimore Mo 71220 City State Zip Code
	Representative to be Contacted:
	George D. McClelland
Telephone No.	25 Waterview Rd 410-417-9136 Address Telephone No.
	Baltimore MD 21222
ate Zip Code	City State Zip Code
	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commodian of Palkers of Palkers
	Telephone No.

Estimated Posting Date

### ZONING DESCRIPTION FOR 3501 BEACH ROAD BALTIMORE, MD. 21220

Beginning at a point 30' SOUTHEAST of a point on the SOUTHEAST side of BEACH RD., which is 20 feet wide at the distance of 375 feet SOUTHWEST of the centerline of SENECA PARK ROAD, which is 30 feet wide. Being lot # 45, GROUP G, in the subdivision of SENECA PARK BEACH as recorded in Baltimore County Plat Book # 8, Folio # 45, containing 25,625 sq. ft. Also known as 3501 BEACH ROAD, and located in the 15th election district, 7th councilmanic district.



BALTIMORE COUNTY, MARYLAN  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  ACCOUNT COUNT COUNT  FOR:  FOR:  FOR:  ON.  NO.  NO.  NO.  NO.  NO.  NO.  NO	PRE COUNTY, MAR BUDGET & FINANCE ANEOUS RECEIPT
NT & SOLOO	NT & SOLOCI (150
	7482

#### **CERTIFICATE OF POSTING**

RE: CASE # 01-214-A
PETITIONER/DEVELOPER
(Gary Houck)
DATE OF Closing
( 12-18-00)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: MS. GWENDOLYN STEPHENS

**LADIES AND GENTLEMEN:** 

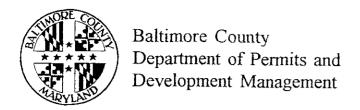
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

3501 Beach Road Baltimore , Mary	rland 2122
THE SIGN(S) WERE POSTED ON	12-1-00
	(MONTH, DAY,YEAR)
	SINCERELY,
	Onom Octofia/1/00 (SIGNATURE OF SIGN POSTER & DATE)
	THOMAS P. OGLE SR
	325 NICHOLSON ROAD
	BALTIMORE, MARYLAND 21221
	410-687-8405
	(TELEPHONE NUMBER)

# ZONING REVIEW

# ADMINISTRATIVE ARIANCE INFORMATION SHEET AND DATES

Case Number 01- 214 -A Address 3501 Beach Rd
Contact Person: Terru Gibson Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 11/21/00 Posting Date: 12/3/00 Closing Date: 13/17/00
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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.
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.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 01- 214 -A Address 350/ Beach Rd
etitioner's Name Gary Houck Telephone 410 - 344-1101
osting Date: 12-3-00 Closing Date: 12-20
Vording for Sign: To Permit a setback of I'in lieu of the required
Vording for Sign: To Permit a setback of I'in lieu of the required 50' for an attached garage and to allow an open projection (Covered porch) setback of 12' in lieu of the required 37.5'.



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900 Fax: (410) 887-2824

December 18, 2000

Deborah J. & Gary E. Houck 3501 Beach Road Baltimore, MD 21220

Dear Mr. & Mr. Houck:

RE: Case Number: 01-214-A, 3501 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 692 Supervisor, Zoning Review

WCR: gdz

**Enclosures** 

C: George D. McClelland, 25 Waterview Road, Baltimore, 21222 People's Counsel

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 11, 2002

Department of Permits & Development Mgmt.

**FROM:** Robert W. Bowling, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For December 24, 2001

Item No. 214

The Bureau of Development Plans Review has reviewed the subject zoning item.

The <u>eight</u> parking spaces along the access to the site shall be eliminated.

These type of uses tend to generate a need for a high number of parking spaces; granting the variance will impact the adjacent streets.

The improvements shown along Hammonds Ferry Road are not correct. The road shall be improved along the <u>entire</u> frontage.

RWB:HJO:jrb

cc: File

AN 12/18

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** December 5, 2000

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

1

SUBJECT:

3501 Beach Road

**INFORMATION:** 

**Item Number:** 

01-214

**Petitioner:** 

Gary E. Houck

Zoning:

RC 5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the requested variance as shown on the plan accompanying said request. The size of the proposed garage should be reduced and the structure should be relocated at least 5 feet from the property line.

Prepared by:

Section Chief:

AFK:MAC:



Parris N Glendening Governor John D Porcari Secretary Parker F Williams Administrator

Date: 12-1.00

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

RE: Baltimore County

Item No. 214

TAG

Dear. Ms. Jackson:

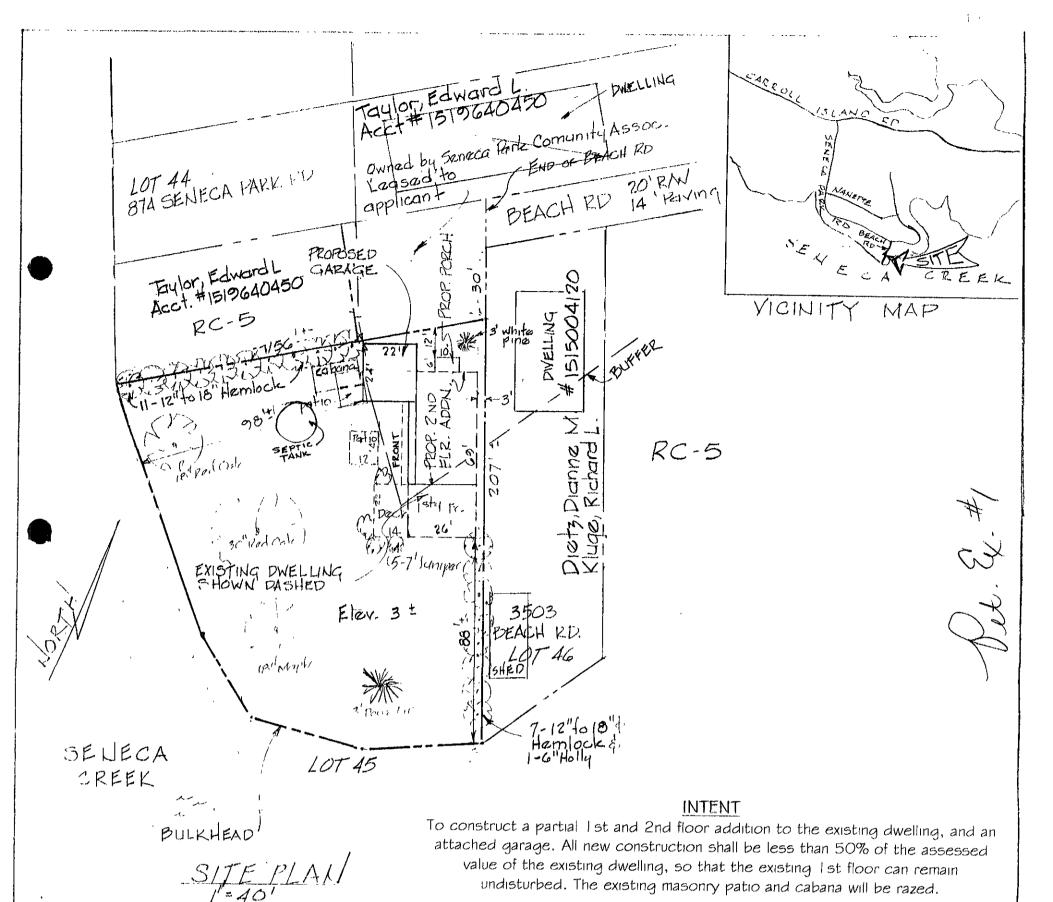
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.rad vs).

Very feely yours.

Le Konneth A. McDonald Jr., Chiet Engineering Access Permits Division

1. J. Gredh



### B. M. A. Notes

The proposed impervious footprint located in the 100' buffer is: residence; 702 Sq. Ft., \$ garage; 10 Sq. Ft Resulting in a reduction of 428 Sq. Ft.

The existing pervious wood deck footprint located within the 100' buffer is 280 Sq. Ft.

The area under the deck shall receive 3" of #6 crushed stone, or mulch, over filter fabric.

Roof leaders shall be allowed to drain across the lawn. No clearing, grading, construction, or other disturbance will occur in the buffer except as permitted by D.E.P.R.M. The 22 Major trees located within the buffer shall remain.

PLAT TO ACCOMPANY VARIANCE & BUILDING PERMIT 3501 BEACH RD. BALTIMORE, MD 21220-2319 DATE: October 7, 2000 OWNERS: Gary E., & Deborah J. Houck

3501 Beach Rd., Balto., MD, Phone: 410-344-102 15th Election Dist., 7th Councilmanic Dist. Account #1523504150, Deed Ref. 13211/261 Seneca Park Beach, Lot 45, Group 82 Zoning: RC-5, MAP # NE-3L

Site is located in the Chesapeake Bay Critical Area BMA, LDA, and 100 year flood plain Site has public water and private septic system No shared ownership with adjacent lots for more than 6 years.

> AGENT: G. D. McClelland 25 Waterview Rd., Baltimore, MD 21222 Telephone: 410-477-9136

### **CALCULATIONS**

Net Area: 25,625 SF, 0.588 Ac. Existing impervious area: walks: 135, patios: 248, residence: 1723, cabana: 190,

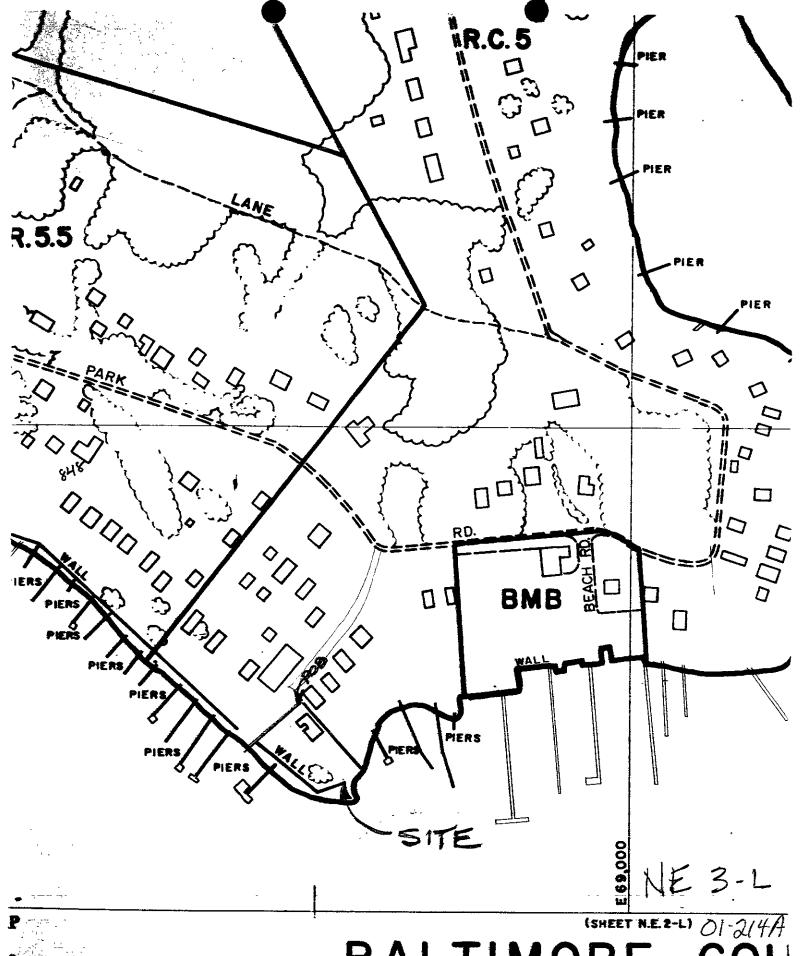
TOTAL EXISTING IMPERVIOUS: 2296 Sq. Ft./ 8.9%

Proposed impervious area:

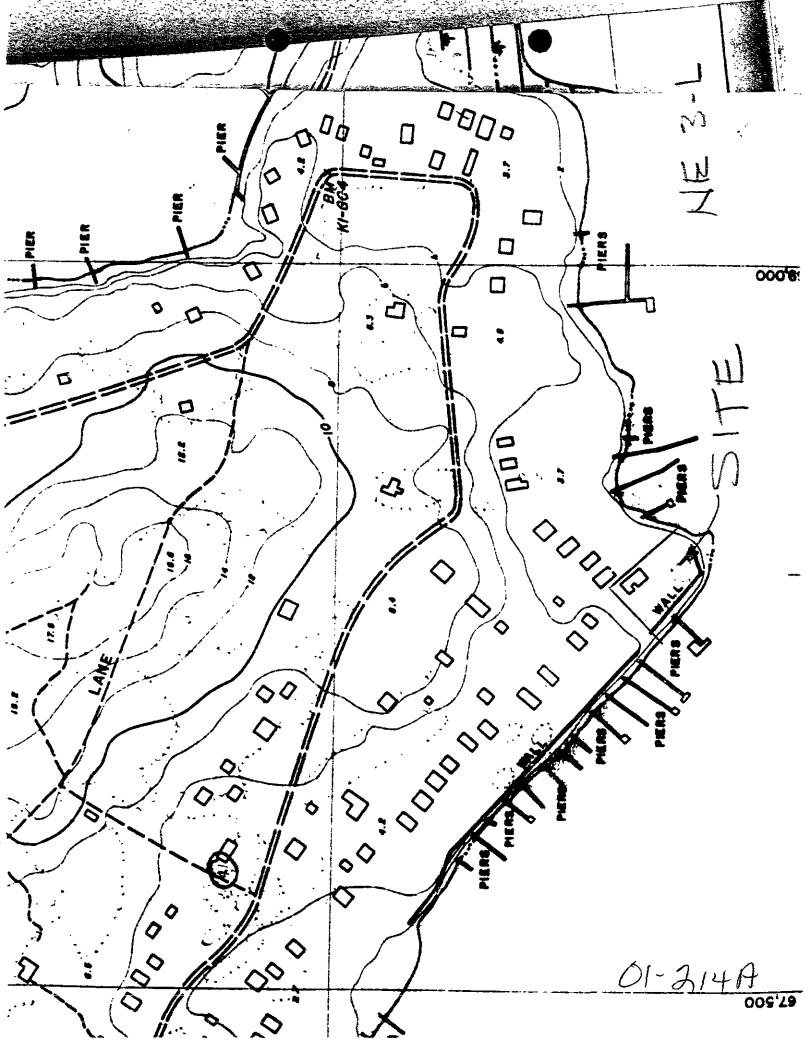
01-214A

Garage: 528, Dwelling: 1854

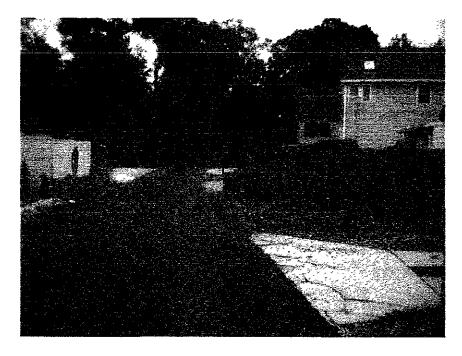
TOTAL PROPOSED IMPERVIOUS: 2382 Sq. Ft. / 9.2%



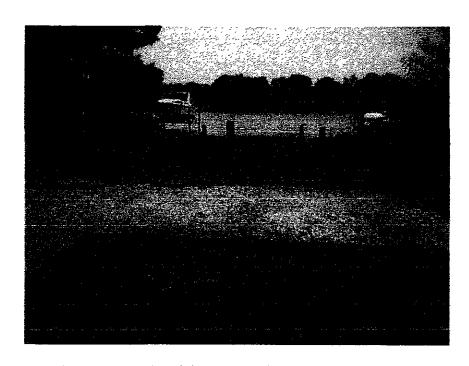
BALTIMORE COU



### 3501 BEACH ROAD

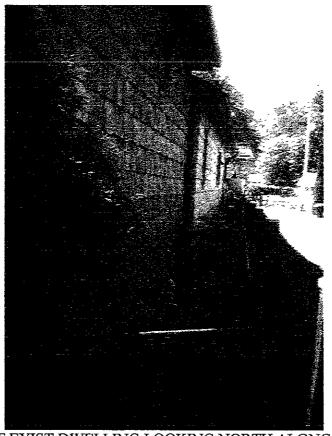


NORTH SIDE OF DWELLING LOOKING EAST ON BEACH ROAD

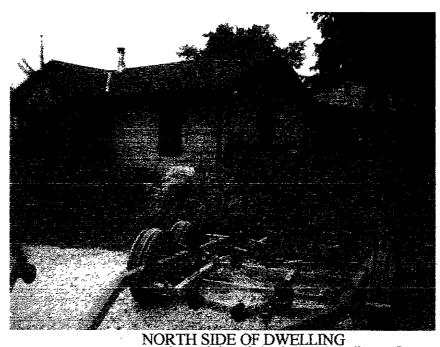


BEACH ROAD LOOKING WEST TOWARD WATER

### 3501 BEACH ROAD



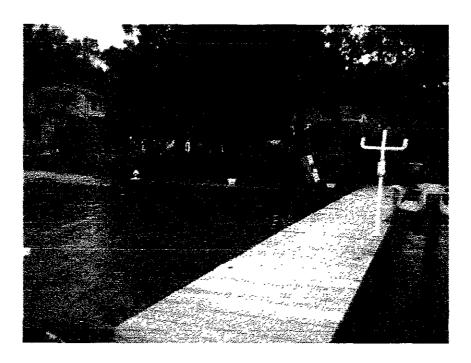
SE CORNER OF EXIST DWELLING LOOKING NORTH ALONG PROPERTY LINE



3501 BEACH ROAD



NORTH SIDE OF DWELLING LOOKING NORTH-EAST AT DIETZ PROPERTY



STANDING ON PIER LOOKING NORTH-WEST AT TAYLOR PROPERTY



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PARK

SENECA

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401