

IN RE: PETITION FOR VARIANCE
S/S Seneca Road, 1050' NE
centerline of New Section Road
15th Election District
5th Councilmanic District
(1203 Seneca Road)

Lisa M. & John D. Funkhouser
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-531-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Lisa and John Funkhouser. The Petitioners are requesting a variance for property they own at 1203 Seneca Road, to allow an accessory swimming pool and snack bar to be located in their front yard in lieu of the required rear yard and to permit an accessory structure (shed) to be located 1 ft. from the side yard line in lieu of the required 2 ½ ft.

Appearing at the hearing on behalf of the variance requests were John and Lisa Funkhouser, owners of the property. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 12,950 sq. ft., zoned RC.5. The subject property is improved with a 1½ story residential dwelling wherein the Funkhouser's reside. Also existing on the property is a gazebo and storage shed located on the water side of the subject property. It should be noted that the property is a waterfront home situated on Seneca Creek. On the road side of the subject dwelling exists an in-ground swimming pool which was installed last summer. Photographs of the pool were submitted into evidence as Petitioners' Exhibit 2. The property is well maintained and very attractive in appearance. The Petitioners believed that the company who installed the pool applied for and obtained all necessary permits. However, recently they discovered that a

ORDER RECEIVED FOR FILING

Date

By

8/21/01
R. J. J. J.

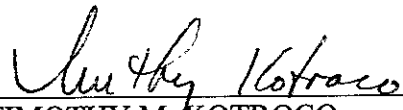
variance was necessary, given that there exists accessory structures on both sides of their dwelling. Therefore, they request this variance to bring their property into compliance with the Baltimore County Zoning Regulations. They indicated at the hearing that all of their neighbors support them in their request and no one has provided any opposition to this variance.

After considering the testimony and evidence offered at the hearing, I find that the variance should be approved, to allow the swimming pool and snack bar to be located in the front yard in lieu of the rear yard and the accessory shed which has existed on the property for many decades to be situated 1 ft. from the property line in lieu of the required 2 ½ ft.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 21st day of August, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory swimming pool and snack bar to be located in their front yard in lieu of the required rear yard and to permit an accessory structure (shed) to be located 1 ft. from the side yard line in lieu of the required 2 ½ ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 21, 2001

Mr. & Mrs. John D. Funkhouser
1203 Seneca Road
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 01-531-A
Property: 1203 Seneca Road

Dear Mr. & Mrs. Funkhouser:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1203 SENECA Rd.
which is presently zoned RC-5

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) 400.1 to permit an accessory

structures (swimming pool and snack bar) to be located in the front yard in lieu of the required rear yard, and to permit an accessory structure (shed) to be located 1 foot from the side yard in lieu of the required 2 1/2 feet (rear yard) of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be determined at the hearing

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

JOHN DAVID FUNKHOUSER

Name - Type or Print

Signature

FORMERLY LISA BARLO

LISA MAE FUNKHOUSER

Name - Type or Print

Signature

1203 SENECA Rd. 410-344-2062

Address

Telephone No.

BALTO. MD. 21220

City

State

Zip Code

Representative to be Contacted:

JOHN DAVID FUNKHOUSER

Name

301 928-0651 day

1203 SENECA Rd. 410-344-2062 eve.

Address

Telephone No.

BALTO. MD. 21220

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BSH Date 6/19/01

ORDER RECEIVED FOR FILING

Date 8/21/01

By [Signature]

Case No. 01-531-A

RECEIVED 9/15/98

ZONING DESCRIPTION FOR 1203 SENECA RD.
Beginning at a point on the south side of
SENECA ROAD WHICH IS 24' feet wide at a
DISTANCE OF 63' EAST OF THE NEAREST
IMPROVED INTERSECTING STREET WHICH IS 25' wide
BEING LOT # 183 BLOCK -- SECTION -- IN THE
SUBDIVISION BOWLEYS QUARTERS AS RECORDED IN
BALTIMORE COUNTY PLAT BOOK LMC LM #9, FOLIO 132
CONTAINING 12,950 sq ft. ALSO KNOWN AS 1203 SENECA ROAD
AND LOCATED IN THE 15th ELECTION DISTRICT 5th
COUNCILMANIC DISTRICT

#531

NOTICE OF ZONING 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: #01-531-A

1203 Seneca Road

S/S Seneca Road, 1050' NE centerline New Section Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Lisa M. & John D. Funkhouser

Variance: to permit an accessory structure (swimming pool & snack bar) to be located in the front yard in lieu of the required rear yard; and to permit an accessory structure (shed) to be located 1 foot from the side yard in lieu of the required 2 1/2 feet.

Hearing: Monday, August 20, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/021 Aug. 2

C484557

CERTIFICATE OF PUBLICATION

8/2, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/2, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

3311

DATE 6/19/01 ACCOUNT 601-000-0100

AMOUNT \$ 50.00

RECEIVED FROM: John P. [unclear]

FOR: Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Income 331

PAID RECEIPT

PAYMENT ACTUAL TIME
6/19/2001 6/19/2001 08:17:57

MS01 CASHIER JRIC JMR DRAWER 1
RECEIPT # 048315 OFLN
5 528 ZWING VERIFICATION
CR MO. 003311

Recpt Tot 50.00
50.00 EX .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.:

01-
02-531-A

Petitioner/Developer: LISA m +

JOHN Funkhouser

Date of Hearing/Closing: Aug 20, 2001

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

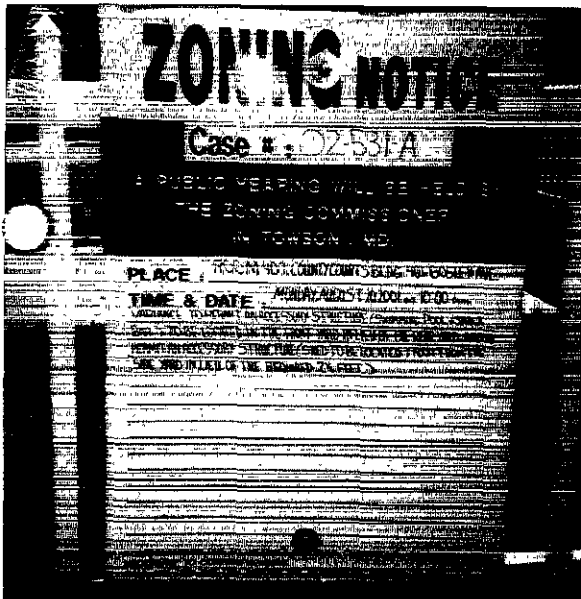
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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 1203 SENECA Road

The sign(s) were posted on

AUGUST 4, 2001
(Month, Day, Year)



Sincerely,

[Signature] 8/4/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-531-A

Petitioner: JOHN DAVID FUNKHOUSER

Address or Location: 1203 SENECA RD. BALT. MD. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN DAVID FUNKHOUSER

Address: 1203 SENECA RD.
BALT. MD. 21220

Telephone Number: 410-344-2062

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 2, 2001 Issue – Jeffersonian

Please forward billing to:
John D Funkhouser
1203 Seneca Road
Baltimore MD 21220

410 344-2062

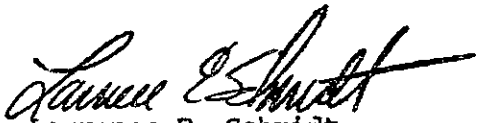
NOTICE OF ZONING HEARING

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: 01-531-A
1203 Seneca Road
S/S Seneca Road, 1050' NE centerline New Section Road
15th Election District – 5th Councilmanic District
Legal Owners: Lisa M & John D Funkhouser

Variance to permit an accessory structure (swimming pool & snack bar) to be located in the front yard in lieu of the required rear yard; and to permit an accessory structure (shed to be located 1 foot from the side yard in lieu of the required 2 ½ feet.

HEARING: Monday, August 20, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 672
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 19, 2001

NOTICE OF ZONING 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: 01-531-A
1203 Seneca Road
S/S Seneca Road, 1050' NE centerline New Section Road
15th Election District – 5th Councilmanic District
Legal Owners: Lisa M & John D Funkhouser

Variance to permit an accessory structure (swimming pool & snack bar) to be located in the front yard in lieu of the required rear yard; and to permit an accessory structure (shed) to be located 1 foot from the side yard in lieu of the required 2 ½ feet.

HEARING: Monday, August 20, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Lisa M & John D Funkhouser, 1203 Seneca Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 4, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW 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

August 17, 2001

Lisa M & John D Funkhouser
1203 Seneca Road
Baltimore MD 21220

Dear Mr. & Mrs. Funkhouser:

RE: Case Number: 01-531-A, 1203 Seneca Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2001.

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. G02
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 3, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2001
Item No. 531

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

This site is located in the 100-year tidal flood plain area of Seneca Creek.

The building's engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the flood plain area.

Along Seneca Creek, the minimum flood protection elevation is 11.2 feet for all construction.

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

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 24, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 16, 2001

Item No.: See Below

Dear Ms. Stephens:

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

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

527, 528, 529, 531¹, 533, 534, 535, 536, 539, 540, 541, 542, 543,
545, 548, 550, and 551

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: September 5, 2001

SUBJECT: Zoning Item 531
Address 1203 Seneca Road

Zoning Advisory Committee Meeting of July 16, 2001

- _____ 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 (Section 14-401 through 14-422 of the Baltimore County Code).
- 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).

_____ Additional Comments:

Reviewer: Dave Lykens

Date: July 27, 2001

*Sepi
8/20*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 25, 2001

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

JUL 26 2001

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-531

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.23.01

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

RE: Baltimore County
Item No. 531 32

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.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

JK
8/20

RE: PETITION FOR VARIANCE
1203 Seneca Road, S/S Seneca Rd,
1050' NE of c/I New Section Rd
15th Election District, 5th Councilmanic

Legal Owner: John D. & Lisa M. Funkhouser
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-531-A

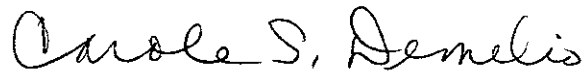
* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



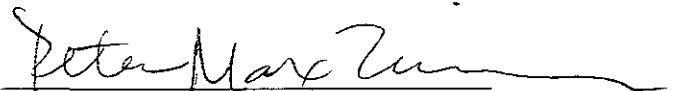
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to John D. & Lisa M. Funkhouser, 1203 Seneca Road, Baltimore, MD 21220, Petitioners.



PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1203 SENECA RD.

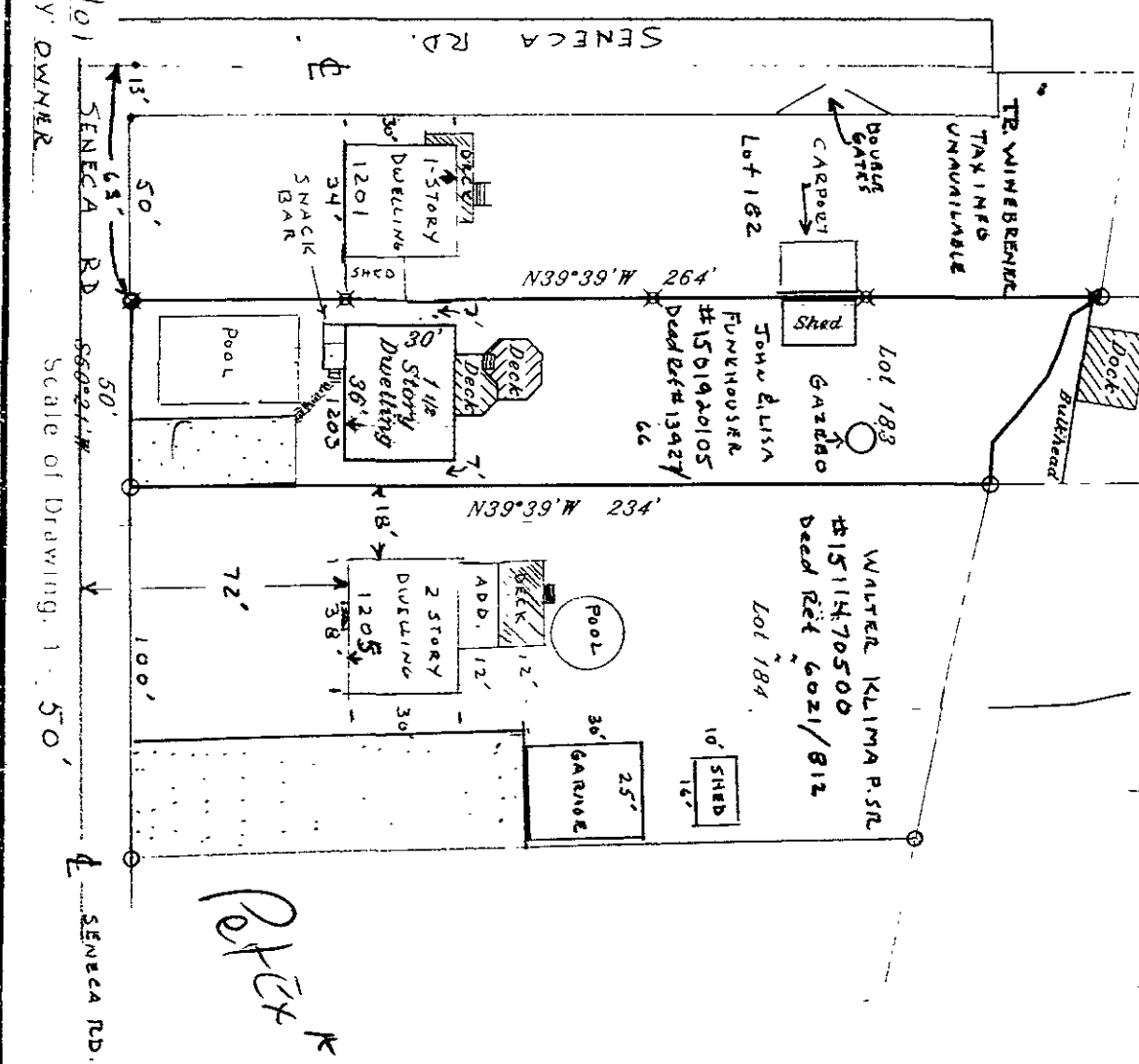
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BOWLEY'S QUARTERS

Plat book # 9, folio # 132, lot # 183, section #

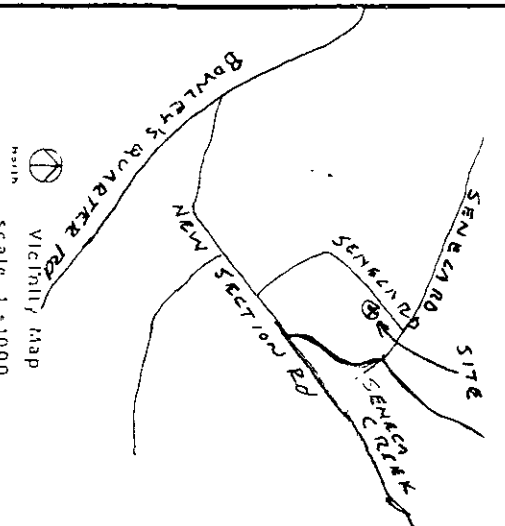
OWNER: JOHN & LISA FUNKHOUSER

SENECA CREEK



North
date: 6/18/01
prepared by: OWNER

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District 10

Councilman District 5

1:200 scale map NE 2-L

Zoning RC-5

Lot size 12,920 sq. ft.

Public Utilities:

- SEWER ☐
- WATER ☒
- Chesapeake Bay Critical Area ☐
- Prior Zoning Hearings ☐

Violation 01-3340, Kemp

Zoning Office USE ONLY

Reviewed by ITEM # CASE #

AK 531 9-531-A

NE 2L
1"=200'

R.C. 5

ROAD

SENECA

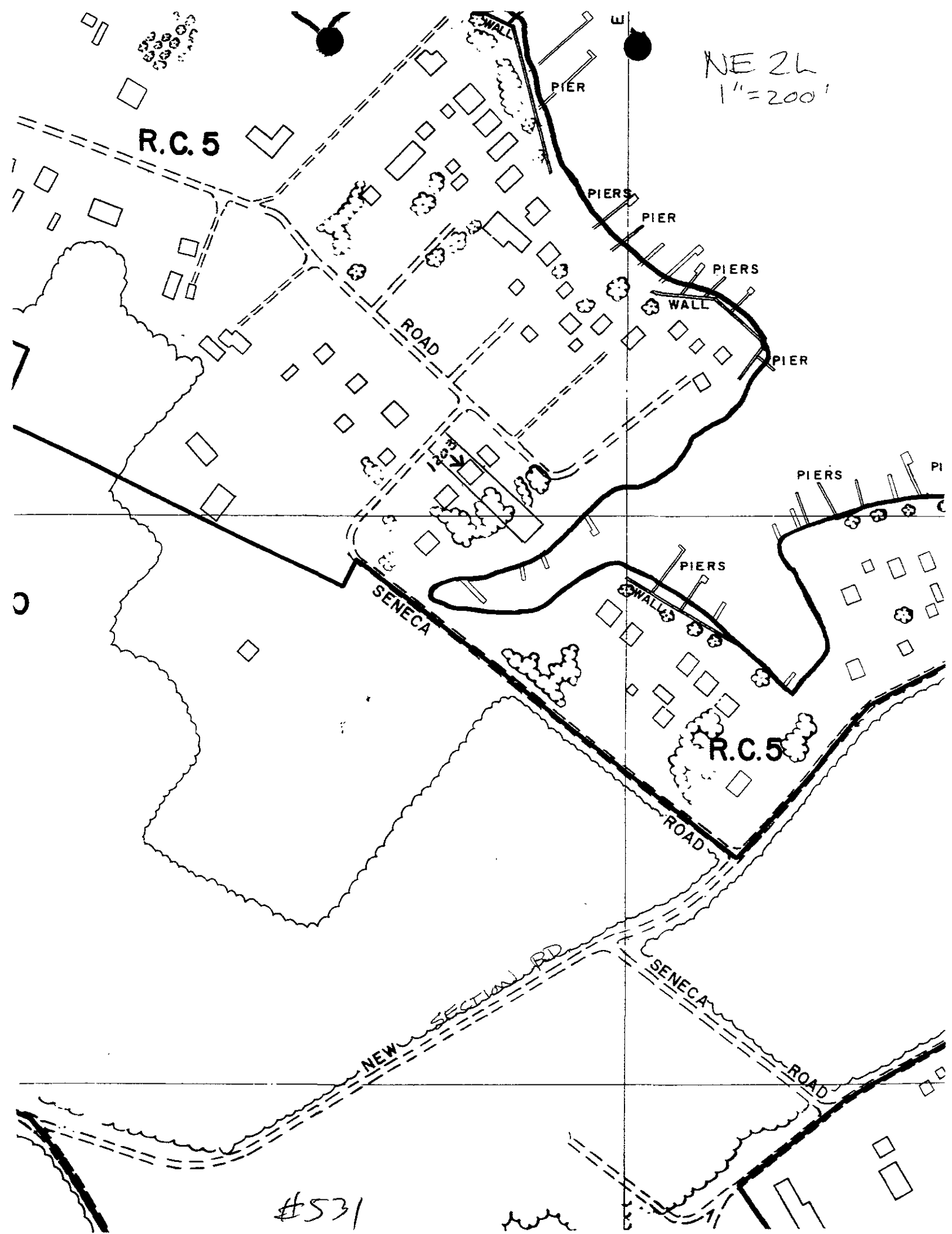
R.C. 5

ROAD

NEW SECTION RD

SENECA ROAD

#531



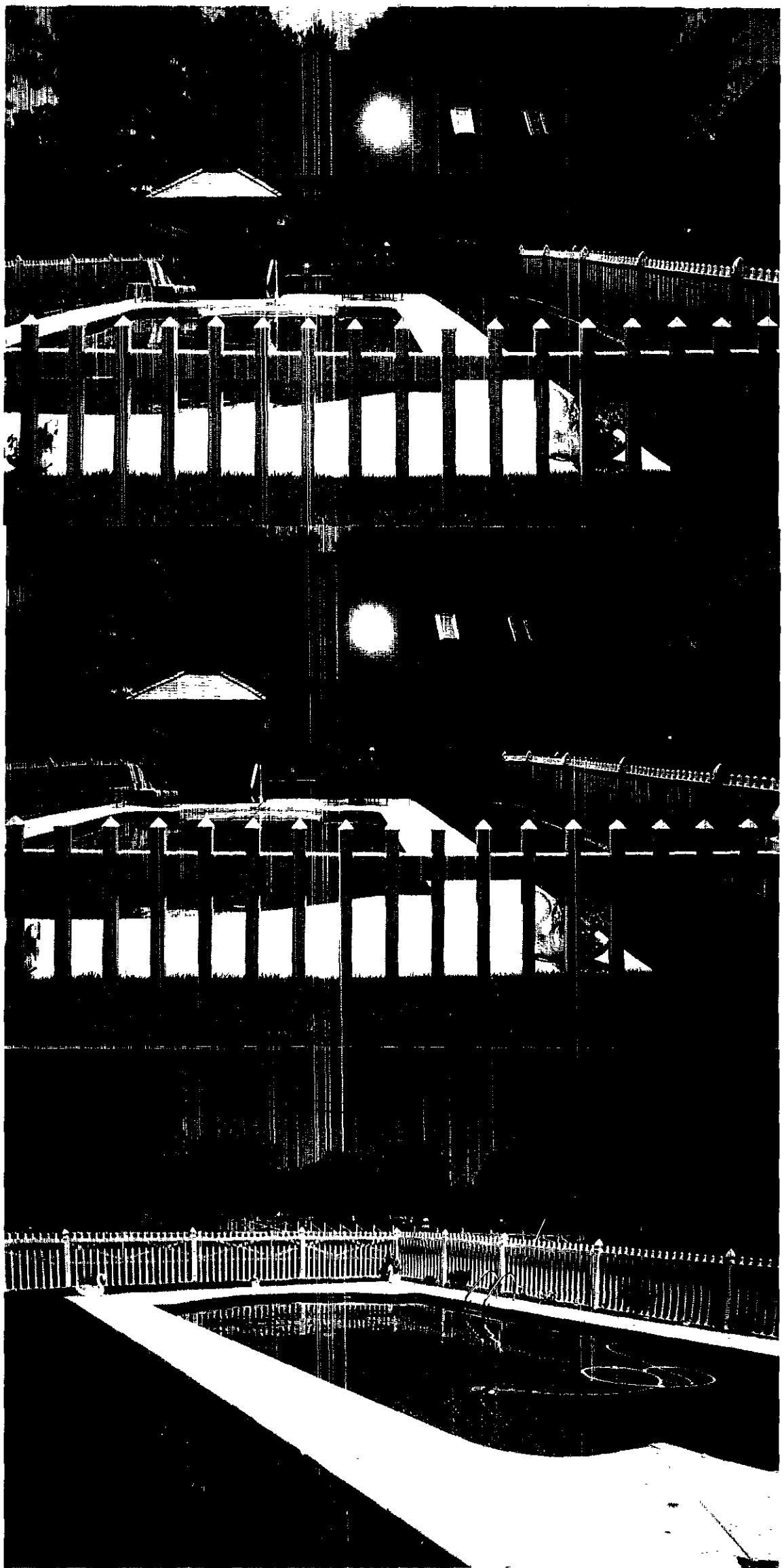


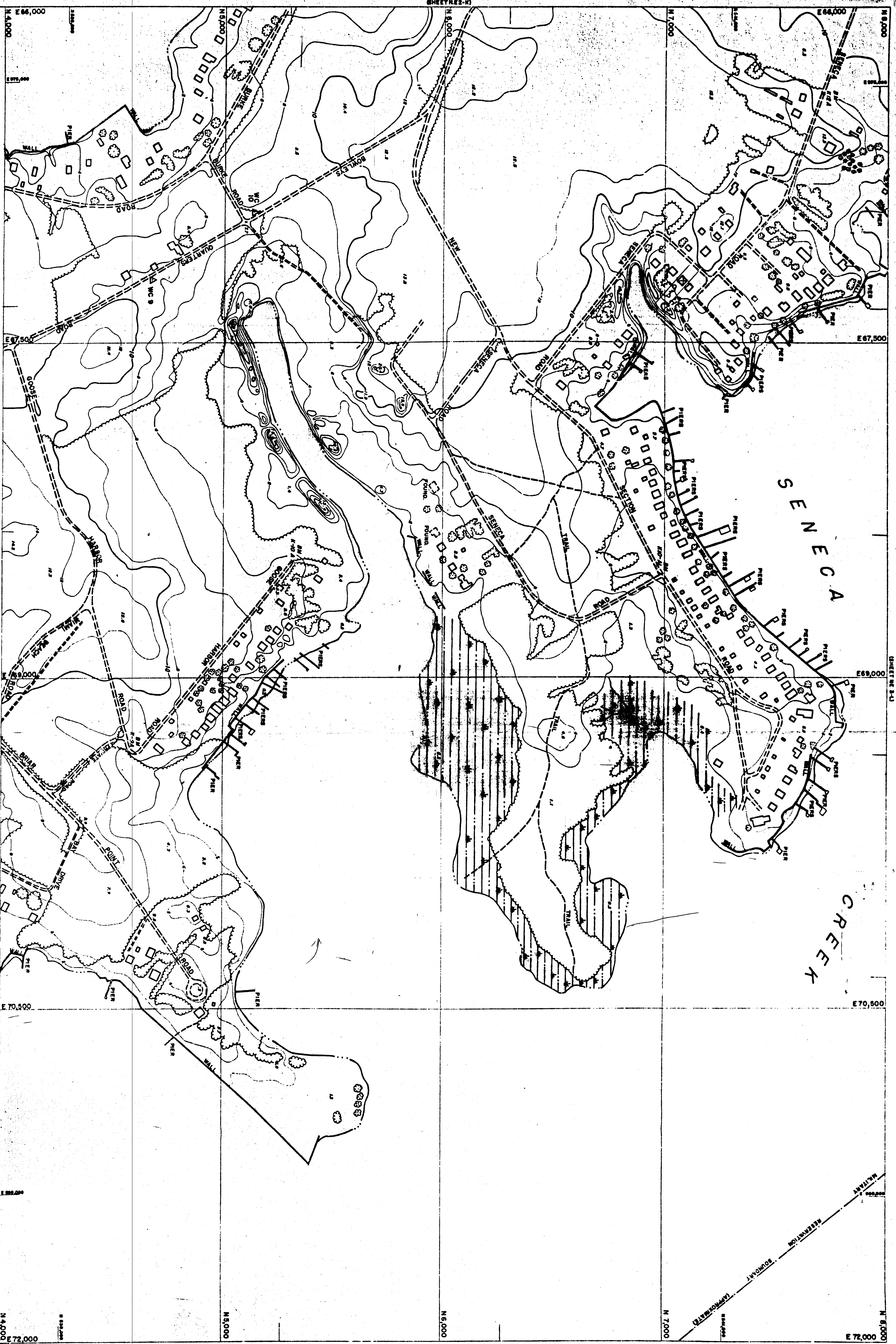
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs
#01-531-A









PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	BOWLEYS QUARTERS	N.E. 2-L
DATE OF PHOTOGRAPHY				
DEC 1964				

Topography Contours by Photogrammetric Method
Baltimore County Survey Coord. LANSING, MICH.

#531