

IN RE: PETITION FOR VARIANCE
N/S Seneca Park Road, 620' S of the c/l
Nannette Lane
(813 Seneca Park Road)
15th Election District
5th Council District

Edward A. McClaskey, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-156-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Edward A. McClaskey, Larry L. McClaskey, Patricia A. Cooch, and Steven W. McClaskey. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width at the building line of 56 feet in lieu of the required 70 feet, and a side yard setback of 5 feet in lieu of the required 10 feet for a proposed dwelling. The subject property and requested relief are more particularly shown on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Steven W. McClaskey, and his wife, Gail Anne McClaskey. Also appearing was Ronald M. Kearney, the Registered Property Line Surveyor 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 rectangular shaped parcel located between Seneca Park Road and Nannette Lane, just south of Carroll Island Road in the subdivision known as Seneca Park in Middle River. The property is a narrow, yet deep lot, approximately 50 feet wide along Seneca Park Road, which tapers to a width of 80 feet across the rear property line abutting Nannette Lane, and averaging 430 feet in depth. Although not waterfront, the property is located across Seneca Park Road from Seneca Creek. The lot contains

ORDER RECORDED FOR FILING

Date

By

1/3/12

[Signature]

an overall area of 26,474 sq.ft., zoned D.R.3.5, and is presently improved with a one-story single family dwelling. In addition to the dwelling, there are 4 sheds on the property, as well as a concrete carport, and a gravel drive runs the full length of the property along its western property line from Seneca Park Road to Nannette Lane.

Testimony indicated that the Petitioners, who are siblings, acquired the subject property from their parents, by deed dated February 19, 1991. The Petitioners' parents have owned the property since 1953, and the elder Mrs. McClaskey still resides in the dwelling thereon, known as 813 Seneca Park Road. Testimony indicated that the dwelling was built approximately 60 years ago and is now suffering from termite damage and deteriorating. Rather than rehabilitate the structure, the Petitioners propose razing the building and replacing same with a new dwelling in which it is anticipated that the elder Mrs. McClaskey will continue to reside. However, due to the narrow width of the property, the requested variance relief is necessary in order to proceed with the proposed improvements. Testimony indicated that the new dwelling will be 64' x 26' in dimension, and set back further from Seneca Park Road to take advantage of the greater width at that location, which is approximately 56 feet at the front building line, less than the 70 feet required. Moreover, due to the location of the existing carport and sheds, the side yard setback along the east side will be 5 feet in lieu of the minimum required 10 feet. Although the side yard setback will be less than that required, the proposed dwelling will actually be further away from the neighbor's house on the adjacent lot.

As noted above, there were no Protestants at the hearing. Moreover, the Office of Planning supports the Petitioners' proposal, as evidenced by their Zoning Advisory Committee comment dated November 30, 2001. However, the property is located within the Chesapeake Bay Critical Areas and thus, is subject to compliance with those regulations as noted in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated November 30, 2001.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. In my judgment, the property is unique by virtue of its unusual configuration and

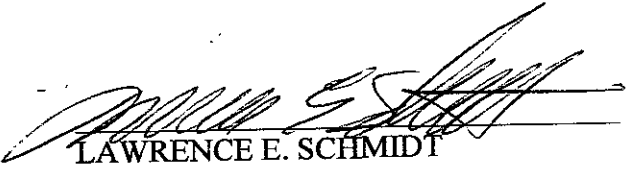
ORDINANCE 11/3/02
Date 11/3/02
By Bp

narrow width. This uniqueness drives the need for the variance and the Petitioners would suffer a practical difficulty if relief were denied in that the property could not be used for a single family dwelling. In my judgment, the proposal represents an upgrade to the property and will not result in any detrimental impacts to the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons et forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of January, 2002 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width at the building line of 56 feet in lieu of the required 70 feet, and a side yard setback of 5 feet in lieu of the required 10 feet for a proposed dwelling, 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) Compliance with the Chesapeake Bay Critical Area requirements as set forth in the ZAC comment submitted by DEPRM, dated November 30, 2001, a copy of which is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/3/12
By [Signature]



Baltimore County
Zoning Commissioner

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

January 2, 2002

Mr. & Mrs. Steven W. McClaskey
813 Seneca Park Drive
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
N/S Seneca Park Road & S/S Nannette Lane, 2000' S of the c/l Carroll Island Road
(813 Seneca Park Road)
15th Election District – 5th Council District
Edward A. McClaskey, et al - Petitioners
Case No. 02-156-A

Dear Mr. & Mrs. McClaskey:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File

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





Petition for Variance

C.B.C.A. FLOOD PLAIN
to the Zoning Commissioner of Baltimore County

for the property located at 813 SENECA PARK RD

which is presently zoned DR2.5

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) 1B02.3.C.1 (BC2R)

TO PERMIT A MINIMUM LOT WIDTH AT THE BUILDING LINE OF 56' AND A SIDEYARD OF 5' IN LIEU OF THE REQUIRED 70' AND 10' RESPECTIVELY AND TO APPROVE AN UNDERSIZED LOT

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 DISCUSSED 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 _____

State _____ Zip Code _____

Legal Owner(s):

Edward A. McClaskey, Larry L. McClaskey
Name - Type or Print _____

[Signature]
Signature _____

Patricia A. Cooch, Steven W. McClaskey
Name - Type or Print _____

[Signature] *[Signature]*
Signature _____

813 Seneca Park Road 410-335-3272

Address _____ Telephone No _____

Baltimore, Maryland 21220

City _____ State _____ Zip Code _____

Representative to be Contacted:

Ronald M. Kearney

Name _____

4401 Philadelphia Road 410-989-0445

Address _____ Telephone No _____

Bel Air, Maryland 21015

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By _____ Date 10/17/01

ORDER RECEIVED FOR FILING

Case No. 02-156-A

RECEIVED 9/15/98

Date _____
By _____

ZONING DESCRIPTION FOR 813 SENECA PARK ROAD

Beginning at a point on the North side of Seneca Park Road which is 30 feet wide at the distance of 620 feet South East of the centerline of the nearest improved intersecting street Nannette Lane which is 30 feet wide. Being Lot #121 in the subdivision of Seneca Park Beach as recorded in Baltimore County Plat Book #8, Folio #45 containing 26474 square feet or 0.61 acres of land more or less. Also known as 813 Seneca Park Road and located in the 15th Election District, 5th Councilmanic District.

#156

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: #01-156-A

813 Seneca Park Drive

N/S Seneca Park Drive, 620' S/E of centerline Hanneke Lane

15th Election District -- 5th Councilmanic District

Legal Owner(s): Edward A. Larry L., &

Steven W. McClaskey & Patricia A. Cooch

Variance: to permit a minimum lot width at the building line of 56 feet and a side yard of 5 feet in lieu of the required 70 feet and 10 feet respectively and to approve an undersized lot.

Hearing: Friday, December 21, 2001 at 9:00 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

12/011 Dec 6

C509714

CERTIFICATE OF PUBLICATION

12/6/, 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 12/6/, 2001.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

 RE Case No.: 02-156-A

 Petitioner/Developer M. CLOSKEY
KLS

 Date of Hearing/Closing: 12/21/01

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

Attention: Ms. Gwendolyn Stephens
MR. GEORGE ZAHNER

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 #813 - Seneca Park Rd.

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 12/21/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

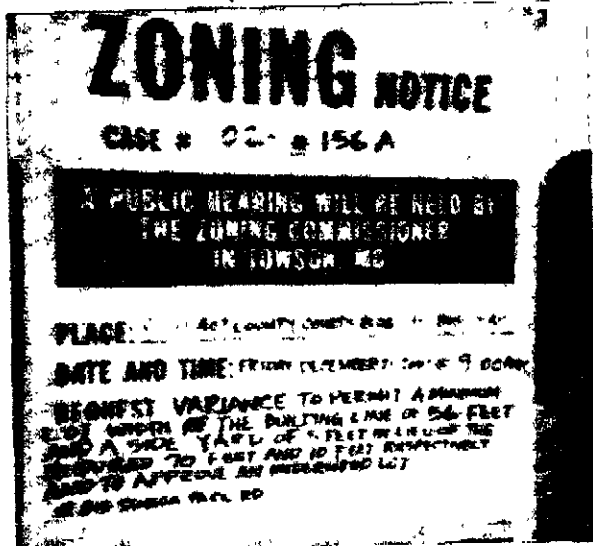
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



02-156-A
813-SENECA PARK RD.
M. CLOSKEY 12/21/01

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: 02-156-A

Petitioner: EDWARD A. McCLASKEY ET AL

Address or Location: 813 SENECA PARK RD. #

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD A. McCLASKEY

Address: 813 SENECA PARK RD.

BALTIMORE, MD. 21220

Telephone Number: 410-335-3272

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 6, 2001 Issue – Jeffersonian

Please forward billing to:
Edward A McClaskey
813 Seneca Park Road
Baltimore MD 21220

410 335-3272

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: 01-156-A

813 Seneca Park Drive

N/S Seneca Park Drive, 620' S/E of centerline Hannette Lane

15th Election District – 5th Councilmanic District

Legal Owner: Edward A, Larry L, & Steven W McClaskey & Patricia A Cooch

Variance to permit a minimum lot width at the building line of 56 feet and a side yard of 5 feet in lieu of the required 70 feet and 10 feet respectively and to approve an undersized lot.

HEARING: Friday, December 21, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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

November 28, 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: 01-156-A

813 Seneca Park Road

N/S Seneca Park Road, 620' S/E of centerline Hannette Lane

15th Election District – 5th Councilmanic District

Legal Owner: Edward A, Larry L, & Steven W McClaskey & Patricia A Cooch

Variance to permit a minimum lot width at the building line of 56 feet and a side yard of 5 feet in lieu of the required 70 feet and 10 feet respectively and to approve an undersized lot.

HEARING: Friday, December 21, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Edward A, Larry L, & Steven W McClaskey, & Patricia A Cooch, 813 Seneca Park Road, Baltimore 21220
Ronald M Kearney, 4401 Philadelphia Road, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 6, 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
pdmlandacq@co.ba.md.us

December 14, 2001

Edward A McClaskey
813 Seneca Park Road
Baltimore MD 21220

Dear Mr. McClaskey:

RE: Case Number: 02-156-A, 813 Seneca Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 17, 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. Gdz
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Ronald M Kearney, 4401 Philadelphia Road, Bel Air 21015
People's Counsel

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



12/21²²

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 20, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2001
Item No. [REDACTED]

JAN - 7 2002

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

Flood protection elevation for this site is 11.2 feet.

The rear of buildings may not be constructed within 20 feet of the flood plain as established for a 100-year flood level with a 1-foot freeboard. *See Plate D19 in the Baltimore County Design Manual.*

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

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

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.

Flood resistant construction shall comply with B.O.C.A. International Building Code, adopted by the county. Buildings shall be designed and adequately anchored or lateral movement of the structures with materials resistant to flood damage.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 10, 2001

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

JAW - 7 502

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 26, 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:

151, 152, 155, ~~156~~, 157, 159, 161, 164, 165, 166, 167, 168, 169,
170, 171, 172, 173, 174, and 175

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd G. Taylor ¹⁶

DATE: 11/30/01

20

SUBJECT: Zoning Item [REDACTED]
Address 813 Seneca Park Road

Zoning Advisory Committee Meeting of 11/26/01

_____ 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: Kieth Kelley

Date: 12/5/01

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd G. Taylor *TGT*

DATE: 1/04/02

SUBJECT: Zoning Item 156
Address 813 Seneca Park Road

Zoning Advisory Committee Meeting of 11/26/01

Refer to attached letter dated 6/10/99 for requirements by GWM for Building Permit approval.

Reviewer: Sue Farinetti

Date: 1/04/02

JA
12/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 30, 2001

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

SUBJECT: 813 Seneca Road

INFORMATION:

Item Number: 02-156

Petitioner: Edward A McClaskey

Zoning: DR 3.3

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a lot width of 56 feet at the front building line in lieu of the minimum required 70 feet, and a side yard setback of 5 feet in lieu of the minimum required 10 feet.

Additionally, this office supports the request to approve an undersized lot.

Prepared by:

Mark A. Rung

Section Chief:

Jeffrey W. Long

AFK.MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.3.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED]

LTM

Dear Mr. Zahner:

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,

Ken 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

RE: PETITION FOR VARIANCE
813 Seneca Park Rd, N/S Seneca Park Rd,
620' SE of c/l Hannette Ln
15th Election District, 5th Councilmanic

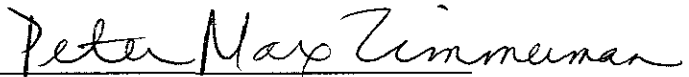
Legal Owner: Edward, Larry, Steven McClaskey,
and Patricia Cooch
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-156-A

* * * * *

ENTRY OF APPEARANCE

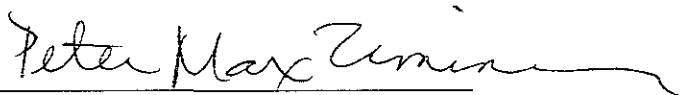
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed 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 10th day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to Ronald M. Kearney, K.L.S. Consultants, Inc., 4401 Philadelphia Road, Bel Air, MD 21015, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Environmental Protection
and Resource Management

Ground Water Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

410-887-2762

Fax: 410-887-4804

June 10, 1999

Ms. Gail Fischer
813 Seneca Park Road
Baltimore, MD 21220



RE: 813 Seneca Park Road, sewage disposal system, D-15

Dear Ms. Fischer,

Reference is made to your letter of May 9, 1999 concerning your intention to replace your existing home with a modular dwelling on the same lot, and connect to the existing sewage disposal system.

Although the sewage disposal system was recently upgraded in the past and dye testing did not indicate obvious surface failure of the system; soil evaluations conducted in 1996 indicated poor soil conditions underlying the site.

Since the anticipated completion of the public sewer installation for your area is approximately two years away, the following items must be completed in order for this office to approve any building permits for the property involving replacing the existing house:

1. Complete and record in Land Records an Interim Agreement indicating your intentions to connect to public sewer when it becomes available. Blank copies of this form are available in this office.
2. Replace the existing septic tank with a top seam two-compartment tank equipped with an outlet filter
3. Redirect wash water discharge into this septic tank or install a separate system to accommodate the gray water flows.

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



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on Recycled Paper

Ms. Gail Fischer
June 10, 1999
Page 2

4. Submit a letter to this office indicating that if the septic system fails, the drain field is to be disconnected from the tank and then converted to a holding tank.

If have any questions concerning the above requirements please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Robert Powell".

J. Robert Powell, R.S.
Soil Evaluation Program

j:jjp/813 Seneca Park Rd

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 02-156-A

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

Residential Processing Fee Paid
(\$50.00)

Accepted by LTm
Date 10/17/01

RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Edward A. McClaskey, ET AL 813 Seneca Park Road 410-335-3272
Print Name of Applicant Address Telephone Number
Lot #121
Lot Address 813 Seneca Park Road Election District 15 Councilmanic District 5 Square Feet 26474
Lot Location: N E S W/side/corner of Seneca Park Rd. 620 feet from N E S W corner of Nannette Lane
(street) (street)
Land Owner: Edward A. McClaskey, ET AL Tax Account Number 1513007210
Address: 813 Seneca Park Road Telephone Number (410) 335-3272

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

		PROVIDED?	
		YES	NO
1. This Recommendation Form (3 copies)		<u>✓</u>	
2. Permit Application			
3. Site Plan		<u>✓</u>	
Property (3 copies)			
Topo Map (2 copies). available in Room 206, County Office Building - (please label site clearly)		<u>✓</u>	
4. Building Elevation Drawings			
5. Photographs (please label all photos clearly)		<u>✓</u>	
Adjoining Buildings			
Surrounding Neighborhood	<u>DTZ</u>		
6. Current Zoning Classification:	<u>3.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations

Signed by _____
for the Director, Office of Planning and Community Conservation

Date _____

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

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

The application for your proposed Building Permit application has been reviewed and is accepted for filing by _____ on _____
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

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

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

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

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

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

11/5/01

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 02-156-A

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

Residential Processing Fee Paid
(\$50.00)Accepted by CTM
Date 10/17/01RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant Edward A. McClaskey, ET AL Address 813 Seneca Park Road Telephone Number 410-335-3272

Lot Address 813 Seneca Park Road Election District 15 Councilmanic District 5 Square Feet 26474

Lot Location: N E S W side/corner of Seneca Park Rd. 620 feet from N E S W corner of Nannette Lane
(street) (street)

Land Owner: Edward A. McClaskey, ET AL Tax Account Number 1513007210

Address: 813 Seneca Park Road Telephone Number (410) 335-3272

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY: PROVIDED?

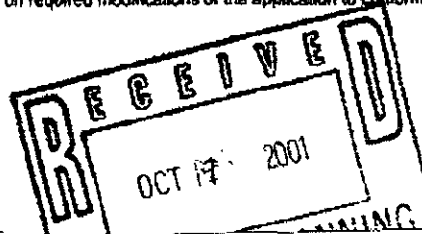
	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☐
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☐	☐
Surrounding Neighborhood	☐	☐
6. Current Zoning Classification: <u>DR 3.5</u>	☐	☐

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY:

RECOMMENDATIONS / COMMENTS:

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

Signed by Jeffrey M. Long
for the Director, Office of Planning and Community Conservation

Date 10/3/01

Post-It® Fax Note	7671	Date	11/1/01	# of pages	1
To	Mr. Moxley	From	JR SR LONG		
Co./Dept.	PDM	Co.			
Phone #	3391	Phone #	3480		
Fax #	2824	Fax #			

25/99

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RONALD M. KEARNEY

4401 PHILA. RD. BEL AIR, MD
21015

STEVEN W. MCCLASKEY

813 SENECA PK. RD. BALTO., MD. 21720

GAIL ANN MCCLASKEY

813 SENECA PK. RD. BALTO. MD. 21720



NO CONSIDERATION

NO TITLE SEARCH

This Deed, MADE THIS 19th day of February

in the year one thousand nine hundred and ninety-one----- by and between

✓ LILLIAN L. McCLASKEY

of

of the first part, and

✓ EDWARD A. McCLASKEY, ✓ LARRY L. McCLASKEY, ✓ PATRICIA A. COOCH, and ✓ STEVEN W. McCLASKEY

of the second part.

WITNESSETH, That in consideration of the sum of no dollars

the said LILLIAN L. McCLASKEY

C RC/F 15.00

DEED 0 #

SM CLERK 15.00

#24178 COO1 R02 T12:01

03/11/91

does grant and convey to the said Edward A. McClaskey, Larry L. McClaskey, Patricia A. Cooch, and Steven W. McClaskey, the said Lillian L. McClaskey reserving for herself a life estate for and during the term of her natural life,

personal representatives/successors and assigns

, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 121 as shown on the Revised Plat of SENECA PARK BEACH filed among the Land Records of Baltimore County in Plat Book W.H.M. No. 8, folio 45; together with the use of the street or boulevard in front of said lot and all streets and avenues connecting or communicating therewith in common with others, and also the use of all parks and beaches in said Seneca Park laid down for common use, the aforesaid lot being situate on the northernmost side of Hughes Boulevard.

BEING the same lot of ground which by Deed dated August 31, 1953, and recorded among the Land Records of Baltimore County in Liber 2354, folio 72 was granted and conveyed by Carl Fisher and Lucille Virginia Fisher unto Edward A. McClaskey and Lillian L. McClaskey, the said Edward A. McClaskey having since departed this life, the within Grantor.

TOGETHER with the privileges in common with others entitled thereto of a right-of-way 10 feet wide along and over Lot No. 14 as shown on the said Plat of Seneca Park Beach between Hughes Boulevard and the Public Boat landing located on said lot No. 14, the southernmost boundary of said 10-foot right-of-way coinciding with the southernmost boundary line of said lot No. 14.

The said Grantees, their heirs and assigns, shall have the privilege of the use in common with others entitled thereto for bathing purposes of the beach 50 feet wide in front of Lot No. 14 as shown on said Plat.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE LR 22891 DATE 2-28-91

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Date 2-28-91 Fee 11-88 C

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said parties of the second part subject to the aforementioned life estate

personal representatives/successors and assigns, in fee simple.

AND the said party of the first part hereby covenant that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor.

Test:

Lillian L. McClaskey (SEAL)
Lillian L. McClaskey

I HEREBY CERTIFY, that this deed was prepared by Timothy P. Knepp, an attorney licensed to practice law in the State of Maryland.

T. P. Knepp (SEAL)
Timothy P. Knepp

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 19th day of February in the year one thousand nine hundred and ninety-one, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

Lillian L. McClaskey known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1993

T. P. Knepp
Timothy P. Knepp Notary Public

Return to:

TIMOTHY P. KNEPP
ATTORNEY AT LAW
813 EASTERN BLVD., 2nd FLOOR
P. O. BOX 34019
BALTIMORE, MARYLAND 21221

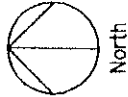
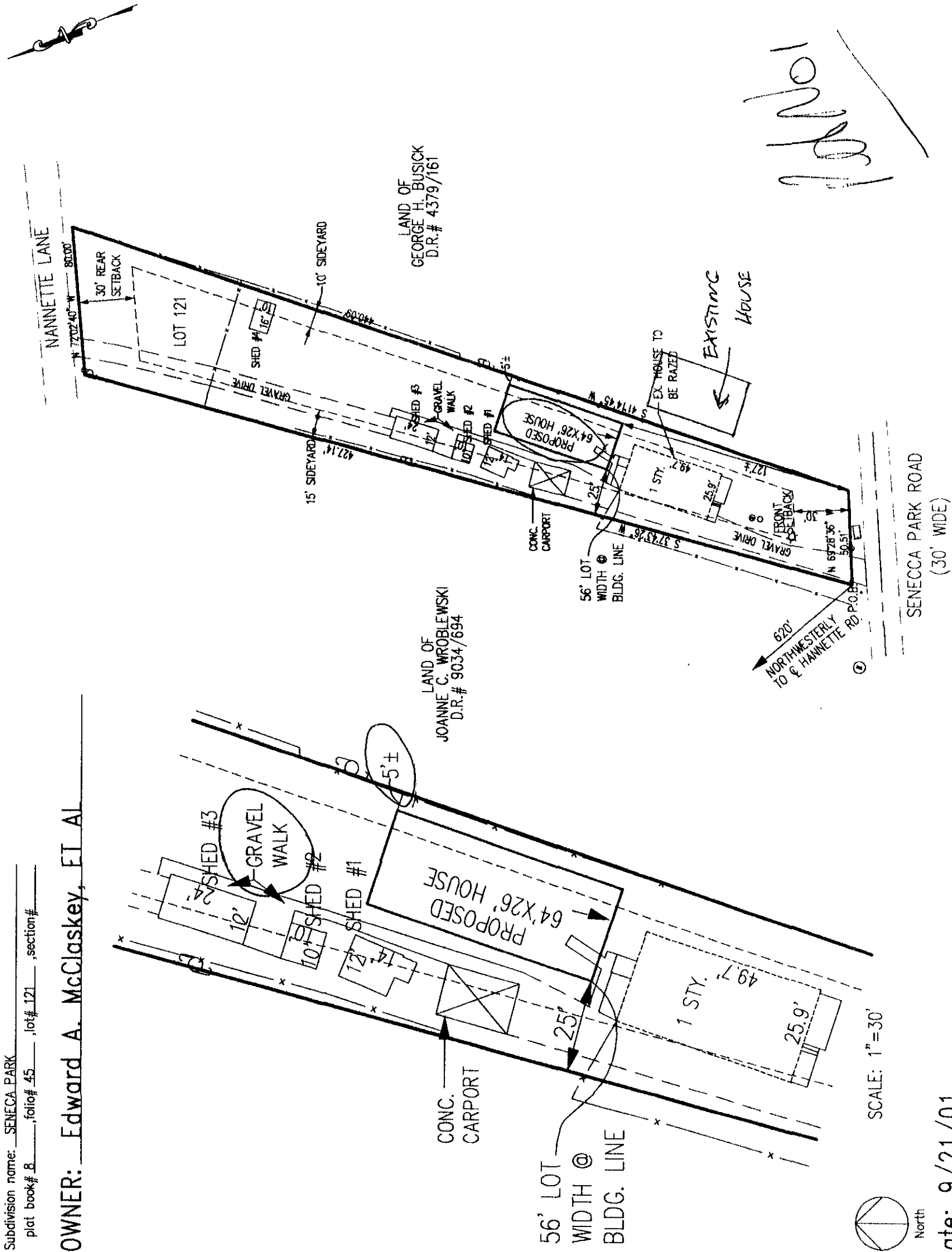
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

PROPERTY ADDRESS: 813 SENECA PARK ROAD

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

Subdivision name: SENECA PARK
plot book# 8, folio# 45, lot# 121, section#

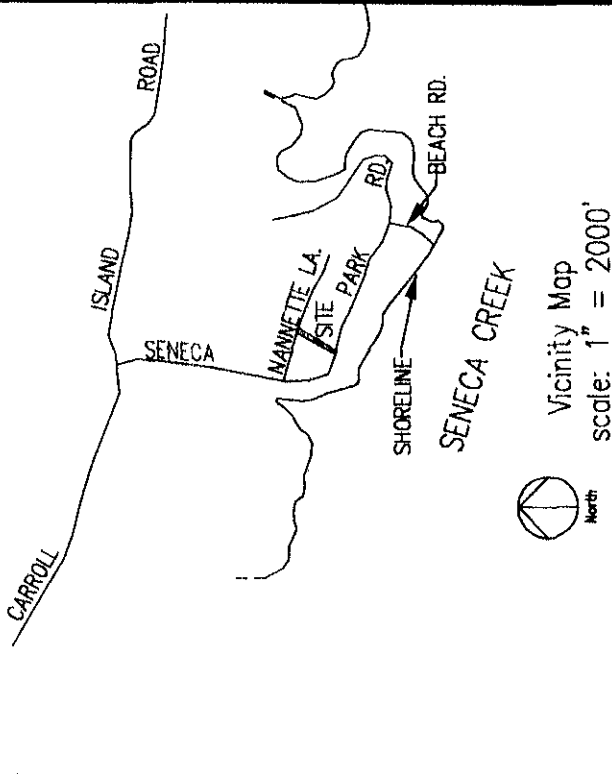
OWNER: Edward A. McClaskey, ET AL



SCALE: 1"=30'

date: 9/21/01
prepared by: J.Campbell

Scale of Drawing: 1"=60'



Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1" = 200' scale map#: N.E. 3L

Zoning: DR 3.5

Lot size: 0.61 acreage 26474 square feet

Flood Zone A10 Firm Map 435

Cheapeake Bay Critical Area: ☒ YES ☐ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

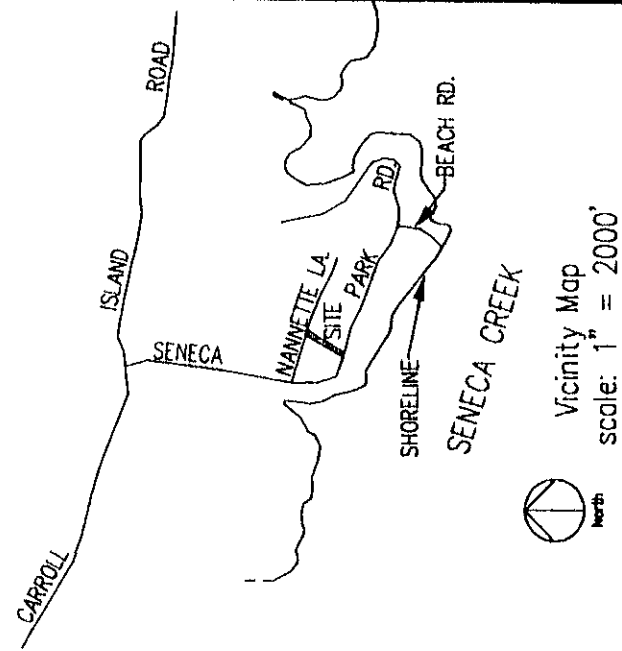
reviewed by: ITEM #: CASE#:

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

PROPERTY ADDRESS: 813 SENECA PARK ROAD

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

Subdivision name: SENECA PARK BEACH
LIB # 8730, folio # 185, lot # 121, section #
Book 8 45
OWNER: Edward A. McClaskey, ET AL



LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1" = 200' scale map# N.E. 31

Zoning: DR 3.5

Lot size: 0.61 acreage 26474 square feet

FLOOD ZONE A10 FIRM MAP 435

Cheapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: NONE

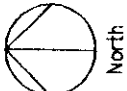
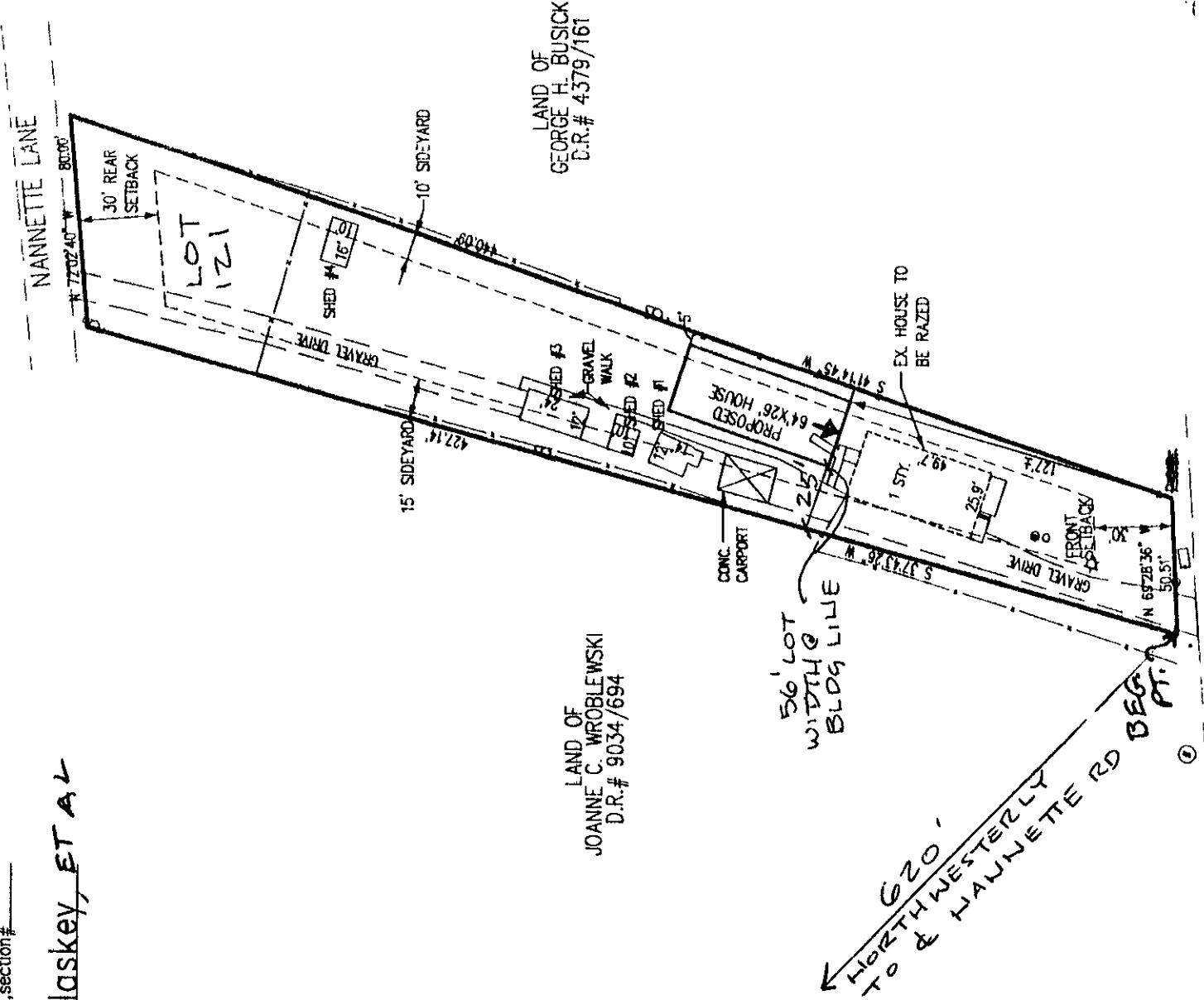
Zoning Office USE ONLY!

reviewed by: LTM

ITEM #: 156

CASE#: 02

156 A

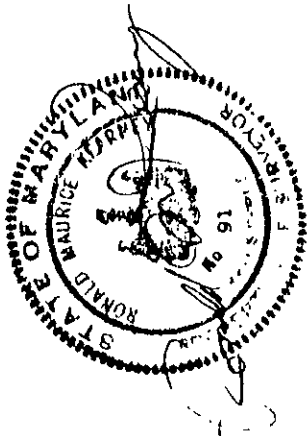


date: 9/21/01

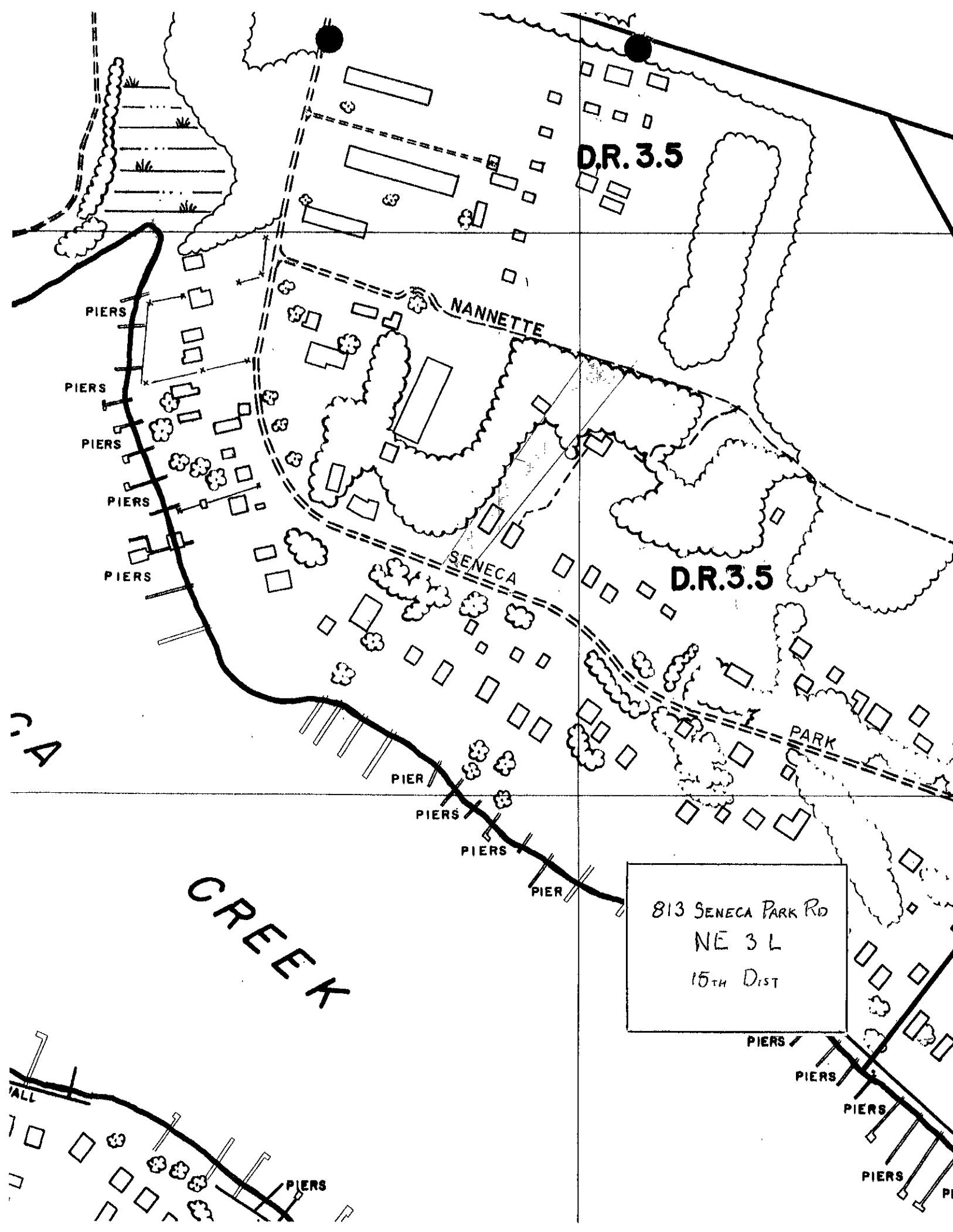
prepared by: J.Campbell

Scale of Drawing: 1"=60'

SENECA PARK ROAD
(30' WIDE)



22 No 1A



D.R. 3.5

NANNETTE

SENECA

D.R. 3.5

PARK

CREEK

813 SENECA PARK RD
NE 3 L
15TH DIST

PIERS

PIERS

PIERS

PIERS

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LONG DISTANCE TELEPHONE CABLES
IN THIS AREA

BEFORE STARTING WORK
Call Collect At Any Time
Lexington 9-9900 Ext. 553 or 554
For Telephone Company Representative

THIS CONTRACTOR IS THE EXCLUSIVE AGENT
LOCATION AND DATE OF EXISTING
MAIN BEFORE LAYING ANY WIRE.

ALL WORK TO BE DONE IN ACCORDANCE
WITH DISTRICTS COUNTY DESIGN STAND-
ARDS AND SPECIFICATIONS, DATED 1964

N 61500
E 67000

MATCH LINE - DRAWING # 62-679-AAC

NOTE: USE FULL TENSILE COMPACTION
FOR COMPLETE LIMITS OF THIS PROJECT.

PAVING IMPROVEMENT

3 SWAMP

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LOT # 118

LOT # 119

LOT # 120

LOT # 121

LOT # 122

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