

IN RE: PETITION FOR VARIANCE
N/S New Section Road, 6500' W of the c/l
Bowleys Quarters Road
(3928 New Section Road)
15th Election District
5th Council District

James L. Scott, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-569-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, James L. Scott, Jr., and his wife, Margaret D. Scott. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 23 feet in lieu of the maximum allowed 15 feet, and a side yard setback of 8 inches in lieu of the required 2.6 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was James L. Scott, Jr., property owner. There were no Protestants or other interested persons present; however, it is to be noted that the Petition was filed as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management by Charles Biddison, a nearby resident of the neighborhood. Mr. Biddison did not appear at the hearing.

Testimony and evidence offered revealed that the subject property is a waterfront lot abutting Seneca Creek and located on the north side of New Section Road, just east of Seneca Road in Bowleys Quarters. The property contains a gross area of 0.337 acres, more or less, zoned R.C.5, and is improved with a single family dwelling and detached garage. The Petitioners have owned and resided on the property for the past five years. Testimony indicated that at the time of their purchase, the property featured a detached garage on that portion of the lot adjacent to New

ORDER RECEIVED FOR FILING
Date 8/29/12
By [Signature]

Section Road. Mr. Scott testified that he recently made improvements to the existing structure to create more storage space. Specifically, he razed the roof and added a second floor, and installed a new door and siding. He indicated that the purpose of the addition was to provide storage space for an extensive decoy collection he owns. He further indicated that the garage will continue to be used for storage purposes, only, and will not be used for commercial or business purposes or as additional living quarters. In support of his request, Mr. Scott produced several letters from adjacent neighbors indicating that they have no objections to the garage. Photographs submitted show that the structure is attractive. It is to be noted that the relief requested from side setback requirements is necessary due to the location of the existing footprint. Moreover, there is no additional area of impervious surface in that the improvements to the garage only result in an increase in height and not dimension.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. In my judgment, the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that strict compliance with the zoning regulations would be unnecessarily burdensome for the Petitioners. There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency and the Petitioners have the support of their immediately affected neighbors. Thus, it appears that the grant of the relief will not result in any detrimental impact upon the health, safety and general welfare of the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of August, 2002 that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 23 feet in lieu of the maximum allowed 15 feet, and a side yard setback of 8 inches in lieu of the minimum required 2.6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 8/20/02
By [Signature]

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The use of the garage shall be limited to storage, only, and cannot be used for commercial or business purposes.
- 4) Compliance with Chesapeake Bay Critical Areas regulations as set forth in the comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated July 26, 2002, a copy of which is attached hereto and made a part hereof.
- 5) When applying for any permits, 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 8/20/02
By [Signature]



Baltimore County
Zoning Commissioner

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

August 20, 2002

Mr. & Mrs. James L. Scott, Jr.
3928 New Section Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
N/S New Section Road, 6500' W of the c/l Bowleys Quarters Road
(3928 New Section Road)
15th Election District – 5th Council District
James L. Scott, Jr., et ux - Petitioners
Case No. 02-569-A

Dear Mr. & Mrs. Scott:

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Mr. Charles Biddison, 1127 Chester Road, Baltimore, Md. 21220
Code Enforcement Division, DPDM; People's Counsel; Case File

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





CRITICAL - Flood Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3928 NEW SECTION Road
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, 400.3 to allow an

accessory structure (detached garage) with a height of 23 ft & a side yard setback of 8 inches in lieu of the maximum allowed 15 ft & minimum required 2 1/2 ft respectively.

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

Storage,

OWNER has extensive decoy collection to display. Also hunters - install SAFE for GUNS

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

Legal Owner(s):

JAMES L. SCOTT, JR.
Name - Type or Print
James L. Scott Jr.
Signature
Margaret Diane Scott
Name - Type or Print
Margaret Diane Scott
Signature
3928 NEW SECTION Road 410-335-6832
Address Telephone No.
BALTIMORE MD 21220
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature

Representative to be Contacted:

Name
Address Telephone No.
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 6-18-02

ORDER RECEIVED FOR FILING
Date 8/29/02
By [Signature]

Company
Address Telephone No.
City State Zip Code

Case No. 02-569-A

REC-9115198

Zoning Description

ZONING DESCRIPTION FOR: **3928 New Section Road**

Beginning at a point on the North side of

New Section Road which is N 31 33`E (59.33`)

wide at the distance of 6,500 ft. West of the

centerline of the nearest improved intersecting street **Bowleys Quarter Road**

which is 40` wide.

*Being Lot # 314

Block , Section # in the subdivision of Bowleys Quarters

As recorded in Baltimore County Plat Book # 10, Folio# 064

Containing 14,960 SF. Also known as 3928 New Section Road

And located in the Election District 15, Councilmanic District 5

569

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

*Call No. 14348
B2-569-9*

DATE 1-18-02 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM Mrs. M. Williams

FOR Residential Variance Application Fee
at 3928 New Section Rd.

DISTRIBUTION
BY - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAYD RECEIPT

BUSINESS ACTION TIME

1/18/02 6:10:20PM 10:30:43

5 528 ZONING VERIFICATION

DEPT. 5 528 ZONING VERIFICATION

50.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

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: #02-569-A
3928 New Section Road
NE/S New Section Road,
700' NE Seneca Road
15th Election District
5th Councilmanic District
Legal Owner: James Scott
Variance: to allow an accessory structure (detached garage) with a height of 23 feet and a side yard setback of 8 inches in lieu of the minimum allowed 15 feet & 2 1/2 feet respectively.
Hearing: Friday, August 2, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave.

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.
7/15/15 July 18 C551056

7/18/2002

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 7/18/2002.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. **02-558-SPHXA**
Petitioner/Developer:
Risan Corp., Benson Rice,
President
Hearing Date: **07/24/02**

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

Attention: Mr. George Zahner

Ladies and Gentlemen:

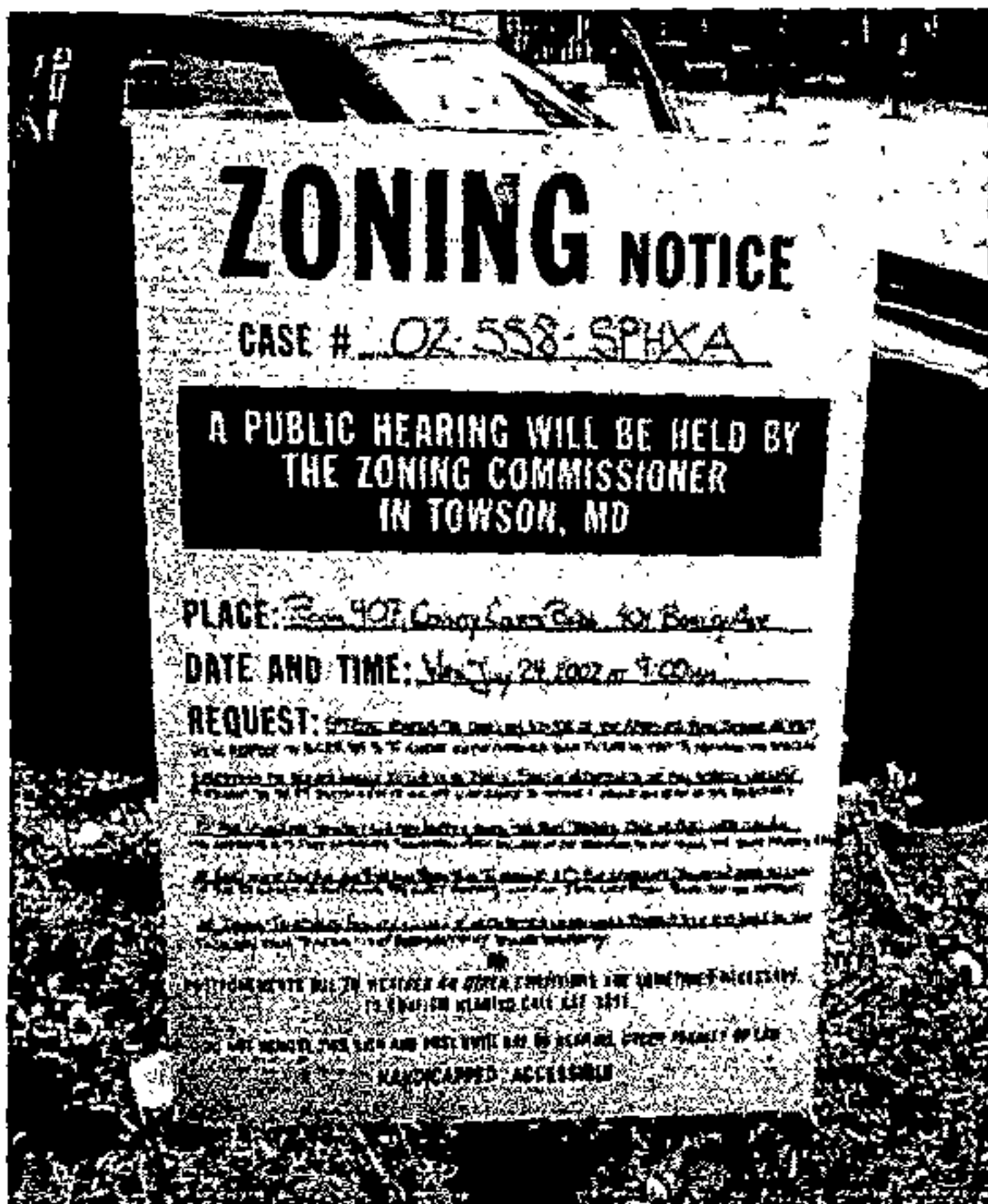
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **8601, 8611 Loch Raven Blvd. and 1600 White Oak Ave.**

The sign(s) were posted on **07/09/02.**

Sincerely,



Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



JD
8/2

CERTIFICATE OF POSTING

RE: Case No. **02-569-A**

Petitioner/Developer:

James Scott

Hearing Date: **08/02/02**

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

JUL 23 2002

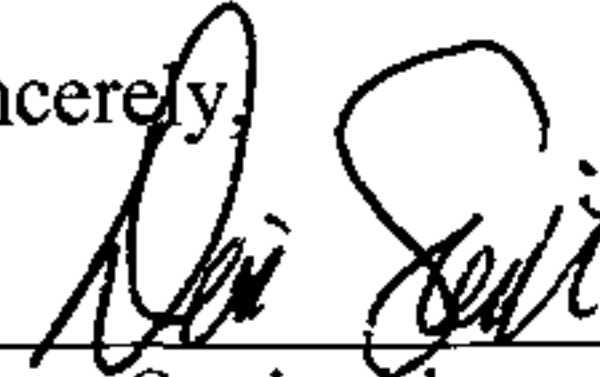
Attention: Mr. George Zahner

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 **3928 New Section Rd.**

The sign(s) were posted on **07/18/02.**

Sincerely,



Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668

ZONING NOTICE
CASE # 02-569-A

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

PLACE: Room 107 County Court Bldg, 101 Park Ave
DATE AND TIME: Friday, August 2, 2002 at 11:00 AM
REQUEST: Variance to Allow an Accessory Structure
(Detached Garage) with a height of 23 feet, an area
of 200 sq. ft. and a depth of 12 feet.
Includes 15 foot minimum setbacks - 2 ft. front
setback.

POSTING THIS SIGN TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO OBTAIN HEARING CALL 307 3195

DO NOT REMOVE THIS SIGN AND POST ENTER BY OF BALTIMORE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

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: 02-569-A
Petitioner: Mr + Mrs James L Scott
Address or Location: 3928 New Section Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: Same
Balto, Md, 21220
Telephone Number: 410-335-6832

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 18, 2002 Issue – Jeffersonian

Please forward billing to:

Mr. & Mrs. James L Scott
3928 New Section Road
Baltimore 21220

410 335-6832


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: 02-569-A
3928 New Section Road
NE/S New Section Road, 700' NE Seneca Road
15th Election District – 5th Councilmanic District
Legal Owner: James Scott

Variance to allow an accessory structure (detached garage) with a height of 23 feet and a side yard setback of 8 inches in lieu of the maximum allowed 15 feet minimum required & 2 ½ feet respectively.

HEARING: Friday, August 2, 2002 at 11:00 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

July 1, 2002

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: 02-569-A
3928 New Section Road
NE/S New Section Road, 700' NE Seneca Road
15th Election District – 5th Councilmanic District
Legal Owner: James Scott

Variance to allow an accessory structure (detached garage) with a height of 23 feet and a side yard setback of 8 inches in lieu of the maximum allowed 15 feet minimum required & 2 ½ feet respectively.

HEARING: Friday, August 2, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon 672
Director

C: Mr. & Mrs. James Scott Jr, 3928 New Section Road, Baltimore 21220
Charles Biddison, 1127 Chester Road, Baltimore 21220
Rich Wisnom, Chief, Code Enforcement

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 18, 2002.**
- (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

July 26, 2002

Mr. & Mrs. James L Scott Jr
3928 New Section Road
Baltimore MD 21220

Dear Mr. & Mrs. Scott:

RE: Case Number: 02-569-A, 3928 New Section Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 18, 2002.

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: Charles Biddison, 1127 Chester Road, Baltimore 21220
Code Enforcement Officer
People's Counsel

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





Baltimore County
Fire Department

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

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

June 24, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 24, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

563, 564, 566-569, 572-574

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

LD
8/2

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/1765*

DATE: July 26, 2002

SUBJECT: Zoning Item 569
Address 3928 New Section Road (Scott Property)

Zoning Advisory Committee Meeting of June 24, 2002

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.

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).

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:

See attached comments

Reviewer: Keith Kelley

Date: July 22, 2002

ORDER RECEIVED FOR FILING
Date 8/20/12
By [Signature]

CBCA Zoning Comments (zoning item # 589)

The property is located within the Limited Development Area (LDA), or ~~Resource Conservation Area (RCA), or Intensely Developed Area (IDA)~~ of the Chesapeake Bay Critical Area (CBCA).

This proposal must use best management practices, which reduce pollutant loadings by 10%.

Man-made impervious surfaces are limited to 15% for lots greater than 1/2 acre in size.

Man-made impervious surfaces are limited to 25% for lots less than 1/2 acre in size.

Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to ~~25% of the lot & 500 square feet or~~ 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.

If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.

15% forest must be established or maintained. This equates to 4 trees for a lot of this size.

Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.

All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.

The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.

If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.

If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.

A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tidal wetlands.

A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.

Kdk#14/cbcazoningcomments

ORDER RECEIVED FOR FILING

Date

8/20/02


By

[Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 2, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 1, 2002
Item Nos. 563, 565, 566, 567, 568, 569,
571, and 574

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

40
8/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2002

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

JUN 26 2002

SUBJECT: 3928 New Section Road

INFORMATION:

Item Number: 02-569

Petitioner: James L. Scott, Jr.

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the structure is not used as an accessory apartment/dwelling at any time.

Prepared by: Marla A. Cunningham

Section Chief: Arnold Jablon

AFK/LL:MAC:



**Maryland Department of Transportation
State Highway Administration**

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

Date: 6.25.02

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

RE: Baltimore County
Item No. 569 JJS

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

K 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

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 26, 2002

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 569
Legal Owner/Petitioner: James Scott
Contract Purchaser: N/A
Property Address: 3928 New Section Rd.
Location Description: N/E side New Section Rd. Approx. 700 ft. N/E Seneca Rd.

VIOLATION INFORMATION: Case No. 02-2280
Defendants: James Scott

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Charles Biddison	1127 Chester Rd. Balto. Md. 21120

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- 1. Complaint letter/memo/email/fax (if applicable)
- 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- 3. State Tax Assessment printout
- 4. State Tax Parcel Map (if applicable)
- 5. MVA Registration printout (if applicable)
- 6. Deed (if applicable)
- 7. Lease-Residential or Commercial (if applicable)
- 8. Photographs including dates taken
- 9. Correction Notice/Code Violation Notice
- 10. Citation and Proof of Service (if applicable)
- 11. Certified Mail Receipt (if applicable)
- 12. Final Order of the Code Official/Hearing Officer (if applicable)
- 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/hr
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

DATE: 4/16/02 INTAKE BY: JMA CASE #: 02-2280 INSPEC: Ecker

COMPLAINT LOCATION: 3928 NEW SECTION Rd.

ZIP CODE: 21220 DIST: 15

COMPLAINANT NAME: CHARLES BIDDISON PHONE #: (H) 335-3412 (W) 410

ADDRESS: 1127 CHESTER RD ZIP CODE:

PROBLEM: 2 STORY GARAGE W/O PERMIT

IS THIS A RENTAL UNIT? YES ___ NO ___
IF YES, IS THIS SECTION 8? YES ___ NO ___

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 1503472460 ZONING:

INSPECTION: NEW GARAGE APPEARS TO BE BUILT ON REAR OF PROPERTY, WELL OVER 15' IN HEIGHT AND NOT ATTACHED TO HOUSE P.U. 5/402 - CORRECTION ISSUED
CALLED MR BIDDISON HUNTER HOWE

REINSPECTION: 4/27/02 3:20 P.M. LEFT MESSAGE

REINSPECTION:

REINSPECTION:

15R

2280 INSPEC: Ecker

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 02-2280
Property No. 15-03472460
Zoning:

Name(s): James & Margaret Slott
3928 New Section Rd.

Address: Balt Md. 21220

Violation Location: Same

PER CODE: 21220 DIST: 15
410
35-3412(W)

ZIP CODE:

Permit

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

1 OBTAIN ALL NECESSARY PERMITS &
ANY NECESSARY ZONING VARIANCES NEEDED
FOR 2 STORY GARAGE ON REAR OF WATER
FRONT LOT

ZONING:

BE BUILT ON
5' IN HEIGHT AND
5/602 - CORRECTION RSSU
Hunter Rowe

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

Order Before: 5/6/02
Date Issued: 4/27/02

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Hunter Rowe

INSPECTOR: Hunter Rowe

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: 5/6/02
Date Issued: 4/27/02

INSPECTOR: Rowe

DEFENDANT

DATE: 04/16/2002

STANDARD ASSESSMENT INQUIRY (1)

TIME: 15:05:55

PROPERTY NO. DIST. GROUP CLASS OCC. HISTORIC DEL LOAD DATE
 15 03 472460 15 3-3 34-00 H NO .02/08/02

SCOTT JAMES L, JR DESC-1.. IMPS
 SCOTT MARGARET DIANE DESC-2.. BOWLEYS QUARTERS
 3928 NEW SECTION RD PREMISE. 03928 NEW SECTION RD

00000-0000

BALTIMORE MD 21220-4030 FORMER OWNER: COLLINS ELLA REBECCA

FCV		PHASED IN				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
			TOTAL..	FCV	ASSESS	ASSESS
LAND:	102,740	112,490				
IMPV:	78,200	87,450	199,940	199,940	199,940	193,606
TOTL:	180,940	199,940				
PREF:	0	0	PREF...	0	0	0
CURT:	180,940	199,940	CURT...	199,940	199,940	193,606
DATE:	10/96	07/99	EXEMPT.		0	0

TAXABLE BASIS		FM DATE
02/03 ASSESS:	199,940	02/04/02
01/02 ASSESS:	193,606	06/01/01
00/01 ASSESS:	74,900	06/01/00

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

RE: PETITION FOR VARIANCE
3928 New Section Road, N/east side New Section
Rd approx 700 ft NE Deneca Rd
15th Election District, 5th Councilmanic


Legal Owner: James Scott
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-569-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 1st day of July, 2002 a copy of the foregoing Entry of Appearance was mailed to James Scott, 3928 New Section Road, Baltimore, MD 21220, Petitioners.


PETER MAX ZIMMERMAN

Mr. & Mrs. Joseph F. Waclawski, Jr.
3924 New Section Road
Baltimore, MD 21220
410-335-2657

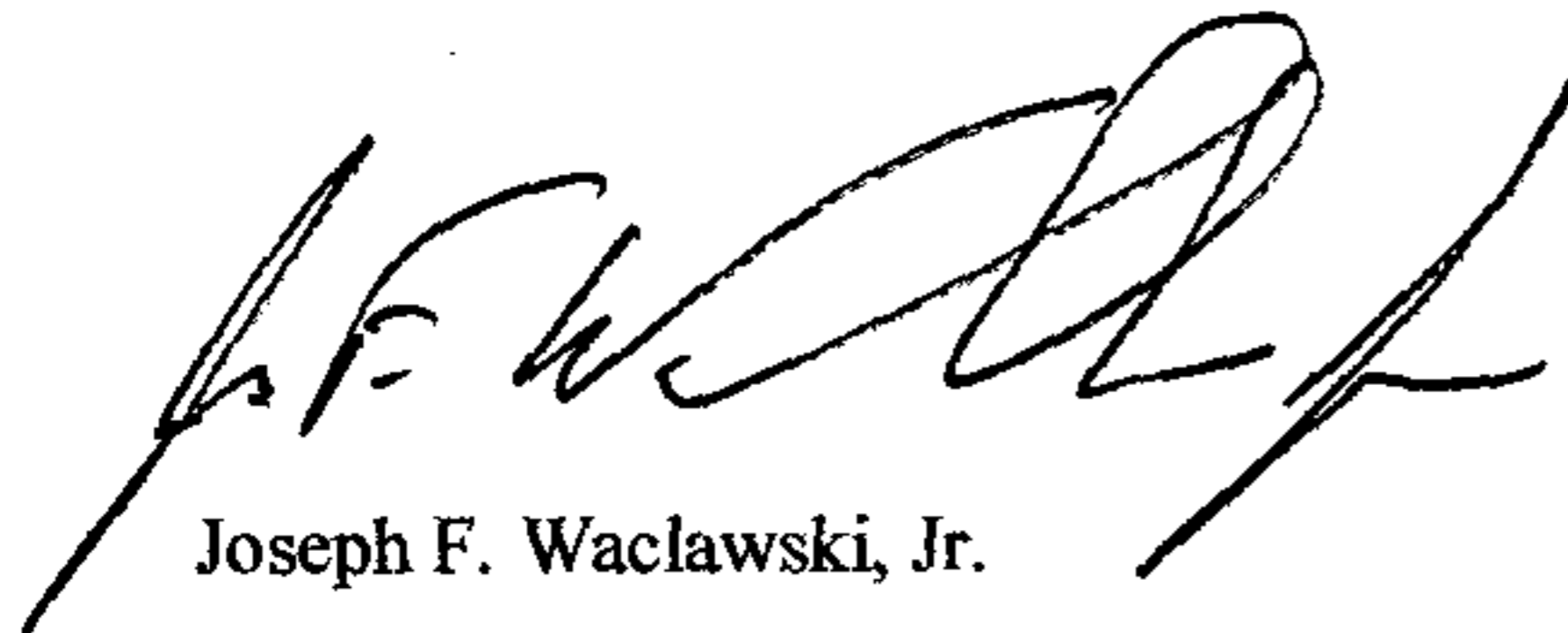
July 26, 2002

Re: Case 02-569-A

Zoning Commissioners:

We are writing to support the approval of the variance applied for by Mr. and Mrs. James Scott of 3928 New Section Road, Baltimore, Maryland 21220. We have no objection to the detached garage with a height of 23 feet and a side yard setback of 8 inches in lieu of the standard zoning regulation.

We request that you approve the variances required to allow the structure to remain as constructed. Thank you for your consideration of our request.



Joseph F. Waclawski, Jr.



Terry L. Waclawski

July 22, 2002

To Whom It May Concern:

This is a letter in support of the requested variance Case Number: 02-569-A for 3928 New Section Rd. The variance is to allow an accessory structure (detached garage) with a height of 23 feet and a side yard setback of 8 inches in lieu of the maximum allowed 15 feet minimum required 2 ½ respectively.

We are neighbors and the property owners of 3936 New Section Rd.

Very Truly Yours,

Dennis Faruol
Mary A. Faruol

Dennis & Mary Faruol

3936 New Section Rd.

Middle River, MD. 21220

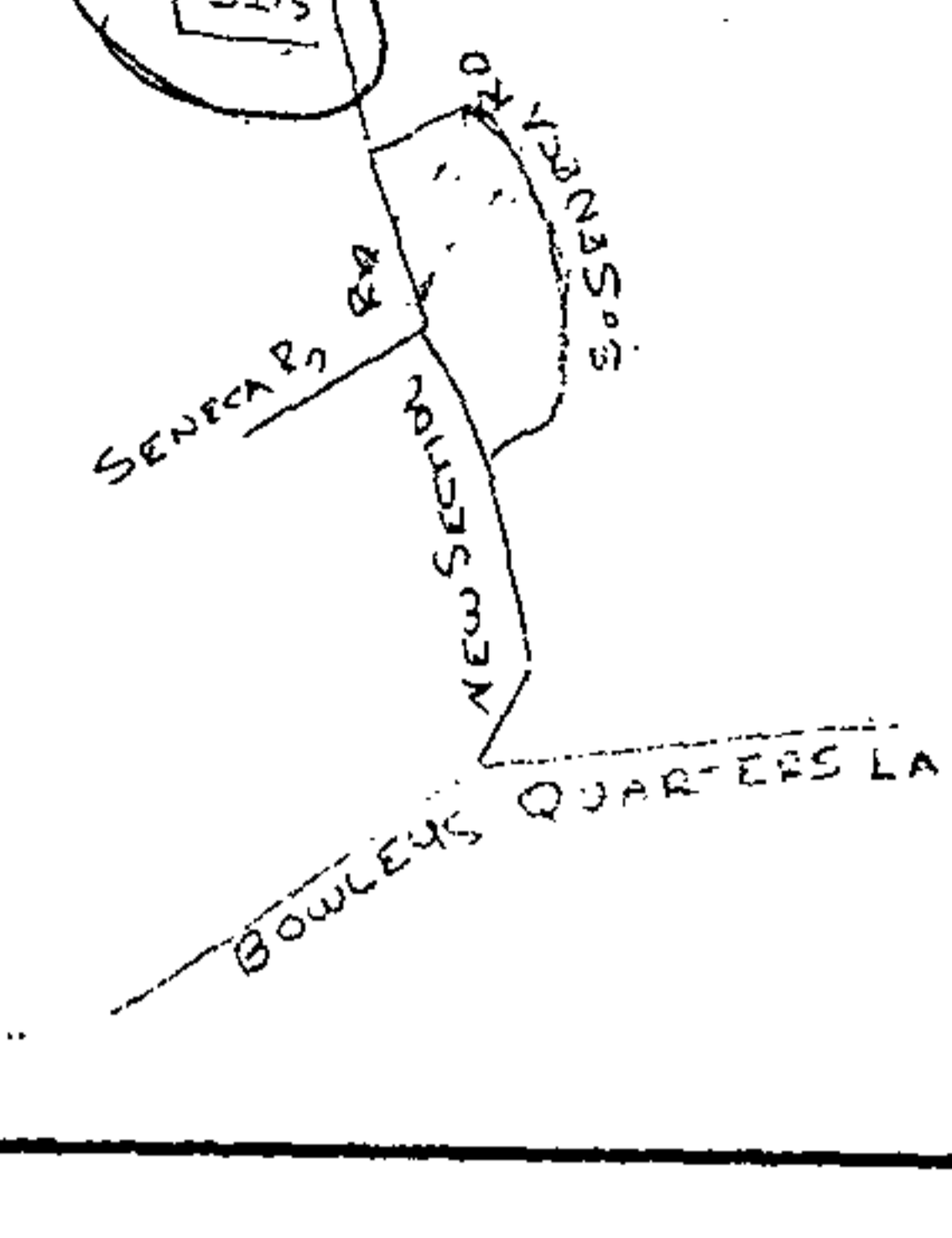
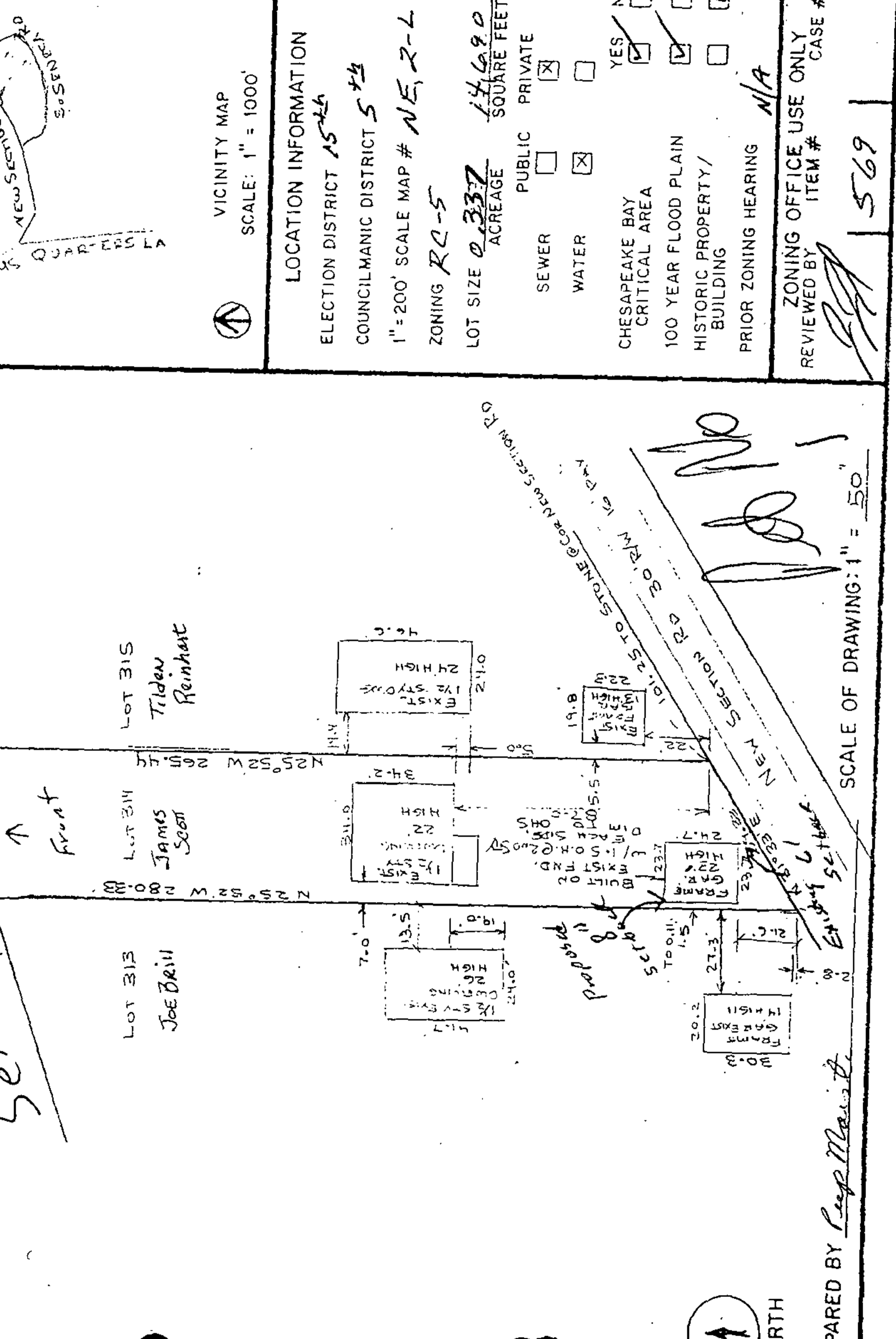
PLAID TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS 3928 NEW SECTION RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Quarters

PLAT BOOK # 10 FOLIO # 004; LOT # 314 SECTION # —

OWNER James L. Scott, Jr. and Margaret Diane Scott



LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 5th

1"=200' SCALE MAP # NE, 2-2

ZONING RC-5

LOT SIZE 0.337 ACRES 14,690 SQUARE FEET

SEWER PUBLIC PRIVATE

WATER

CHESAPEAKE BAY CRITICAL AREA YES NO

100 YEAR FLOOD PLAIN YES NO

HISTORIC PROPERTY / BUILDING YES NO

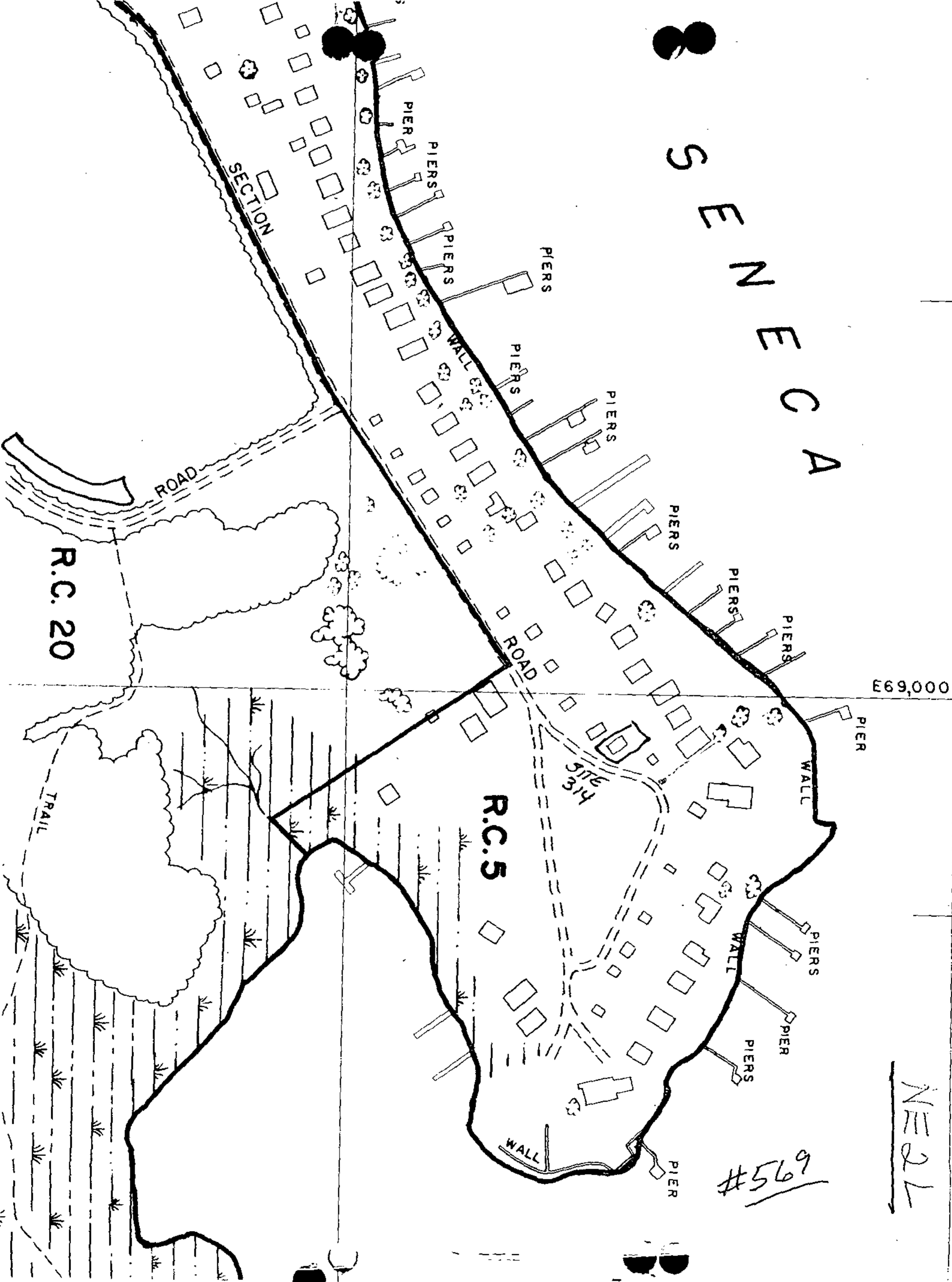
PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY

REVIEWED BY [Signature] ITEM # 569 CASE #

PREPARED BY Rep. Martin

SENECA



R.C. 20

R.C. 5

E69,000

SITE 314

#569

NE 21

(SHEET NE. 3-L)

photographs
Case # 02-569-A

