IN RE: PETITION FOR VARIANCE
S/S New Section Road, 600' E of the c/l
Seneca Park Road
(3929 New Section Road)

15th Election District 5th Council District

Arthur C. Pinder, III, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-293-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, Arthur C. Pinder, III, and his wife, Catherine A. Pinder. Pursuant to the Petition filed, the Petitioners seek relief from Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.77 acres in lieu of the minimum required 1 acre, and a residential density of 1.30 dwellings per acre in lieu of the maximum allowed .667 dwellings per acre. In addition, relief is requested to permit side yard setbacks of 43 feet and 10 feet in lieu of the required 50 feet each and approval of any other zoning relief as may be deemed necessary; and approval of the subject property as an undersized lot. 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 were Arthur C. Pinder, III, property owner, and James D. Grammer, Professional Engineer with McKee and Associates, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped, waterfront parcel with frontage on Seneca Creek and the southeast side of New Section Road, just north of its intersection with Seneca Road in Bowleys Quarters. The property actually consists of two lots identified as Lots 332 and 333 of Plat II of the subdivision of Bowleys Quarters. Collectively, the parcel contains a gross area of 0.77 acres more or less, zoned R.C.5, and

is improved with various accessory structures, including a concrete pad, a combined gazebo/deck, and two sheds, all of which are located close to the water. Additionally, a pier has been constructed which extends from the bulkhead into Seneca Creek. The Petitioners propose to construct a single-family dwelling on the property. As shown on the site plan, the dwelling will be located further from the water than the existing improvements. Additionally, an existing gravel driveway will be retained and a macadam parking pad added.

As noted above, variance relief is requested from Section 1A04.3.B of the B.C.Z.R. Specifically, relief is requested to allow a lot area of .77 acres in lieu of the required 1.0 acre minimum, and a density of 1.30 dwellings per acre in lieu of the maximum allowed .667 dwellings per acre. A similar request for a nearby property was submitted in Case No. 98-117-A. In that matter, variance relief was requested for the property known as 4036 Chestnut Road, which was also recorded as part of Plat II of the Bowleys Quarters subdivision. In the opinion and Order issued in that case, I noted that Section 1A04.3.B requires that a lot less than 1.0 acre "may not be created in an R.C.5 zone." I also noted that a lot was not being created at the time of the application for variance; rather, the property had existed as a lot of record since the subdivision was recorded in the Land Records of Baltimore County in 1921.

A similar situation exists here. Testimony and evidence presented indicated that the subject property has been held intact for many years. Although comprised of two separate lots as recorded in the original subdivision, the overall tract at issue has been held and utilized as a single parcel over the years. Additionally, it is to be noted that different individuals own adjacent properties on either side. To the east, Christian P. and Muriel F. Brigouleix own Lots 334 and 335 and reside in a single-family dwelling thereon, known as 3921 New Section Road. To the west, Patricia K. Lumpkin owns the adjacent property, which has been developed with a single-family dwelling, known as 3935 New Section Road.

Based on these factors and the testimony and evidence offered, I am persuaded that variance relief from Section 1A04.3.B of the B.C.Z.R. is not required in order to develop the subject property. Again, the subject parcel is not "being created" but has existed since the

recordation of the subdivision in 1921, and therefore does not violate the minimum lot area requirement of that Section. Moreover, the property existed prior to the effective date of the undersized lot requirements of Section 304.

Variance relief is necessary however, from the side yard setback requirements. As shown on the plan, a side yard setback of 43 feet to the west and 10 feet to the east is proposed. Testimony and evidence presented indicated that the requirements of the Chesapeake Bay Critical Areas regulations and the input of the Department of Environmental Protection and Resource Management (DEPRM) determined the location of the house. Additionally, the property owner desires to maintain existing mature trees on the west side of the property. Finally, it was indicated that construction of the house where proposed will not block the view from adjacent properties.

Based upon the testimony and evidence presented, I am persuaded that variance relief should be granted from the side yard setback requirements. In this regard, I am satisfied that the requirements of Section 307 of the B.C.Z.R. have been met and that relief can be granted without detrimental impact to adjacent properties.

For the above reasons, relief shall be granted to permit the construction of a single family dwelling on the property in accordance with Petitioner's Exhibit 1. However, in approving this request, I will impose certain restrictions. Obviously, the property is located in the Chesapeake Bay Critical Areas and thus, development of the parcel must be in accordance with those regulations as administered by the Department of Environmental Protection and Resource Management (DEPRM). Additionally, the property is located within a tidal floodplain area. Thus, the requirements set forth in the ZAC comment submitted by the Development Plans Review Division of DPDM must be met. Mr. Grammer indicated at the hearing that he had discussions with both DEPRM and DPDM and that the subject proposal will be in compliance with those regulations.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of April 2003 that the Petition for Variance seeking relief from Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.77 acres in lieu of the minimum required 1 acre; a residential density of 1.30 dwellings per acre in lieu of the maximum allowed .667 dwellings per acre; and approval of the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT; and.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B of the B.C.Z.R. to permit side yard setbacks of 43 feet and 10 feet in lieu of the required 50 feet each and approval of any other zoning relief as may be deemed necessary, to permit development of the subject property with a single-family 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) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.
- 3) Compliance with the Chesapeake Bay Critical Areas and floodplain regulations as set forth in the ZAC comments submitted by DEPRM, dated February 3, 2003, and the Development Plans Review Division of DPDM, dated January 27, 2003, copies of which are attached hereto and made a part hereof.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3929 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) 1A04.3.B to permit a lot area of 0.77 acres in lieu of the required 1-acre lot area and residential density of 1.30 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard set back of 43 feet and 10 feet in lieu of the 50 foot requirement, to approve any other zoning variance that the Zoning Commissioner shall deem necessary, 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) The lots are existing. The lots are too small to meet the current minimum area and set back standards. There would be no practical use of the property unless a new home is constructed.

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 admits 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:

<u>Legal Owner(s):</u>

			<u>Artl</u>	ur C. Pinder, II	<u>T</u>	<u></u>
Name - Type or Print	"		Name - Type o	r Print	Pila	777
Signature		······································	Sign	ature	- MINERAL	······································
			<u>Catl</u>	herine A. Pinder		<u> </u>
Address		Telephone No.	Nam	Altune	a-Pin	du
City	State	Zip Code	Sign	ature		
Attorney For Petition	er:		430	Brownell Road	(410) 335-	7231
			Addr			Telephone No.
			Ba	ltimore, Maryland	21220-3012	
Name - Type or Print			City		State	Zip Code
			Re	presentative to b	e Contacted:	
Signature						
<u> </u>	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>			<u>ee & Associates,</u>	Inc.	
Company			Nam		4 (440) 50	
Address	·-····	Telephone No	O SI Addr	hawan Road, Suite	1 (410) 52	7/-1555 Telephone No.
Address		Telephone No.		keysville, Maryla	nd 21030	i diopitorio No.
City	State	Zip Code	City		State	Zip Code
				OFFICE	USE ONLY	
Case No. 23.29	13-1			IMATED LENGTH OF HE		
SEV 9/15/98	SC	Reviewed	UNA	VAILABLE FOR HEARIN	12-19-02	<u> </u>
1 10130	•					

RDER REGENTED FOR FILING

 $\hat{\Omega}$

Engineering • Surveying • Environmental Planning
Real Estate Development

December 3, 2002

ZONING DESCRIPTION OF 3929 NEW SECTION ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the south side of New Section Road, which is 30 feet wide at a distance of 600 feet +/- east of the centerline of Seneca Road, which is 30 feet wide. Being Lot 332 and Lot 333 of "Bowleys Quarters", Plat 2, Second Addition. As recorded in Baltimore County Plat Book 10, Folio 64. Containing 33,412 square feet or 0.77 acres, more or less. Also known as 3931 New Section Road and located in the 15th Election District, 5th Councilmanic District.

			* * * * * * * * * * * * * * * * * * *	CASHIER'S VALIDATION	
No. S.					The state of the s
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	ລົດວວ	MOUNT	-درا ا	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	

MCKEE & ASSOCIATES, INC.

Vendor ID: BALTOCO Baltimore County, Maryland

Check Amount:

100.00

Invoice Amount

Invoice #

Date

12/02/2002

\$100.00

\$100 00

9290

Gross Payment

Discount

Net Payment

Check #:

20960

Date: 12/02/2002 2 0 9 6 P

\$100.00 Notes

NOTICE OF ZOMING HEARING

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

Case: 03-293-A

3929 New Section Road
S/side of New Section Road 600 feet east of centerline Seneca Road
15tb Election District - 5th Councilmanic District
Legal Owner(s): Arthur and Catherine Pinder
Variance: to permit a lot area of 0.77 acres in lieu of the required 1-acre lot area and residential density of 1.30 dwellings per acre in lieu of the 50 foot requirement. To approve any other zoning variance that the Zoning Commissioner shall deem necessary and to approve an undersize lot.

Hearing: Wednesday, February 19, 2803 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenness

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each o

☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times

U NE Booster/Reporter

☐ North County News

TO THE DESTRUCTION OF THE PARTY OF THE PARTY

, RE:	Case No.: <u>03-293-4</u>
	Petitioner/Developer:
	Arthur & Catherine Pinder
	Date of Hearing/Closing: 2-19-03
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 were posted conspicuously on the property located a Baltimore, MD 21220	that the necessary sign(s) required by law at 3929 New Section Rd.

The sign(s) were posted on anuary 31, 2	
(Mor	ith, Day, Year)
	Sincerely, Macy Landner 1-31-03 (Signature of Sign Poster and Date)
	Stacy Gardner
	SHANNON-BAUM SIGNS INC.
	-105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784
	(City, State, Zip Code) 410-781-4000
	(Telephone VI

CERTIFICATE OF POSTING

RE:	Case No.: <u>03-29'3-A</u>
	Petitioner/Developer:
	Arthur + Catherine Pinder
	Date of Hearing/Closing: 3-26-03

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 3929 New Section Road

Baltimore, MD 21220

(Month, Day, Year)

The sign(s) were posted on March 7, 2003

Sincerely,

Macy Landner 3-7-03

(Signature of Sign Poster and Date)

Stacy Gardner

Printed Name ONS INC.

105 COMPETITIVE GOALS-DR.

ELDERSBURG, WD. 21784

(City, State, Zip Code) 410-781-4000

(Telephono VI.

RE: PETITION FOR VARIANCE *

3929 New Section Road; Sside New Section

Rd, 600ft E of ctrline Seneca Road

15th Election District

5th Councilmanic District

Legal Owner(s): Arthur C. & Catherine Pinder

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-293-A

* * * * * * * *

ENTRY OF APPEARANCE

*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 14th day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 4, 2003 Issue - Jeffersonian

Please forward billing to:

Arthur C. Pinder, III 430 Brownell Road Baltimore, MD 21220-3012

410-335-7231

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: 03-293-A 3929 New Section Road

S/side of New Section Road 600 feet east of centerline Seneca Road

15th Election District – 5th Councilmanic District

Legal Owner: Arthur and Catherine Pinder

<u>Variance</u> to permit a lot area of 0.77 acres in lieu of the required 1-acre lot area and residential density of 1.30 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard setback of 43 feet and 10 feet in lieu of the 50 foot requirement. To approve any other zoning variance that the Zoning Commissioner shall deem necessary and to approve an undersize lot.

Hearings:

Wednesday, February 19, 2003 at 11:00 a.m. in Room 407, Co. Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

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.

TO: PATUXENT PUBLISHING COMPANY

Issue - Jeffersonian

Please forward billing to:

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: 03-293-A

3929-New Section Road

S/side New Section Road 600 feet east of centerline Seneca Road

15th Election District – 5th Councilmanic District

Legal Owners: Arthur and Catherine Pinder

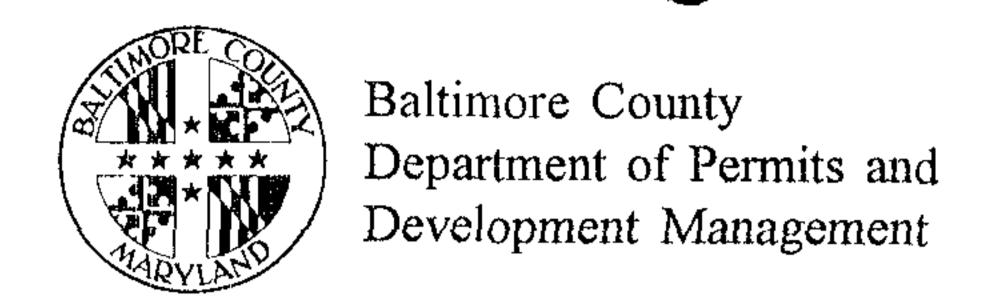
Hearings: Wednesday, March 26, 2003 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

January 15, 2003

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: 03-293-A 3929 New Section Road

S/side of New Section Road 600 feet east of centerline Seneca Road

15th Election District – 5th Councilmanic District

Legal Owner: Arthur and Catherine Pinder

<u>Variance</u> to permit a lot area of 0.77 acres in lieu of the required 1-acre lot area and residential density of 1.30 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard setback of 43 feet and 10 feet in lieu of the 50 foot requirement. To approve any other zoning variance that the Zoning Commissioner shall deem necessary and to approve an undersize lot.

Hearings:

Wednesday, February 19, 2003 at 11:00 a.m. in Room 407, Co. Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

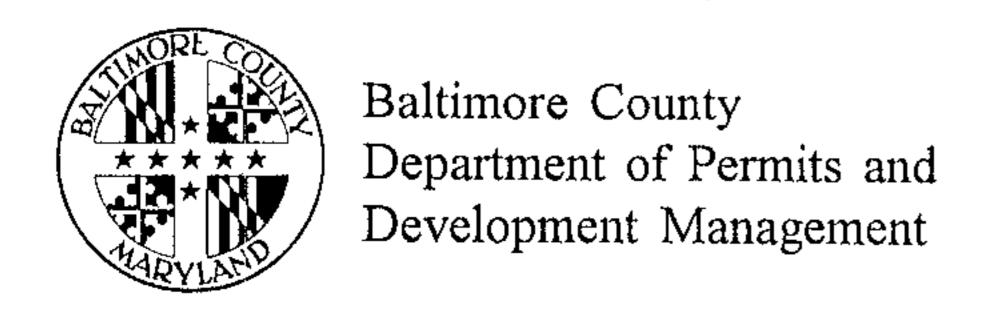
AJ:rlh

C: Mr. and Mrs. Arthur C. Pinder, III, 430 Brownell Road, Baltimore 21220-3012 McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 4, 2003.

(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.



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

Fax: 410-887-5708

February 27, 2003

RESCHEDULED 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: 03-293-A

3929-New Section Road

S/side New Section Road 600 feet east of centerline Seneca Road

15th Election District – 5th Councilmanic District

Legal Owners: Arthur and Catherine Pinder

Hearings: Wednesday, March 26, 2003 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Mr. and Mrs. Arthur Pinder, III, 430 Brownell Road, Baltimore 21220-3012 McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES:

- 1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN REPOSTED BY POSTING A STRIP ON THE SIGN SHOWING THE NEW DATE OF THE HEARING. IT MUST BE DONE BY MARCH 11, 2003.
- (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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

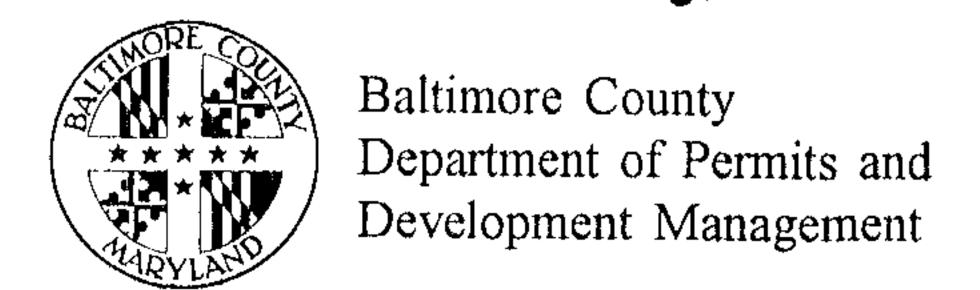
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

Item Num	ber or Case Number: 03.293.9	
Petitione	: ARTHUR C. PINDER, III	
	or Location: 3929 NEW SECTION RUAD	
Name: _	FORWARD ADVERTISING BILL TO: ARTHUR C. PINDER, III	
Name: _	ARTHUR C. PINDER, III. 430 BROWNELL ROAD	
Name: _	ARTHUR C. PINDER, III. 430 BROWNELL ROAD	
Name: _	ARTHUR C. PINDER, III	

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

February 14, 2003

McKee & Associates 5 Shawan Road, Suite 1 Cockeysville, MD 21030

Dear McKee & Associates:

RE: Case Number:03-293-A, 3929 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 December 19, 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,

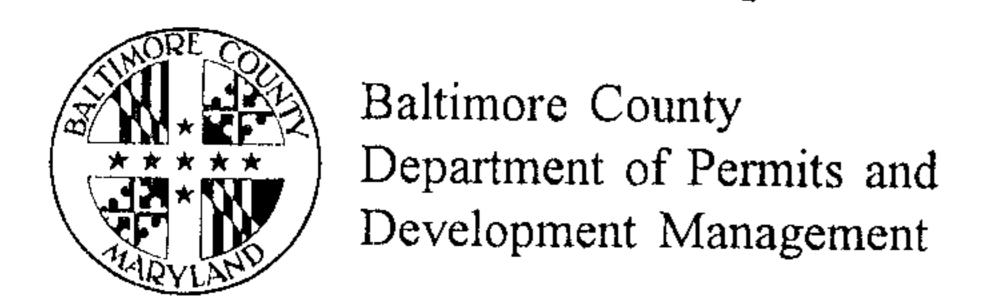
W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callaball.

WCR:klm

Enclosures

c: People's Counsel Arthur & Catherine Pinder III, 430 Brownell Road, Balto. MD 21220



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 21, 2003

McKee & Associates 5 Shawan Road, Suite 1 Cockeysville, MD 21030

Dear McKee & Associates:

RE: Case Number:03-293-A, 3929 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 December 19, 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.

Supervisor, Zoning Review

U. Callichal D

WCR:klm

Enclosures

c: People's Counsel

Arthur & Catherine Pinder III, 430 Brownell Road, Balto. MD 21220



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

January 14, 2002

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

ATTENTION: Rebecca Hart

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

291,(293,301, 303 + 304

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For January 21, 2003

Item No. 293

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

DATE: January 27, 2003

This site is located in a 100-year tidal floodplain area. The minimum flood protection elevation is 11.2 feet for this site. Basements are not permitted in the F.P.A.

The buildings engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the floodplain area; and permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley 1283 1767

DATE: February 3, 2003

SUBJECT: Zoning Item 293

Address 3929 New Section Rd

Zoning Advisory Committee Meeting of: January 13, 2003

A building permit will not be issued until public sewer is available.

Reviewer: Sue Farinetti Date: January 23, 2003

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon					
FROM:	R.Bruce Seeley ROS /70T					
DATE:	February 3, 2003					
SUBJECT:	Zoning Item 293 Address 3929 New Section Road					
Zoning	Advisory Committee Meeting of January 13, 2003					
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.					
an exte	epartment of Environmental Protection and Resource Management request ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.					
	epartment of Environmental Protection and Resource Management offers lowing 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 (Section 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).					
<u>X</u>	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).					
X_	Additional Comments:					
See Attached (Comments					

Reviewer: Keith Kelley Date: January 29, 2003

CBCA Zoning Comments (zoning item #293)

The property is located within the Limited Development Area (LDA), or Resource Servation 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 ½ acre in size Man-made impervious surfaces are limited to 25% for lots less than 's 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. Let permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property Y 533 forest must be established or maintained. This equates to 10 trees for a lot of this size Any tree removed in the buffer for this structure must be replaced on a 1:1 basis. Ail downspouts must discharge rainwater runoff across a pervious surface such as a 'awn The otis in a Buffer Management Area BMA. Mitigation (planting trees, removing mpervious area, or paying a fee-in-new, is required for the placement of the proposed structure Ye fithe fot is unimproved, then the proposed awelling cannot go any closer to the water than 100 ... the neighboring dwelling farthest away from the valer X If the lot is improved, then the proposed dwelling can go is close to the water is the existing ____A Critical Area Administrative variance CAAV is required for the placement of the proposed structure within 100° of "day vaters, tiday vetlands, stream, or within 25° of ton-1,day 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

Kdk#14/cbcazoningcomments

J/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 16, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-241, 03-245, 03-293, & 03-297

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:

Section Chief.

AFK/LL:MAC

Director, Office of Planning & Community Conservation

TO:

	Attention: Lynn Lanham County Courts Building, Room 406		remit of Case No.	
	401 Bosley Avenue		2.5 (1.41) (4.1)	
	Towson, MD 21204		Residential F	Processing Fee Paid
FROM:	Arnold Jablon, Director		(\$5	50.00)
	Department of Permits & Development Management		Accepted b Date	
RE:	Undersized Lots		Date	
Pursuant the Office	to Section 304.2 (Baitimore County Zoning Regulations) effective of Planning and Community Conservation prior to this office's a	e June 25, 1992, th pproval of a dwellin	is office is requesting recomme g permit.	ndations and comments from
MINIMU	M APPLICANT SUPPLIED INFORMATION:			
	00000 17 00 14 75 7	dress	Road, Baltimore, MD 2122	Telephone Number
	Lot Address 3929 New Section Road	Election District_15	Councilmanic DistrictS	Square Feet 33,412
Lot Loca	ation: NESWiside/corner of New Section Road	600	_ feet from NES W corner of _	Seneca Road
Land Ov	(street) vner: Arthur C. Pinder, III & Catherine A. Pinder		_Tax Account Number15-19	(street) 9 -321.2 80
Address	430 Brownell Road, Baltimore, MD 21220		_ Telephone Number (410	
CHECKL	IST OF MATERIALS (to be submitted for design review by the (Office of Planning a	nd Community Conservation)	
AZ MINISTER SES	FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS			
			PROVIDED? YES NO	
1. This R	ecommendation Form (3 copies)			€ 1
2. Permit	Application — Pendu	ue AFFRONE		
3. Site Pl Prope	an erty (3 copies)			
4. Buildir	ng Elevation Drawings ປັບໂຜນພາ			•
	graphs (please label all photos clearly) ing Buildings			
Surrour	nding Neighborhood		, married to the same of the s	
6. Curren	t Zoning Classification:	······································	••••••••••••••••••••••••••••••••••••••	
				
	TO BE FILLED IN BY TH	IE OFFICE OF PL	ANNING ONLY!	
RECOMME	ENDATIONS / COMMENTS:			
	Approval Disapproval Approval conditioned on i	required modifications	of the application to conform with the	s following recommendations:
II		•		
	,			
Signed by	for the Director, Office of Blacker and Community Community		[Date
	for the Director, Office of Planning and Community Conservation			

Revised 2/05/02

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

03-293-9-

Permit or Case No.







Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 1.10.63

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

RE: Baltimore County

Item No. 293 JRA

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,

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

My telephone number is ______



Parris N. Glendening Governor Kathleen Kennedy Townsend I.1. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

January 14, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning: Advisory Committee Agenda 01/21/03 re: case numbers 03-291-A, 03-292-SPHA, 03-293-A, 03-294-A, 03-295-A, 03-296-A, 03-297-SPHA, 03-299-A, 03-300-SPH, 03-301-A, 03-302-SPHXA, 03-303-SPHXA, 03-304-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/14/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Cinin 16. 6 10

Local Planning Assistance Unit

cc: Mike Nortrup



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

Fax: 410-887-3468

Mr. & Mrs. Arthur C. Pinder, III 430 Brownell Road Baltimore, Maryland 21220-3012

RE: PETITION FOR VARIANCE
S/S New Section Road, 600' E of the c/l Seneca Park Road
(3929 New Section Road)
15th Election District – 5th Council District
Arthur C. Pinder, III, et ux - Petitioners
Case No. 03-293-A

Dear Mr. & Mrs. Pinder:

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.

April 18, 2003

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

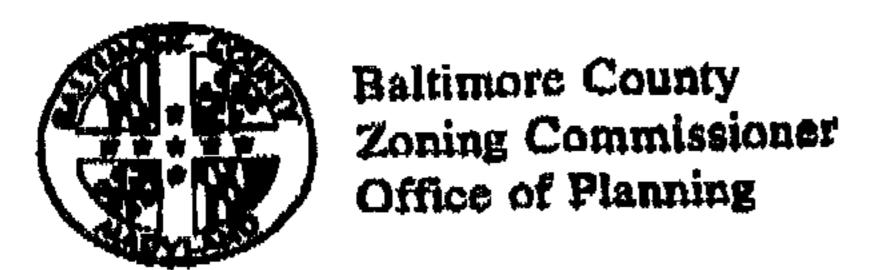
LES:bjs

Mr. James D. Grammer, McKee & Assoc., Inc.
 5 Shawan Road, Hunt Valley, Md. 21030
 Chesapeake Bay Critical Areas Commission,
 1804 West Street, Suite 100, Annapolis, Md. 21401
 DEPRM; Office of Planning; Bureau of Development Plans Review People's Counsel; Case File

TEL:410 388 6287

P. 001

7787 C



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

December 2, 1997

John V. Murphy, Esquire 14 N. Rolling Road Baltimore, Waryland 21228

RE: Case No. 98-117-A

Patition for Zoning Variance Location: 4036 Chastnut Road

George N. and Heather A. Krause, Contract Purchasers

Michaelene E. Discher, Legal Owner

Dear Mr. Murphy:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in part, and granted, in part, with restrictions, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clark at 887-3391. Very truly yours.

Lawrence E. Schmidt Zoning Commissioner

TES: man

att.

Mr. and Mrs. George N. Erause C: 2544 Liberty Parkway Baltimore, Nd. 21222

Ms. Michaelene E. Discher Ci 3824 Clark Road Baltimore, Maryland 21220 DEC. -09' 97 (TUE) 08:52 SP PT COLD MILL PPS

TEL: 410 388 6287

preparers of the site plan. Also present in support of the Petition Was Joan C. Bowerman. The Petitioners were represented by John V. Murphy, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately .403 acres in area, zoned R.C.S. The property is unique in shaps; in that it is very narrow (approx. 50 ft.) yet is very deep (approx. 360 ft.). The property is an old recorded lot in the record plat of "Bowleys Quarters-Plat No. 2". This plat was recorded in the Land Records of Haltimore County in 1921.

The property is a waterfront property with frontage on Seneca Creek. At the water's edge, the property features an existing wooden pler which extends into the creek. The property is also improved with several build-These include an existing dwelling which is near the water's edge, ings. a one story building which is also used for residential purposes located near Chestnut Road. Apparently, these structures are very old and the main house was built in the 1940s.

Mr. and Mrs. Krause are under contract to purchase the property. They propose reging the existing one story building and the existing The existing garage and a portion of the driveway will remain. dwalling. Mr. and Mrs. Krause propose constructing a new single family dwelling to replace the existing structure. The location of the dwelling will be essentially in the same building footprint as the existing primary dwell-It was indicated that the razing of the existing structures and ing. construction of a new building would be far more practical than a remova-

As noted above, three variances are sought. The first request for relief is from Section 1A04.3.B.1 of the BCZR; so as to permit a lot less

DEC. -09' 97 (TUE) 08:53

atc.

÷

SP PT COLD MILL PPS

than 1 acre in area and with a residential dwelling of 2.5 dwellings per acre in lieu of the permitted .667. A close exemination of that section of the BCXR, however, discloses that the variance is not needed. Specifically, that section states, "A lot having an area of less than I acre may not be created in an R.C.S zone. The maximum gross residential density of a lot of record to 0.667 dwellings per acre." (emphasis added) Clearly, this subject lot is not now being created. The lot has existed in its present form since 1921. Moreover, Section 101 of the BCRR defines lot of record as, "A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of zoning regulation which governs the use, subdivision or other condition thereof." On the date that this lot was created (May 26, 1921) there no zoning regulations in Baltimore County. For these reasons, I, therefore, find that relief is not required from Section 1AD4.3.B.1. lot is not being created at this time and when same was created, there were no zoning regulations in effect governing the dimensions, density,

The second variance seeks relief from Section 1A04.3.B.3. That section requires side yard setbacks of at least 50 ft. Relief is hecessary here, in view of the fact that a dwelling is proposed and the new construction must be in accordance with the BCZR. The proposed construction also generates the need for the third variance, from Section 1A04.3.B.4. That section requires that no more than 15% of any lot in an A.C.5 zone may be covered by impervious surface. Again, due to the proposed construction, compliance with the statute is required, or a variance It is also to be noted that the exception from the must be obtained. R.C.5 requirements set forth in Section 1804.3.8.5 is not applicable That section allows for an exception from the R.C.S area requirehere.

proposed, not existing.

)EC. -09"97 (TUE) 08:53

ments for existing residential development. The development here is

running to the two variances which are necessary, I am persuaded that same should be granted. As to the side yard relief, clearly compliance is not possible in that the total width of the lot is 50 ft., the exact setback dimension required. That is, there could be no residential development on this site if variance relief were denied. Such a prohibition on a permitted purpose constitutes a practical difficulty upon the Petitioner. Moreover, the unusual shape of the property gives the site its unique characteristics and I am persuaded that no detrimental impact would result from the proposed construction.

As to the 15% requirement, I also will grant variance relief. When the construction of the proposed house is completed, the elimination of the existing buildings will actually result in a net decrease of impermebble surface on the property. In my judgment, such relief should be granted.

In granting the relief, however, I shall impose several restrictions thereon. First, I will require compliance with the Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM). That ZAC comment indicates that the property and proposed construction is subject to the Chesapeake Bay Critical Area regulations. A comment was also received from Robert W. Bowling of the Bureau of Development Plans Review. He indicated that the property must comply with the Baltimore County Building Codes as it relates to the elevation of the first floor of the structure. Specifically, the property is adjacent to tidewater and the proposed construction must be in compliance with County, State and Federal flood plain regulations. In this regard, Mr. Murphy indicated that the dwelling could be constructed so as

Mckee & associates, inc.

Engineering • Surveying • Environmental Planning
Real Estate Development



□ Urge	nt	□ For Review	🗆 Please Comment	☐ Please Reply	□ Please Recycle
ppopular and a debut of the second se	Case	03-293-A			H
Re;	New	Section Road	CC:		
Phone:	410-8	387-4386	Øato:	3/26/03	
Fax:	410-8	387-3468	Pages:	5	<u> </u>
To:	Lawre	ence E. Schmidt	From:	James Grammer	<u>,</u>

Dear Mr. Commissioner,

Please find a portion of Case 98-117-A discussed in this mornings hearing. While the petition filed in that case requested relief from the density requirements in RC-5 zones, I overlooked your findings for that portion of the request. On pages 2 and 3 of your order in that case you address the issue of density specifically and your reasons why that relief was not required.

As the case this morning is similar, it appears that you may address the request in similar fashion. To my knowledge, there were no appeals taken in Case 98-117-A.

As always, please feel free to contact me.

Simprely,

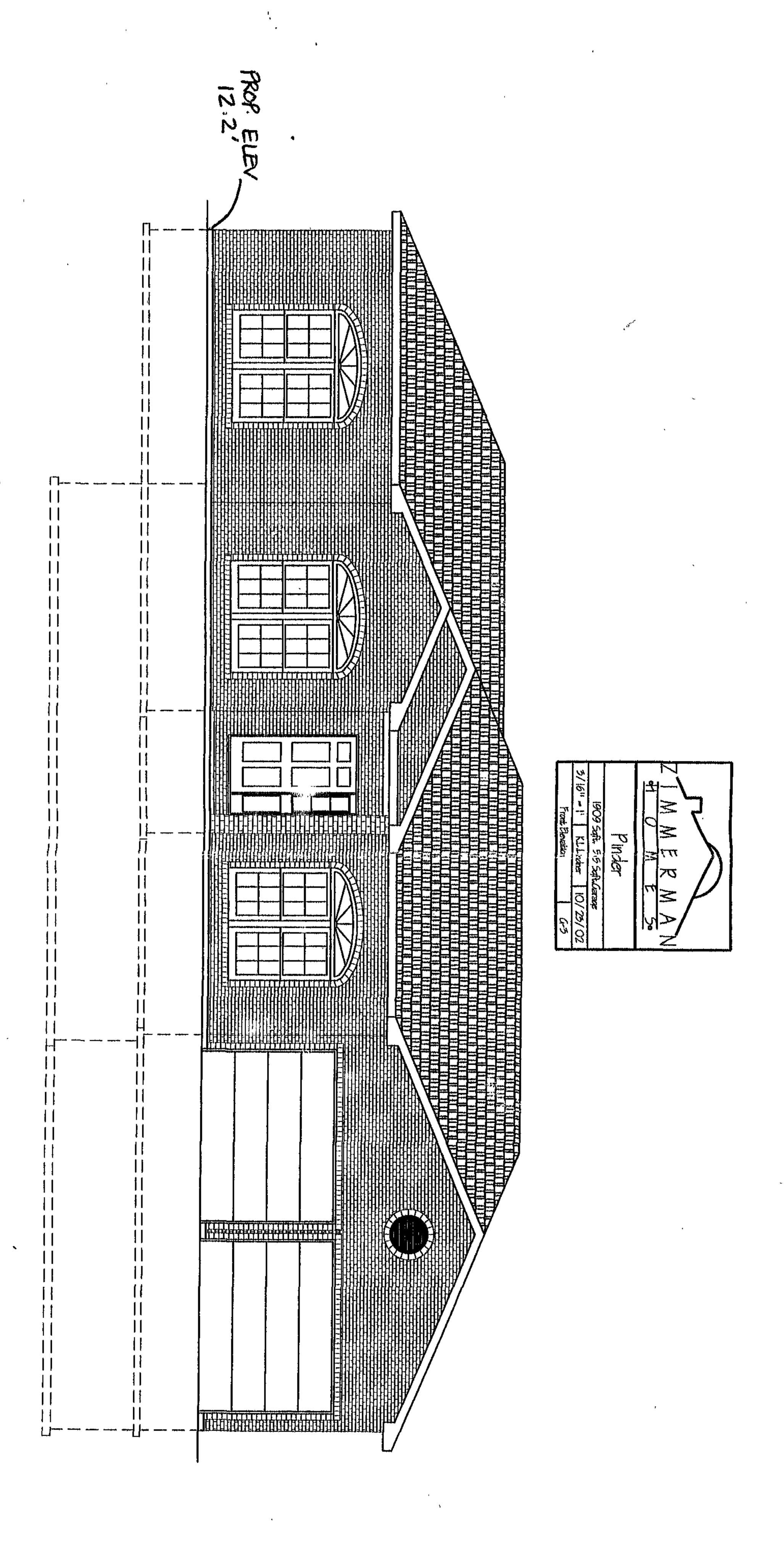
mes D. Grammer, Associate

PLEASE PRINT CLEARLY

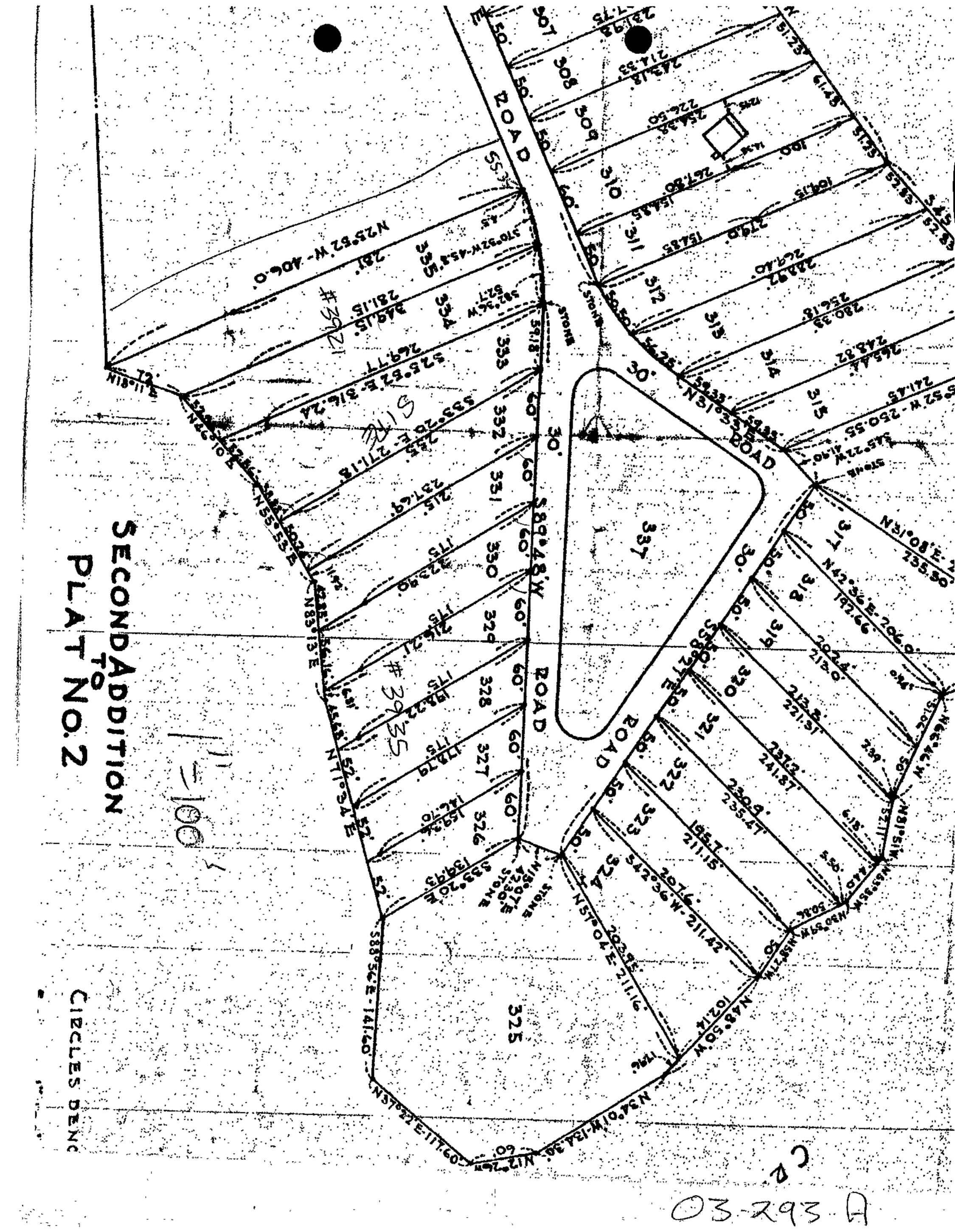
SASE NUMBER

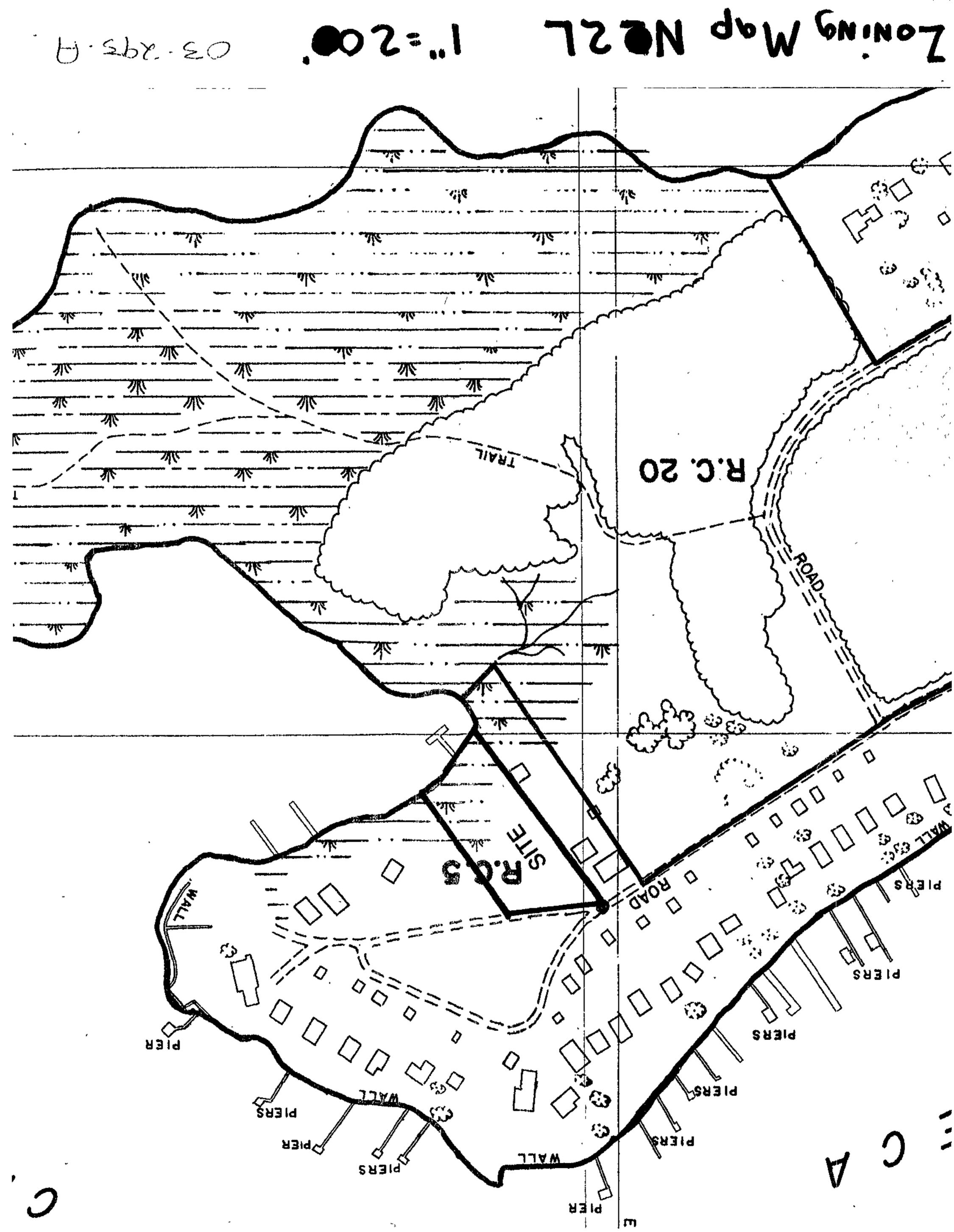
PETITIONER'S SIGN-IN SHEET

E- MAIL			
CITY, STATE, ZIP BALTO, MIL 21220 Cockeysville, MD 21030			
ADDRESS 430 BROWNEILRGE WYRE & ASSEC 5 Shawan Rd			
HRTHUR C. Pinder			



3-295-E







SUBJECT SITE

MCKEE AND ASSOC., INC.

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 (410) 527-1555 (410) 527-1563 (F)

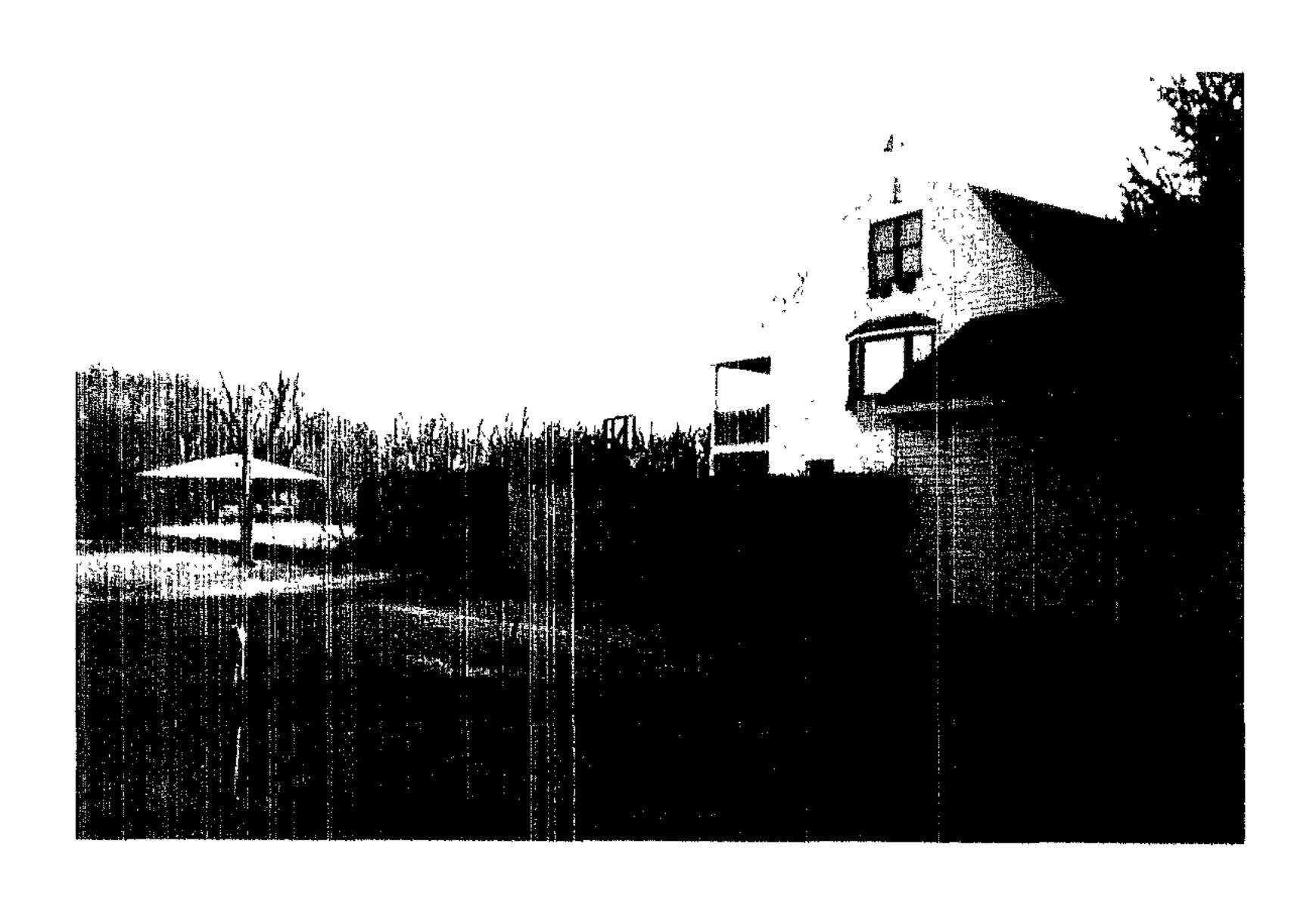


VIEW EASTERLY TOWARDS #3935 NEW SECTION ROAD

McKEE AND ASSOC., INC.

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 (410) 527-1555 (410) 527-1563 (F) 3929 NEW SECTION ROAD

ZONING CASE No. 03-293 A



#3921 NEW SECTION ROAD

McKEE AND ASSOC., INC.

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 (410) 527-1555 (410) 527-1563 (F)



VIEW NORTHEASTERLY ACROSS NEW SECTION ROAD

MCKEE AND ASSOC., INC.

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 (410) 527-1555 (410) 527-1563 (F)



VIEW NORTHWESTERLY ACROSS NEW SECTION ROAD

McKEE AND ASSOC., INC.

SHAWAN PLACE 5 SHAWAN ROAD, SUITE 1 COCKEYSVILLE, MD 21030 (410) 527-1555 (410) 527-1563 (F)



STANDING AT NEW SECTION ROAD LOOKING TOWARD SUBJECT SITE



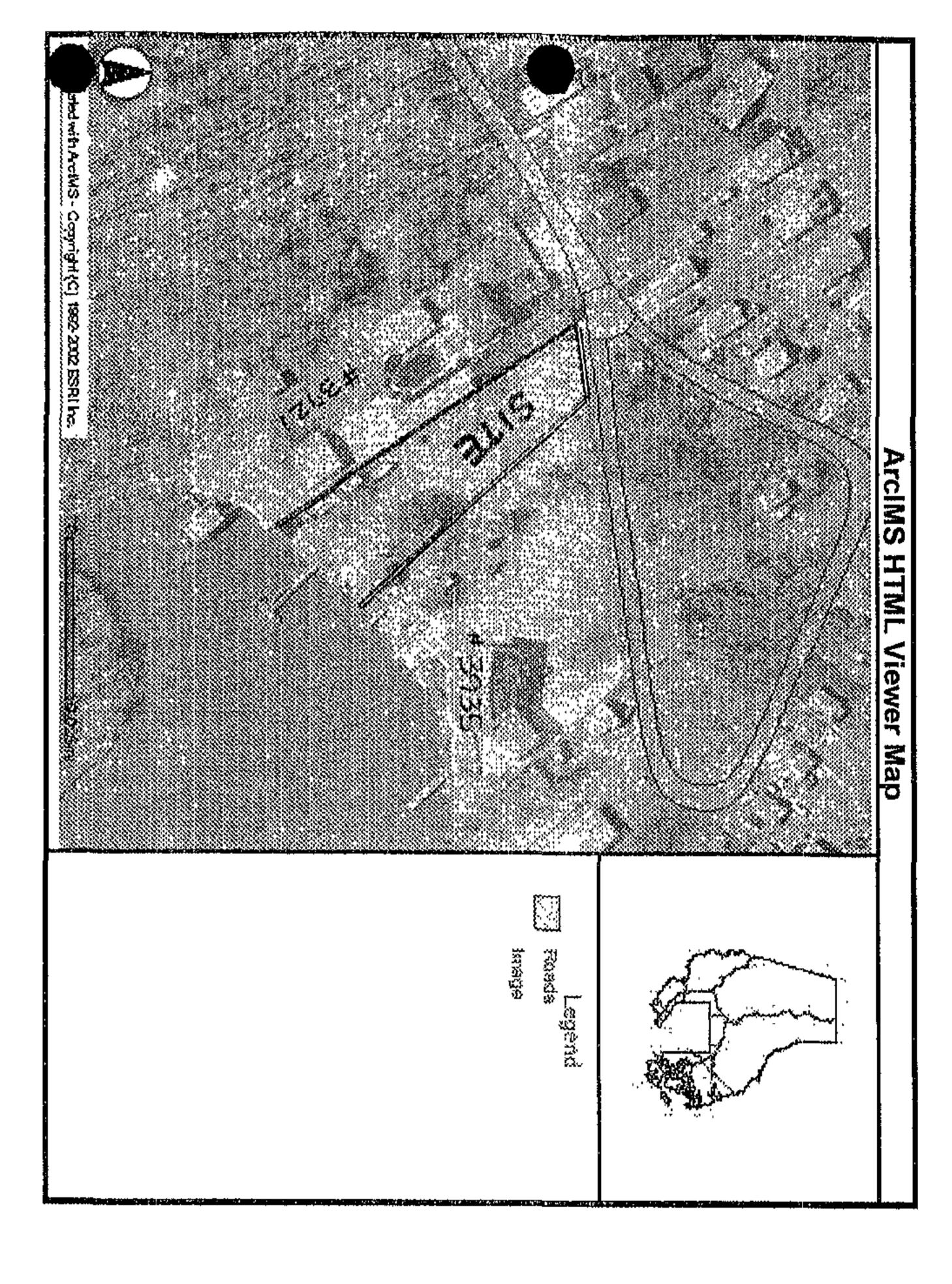
3935 NEW SECTION ROAD



IN FRONT OF SUBJECT SITE LOOKING NORTHEASTERLY ALONG NEW SECTION ROAD



IN FRONT OF SUBJECT SITE LOOKING NORTHERLY ACROSS NEW SECTION ROAD



NEIGHBORHOOD MAP

no sole Section R

03-795-1

