

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
E/S Seneca Gardens Road, 650' N of the c/l	
Clarks Point Road	* ZONING COMMISSIONER
(729 Seneca Gardens Road)	
15 th Election District	* OF BALTIMORE COUNTY
6 th Council District	
	* Case No. 04-325-A
Marjorie J. Imbach, Legal Owner;	
Michael Acosta, Contract Purchaser	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Marjorie J. Imbach, and the Contract Purchaser, Michael Acosta. The Petitioners request a variance from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family dwelling with a side yard setback of 3 feet in lieu of the required 10 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.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, the Zoning Commissioner determined that the matter should be scheduled for a public hearing, based upon certain adverse Zoning Advisory Committee (ZAC) comments, which had been submitted by various County reviewing agencies. Thus, the matter was scheduled for a public hearing before the undersigned on March 15, 2004.

ORDER RECEIVED FOR FILING

Date

By

3/23/04

[Signature]

Appearing at the requisite public hearing in support of the request was Michael Acosta who recently settled on the property and is now the legal owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a roughly rectangular shaped parcel located on the northeast side of Seneca Gardens Road in the Bowleys Quarters community of eastern Baltimore County. The property is a waterfront lot along Seneca Creek, and is approximately 79 feet wide by 227 feet deep; however, tapers to a width of 52 feet along the water. The property contains a gross area of approximately of 16,428 sq.ft., more or less, zoned D.R.5.5, and is improved with a single family dwelling, which was built in approximately 1923. Mr. Acosta testified that due to its age and condition, he proposes to raze the structure and build a new single family dwelling in approximately the same footprint. It is anticipated that the new dwelling will be a modular home. Although the new dwelling will be situated on essentially the same footprint as the existing home, the new house will be wider by 5 feet. As shown on the site plan, the old house has a 10-foot setback on the north side and an 8-foot setback on the south side. Although the north side yard setback will remain at 10 feet, the setback on the south side will be reduced to 3 feet. Moreover, the house will be located the same distance from the bulkhead as the current house (62 feet). Mr. Acosta indicated that the existing foundation could not be retained and would be excavated and a new foundation built. He also indicated that the location of the new house on the existing footprint was preferable in order to save several mature trees that are located between the street and house. In view of the reduced setbacks proposed, the requested variance relief is necessary.

Although there were no Protestants, there were several relevant ZAC comments. In this regard, a comment was received from the Development Plans Review Division of DPDM indicating that the subject property is located within a floodplain and that the flood protection elevation for this site is 11.2 feet. Mr. Acosta indicated that he had contacted that agency and that the proposed dwelling would be built in accordance with Federal Flood Insurance requirements and all applicable Codes. Thus, relief will be granted subject to compliance with those regulations.

A comment was also received from the Department of Environmental Protection and Resource Management (DEPRM), advising that the property is subject to Chesapeake Bay Critical regulations. Obviously, these requirements are applicable due to the property's waterfront location. Mr. Acosta indicated that the location of the house is apparently "grandfathered." That is, DEPRM has advised him that the house can be located 62 feet from the water, notwithstanding that this distance is deficient under the current regulations, in that the new house will replace an existing structure. Nonetheless, it is clear that the new location is not consistent with the spirit and intent of the Chesapeake Bay Critical Area regulations, which mandates that improvements be setback as far from the water as possible.

An adverse comment was also received from the Office of Planning. That comment suggested that variance relief should be denied and that a minimum 8-foot setback should be retained on the south side. As noted above, the existing house is setback 8 feet from that side property line and the Planning Office apparently believes that the new construction should maintain that distance. In this regard, testimony revealed that the Petitioner's in-laws, Richard and Joan Schaffer, own the house on the adjacent property known as 731 Seneca Gardens Road, and it is clear that they would be the most impacted by the new house. Mr. Acosta produced a written letter from those individuals evidencing their support for their daughter and son-in-law's plans.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted; however, I will require a modification of the site plan to address certain of the ZAC comments offered. Additionally, it is clear that the existing house is closer to the water than either of the houses on the immediately adjacent lots. As noted above, the most impacted house is owned by Mr. Acosta's in-laws; the house on the other side (north) is owned by Deborah Kotamair, Robert Wood, Jr., and William Wood, and is not as impacted by the proposed construction and is setback further from the water.

Mr. Acosta was advised at the hearing that the proposed house should be setback a consistent distance from the bulkhead as the Schaffer home to insure that their view of the water will not be limited by the proposed house. Additionally, moving the house further from the water

and closer to the road will reduce the side yard setback somewhat in that the lot tapers to a narrower width as it leads towards the water. Based upon these circumstances, I will grant relief to permit up to a 3-foot side yard setback on the Schaffer side. However, I will require that the Petitioner relocate the house a distance further from the water so that the facing wall of the new house is no closer to the water than the exterior wall of the Schaffer home. That is, the Schaffer home and the proposed new structure should be an equal distance from the water. It appears that the new house need be relocated approximately 10 feet further towards the road; however, the dimensions are not precise on the site plan. Relocation of the house as required will be more consistent with Chesapeake Bay Critical Areas regulations, will limit the visual impact on the Schaffer house, will slightly reduce the need for variance as the lot will be wider at that location, and will not interfere with existing mature trees in the rear yard between the proposed house and Seneca Gardens Road. Additionally, the Petitioners shall comply with Chesapeake Bay Critical Areas regulations and floodplain requirements as set forth on the ZAC comments.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of March 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family dwelling with a side yard setback of 3 feet in lieu of the required 10 feet, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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) Prior to the issuance of any permits, the Petitioner shall submit a revised site plan showing the relocation of the proposed dwelling consistent with

ORDER RECEIVED FOR FILING

Date

By

the modified relief granted herein. The new dwelling shall be located an equal distance from the water as the Schaffer home.

- 3) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 4) 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

3/23/04

By



Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

March 23, 2004

Mr. Michael Acosta
1930 Middleborough Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
E/S Seneca Gardens Road, 650' N of the c/l Clarks Point Road
(729 Seneca Gardens Road)
15th Election District – 6th Council District
Michael Acosta - Petitioner
Case No. 04-325-A

Dear Mr. Acosta:

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 a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Joan Springer
1711 Pleasantville Road, Forest Hill, Md. 21050
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; Office of Planning
People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info





C B C A Flood

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 729 SENECA GARDENS ROAD
which is presently zoned DR 5.5

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) 1B02.3C.(BCZR)

TO PERMIT A SINGLE FAMILY DWELLING WITH A 3-FOOT SIDE
SETBACK IN LIEU OF THE REQUIRED 10-FOOT.

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

MICHAEL ACOSTA
Name - Type or Print
[Signature]
Signature
1930 MIDDLEBOROUGH RD 410 574 9003
Address Telephone No.
BALTO MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

State Zip Code

Legal Owner(s):

MARJORIE F. IMBACH
Name - Type or Print
[Signature]
Signature

Name - Type or Print
[Signature]
Signature
4410 SPRINGWOOD AVE. 410-485-7829
Address Telephone No.
BALTIMORE MD 21206
City State Zip Code

Representative to be Contacted:

JOAN SPRINGER (DAUGHTER)
Name
1711 PLEASANTVILLE RD 410-879-3138
Address Telephone No.
FOREST HILL MD 21050
City State Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By D. THOMPSON Date 1/14/04

Estimated Posting Date 1/25/04

ORDER RECEIVED FOR FILING
Date 1/25/04
REV 10/25/01

CASE NO. 04-325-A

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

Address _____

City _____

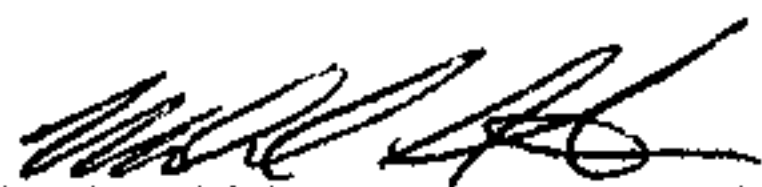
State _____

Zip Code _____

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



Signature

MICHAEL ACOSTA

Name - Type or Print



Signature

MARJORIE F. IMBACH

Name - Type or Print

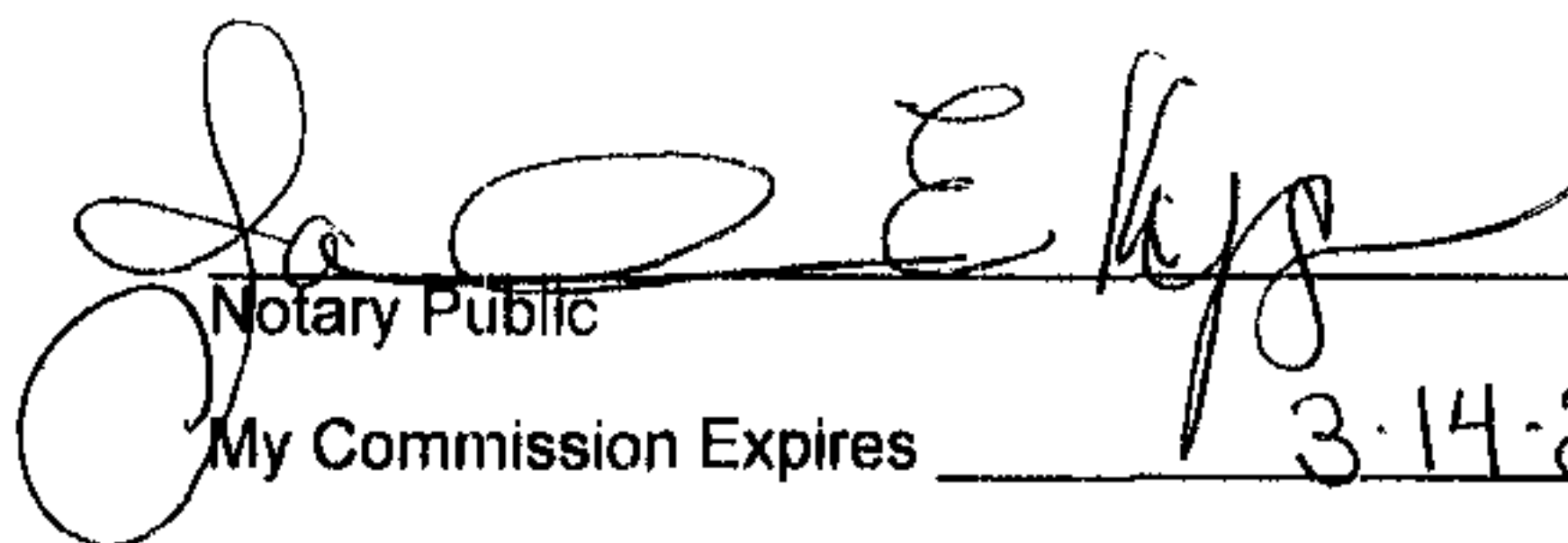
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael Acosta

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 3-14-2006

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

Address

City

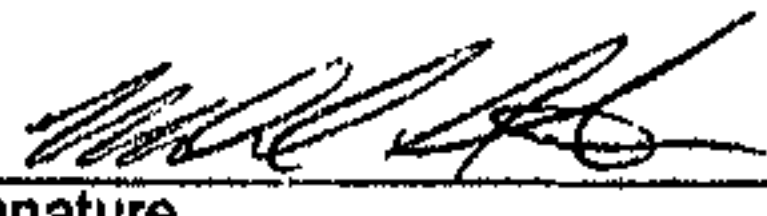
State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

SEE ATTACHED

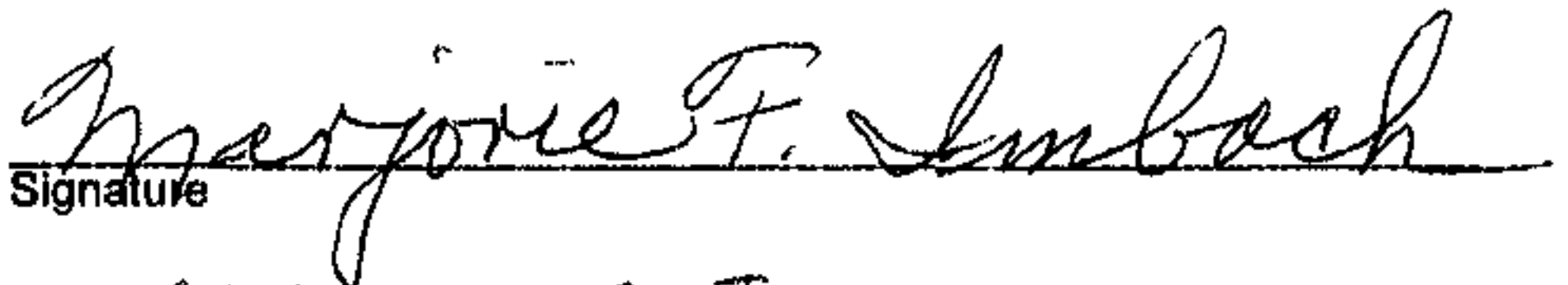
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



Signature

MICHAEL ACOSTA

Name - Type or Print



Signature

MARJORIE F. IMBACH

Name - Type or Print

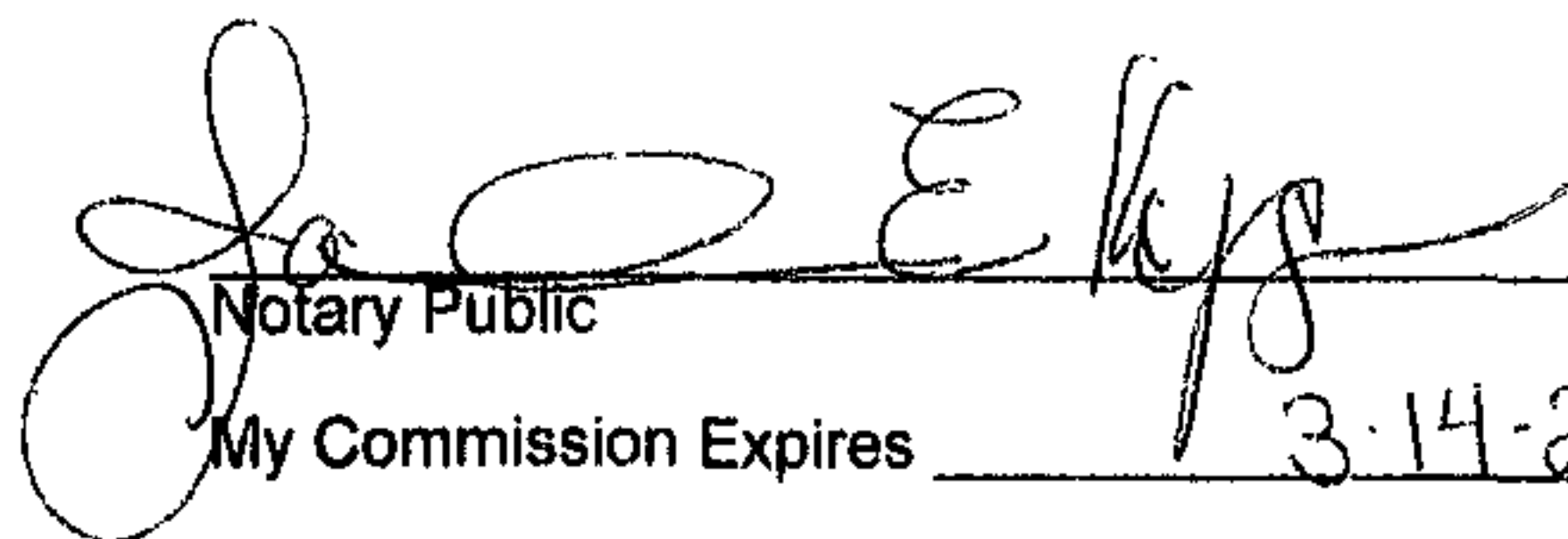
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of January, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael Acosta

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Notary Public

My Commission Expires

3-14-2006

Request for BCZR (Density Residential Zones 1B 02.3) 3 feet side yard setback in lieu of the required 10 feet.

The exiting dwelling (729 Seneca Gardens Road) has a current 8 feet side yard setback. The existing dwelling at 731 Seneca Gardens Road has a 19 feet side yard setback. The result is a separation of 22 feet between both dwellings. The property owners of 731 Seneca Gardens Road are in full knowledge of this request for variance and have no objection, see attached letter.

The variance is based on undue hardship. The variance is based on practical difficulty.

729 Seneca Gardens Road has a swale along the property line with 727 Seneca Gardens Road. This swale is subject to flooding on the waterfront from high tides. This swale is the natural drainage for the woodland area west side of Seneca Gardens Road.

The property has three large oak trees over 30 inches in diameter (50 to 100 years old) within the BRL. My desire is to not disturb these existing trees, and comply with CBCA requirements and DEPRM suggestions.

If the variance were granted this would allow the proposed new dwelling to occupy nearly the same space as the exiting dwelling.

A handwritten signature in black ink, appearing to be 'M. A. H.', located in the bottom right corner of the document.

Zoning Description for 729 Seneca Gardens Road

Beginning at a point on the east side of Seneca Gardens Road which is 16 feet wide at the distance of 11 00 feet south of the centerline of the nearest improved intersecting street Seneca Gardens Road which is 16 feet wide. Being Lot # 4, Block 16, Section# A in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book # 7, Folio # 54, containing 16,428 sqft. Also known as 729 Seneca Gardens Road and located in the 15 Election District, 6th Councilmanic District.

04-325-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30557

DATE 1/14/04 ACCOUNT 00100626150

AMOUNT \$ 65.00

RECEIVED FROM: MICHAEL ACOSTA

FOR: ITEM # 325 04-325-A

129 SENECA GARDENS RD D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATE RECEIVED
1/14/2004

BUSINESS ACTUAL

TIME 10:35:01

DATE 1/14/2004

PERMITS MAIL

JAN FEB

RECEIPT # 316801

1/14/2004

DEPT 5

528

THINGS VERIFICATION

CR NO. 000037

RECEIVED

\$65.00

\$65.00

CA

Baltimore County, Maryland

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: # 04-325-A

729 Seneca Gardens

E/side of Seneca Gardens Road, 650 feet n/of Clarks Point Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Marjorie Imbach

Contract Purchaser: Michael Acosta

Administrative Variance: to permit a single family dwelling with a 3-foot side setback in lieu of the required 10-foot setback

Hearing: Monday, March 15, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Busley 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.

2/395 Feb. 26 C651373

CERTIFICATE OF PUBLICATION

2/26/2004

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 2/26/2004.

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

S. Wilkinson

LEGAL ADVERTISING

~~John~~ Larry 2/11/54
Please take a look
at the attached admin.
variance. See ZAC comments
from DEPRM & Planning.
Do you recommend denial?

04-325-A

Robin

John - This should
be set en for a hearing
because

1) The adverse ZAC comment
from OP

2) To confirm that the lot
is 95 feet wide at
the building line. It appears
so but it should be
verified

3) To determine if the house
should be set back
further from the water
so it doesn't block
731's view yes

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: # 04-325-A

729 Seneca Gardens

E/side of Seneca Gardens Road, 650 feet n/of Clarks Point Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Marjorie Imbach

Contract Purchaser: Michael Acosta

Administrative Variance: to permit a single family dwelling with a 3-foot side setback in lieu of the required 10-foot setback.

Hearing: Monday, March 15, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

2/395 Feb 26

0351373

CERTIFICATE OF PUBLICATION

2/26/2004

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 2/26/2004.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 2/26/04

RE: Case Number 04-325-A
Petitioner: _____
Date of Hearing: _____

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 729 SENECA
GARDEN RD.

The sign(s) were posted on 2/26/04 @ 11 AM
(Month, Day, Year)

Gary Freund
(Signature of Sign Poster)

Gary Freund
(Printed Name of Sign Poster)

Balto. Co. Code Enforcement
(Street Address of Sign Poster)

Towson, MD 21204
(City, State, Zip Code of Sign Poster)



CAMERA
BROKEN

CERTIFICATE OF POSTING

Date:

January 21, 2004

RE: Case Number

04-325-A

Petitioner/Developer:

Michael Acosta

Date of Hearing/Closing:

February 9, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 729 Seneca Gardens Road

The sign(s) were posted on

January 20, 2004
(Month, Day, Year)

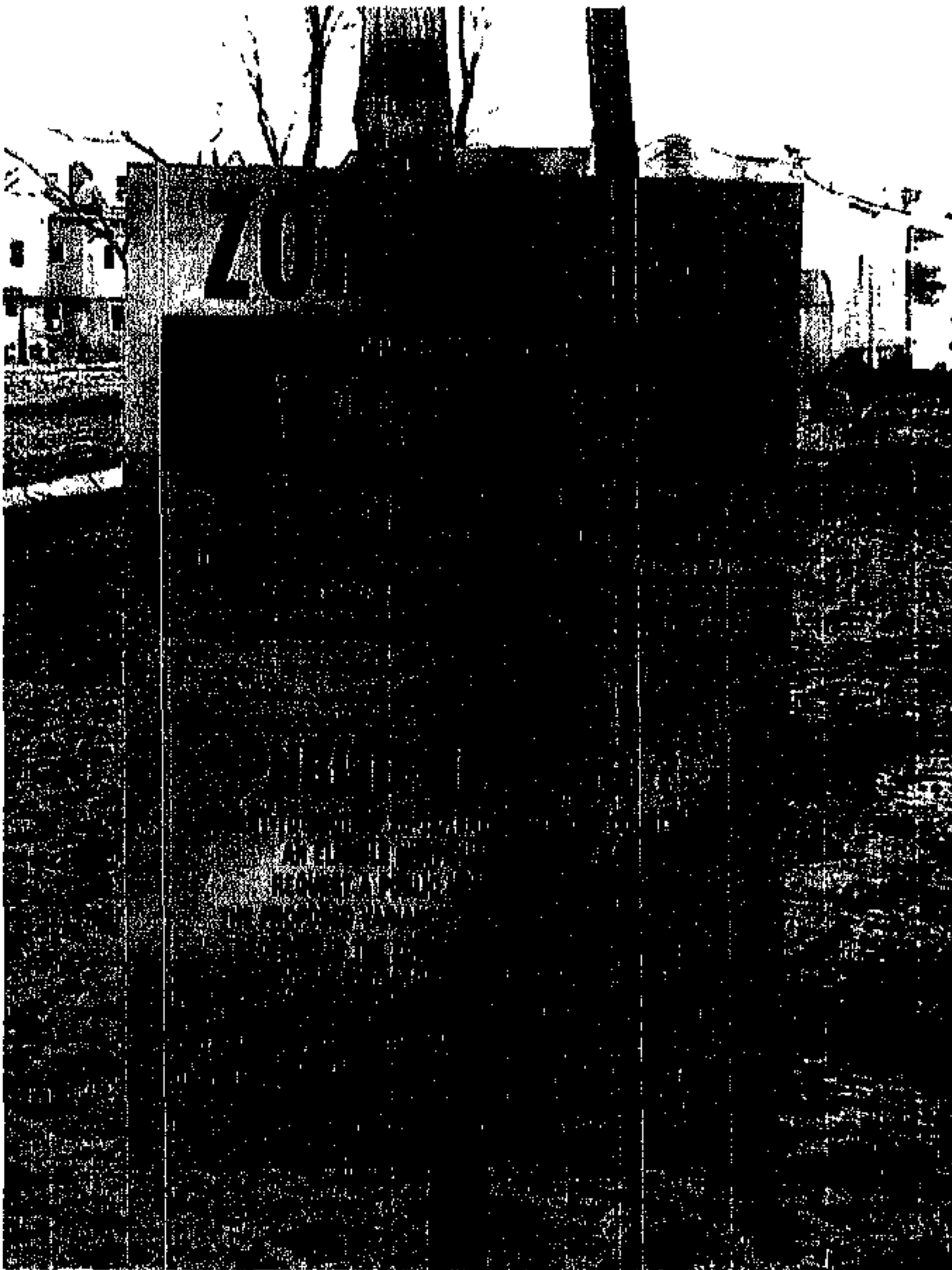
Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)





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

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

February 18, 2004

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: 04-325-A

729 Seneca Gardens
E/side of Seneca Gardens Road, 650 feet n/of Clarks Point Road
15th Election District – 6th Councilmanic District
Legal Owner: Marjorie Imbach
Contract Purchaser: Michael Acosta

Administrative Variance to permit a single family dwelling with a 3-foot side setback in lieu of the required 10-foot setback.

Hearing: Monday, March 15, 2004, at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Marjorie Imbach, 4410 Springwood Avenue, Baltimore 21206
Michael Acosta, 1930 Middleborough Road, Baltimore 21221
Joan Springer, 1711 Pleasantville Road, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 28, 2004.**
- (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.



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-325 -A

Address 729 SENECA GARDENS RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/14/04

Posting Date: 1/25/04

Closing Date: 2/9/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-325 -A

Address 729 SENECA GARDENS RD.

Petitioner's Name MICHAEL ACOSTA

Telephone 410-574-9003

Posting Date: 1/25/04

Closing Date: 2/9/04

Wording for Sign: To Permit A SINGLE FAMILY DWELLING WITH A 3-FOOT SIDE
SETBACK IN LIEU OF THE REQUIRED 10-FOOT.

**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/neighborhood 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: 04-325-A

Petitioner: ACOSTA

Address or Location: 729 SENECA GARDENS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL ACOSTA

Address: 1930 MIDDLEBOROUGH RD.

BALTO. MD 21221

Telephone Number: 410-574-9003

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

March 9, 2004

Ms. Marjorie F. Imbach
4410 Springwood Avenue
Baltimore, Maryland 21206

Dear Ms. Imbach:

RE: Case Number: 04-325-A, 729 Seneca Gardens Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2004.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Michael Acosta 1930 Middlesborough Road Baltimore 21221
Joan Springer 1711 Pleasantville Road Forest Hill 21050

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS*

DATE: February 3, 2004

SUBJECT: Zoning Item # 04-325
Address 729 Seneca Gardens Road
Imbach Property

Zoning Advisory Committee Meeting of January 26, 2004

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 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: Keith Kelley

Date: January 29, 2004

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 10, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 2, 2004
Item No. 325

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

The flood protection elevation for this site is 11.2 feet.

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.

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.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 4, 2004

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

SUBJECT: 729 Seneca Garden Road

INFORMATION:

Item Number: 04-325

Petitioner: Marjorie F. Imbach

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request be **DENIED**.

The proposed dwelling should not be any closer to the side property line (8 feet) than the existing dwelling.

Prepared by:

Martina Cump

Section Chief:

Kathy Schlabach

AFK/LL:MAC:



Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 30, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 26, 2004

Item No.: 321-328

325

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

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



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.29.04

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

RE: Baltimore County
Item No. 325 DT

Dear Ms. Hart:

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/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1 800 201.7185 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 · Phone 410.545.0300 · www.marylandroads.com

MEMO TO FILE

January 14, 2003

MEMO TO: Zoning Commissioner

FROM: Donna Thompson, Planner II
Zoning Review

RE: Item No. 325, 04-325-A
729 Seneca Gardens Rd.,
15th Election District

The petitioner, Mr. Michael Acosta is currently a Baltimore County employee with the Fire Department. Mr. Acosta has been advised on obtaining a resolution from County Council for the above petition filing.

DT

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

February 18, 2004

Marjorie Imbach
4410 Springwood Avenue
Baltimore, MD 21206

Dear Ms. Imbach:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-325-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above-proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property will be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and we will be billed directly by Patuxent Publishing for this at no charge for you.

If you need any further explanation or additional information, please feel free to contact Kristen Matthews at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Michael Acosta, 1930 Middleborough Rd., Baltimore 21221
Joan Springer, 1711 Pleasantville Rd., Forest Hill 21050

Visit the County's Website at www.baltimorecountyonline.info





**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

RECEIVED

FEB - 5 2004

ZONING COMMISSIONER

February 3, 2003

Lawrence E. Schmidt, Zoning Commissioner
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 13-04 concerning the public disclosure of Michael Acosta, an employee of the Baltimore County Fire Department.

Mr. Acosta has applied for a variance to build a dwelling at 729 Seneca Garden Road, Baltimore, Maryland 21220.

This Resolution was approved by the County Council at its February 2, 2004 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Michael Acosta

AV
9

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004. Legislative Day No. 3

Resolution No. 13-04

Mr. Joseph Bartenfelder. Councilman

By the County Council, February 2, 2004

A RESOLUTION concerning the public disclosure of Michael Acosta, an employee of the Baltimore County Fire Department.

WHEREAS, Michael Acosta, an employee of Baltimore County, has applied for a variance to build a dwelling at 729 Seneca Garden Road, Baltimore, Maryland 21220; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(e) of Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application filed by Michael Acosta does not contravene the public welfare and is hereby authorized.

re: 04-325-A

2/13/04

John - This should
be set in for a hearing
because

1) The adverse ETC cannot
be on OP

2) To confirm that the lot
is 55 feet wide at
the building line. It appears
so but it should be
verified

3) To determine if the house
should be set back
further from the water
so it doesn't block
731's view
JES

Kristin

Please set this case in for hearing
per Jerry's note dated 2/13/04. ~~Steve~~ PDM
should take care of posting & advertising.

Thanks.

Robert

January 13, 2009

This letter is written acknowledging that we are in full agreement and approval of a variance being applied for requesting a change in side yard from the required 10 feet setback to 3 feet setback between our house at 731 Seneca Garden Road and the new house to be built at 729 Seneca Garden Road by Michael and Susan Acosta.

Joan N. Schaffer
Arthur J. Schaffer

04-325-A

December 29, 2003

Property in Ref:

729 Seneca Gardens Road
Baltimore, MD 21220

Michael Acosta

This is a letter requesting an administrative variance procedure for the above property. I have an accepted contract for the purchase of this single family residential lot and I am waiting the settlement date. The said property will be my primary residence after settlement.

Thank You,



Michael Acosta
410-574-9003

1930 Middleborough Road
Baltimore, MD 21221

My Commission expires 9-1-06

04-325-A

Frequently Asked Questions (FAQ's) About Oaks

By Bruce W. Hagen

Oak trees are valued for their natural beauty, longevity, property value enhancement and importance to wildlife and the environment. In general, the public recognizes these values and favors oak tree preservation. Despite this appreciation for oaks, developers and homeowners often unwittingly damage oaks during excavation, construction and/or landscaping. Although tough and resilient, oak trees can be severely injured or even killed by construction-related injuries and by changes in soil aeration and moisture levels.

The growing requirements and environmental tolerances of California native oaks must be recognized to incorporate existing oaks into the landscape without jeopardizing their health. Favorable growing conditions must be maintained through careful plant selection, minimal disturbance, and judicious irrigation.

As an urban forester with CDF, I am frequently called upon to provide technical assistance to homeowners, landowners, arborists, developers, and local planning agencies about oak trees. Most of the questions I get are regarding oak tree preservation, maintaining oaks in the landscape and pest problems. Following are some examples of the more common concerns that people have about oaks:

Q: *I want to build near some oaks on my property, but I'm concerned that I might damage them. Is my concern justified?*

A: To avoid unnecessary damage during construction and landscaping around oaks, it's important to understand what tree roots do, where they grow, and what they need to function. Roots support and anchor the tree, absorb water and minerals, store energy and produce chemicals that help to regulate growth. They grow where oxygen, water and minerals are most abundant. However, when any of these factors are deficient or in excess, root function and, ultimately, tree health may suffer.

The roots of mature oaks as well as many other tree species grow predominantly within the upper three feet of soil. They branch and rebranch many times forming an extensive network of absorptive tissue with an immense surface area. ~~Roots often extend outward two to three times the radius of the dripline~~ (the periphery of the foliage). The depth, spread and degree of branching, however, are greatly influenced by factors such as soil texture (relative proportion of sand, silt and clay particles), structure (arrangement of the soil particles into clumps (aggregates) creating greater porosity), soil depth, soil fertility and available moisture. Most of the roots responsible for the uptake of water and minerals are concentrated within 12 inches of the surface. Few roots grow deeper than about five feet, although some can be found growing much deeper in areas with deep, medium to coarse soils, and in fractured rock. Much of the root system is contained within the dripline, although roots often radiate well beyond. ~~Thus, excavation for a building site, foundation, or retaining wall within the dripline can easily sever~~

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

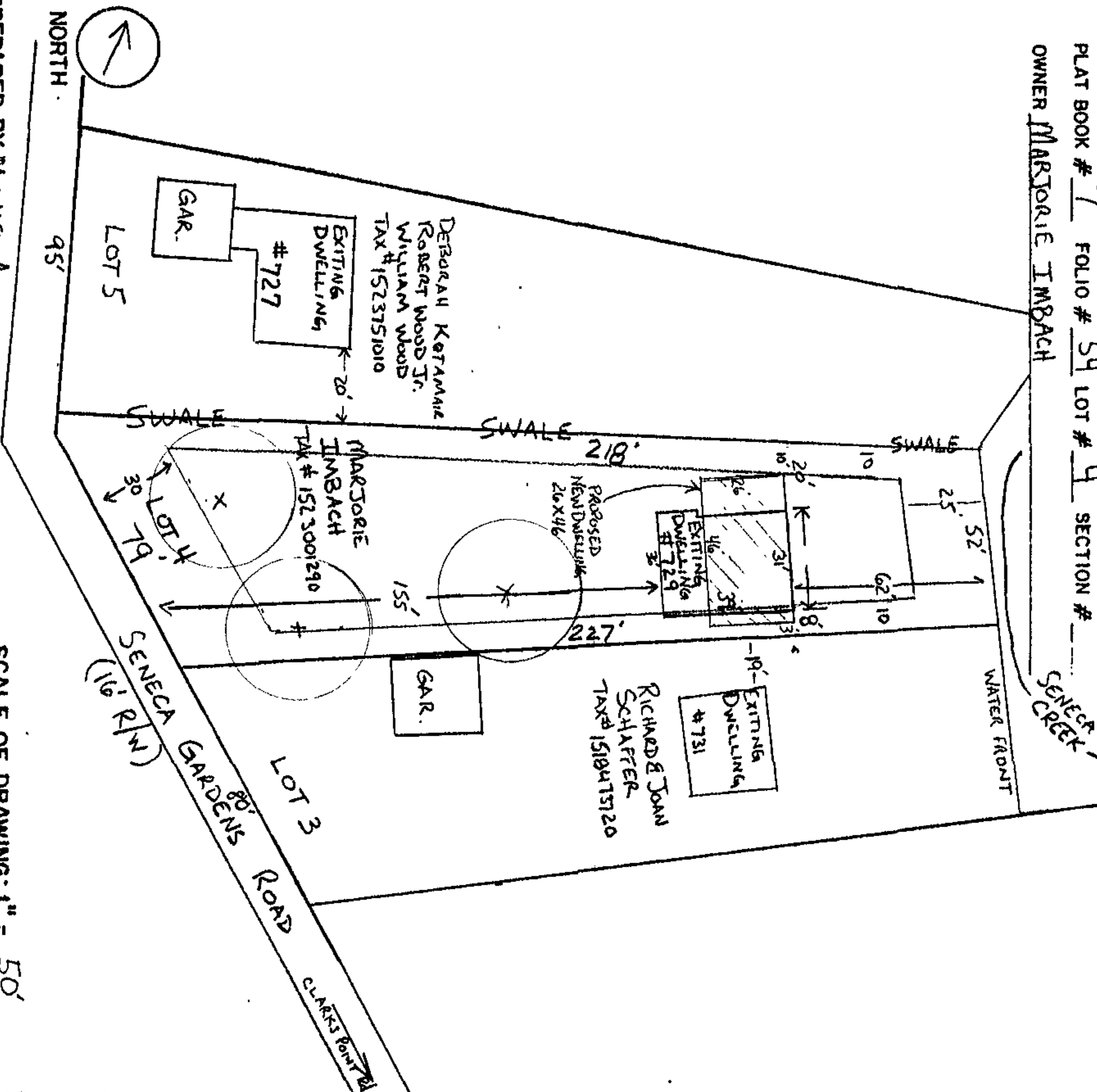
PROPERTY ADDRESS 729 Seneca Gardens Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Quarters

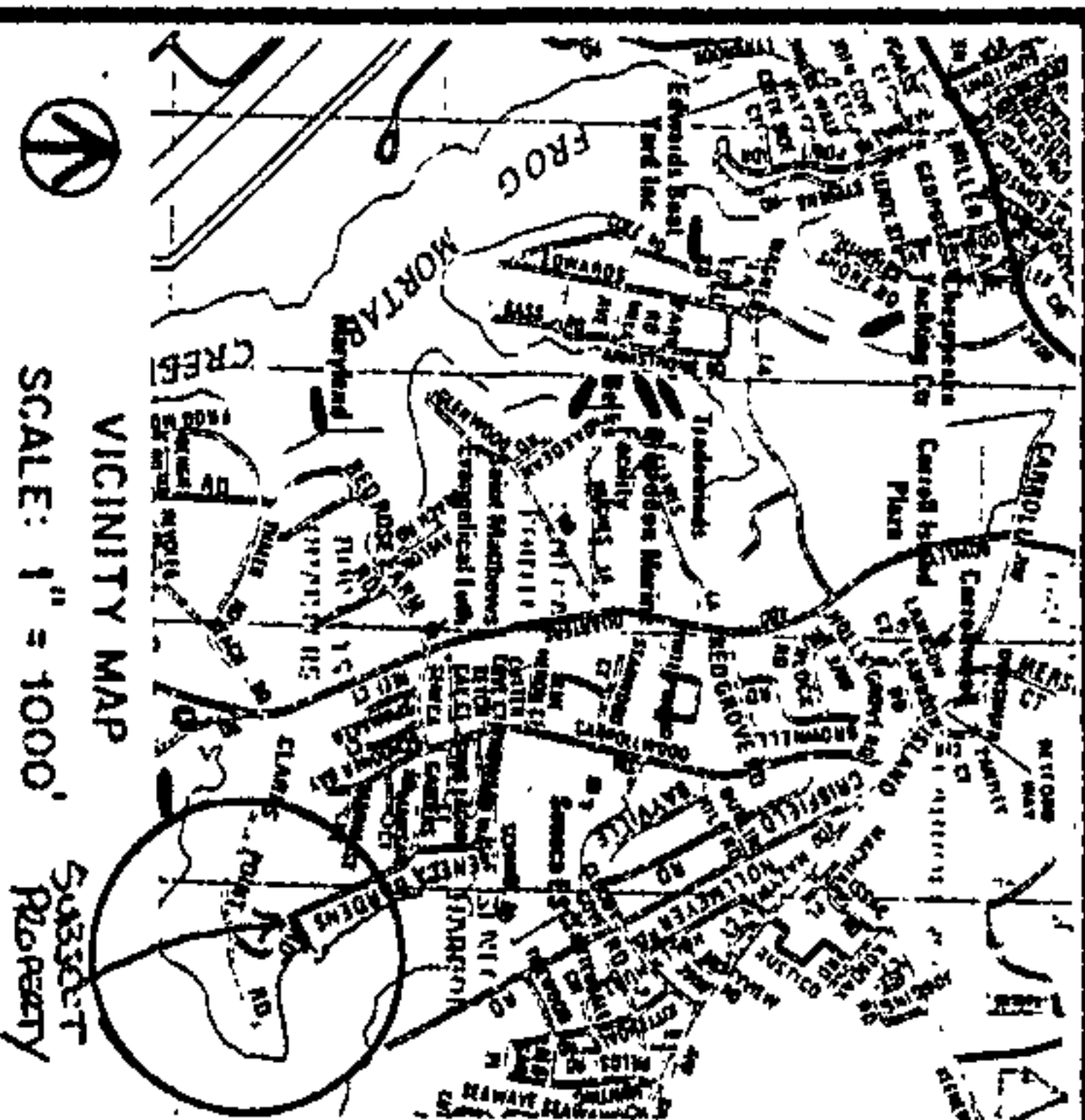
PLAT BOOK # 7 FOLIO # 54 LOT # 4 SECTION # ---

OWNER MARJORIE IMBACH



PREPARED BY Michael Acosta

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 154

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # NE 3-K

ZONING D.R.-5.5

LOT SIZE 16,428

ACREAGE --- SQUARE FEET

PUBLIC ☒ PRIVATE ☐

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ YES ☐ NO

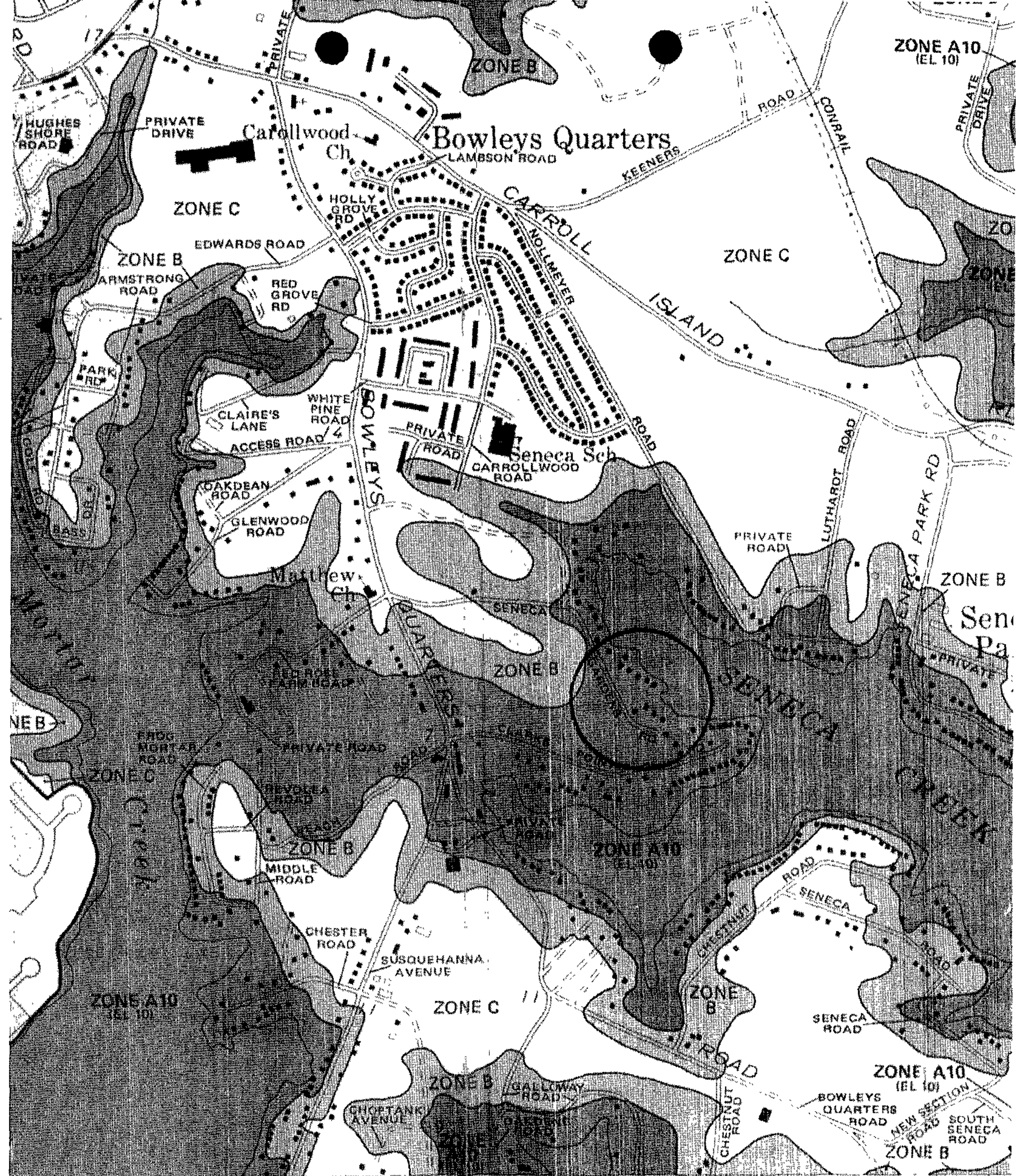
HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D. Thompson 325 04-325-A

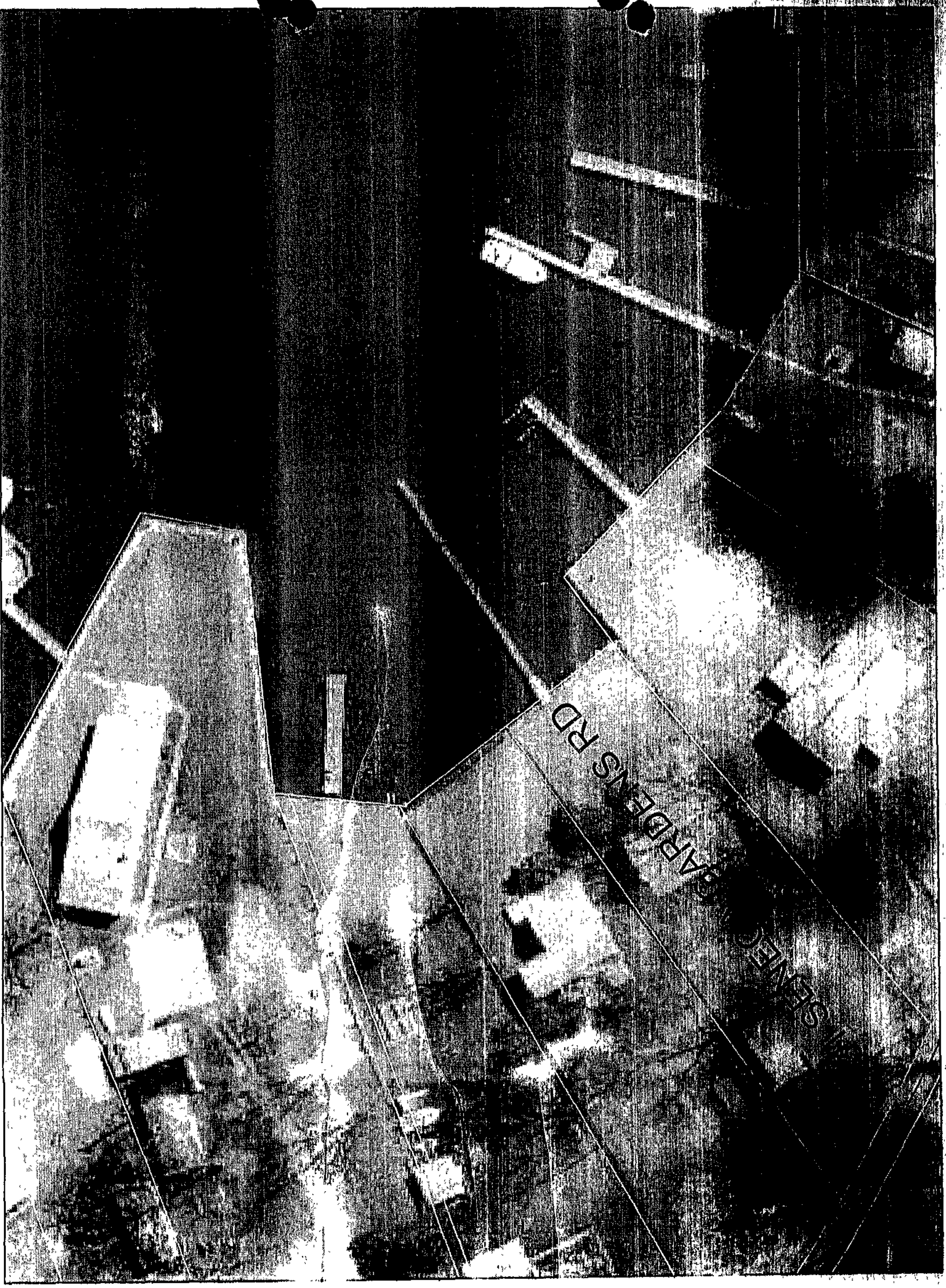
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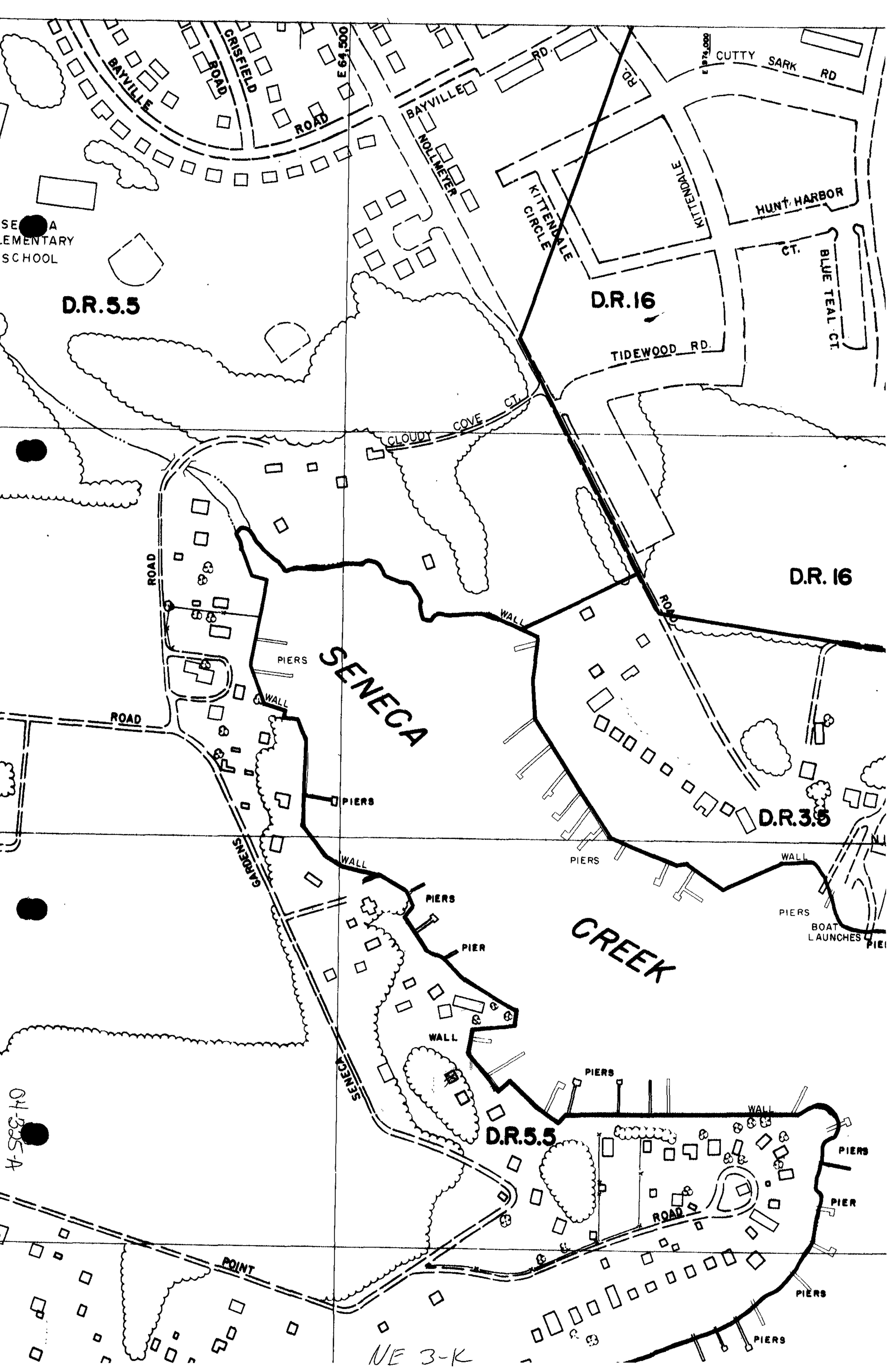


04-325-A

04-305-A

731 SENECA GARDENS RD





SENECA
ELEMENTARY
SCHOOL

D.R. 5.5

D.R. 16

D.R. 16

D.R. 3.5

D.R. 5.5

SENECA

CREEK

04-325-A

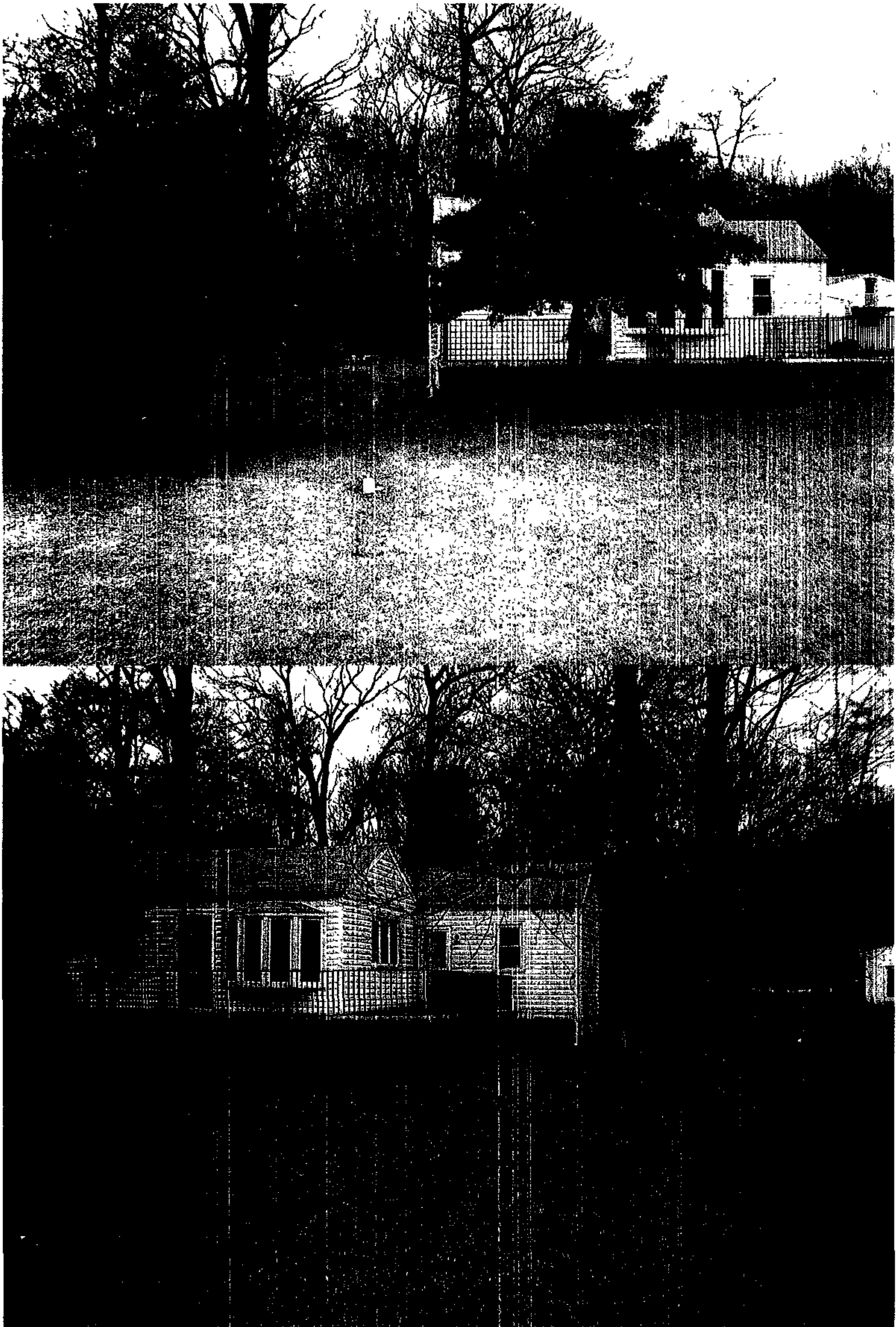
NE 3-K



04-325-A



04-325-A



04-325-A



04-325-A



04-325-A

