IN RE: PETITION FOR VARIANCE
NE/S of Seneca Road, 295.80 ft. NW
centerline of New Section Road
15th Election District
6th Councilmanic District
(1223 Seneca Road)

Patricia & Wayne Edwards

Petitioners

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 04-351-A

\* \* \* \* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

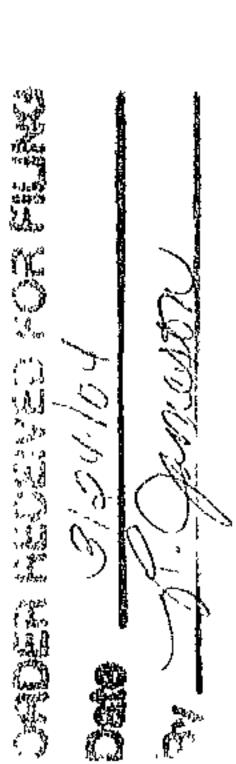
This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Patricia and Wayne Edwards. The Petitioners are requesting variance relief for property located at 1223 Seneca Road in the Bowleys Quarters area of Baltimore County. Variance relief is requested from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow for side yard setbacks of 10 ft. (both sides) in lieu of the required 50 ft. in a RC 5 zone.

The property was posted with Notice of Hearing on March 5, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 9, 2004 to notify any interested persons of the scheduled hearing date

#### Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other



variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 10, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated February 24, 2004 setting forth several federal and county code requirements the Petitioners must comply with for this project

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Donald Eitticks and Paul Naldrett from Hicks Engineering, the firm that prepared the site plans to accompany the petition, and Wayne and Patricia Edwards, Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

THE STATE OF THE S

The second secon

RC-5. The property is improved by a very small cottage built in the 1950's, which Mr. Naldrett described as being in poor condition due to age and the ravages of Hurricane Isabel. The Petitioners would like to raze the existing structures (house and sheds) and replace them with a new one-story home sized to meet their family needs. Public water is available in the Seneca Road area. The property is presently served only by an outhouse, but the Petitioner indicates that public sewer lines will shortly be installed in the road. The Petitioner submitted letters of

support from adjacent property owners, which support his variance request. The new home will be moved forward such that it will be approximately the same distance from the water as the adjacent homes.

The Petitioners submitted the plat for Bowley's Quarters First Addition to Plat No. 2, which was recorded in the County Land Records in 1927. This property is Lot 193. It is between 50 ft. and 53 ft. wide so it can not meet the 50 ft. setback requirements of the RC 5 zoning which was imposed on the area in 1979. The Petitioner testified that the 30 ft. wide home (and therefore 10 ft. setback on each side) was the minimum that would be reasonable for his family. The new home will be similar in setback, size and amenities to others in the neighborhood and will meet all County and Chesapeake Bay Critical Area regulations including being 11 ft. above the ground for flood protection.

The Petitioner understood that no permit would be issued in this matter until the public sewer line is actually in place and ready for hookup.

### Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The zoning setback regulations were imposed many years after the lot was recorded and the home built. It, therefore, imposes a peculiar burden on these waterfront properties compared to others in the RC 5 zone. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning was requested. Furthermore, I find that the variance requested can be granted in strict harmony with the spirit and intent of said regulations, and in such manner so as to grant relief without injury to the public health, safety and general welfare. In fact, as the Retitioner points out, this new home will improve the neighborhood.

PROFIT FOR FLAME

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

THEREFORE, IT IS ORDERED, this Add day of March, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow for side yard setbacks of 10 ft. (both sides) in lieu of the required 50 ft. in a RC 5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments made by DEPRM dated March 10, 2004, a copy of which is attached hereto and made a part hereof.
- 3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated February 24, 2004, a copy of which is attached hereto and made a part hereof.
- 4. The Petitioners may not apply for a building permit until the public sewer line is actually in place in Seneca Road and ready for connection.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

### **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 24, 2004

Mr. & Mrs. Wayne Edwards 9031 Simms Avenue Baltimore, Maryland 21234

> Re: Petition for Variance Case No. 04-351-A

> > Property: 1223 Seneca Road

Dear Mr. & Mrs. Edwards:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Paul M. Naldrett Hicks Engineering Co., Inc. 200 E. Joppa Road, Suite 402 Towson, MD 21286





## Petition for Variance

to the Zoning Commissioner of Baltimore County

Legal Owner(s):

for the property located at	1223	Senecz	Rord	
which is	presently z	zoned	RC5	

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)

1. A. o4. 3. B. 3. to z llow for a Sidey and reflects of 10 feet (both sides)

In lieu of the required 50 feet in an RC 5 Zone

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

to be presented et herring

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:

				WAYNE EDWARDS
Name - Type or Print			Name	- Type or Print
Signature		· · · · · · · · · · · · · · · · · · ·	-	Signature MINICIA EDWARDS
Address	····	Telephone No.	-	Name—Type or Print
City	State	Zip Code	<del>-</del>	Signature Church
Attorney For Pet	itioner:			9031 Simms Ave 410-529-0480 Address Telephone No.
		<u></u>	<b>-</b>	BALTIMORE MD 21234
Name - Type or Print	•		City	State Zip Code
	··	<u> </u>	_	Representative to be Contacted:
Signature				PAUL M. NALDRETT - HICKS ENGINEERING CO. IN
Company		<u> </u>	_	Name 2008. 1-00 ROAD Suite 402 410-494-000
ddress		Telephone No.	_	Address Telephone No. Telephone No. 21286
lity	State	Zip Code	_	City State Zip Code
De C				OFFICE USE ONLY
Cas No.	t-351-A			ESTIMATED LENGTH OF HEARING
	······································	Reviewed	Ву	UNAVAILABLE FOR HEARING  JNP  Date 2/3/04



200 East Joppa Road, Suite 402 Towson, NDD 21286-3160 · (410) 494-0001

### Description for Zoning

# 1223 SENECA ROAD

15th ELECTION DISTRICT, 6th council manic district

BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northeast side of Seneca Road, 40 feet wide, said point being located 295.80 feet, more or less, northwesterly from the center of New Section Road, 40 feet wide

- 1) South 43 degrees 37 seconds East 50.00 feet,
- 2) North 48 degrees 46 seconds East 276.10 feet,
- 3) Southeasterly 53 feet more or less, and
- 4) South 48 degrees 46 seconds West, 291.39 feet to the point of beginning

CONTAINING 0.32 acres of land, more or less

BEING the same lot of ground known as lot 193, First addition to plat number Two (2) as shown on the plat of Bowley's Quarter Company of Baltimore County recorded among the Land Records of Baltimore County, Maryland in Plat Book WHM No. 9, Folio 12.

Page 1 of 1

February 3, 2004

04-351-A

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 17824	FAID RECEIPT RESIDESS ACTUAL TIME 1911
	R-001-006-6150	7/83/2004 2/03/2004 11:16:59  FEI 16/95 WALLIN LSCO LES  FIELEPI N 350633 2/03/2004 OFLI  Dest 5 528 ZONING VERIFICATION CR NO. 017824
RECEIVED HICHS ENGINERING		Recet Tot \$65.00 CA \$65.00 CA Saltimore County, Haryland
FOR: Seneca Roal	1 (04-351-4)	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - C	USTOMER	CASHIER'S VALIDATION

•

#### **NOTICE OF ZONONG** 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: #04-351-A 1223 Seneca Road N/east side of Seneca Road, 295.80 feet n/west of New Section Road 15th Election District 6th Councilmanic District Legal Owner(s): Wayne and Patricia Edwards

Variance: to permit side yard setbacks of 10 feet (both sides) in lieu of the required 50 feet in an RC-5

Hearing: Tuesday, March 23, 2864 at 2:89 p.m. in Room 407, County Courts Building, 491 Bosley Ave-

LAWRENCE E. SCHMIDT Zoning Commissioner for **Baltimore County** 

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/3/661 Mar9

C653516

### CERTIFICATE OF PUBLICATION

3/10/2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
J. WULLING

# CERTIFICATE OF POSTING

•	RE: Case No.: 04-351-A
	Petitioner/Developer:
	Mayne Edwards
	Date of Hearing/Closing: 3-23-04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Becky Hart	, , , , , , ,
Ladies and Gentlemen:	
This letter is to certify under the penalties of perwere posted conspicuously on the property local	rjury that the necessary sign(s) required by law ated at 1223 Seneca Road
Middle River, MD 21220	
	·
The sign(s) were posted on March &	<u>5,2004</u>
	(Month, Day, Year)
	Sincerely,

ONING NOTICE

ONE # O4-351-A

PARC WERNIG WILL BE 1ES 31

PARC CONTROL NO MAN SSIGNER

REST: MENT E SERGE MAN SSIGNER

REST: MENT E SERGE MAN SO STORY

AN ALEX DATE OF MAN SO STORY

AN ALEX DATE OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AN ALEX DATE

OF MAN SERVER OF MAN SO STORY

AND STORY

OF MAN SERVER OF MAN SO STORY

AND STORY

OF MAN SERVER OF MAN SO STORY

OF MAN SERVER OF MAN SERVER

(Signature of Sign Poster and Date)

Stacy Gardner

SHANNON BANMASIGNS INC.

105 COMPETITIVE GOALS DR.

ELDERS BALBGOS MD. 21784

410-781-4000

(City, State, Zip Code)

RE: PETITION FOR VARIANCE 1223 Seneca Road; NE/side Seneca Road,

295.8' NW of New Section Road

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Wayne & Patricia Edwards \*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

\* BALTIMORE COUNTY

ж 04-351-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 10<sup>th</sup> day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, Paul M Naldrett, Hicks Engineering Co., Inc, 200 E Joppa Road, Suite 402, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

FEB 1 1 2011A

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 9, 2004 Issue - Jeffersonian

Please forward billing to:
Wayne Edwards

9031 Simms Avenue Baltimore, MD 21234 410-529-0480

### **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: 04-351-A** 

1223 Seneca Road

N/east side of Seneca Road, 295.80 feet n/west of New Section Road 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Wayne and Patricia Edwards

Variance to permit a side yard setbacks of 10 feet (both sides) in lieu of the required 50 feet in an RC-5 zone.

Hearing: Tuesday, March 23, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence B. S

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.

# Department of Permits an Development Management

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



### Baltimore County

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: 04-351-A

1223 Seneca Road

N/east side of Seneca Road, 295.80 feet n/west of New Section Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Wayne and Patricia Edwards

Variance to permit a side yard setbacks of 10 feet (both sides) in lieu of the required 50 feet in an RC-5 zone.

Hearing: Tuesday, March 23, 2004, at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Wayne & Patricia Edwards, 9031 Simms Avenue, Baltimore 21234 Paul Naldrett, Hicks Engineering, 200 E. Joppa Rd., Ste. 402, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 8, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPÉCIAL 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.

For Newspaper Advertising:	
Item Number or Case Number: 04-351-A	
Petitioner: EDWARDS	_
Address or Location: 1223 StNECA ROAD	
PLEASE FORWARD ADVERTISING BILL TO:  Name: WAYNE EDWARD 5	
Address: 9031 Simms AVENUE	<del></del>
BAUTIMONE, MD 21234	
Telephone Number: 410 529-0880	

# Department of Permits an 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 15, 2004

Wayne Edwards Patricia Edwards 9031 Simms Avenue Baltimore, Maryland 21234

Dear Mr. and Mrs. Edwards:

RE: Case Number: 04-351-A, 1223 Seneca Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 3, 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,

U. Cal Robal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Paul M. Naldrett Hicks Engineering Co. 200 E. Joppa Road, Suite 402 Baltimore 21286

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** Zoning Advisory Committee Meeting

For February 16, 2004

Item No. 351

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

**DATE:** February 24, 2004

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

ZAC-02-16-2004-ITEM NO 351-02242004

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco
FROM:	R. Bruce Seeley My
DATE:	March 10, 2004
SUBJECT:	Zoning Item # 04-351 Address 1223 Seneca Road Edwards Property
Zoning	g Advisory Committee Meeting of February 9, 2004
<del></del>	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	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 (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).
<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).
Additi	onal Comments:

Reviewer: Keith Kelley Date: February 19, 2004

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-335 and 4-351

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

MAR 1 6 2004

DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

**DATE:** March 9, 2004



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.6.04

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

RE:

Baltimore County

Item No.

351

746

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,

1-

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division IN RE: PETITION FOR VARIANCE

S/S S. Seneca Road, 1,000' S of the c/l

New Section Road
(1347 S. Seneca Road)

15<sup>th</sup> Election District 6<sup>th</sup> Council District

Brock E. Mosser, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY

Case No. 04-095-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, Brock E. Mosser and Cecile P. Mosser. The Petitioners request variance relief from Sections 1A04.3.B.1&2 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.337 acres, more or less, in lieu of the minimum required 1.0 acres; side yard setbacks of 10 feet each in lieu of the required 50 feet each; and an accessory structure (garage) to be located in the front yard in lieu of the required rear yard. In addition, the Petitioners request approval of the subject property as an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Brock E. Mosser, property owner. Appearing as interested persons were Ferdinand E. Doerfler and Mary K. Ende, adjacent property owners who reside on opposite sides of the subject property.

Testimony and evidence offered revealed that the subject property is a waterfront lot located with frontage on Seneca Creek and the south side of South Seneca Road in Bowleys Quarters. The property is also known as Lot 221 of Bowleys Quarters which was originally laid out and recorded in the 1920s, well prior to the adoption of zoning regulations in Baltimore County. Thus, the lot is undersized and does not meet many of the current regulations. As shown

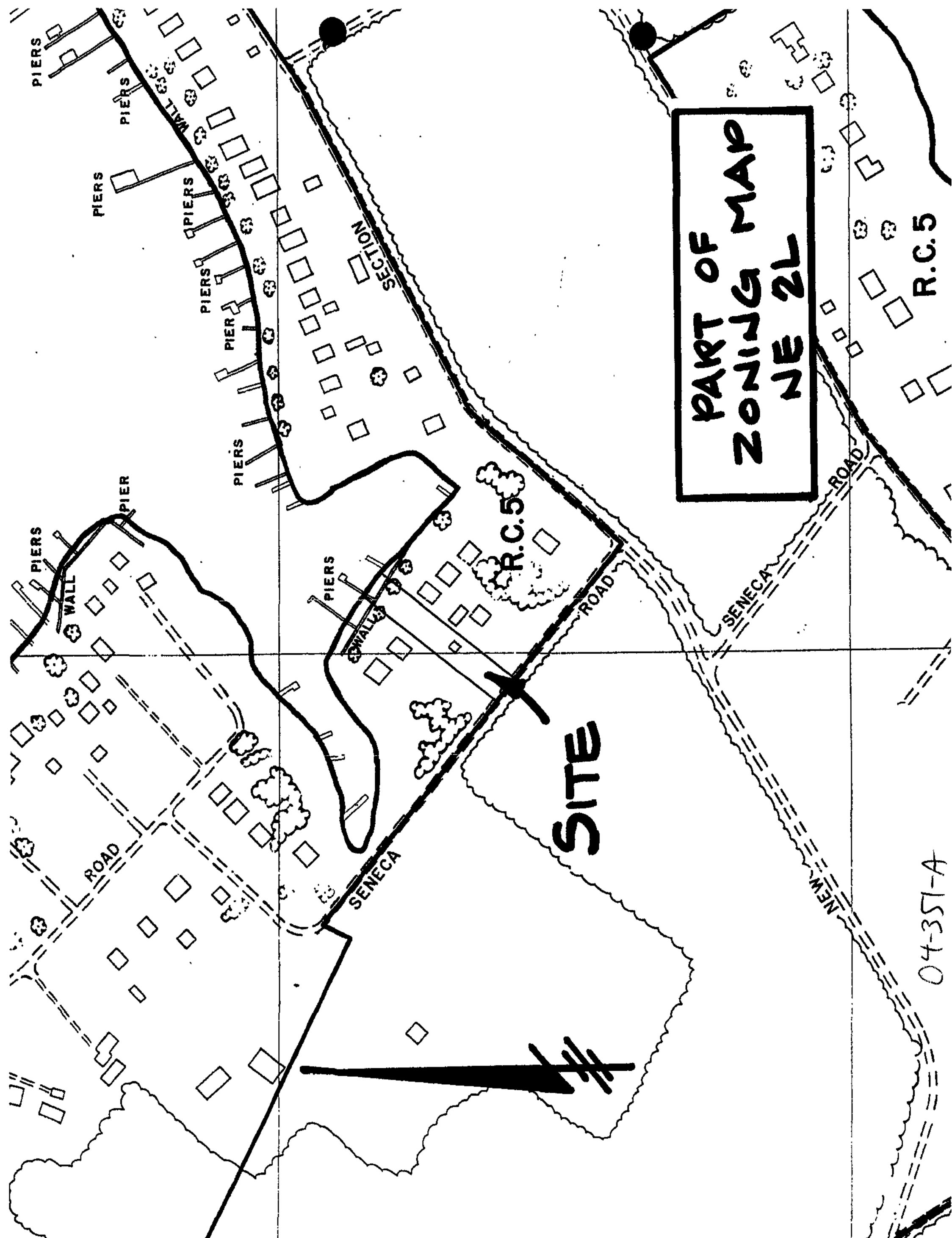
Date 10/2/11/2 By 10/2/2012

### PLEASE PRINT CLEARLY

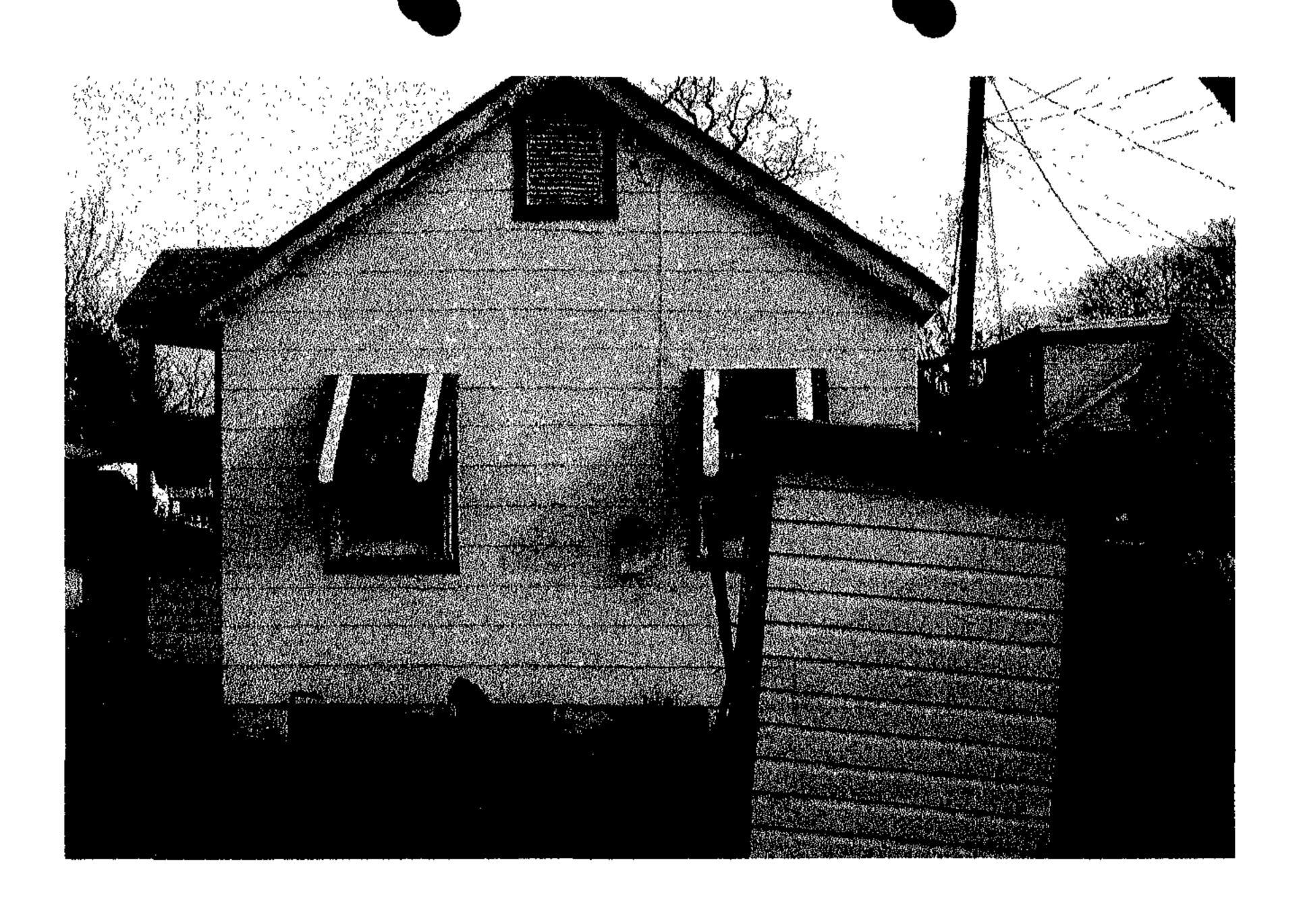
CASE NAME	
CASE NUMBER	04-351-A
DATE	3/23/14

### CITIZEN'S SIGN-IN SHEET

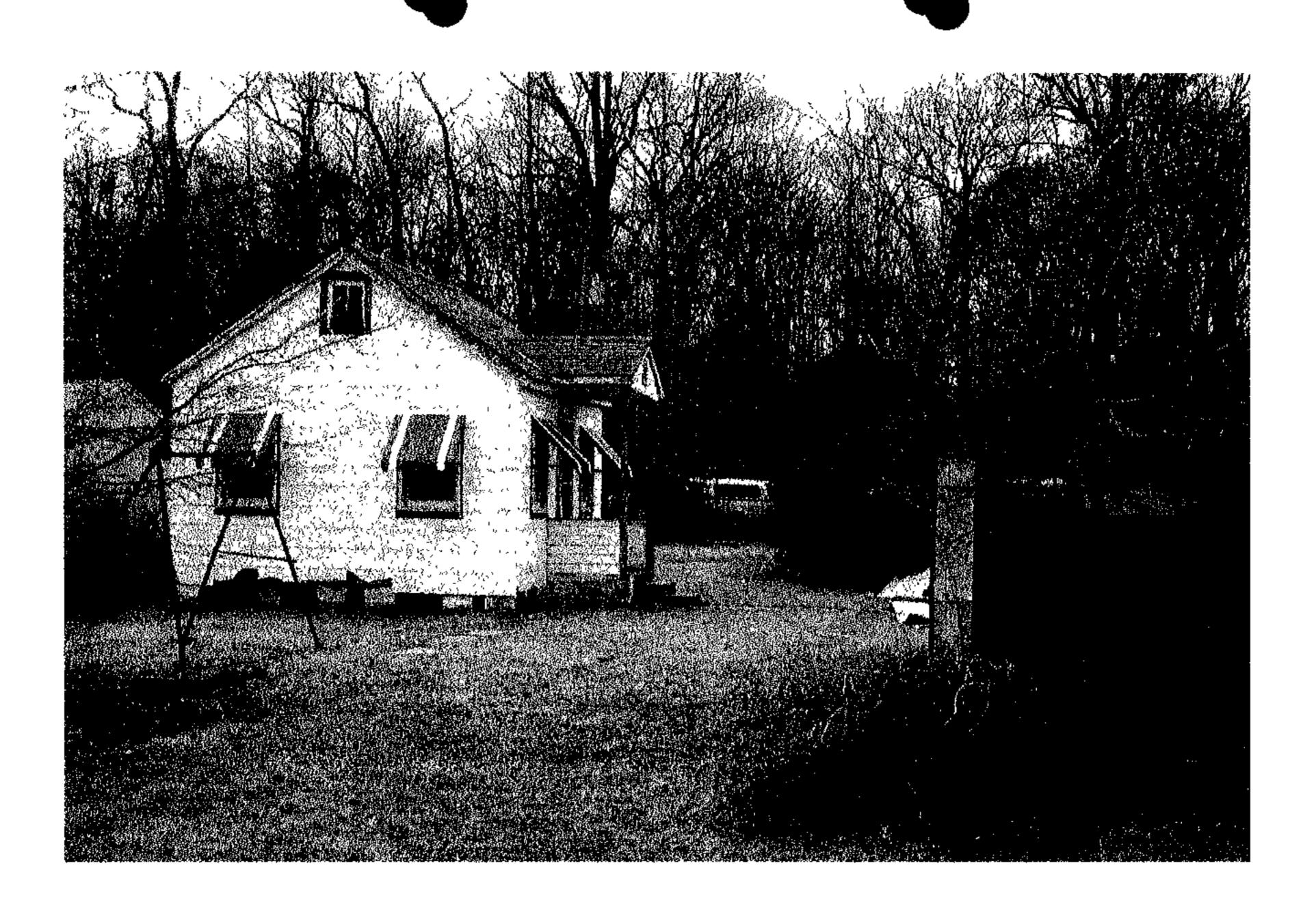
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
WATER Solupros	9031 Simms De	- Boso 21234	••••••••••••••••••••••••••••••••••••••
Panim. NALORETT	THE ENDOPPED	10050pl 190 21286	······
1 TOLL IN THE PROPERTY OF			
	<u> </u>		·····
<u></u>			<u> </u>
	<del></del>		
<u></u>			
	· · · · · · · · · · · · · · · · · · ·		
	<u> </u>		

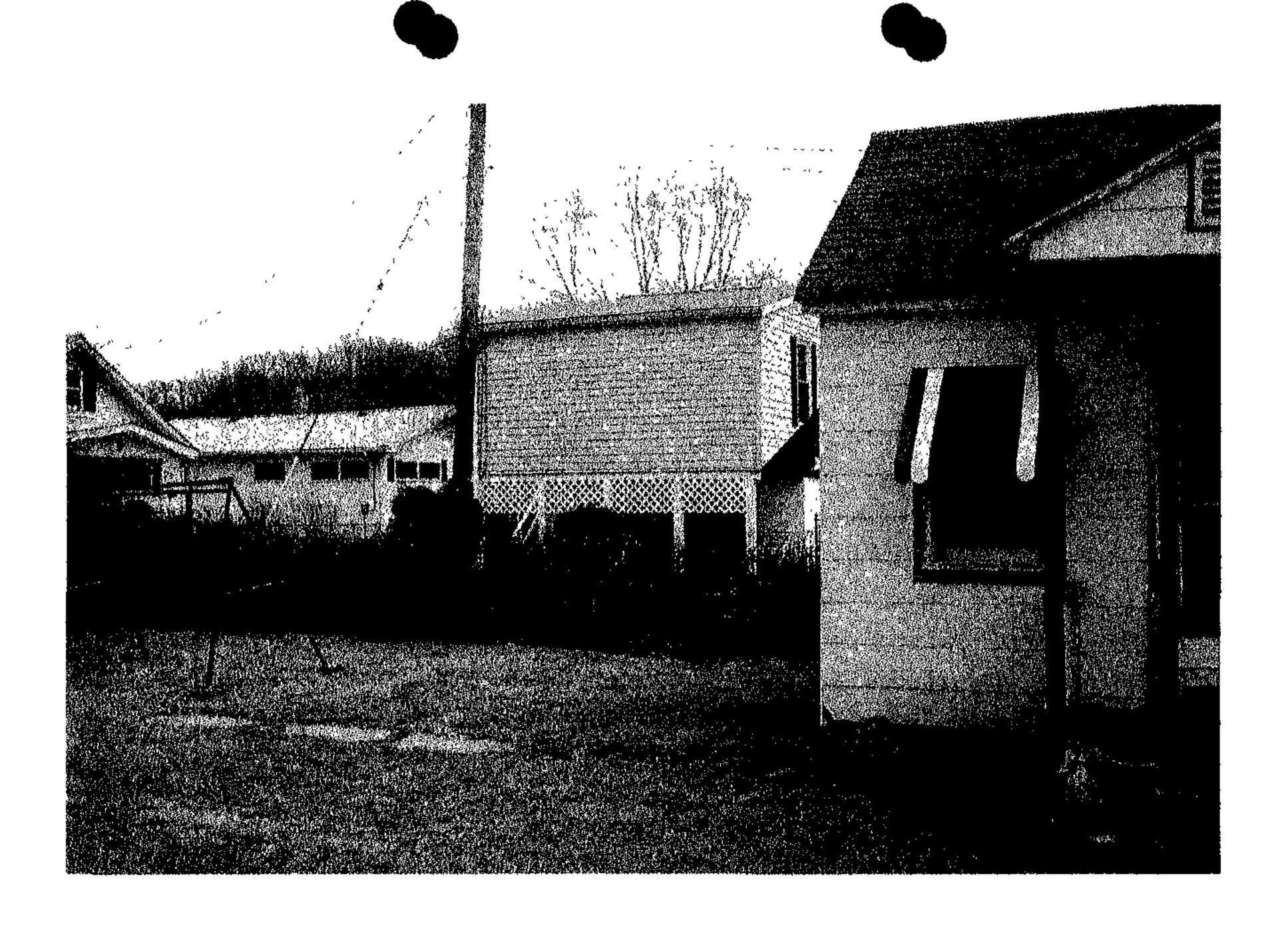


















### HICKS ENGINEERING COMPANY, INC.

200 East Joppa Road, Suite 402 Towson, NDD 21286-3160 · (410) 494-0001

TO PAUL

January 22, 2004

This letter is to certify that I have reviewed the site plan for #1223 Seneca Road prepared by Hicks Engineering Company, Inc. I understand that Mr. Wayne Edwards intends to tear down the existing structures on the lot and construct a new home. I fully support Mr. Edwards proposed new dwelling.

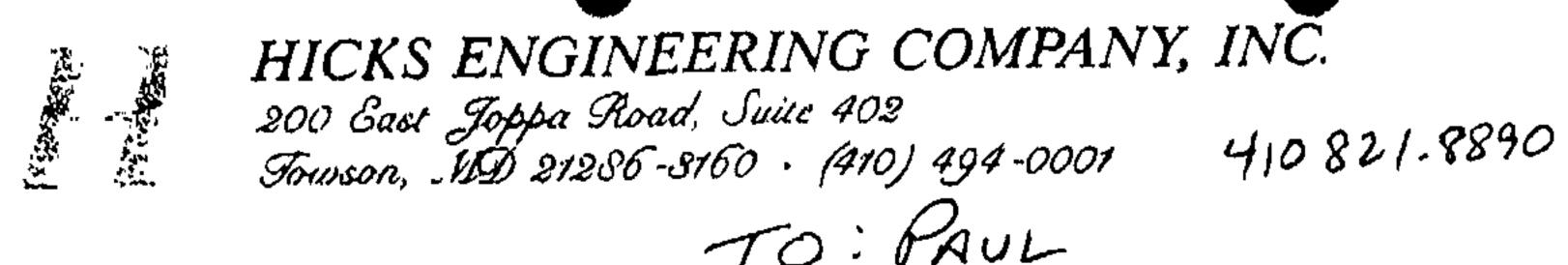
Name

Kenneth Warpecka

Address

Address

Day Ar War



TO: PAUL

January 22, 2004

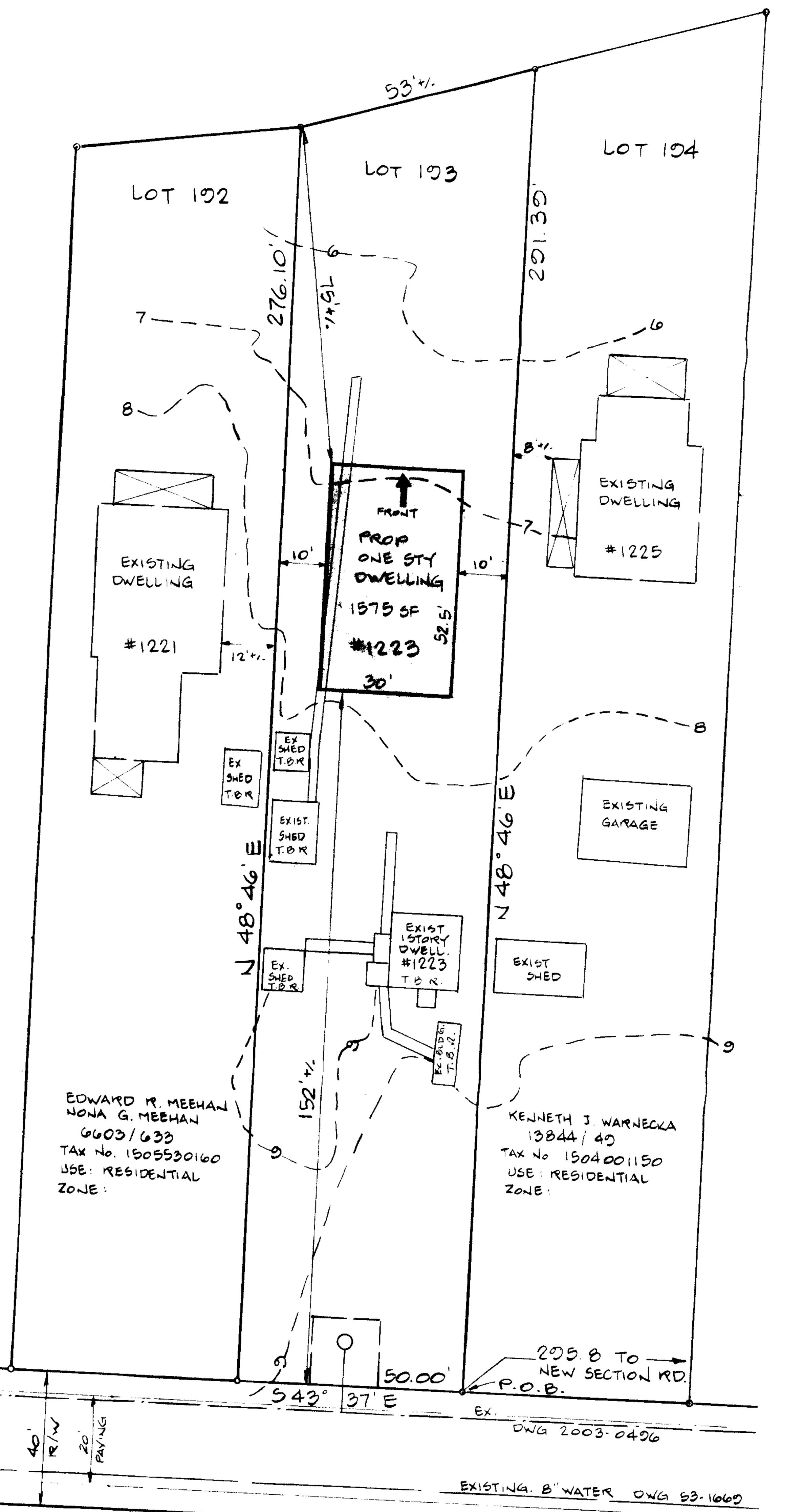
This letter is to certify that I have reviewed the site plan for #1223 Seneca Road prepared by Hicks Engineering Company, Inc. I understand that Mr. Wayne Edwards intends to tear down the existing structures on the lot and construct a new home. I fully support Mr. Edwards proposed new dwelling.

OWNERS WINTER IN FLORIDA, MR WARNECKA CAN VERITY
HE HAS HAD NUMEROUS TALKS WITH MR MEEHAN (1221) 4 WOULD REALLY LIKE 1223 TO BE CLEANED 123-04 Date UP + New home BUILT.

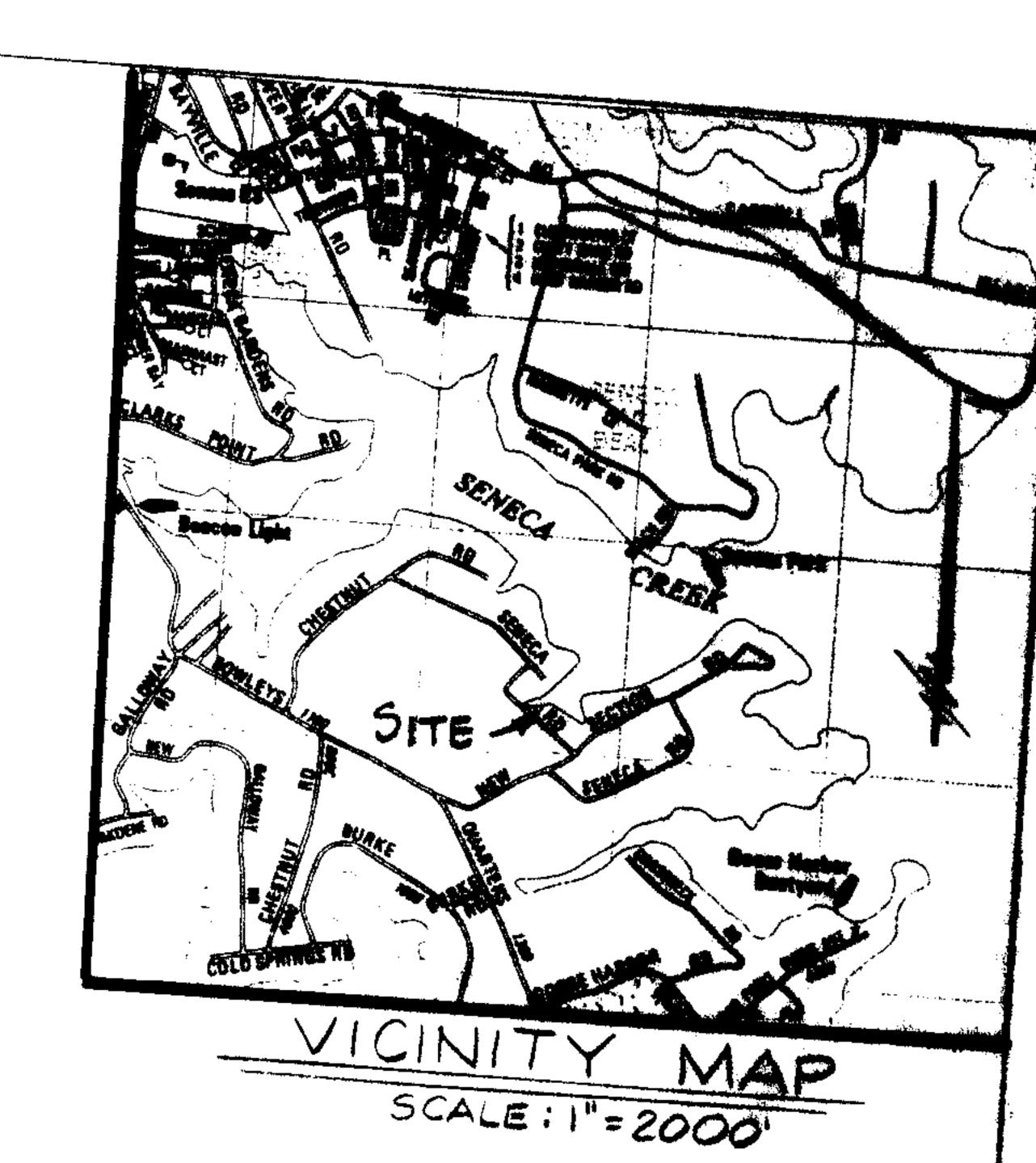
1221 SENECA Rd.

# SENECA CREEK

, - From - Market of the state of the state



SENECA ROAD



SITE DATA

SITE AREA 0.32 ACS. +/-DEED REFERENCE OR 7024 /561 PLAT REFERENCE 9/12 TAX ACCOUNT NO. 1503471121 EXISTING ZONING RC 5

ZONING MAP NEZL SE 2K 6

15

COUNCILMANIC DISTRICT ELECTION DISTRICT

# GENERAL NOTES:

- 1. THE SUBJECT PROPERTY HAS NO PRE VIOUS ZONING CASE HISTORY.
- 2. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- 3. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NO DOES IT LIE WITHIN A MISTORICAL
- 4. ALL EXISTING IMPROVEMENTS TO BE REMOVED
- 5. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE C.B.C.A.
- 6. THE PROPERTY LIES WITHIN THE 100 TR FLOOD PLAIN. FLOOD ZONE A-10 PER FEMA FIRM PANEL # 240010-0435 . 6. ELEVATION LINES INDICATED IN PLAN DETAILS.

OWNER WAYNE EDWARDS PATRICIA EDWARDS 9031 SIMMS AVENUE BALTIMORRE, MARYLAND 21234 410.529.0480

SITE PLAN

# 1223 SENECA ROAD

LOT 193

FIRST ADDITION TO PLAT No. 2 BOWLEYS QUARTER

PLAT 9/12

BALTIMORE COUNTY, MD

SCALE: 1"= 20"

DATE: JANUARY 16, 2004

HICKS ENGINEERING CO., INC.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001

CHECKED B.D.J.

DWG. NO.

2003-0496

P: \1995\95001011\95001C10.DWG

EL. DISTRICT NO. 15 C 5

CHESTNUT- GOOSE HARBOR SEWERAGE SYSTEM

SENECA ROAD

7 NE 45 & 46 PROFILE HOR. 1"=50' VERT. 1" =5'

