ORDER RECEIVED FOR FLARE

IN RE: PETITION FOR VARIANCE
S/S of Seneca Road, 1,330 ft. SE
centerline of New Section Road
15th Election District
5th Councilmanic District
(1351 S. Seneca Road)

Robert J. Jankalski
Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-504-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 owner of the subject property, Robert J. Jankalski. The Petitioner is requesting variance relief for property located at 1351 S. Seneca Road in the Middle River 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 side yard setbacks of 25 ft. in lieu of the required 50 ft. for the construction of a new dwelling.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 24, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated May 27, 2004, a copy of which is attached hereto and made a part hereof. Petitioner must also be in compliance with the requirements set forth in the ZAC comments submitted by the Bureau of Development Plans Review dated June 2, 2004, a copy of which is attached hereto and made a part hereof.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested administrative variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>10</u> day of June, 2004, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 25 ft. in lieu of the required 50 ft. for the construction of a new dwelling, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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 May 27, 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 June 2, 2004, a copy of which is 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. muskun

FOR BALTIMORE COUNTY

10/10/00 Commence of the Contract of the Contr

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

June 9, 2004

Mr. Robert J. Jankalski 1351 S. Seneca Road Baltimore, Maryland 21220

> Re: Petition for Administrative Variance Case No. 04-504-A Property: 1351 S. Seneca Road

Dear Mr. Jankalski:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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: Robert Infussi P. O. Box 1043-7043 Bel Air, MD 21014



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



Pet on for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1351 5. SENECA ROAD which is presently zoned R.C.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)

1A04.3B.Z TO ALLOW-SIDE YARDS OF 25 FEET INSTEAD OF THE REQUIRED 50 FEET

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 de- perjury, that I/we are is the subject of this I	clare and affirm, under the the legal owner(s) of the Petition.	pe penalties of property which
Contract Purchase	r/Lessee:		Legal Owner(s):		
Name - Type or Print	<u>. </u>	<u> </u>	Name - Type or Print	JANKALSKI	<u> </u>
Signature			Signature	<u> </u>	
Address		Telephone No.	Name - Type or Print	 	
City	State	Zip Code	Signature		
Attorney For Petitic	oner:		<u> /35/ 5.5</u> & Address	NECA ROAD	HI-33560 Telephone No.
Name - Type or Print	······································	· · · · · · · · · · · · · · · · · · ·	BALTIMORE City	MD. State	Zi Z Z Code
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Company	·	·	ROBERT IN	FU551	
Address		Telephone No.	P.O. BOX 104- Address	3-7043 (41	
		i diophone i to.	BELAIR	MD.	Telephone No ZiO/4-
City	State	Zip Code	City	State	Zip Code
A Ruplic Fearing having be altinore Cour	een formally demande that ity and that the property	ed and/or found to be the subject matter of the y be reposted.	required, it is ordered by the his petition be set for a public	e Zoning Commissioner of hearing, advertised, as req	Baltimore County, uired by the zoning
	, 1		Zoning Commi	ssioner of Baltimore County	/
CESE NO()	4-504-A	Rev	iewed By D.THOMPS	0N Date 5/3/0	4
REV 10/25/01		Esti	mated Posting Date	5/16/04	<u> </u>

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

REV 10/25/01

| 135 | S. SENECA ROAD | Address | Zip Code | 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 BRIEF

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting an advertising fee and may be required to provide additional information.						
a						
Signature	Signature					
ROBERT J. JANKALJKI						
Name - Type or Print	Name - Type or Print					
of Maryland, in and for the County aforesaid, personal						
the Affiant(s) herein, personally known or satisfactori	ly identified to me as such Amant(s).					
AS WITNESS my hand and Notarial Seal	MA MADE					
	Notary Public					
	My Commission Expires					

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

REV 10/25/01

 135/ S. SENECA ROAD

 Address
 BALT/MORE
 MD.
 Z/ZZO

 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 BRIEF

That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition	demand is filed, Affiant(s) will be required to pay a reposting and onal information.
Que C	
Signature	Signature
ROBERT J. JANKALJKI	
Name - Type or Print	Name - Type or Print
of Maryland, in and for the County aforesaid, personal the Affiant(s) herein, personally known or satisfactorily	
the Affiant(s) herein, personally known or satisfactorily	identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	AM WILL
	Notary Public
	My Commission Expires



Pet Don for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1351 S. SENECA ROAD

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)

1AO4.3B.Z TO ALLOW SIDE YARDS OF 25 FEET INSTEAD OF THE REQUIRED SOFEET

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 de perjury, that I/we are is the subject of this	clare and affirm, under the legal owner(s) of the Petition.	the penalties of ne property which
Contract Purchaser/	Lessee:		Legal Owner(s):	•	
Name - Type or Print	·	- <u></u> -	ROBERT J. Name - Type on Right	JANKALSKI	
Signature			Signature		
Address	<u> </u>	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petition	<u>er:</u>		/35/ S.58 Address	NECA ROAL	7 40-335-6. Telephone No.
Name - Type or Print	-	······································	BALTIMORE City	MD. State	ZIZZO Zip Code
Signature	<u> </u>		Representative t		
Company			ROBERT IN Name		
Address	¬	Telephone No.	P.O. BOX 104- Address	3-1043 (4	-10) 8/Z- 2Z30 Telephone No
City		——————————————————————————————————————	BELAIR	MD.	Z1014-
	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County CASE NO	and that the prope	rty be reposted.	Zoning Commi	issioner of Baltimore Cour	ty
	<u> </u>		iewed By DTHOMPS	, , , , , , , , , , , , , , , , , , , ,	4
REV 10/25/01		Esti	mated Posting Date	5/16/04	······································

BRIEF TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

1351 S. SENECA ROAD

The owner of the referenced property suffers from a degenerative neurological condition which requires, to the extent possible, a barrier free habitat.

The existing one story dwelling constructed in 1951, was severely flood damaged during Hurricane Isabel. In order to provide adequate living space for his family, now and more importantly in the future, including garage and inside storage, the living area, which would normally be provided in a two story dwelling, must be provided in a one story dwelling which will require a larger footprint.

It should be noted that most dwellings in the immediate area have side yards ranging from ten to fifteen feet.



1351 S. SENECA ROAD

Beginning for the same at a point on the south side of S. Seneca Road (30 feet wide), said point being distant 1330 feet southeast of the centerline of New Section Road, thence being all of Lots 217, 218 and 219 as shown on the plat entitled Plat Two, Bowleys Quarters recorded among the Baltimore County plat records in plat book 9, folio 12. Containing 1.21 acre of land, more or less.

Being known as 1351 S. Seneca Road and located in the 15th Election District, 5th Councilmanic District of Baltimore County, Maryland

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CERTIFICATE OF POSTING

	RE: Case No.: 04-504-A
	Petitioner/Developer: JANKALS
	Date of Hearing/Closing: 6/3/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	· ·
This letter is to certify under the penalties of perjury to posted conspicuously on the property located at:	that the necessary sign(s) required by law were
<u> 135/ 5. 5</u>	BENECH RD
The sign(s) were posted on	124/04
(Mon	th, Day, Year)
Since	reły, 🧠
	Robert Black 5/24/24 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundaik, Maryland 21222
with the state of	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-A

Address 1351 S. SENECA RO.

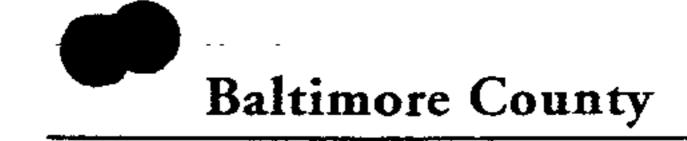
Case Number 04-

Contact P	erson: _	DONNA	THOMPS	Print Your Name		<u> </u>	Phone Num	ıber: 4	10-887-3391
Filing Date Any contathrough the	 act_made	3 04 with this	office re	Posting D	ctatus	 of the ode			5/3/04 e should be
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com char post	nged givi	er), notificing notice	ation will of the hea	tormai requi be forward aring date, ti	est or bi ed to yo ime and	y order of ou. The location	the zoning sign on the	prope	ublic hearing puty zoning rty must be vas originally forwarded to
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Petitioner:	This P	art of the	Form is f	or the Sign	Poster (Only			
-		USE TH	IE ADMIN	ISTRATIVE	VARIAN	ICE SIGN	FORMAT		
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Petitioner's	Name _	JAKKA	rek I	<u></u>		_ Te	lephone		
Posting Da	ate:	5 월 04				ng Date:		7 6/8	
Vording for	r Sign: _	To Permi	t A PRO	POSED DU	WELLIN	G WITH	A 25-FOO	T SID	<u>E</u>
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Department of Permits Development Management

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





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

June 1, 2004

Robert J. Jankalski 1351 S. Seneca Road Baltimore, Maryland 21220

Dear Mr. Jankalski:

RE: Case Number:04-504-A, 1351 S. Seneca Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



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

Fire Department

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



Baltimore County

James T Smith, Jr, County Executive John J Hohman, Chief

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

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

504)

Item No.:

495, 502-511, 513-515, 517

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.

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





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

MARYLAND DEPARTMENT OF TRANSPORTATION

5.17.04 Date:

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

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

RE:

Baltimore County

Item No.

DT

Dear. Ms.Matthews:

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. 1. Andl

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 🕉

DATE:

May 27, 2004

SUBJECT:

Zoning Item # 04- 504

Address

1351 S. Seneca Rd. (Jankalsk Property)

Zoning Advisory Committee Meeting of May 17, 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:

A Critical Area Administrative Variance is required if the proposed SFD is not 60 feet away from the existing non-tidal wetland.

Groundwater Management Comments:

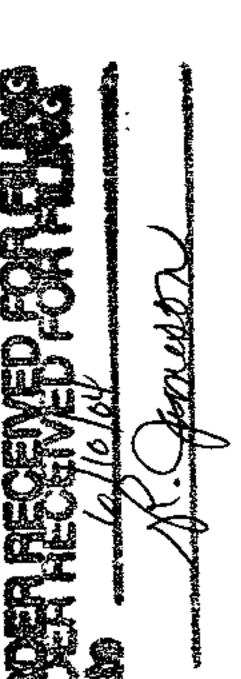
The septic tank must be cleared and inspected prior to building permit approval.

Reviewer:

Keith Kelley

Date: May 27, 2004

S \Devcoord\ZAC SHELL 11-20-03.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 9, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case 4-484, 4-504, and 4-509

Administrative Variance

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.

MAC/LL

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 May 24, 2004 Item No. 504

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

DATE: June 2, 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.

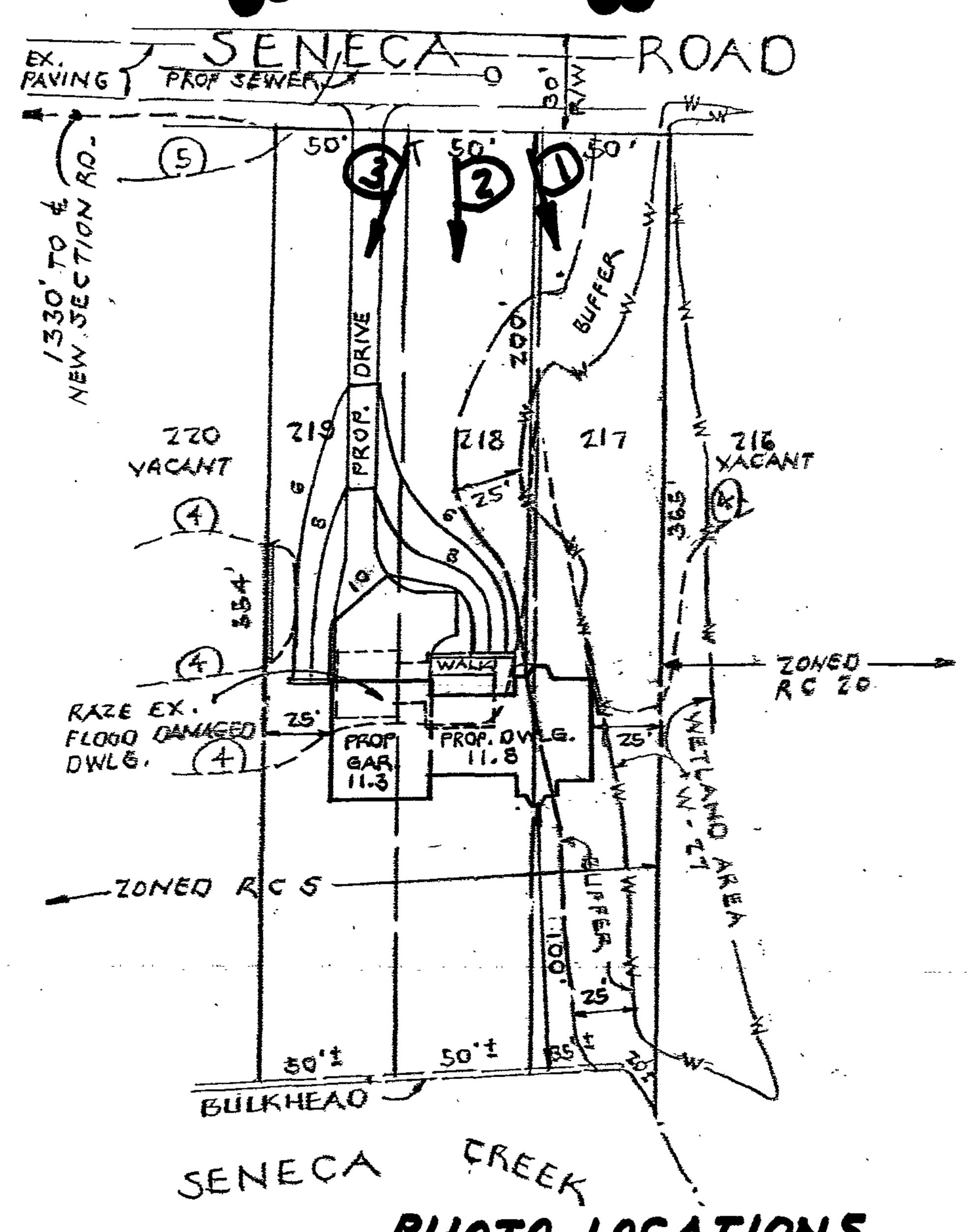
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

RWB:CEN:jrb

cc: File

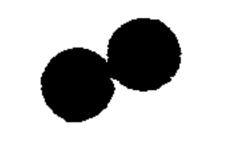
ZAC-05-24-2004-ITEM NO 504-06022004



CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

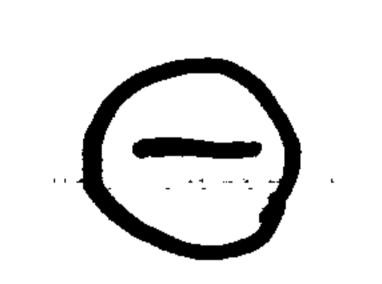
PHOTO LOCATIONS

VARIANCE FROM SECTION IA04.3 B. 7 TO AL SIDE YARDS OF ZE FEET INSTEAD OF THE REQUIRED SO FEET



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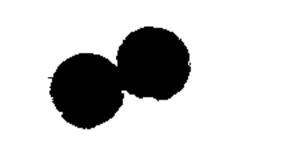














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