ORDER RECKIVED FOR FILTING

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Seneca Park Road, 440' SE of the c/l

Nannette Lane

(944 Seneca Park Road)

15<sup>th</sup> Election District

6<sup>th</sup> Council District

Martin W. Lotz, III and Mark S. Lotz - Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-604-A

#### 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 owners of the subject property, Martin W. Lotz, III and Mark S. Lotz. The Petitioners seek relief from Sections 1A04.3A&B.2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling in an R.C.5 zone with a height of 42' feet in lieu of the maximum allowed 35', and side yard setbacks of 5' and 11'3" in lieu of the required 50' each. 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. That Section 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 regard, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the

documentation contained within the case file. That information, including pictures and affidavits, is sufficient to support a finding that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale. I find that the relief requested is appropriate and that the height of the proposed dwelling will not block the view of any adjacent properties. There were no adverse comments from any County reviewing agency and signed statements of support for the request were received from several of the Petitioners' neighbors. Thus, it appears that relief can be granted without detrimental impact upon the adjacent properties. However, given the property's waterfront location on Seneca Creek, the proposed construction must comply with Federal Flood Insurance and Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management and the Development Plans Review Division of the Department of Permits and Development Management, copies of which are attached hereto and made a part hereof.

It is also to be noted that the Office of Planning initially raised an issue within its ZAC comment concerning the height of the proposed dwelling and recommended a denial of the variance. After detailed discussions on this issue, the Petitioners amended their building elevation drawings to address the concerns raised by the Office of Planning and a revised comment was received from that agency indicating their support of the request.

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 day of August 2004 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.A&B2, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling in an R.C.5 zone with a height of 42' feet in lieu of the maximum allowed 35', and side yard setbacks of 5' and 11'3" in lieu of the required 50' each, in

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) 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.
- 3) The proposed dwelling shall be constructed substantially in accordance with the revised building elevation drawings reviewed and approved by the Office of Planning.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

#### 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

August 6, 2004

Mr. Martin W. Lotz, III Mr. Mark S. Lotz 944 Seneca Park Road Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Seneca Park Road, 440' SE of the c/l Nannette Lane
(944 Seneca Park Road)
15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Martin W. Lotz, III and Mark S. Lotz - Petitioners
Case No. 04-604-A

Dear Messrs. Lotz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 Development Plans Review, DPDM; DEPRM Office of Planning; People's Counsel; Case File



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



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

| YLAN   | <b></b>   |  | G.U.                                  | _                                 | 2                            | _  |
|--|---|--|---------------------------------------|-----------------------------------|------------------------------|--|
|  | for the property l  | located at   | 744                                   | DENECA                            | MARIC                        | ROAD                                       |
|  |   |  |                                       | tly zoned _                       |                              | <del></del>                                |
| This Petition shall be filed with towner(s) of the property situate in Emade a part hereof, hereby petition                    | the Department of Perm<br>Baltimore County and whi<br>for a Variance from Sect        | ilts and Develor ich is described                          | opment No in the de                   | fanagement.<br>scription and pl   | The unders                   | signed, legal<br>I hereto and              |
| made a part hereof, hereby petition  To allow a dw  IMA 3 in in lieu st t  50 th each  | the maximum   | eight of   | 47 X                                  | The Side                          | e Settle                     | cks ge                                     |
| 50 pt. cach  |   | _  | 30 3                                  |                                   |                              |  |
| •  | ,   | -  |                                       |                                   |                              |  |
| of the zoning regulations of Baltimo of this petition form.  | re County, to the zoning I  | law of Baltimor  | e County,                             | for the reasons                   | indicated (                  | on the back                                |
| Property is to be posted and adverti-<br>i, or we, agree to pay expenses of about<br>regulations and restrictions of Baltimore | sed as prescribed by the<br>ve Variance, advertising, po<br>County adopted pursuant t | zoning regulati<br>sting, etc. and fo<br>to the zoning law | ons.<br>Irther agree<br>I for Baltime | e to and are to be<br>ore County. | e bounded b                  | y the zoning                               |
|  |   | I/We do so   | lemnly decl                           | are and affirm, u                 | inder the pei<br>of the prop | nalties of<br>erty which                   |
| Contract Purchaser/Lessee:   |   | <u>Legal Ov</u>  | vner(s):                              |                                   |                              |  |
| lame - Type or Print   |   | Name - Type  | or Pript                              | V LOTZ                            |                              | <del></del>                                |
| ignature   | · · · · · · · · · · · · · · · · · · ·   | Signature  | = 39                                  | 7-44-                             | 6-25                         | <u>5-04</u>                                |
| ddress   | Telephone No.   | Marne - Type   | or Print                              | LOTZ                              | <u></u>                      | <del>.,,</del>                             |
| State  | Zip Code  | Signature  |                                       | 7/7                               | 6-2                          | 8-04                                       |
| <u>Ittorney For Petitioner:</u>  | •   | Address  | SENE                                  |                                   | ROAD                         | 410.591.8<br>elephone No.                  |
| arne - Type or Print   |   | CHY  | RIVER                                 | . MD<br>Stat                      |                              | 1220                                       |
| gnature  | <del></del>   | •  | tative to                             | be Contacte                       |                              | Zip Code                                   |
| ompany   | <del></del>   | Name   | <del></del>                           | <u> </u>                          |                              |  |
| SS I   | . Telephone No.   | Address  |                                       | <del></del>                       | Tele                         | phone No.                                  |
| State  | Zip Code  | City   | <del></del>                           | State                             | <del></del>                  | Zip Code                                   |
| aublic learing having been formally der<br>ay of<br>ations of Baltimore County and that the pi                                 | manded and/or found to be reposted.   | equired, it is ord<br>is petition be set fo                | ered by the<br>or a public he         |                                   |                              | nore County,<br>by the zoning              |
| 3000   |   | Zoni   | ng Commiss                            | ioner of Baltimore                | County                       | <del></del>                                |
| SENO. 04-604   | Revie   | ewed By  | 2010                                  | 2 Date 6                          | -28-0                        | 4  |
| V 10/25/01   | Estin   | nated Posting  |                                       | 7-11-04                           |                              | <b>6</b>                                   |
|  |   | • •  |                                       | <del></del>                       | <del></del>                  | MA-1844-1944-1944-1944-1944-1944-1944-1944 |

# 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.

|   | 944 5                                | eneca       | PARK ROAD                    | <u> </u>                                  |
|---|--------------------------------------|-------------|------------------------------|---|
| <u>v</u>  | JDDLE                                | RIVER       | MD                           | 21220                                     |
| That based upon personal knowledge, the following Variance at the above address (indicate hardship of | ty<br>ig are the f<br>ir practical o | acts upon v | State<br>which I/we base the | Zip Code<br>request for an Administrative |
| PROPOSED HOME IS WE   | THIN                                 | THE         | 100-4EAR                     | FLOUD PLAIN AND                           |
| IN ORDER TO PREVENT   | Fo                                   | TURE        | FLOODING                     |   |
| CONSTRUCTED WITH FUL  | L 8'                                 | CLE         | EARRN CE                     | UNDERNEATH.                               |
| (APPROXIMATELY 5'± AB   |                                      | flw0        | PLAIN)                       |   |
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|   |                                      |             |                              |   |
| That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add  | al demand                            | is filed, A | ffiant(s) will be req        | ulred to pay a reposting and              |
|   |                                      |             |                              |   |
| Mart 50 7-45-6-28-0   | ٠4                                   | Ma          | 1/2                          | 6-28-04                                   |
| Signature   |                                      | Signature   |                              | 1   |
| MARTIN W LOTZ III Name - Type or Print  | ·                                    | Name - T    | ype or Print                 | LOTZ                                      |
|   |                                      |             |                              |   |
| STATE OF MARYLAND, COUNTY OF BALTIMON   | RE. to wit:                          |             |                              | **===*                                    |
| HEREBY CERTIFY, this & day of UNC<br>of Maryland, in and for the County aforesaid, person             | -                                    |             | 2004, before m               | e, a Notary Public of the State           |
| of Maryland, in and for the County aforesaid, person  | <b>**</b>                            |             | 1100 - 1                     | ハブラ                                       |
| the Affiant(s) herein, personally known or satisfactor  | rily identifie                       | d to me as  | such Affiant(s).             | 0/2                                       |
|   | •                                    | 1           | ` '                          | •   |
| AS WITNESS my hand and Notarial Seal  |                                      | X/n         | Wh M. K                      | Mulley                                    |
|   | Nota                                 | ry Public   | 0                            | 1, 1, 1                                   |
| ì   | My C                                 | ommission   | Expires //                   | 1/15                                      |

REV 10/25/01

# 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  |                                   | eneca                       | PARK ROAD           | ·<br>                           |
|--|-----------------------------------|-----------------------------|---------------------|---------------------------------|
|  | MIDDLE                            | RIVER                       | MD                  | 21220                           |
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| That based upon personal knowledge, the follo<br>Variance at the above address (indicate hardshi   | wing are the t<br>ip or practical | acts upon v<br>difficulty): | vnich I/we base the | request for an Administrative   |
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| IN ORDER TO PREVEN   | T FU                              | TURE                        | FLOODING            | HOME WILL BE                    |
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| (APPROXIMATELY 5'± 1   | ABOVE                             | FLOOD                       | PLAIN)              |                                 |
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| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a second se | additional infor                  | mation.                     | 1/2                 | 6-28-04                         |
| Signature  |                                   | Signature                   |                     | )                               |
| MARTIN W LOTZ III  Name - Type or Print  | <del></del>                       | Name - T                    | ype or Print        | _01                             |
|  | ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~           |                             |                     |                                 |
| STATE OF MARYLAND, COUNTY OF BALTIN  | •                                 |                             | 001                 |                                 |
| I HEREBY CERTIFY, this 28 day of 1/2 day of  | NE recoulty appear                | rod.                        | 2004, before me     | e, a Notary Public of the State |
| MARTIN / NTZ   | III AN                            | - 1/1                       | APK 5. 6            | 072                             |
| the Affiant(s) herein, personally known or satisfe   |                                   |                             | such Affiant(s).    |                                 |
| AS WITNESS my hand and Notarial Seal   |                                   | Sula                        | M. K                | Muy                             |
|  |                                   | ry Public                   | 0/                  | 1/15                            |
|  | My C                              | Commission                  | Expires ///         |                                 |

REV 10/25/01



CASE NO.

REV 10/25/01

04-6041

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

Estimated Posting Date

for the property located at 944 SENECA PARK ROAD which is presently zoned RC-5 This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 19043 B. 2. 304

To allow a dwelling with a height of 47 ft. & side Setbacks of 5 ft.

Elift 3 in in lieu of the maximum allowed 35 ft a minimum side Setbacks of 5 ft.

My 50 ft. each AND to approve an undersize lot per Sect 3 of with any other Vaniances deemed necessary by the Zoning Commissioner 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: Legal Owner(s): MARTIN -67 Name - Type or Print Name - Type or Print 6-28-04 Signature Signature MARK ぴてて Address Telephone No. Name - Type or Print City State Zip Code Signature SENECA PARK ROAD 944 410.591.8959 **Attorney For Petitioner:** Address Telephone No. MIDDE KIVER MD 21220 Name - Type or Print State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No. City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_ 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 Description for: 944 Seneca Park Road

As recorded in Deed Liber 8, Folio 47

N 63° 50' 56" W 203.97' N 21° 06' 31" W 50.26' S 63° 09' 38" W 193.55' S 08° 52' 22" W 50.00'

BEGINNING AT A POINT ON THE EAST SIDE

OF SENECA PARK ROAD WHICH IS 30 FEET

WIDE OF A DISTANCE OF 440 FEET S-EAST OF

NANNETTE LANE WHICH IS 30 FEET

WIDE.

CONTAINING 9690 SQ.FT. \$ LOCATED IN THE
15TH ELECTION DISTRICT AND GTH COUNCILMANIC
DISTRICT.

604

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|  |        |  |                    |                    | WHITE CLASH |

# CERTIFICATE OF POSTING

RE: Case No.: 04-604-A

Petitioner/Developer: MARTIN W.LOT2. Date of Hearing/Closing: 2 **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 that the necessary sign(s) required by law were posted conspicuously on the property located at: 944 SENECA PARK RI The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 04- 604 -A Address 944 Scneca Park R.P.   |
|---|
| Contact Person:   |
| Filing Date: 6-28-04 Posting Date: 7-11-04 Closing Date: 7-26-04  |
| 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. <b>DEADLINE:</b> 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.   |
| 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- 604 -A Address 944 Severa Park RD   |
| Telephone 410-591-8959  |
| Posting Date: 7-11-04 Closing Date: 7-26-09   |
| Nording for Sign: To Permit a dwelling with a height of 47 the side sethous x 54  |
| The sin in lieu of the maximum allowed 35th & mis inversible setbacks   |
| The Each respectively AND TO GREAVE an undersize lot on Sect 30%  |
| with any other Variances deemed necessary by the zoning Commissioner  |
| WCR - Revised 6/28/00   |

# 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 — 604 - 4                              |
| Petitioner: Martin W. Lot =   |
| Petitioner: Martin W. Lot Z  Address or Location: 944 Scheca Park RD. |
| PLEASE FORWARD ADVERTISING BILL TO:  Name:                            |
| Address: Same   |
| - Middle River, Md, 21220   |
| Telephone Number: 410-591-8959  |

# Department of Permits a Development Management

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





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

July 26, 2004

Martin W. Lotz III 944 Seneca Park Road Middle River, Maryland 21220

Dear Mr. Lotz:

RE: Case Number:04-604-A, 944 Seneca Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 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,

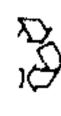
u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Mark S. Lotz 944 Seneca Park Road Middle River 21220



# 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

July 1, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 1, 2004

Item No.:

585, 592-596, 598-609

Dear Ms. Mathews:

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

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

:CE

Mark Cunningham

Development Review

DATE:

July 16, 2004

FROM:

David Pinning

Sixth District Planner

SUBJECT:

944 Seneca Park Road

## INFORMATION:

Jama Number:

04-604

Perisloner:

Martin Lotz

Property Size:

9690 SF.

Zoning:

RC-5

Requested Action:

Variance

# \*\*\*\*\*MARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to variance side yard setbacks.

The Office of Planning does not support the variance for building height. Revise the architectural elevations supplied with the undersized lot request to eliminate one floor.

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 12, 2004 Item No. 604

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 the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-07-12-2004-ITEM NO 604-07232004

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

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr J

DATE:

July 30, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of July 19, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-585

04-592

04-593

04-594

04-595

04-596

04-600

04-601

04-603

104-604

04-605

04-606

04-607

04-608

04-609

Reviewers:

Sue Farinetti, Dave Lykens

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

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

| TO:           | Tim Kotroco                     |   |                       | •          | 'ECE         | VED        |
|---------------|---------------------------------|---|-----------------------|------------|--------------|------------|
| FROM:         | John D. Oltm                    | an, Jr  |                       |            | AUG - 2      | 20.0       |
| DATE:         | July 15, 2004                   | , 2004  | `                     | 70/V/VG    | COMMS        | SINNEN     |
| SUBJECT:      | Zoning Item<br>Address          | # 04- 604<br>944 Seneca F                           | ark Rd ( <b>k</b> otz |            |              | TIVIVERY   |
| Zonin         | g Advisory Co                   | mmittee Meeti                                       | ng of July 6, 2       | 2004.      |              |            |
|               | Department of Enents on the abo |   |                       | l Resource | e Manageme   | entihas no |
|               | Department of E                 |   |                       |            | _            | ent offers |
|               | Protection of                   | of the property<br>Water Quality<br>gh 14-350 of th | , Streams, We         | tlands and | d Floodplain |            |
| <u></u>       | _                               | of this propert<br>Regulations (S<br>unty Code).    | · –                   | _          |              | he         |
| X             |                                 | of this propert<br>Regulations (S<br>he Baltimore C | Sections 26-43        | 6 through  |              |            |
| <u>Addi</u> 1 | ional Comment                   | <u>ts:</u>  |                       |            |              |            |

Reviewer:

Keith Kelley

Date: July 15, 2004

# ANDO

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 19, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

944 Seneca Park Road

JUL 2 0 2004

**INFORMATION:** 

Item Number:

4-604

ZONING COMMISSIONER

Petitioner:

Martin Lopez

Zoning:

RC 5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a single-family dwelling with side yard setbacks of 5 feet and 11 feet 3 inches in lieu of the minimum required 50 feet. However, this office <u>does not</u> support the request to permit a building height of 42 feet in lieu of the maximum permitted 35 feet. The petitioner should select a dwelling type that complies with the height limitation set forth in the BCZR.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

DATE: August 3, 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

944 Seneca Park Road – REVISED COMMENTS ZONNG COMMISSIONER

**INFORMATION:** 

Item Number:

4-604

**Petitioner:** 

Martin Lopez

Zoning:

RC 5

Requested Action:

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request to permit a single-family dwelling with side yard setbacks of 5 feet and 11 feet 3 inches, and building height of 42 feet in lieu of the minimum required 50 feet, and the maximum permitted 35 feet respectively.

**Division Chief:** 

AFK/LL:MAC:

0;

Page 1/2

# INTER-OFFICE CORRESPONDENCE

RECOMMENDATION FORM Permit or Case No 94-6047 Predict, Office of Planning & Community Conservation Attention: Lynn Lanham ಿಂಬಗಳು Courts Building, Room 406 ি উল্লেখ্য Avenue "o-vson, MD 21204 Residential Processing Fee Paid (\$50.00) \*\*\* \*\* \*\* Mr. Kotroco, Director ा pagement of Permits & Development Management Accepted by 'Indersized Lots © Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from The office's approval of a dwelling permit. THE ADDECANT SUPPLIED INFORMATION: Trit Name of Applicant HIO, 591.8959 Telephone Number Jen ela RARIC RB MACCIONS 944 SENECA PARK RD Election District 5 Councilmanic District 6 Square Feet 9690 THE WOOM OF THE PROPERTY WAS THE WAR PINE WE WAS THE WAR THE W 440# feet from NETW corner of NANNETTE LANE (street) MARK 1513551060 上する Tax Account Number RD SENECA PARIL Telephone Number (410) 591. 8959 TOP MATERIALS. (to be submitted for design review by the Office of Planning and Community Conservation) MED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY! PROVIDED? NO Trevelation Form (3 copies) Southeasten. ,\$ ¢¢¢,€\$). ੇ ਜ਼ਰੂਰ Elevation Drawings প্রাপ্ত (চাজ্ডরঙৰ label all photos clearly) \* 1 "d"118 🛴 🎓 Nolghaethood Post-it\* Fax Note Date # of 7671 From TO BE FILLED IN B Co./Dept. Co.

.. & ATIOMS / COMMENTS:

**Disapproval** 

Approval condition:

Phone # Phone # Fax# Commiculi

OFFICE OF PLANNING

Revised 2/05/02

DULED DATES, CERTIFICATE OF FILING AND POSTING FOR A PULDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

# Department of Permits and Development Management (PDM) County Office Building 111 West Chesapeake Avevnue Towson, Maryland 21204

| filing byon  | alion has been reviewed an            | id is accepted for                    |
|--|---------------------------------------|---------------------------------------|
| (name of planner)  | Date                                  | (A)                                   |
| A sign indicating the proposed building must be posted of decision can be rendered. The cost of filing is \$50.00. current fees prior to filing the application.                       |                                       | <i>y</i> 42                           |
| In the absence of a request for public hearing during the expected within approximately four weeks. However, if a then the decision shall only be rendered after the required process. | valid demand is received by           |                                       |
| *SUGGESTED POSTING DATE  | 24 D (15 Days                         | Before C)                             |
| DATE POSTED  | · · · · · · · · · · · · · · · · · · · | -                                     |
| HEARING REQUESTED? YES NODATE_   |                                       | · · · · · · · · · · · · · · · · · · · |
| CLOSING DAY (LAST DAY FOR HEARING DEMAND)  | C (B                                  | -3 Work Days)                         |
| TENTATIVE DECISION DATE  | 7-27-04 B (A                          | \ + 30 Days)                          |
| *Usually within 15 days of filing  |                                       | •                                     |
| CERTIFICATE OF POSTING   |                                       | - I                                   |
| District:  |                                       |                                       |
| Location of Property:  | <del></del>                           | · · · · · · · · · · · · · · · · · · · |
| Posted by: Da  | te of Posting:                        |                                       |
| Number of Signs:   |                                       | ,                                     |



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

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

## MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.2.04

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

RE:

Baltimore County

Item No. 604

215

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,

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

1.1. Fredh

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#### To Whom It May Concern:

This is to certify that I, the undersigned property owner, am aware of the proposed construction of a replacement dwelling on the property known as no. 944 Seneca Park Road, in the 15<sup>th</sup> Election District of Baltimore County, Maryland, owned by Martin W. Lotz, III and Mark S. Lotz.

I further certify that I am aware of and have no objection to the following:

1. A structure height of approximately 47'± to peak of roof above natural grade.

Owner: Arthur Smith

Address: 950 Seve CA PARL ROAL

Telephone: 4/6-335-66/5

#604

To Whom It May Concern:

This is to certify that I, the undersigned property owner, am aware of the proposed construction of a replacement dwelling on the property known as no. 944 Seneca Park Road, in the 15<sup>th</sup> Election District of Baltimore County, Maryland, owned by Martin W. Lotz, III and Mark S. Lotz.

I further certify that I am aware of and have no objection to the following:

1. A structure height of approximately 47'± to peak of roof above natural grade.

| Owner: Signature  Date: 6/12/   | / <sub>0</sub> .4 |
|---------------------------------|-------------------|
| Owner: Robert Mitchell  Printed |                   |
| Address: 946 Sovean PARU Rd     |                   |
| Telephone: 470 - 379 - 3817     |                   |

#604

#### To Whom it May Concern:

This is to certify that I, the undersigned property owner, am aware of the proposed construction of a replacement dwelling on the property known as no. 944 Seneca Park Road, in the 15<sup>th</sup> Election District of Baltimore County, Maryland, owned by Martin W. Lotz, III and Mark S. Lotz.

I further certify that I am aware of and have no objection to the following:

1. A structure height of approximately  $47'\pm$  to peak of roof above natural grade.

| Owner(1):                        | Date:         |
|----------------------------------|---------------|
| Signature                        |               |
| Owner(1):                        |               |
| Owner(2): Touce  Signature       | Date: 4/2/04  |
| Owner(2): Your Frinted  Printed  |               |
| Owner(3): Earl Makeulf Signature | Date: 6-/2-09 |
| Owner(3): LARL MITCHEL  Printed  |               |
| Address:                         | #604          |
| Telephone:                       |               |

#### To Whom It May Concern:

This is to certify that I, the undersigned property owner, am aware of the proposed construction of a replacement dwelling on the property known as no. 944 Seneca Park Road, in the 15<sup>th</sup> Election District of Baltimore County, Maryland, owned by Martin W. Lotz, III and Mark S. Lotz.

I further certify that I am aware of and have no objection to the following:

- 1. Principle building setback from adjoining property lot line of 5'.
- 2. A structure height of approximately 47'± to peak of roof above natural grade.

| Owner: Signature                    | Date: 6-7-04 |
|-------------------------------------|--------------|
| Owner: Robert A- Reckler<br>Printed |              |
| Address: 940 Seven Pank 10          |              |

Telephone: 400 335-4354

#604



**DWELLING AT 944 SENECA PARK ROAD SUMMER 2003** 

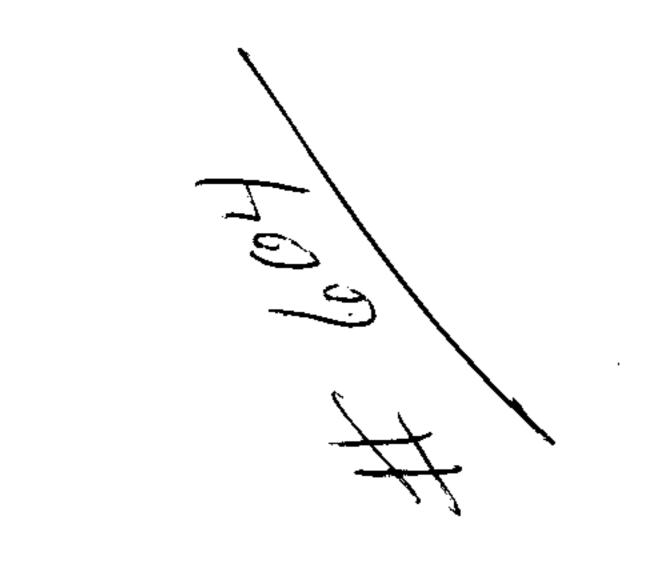
Harriot Harris




# SHOWING ADJACENT DWELLING 940 SENECA PARK

Isabel flood

# 60 H





# WIDDLE RIVER, MD 21220

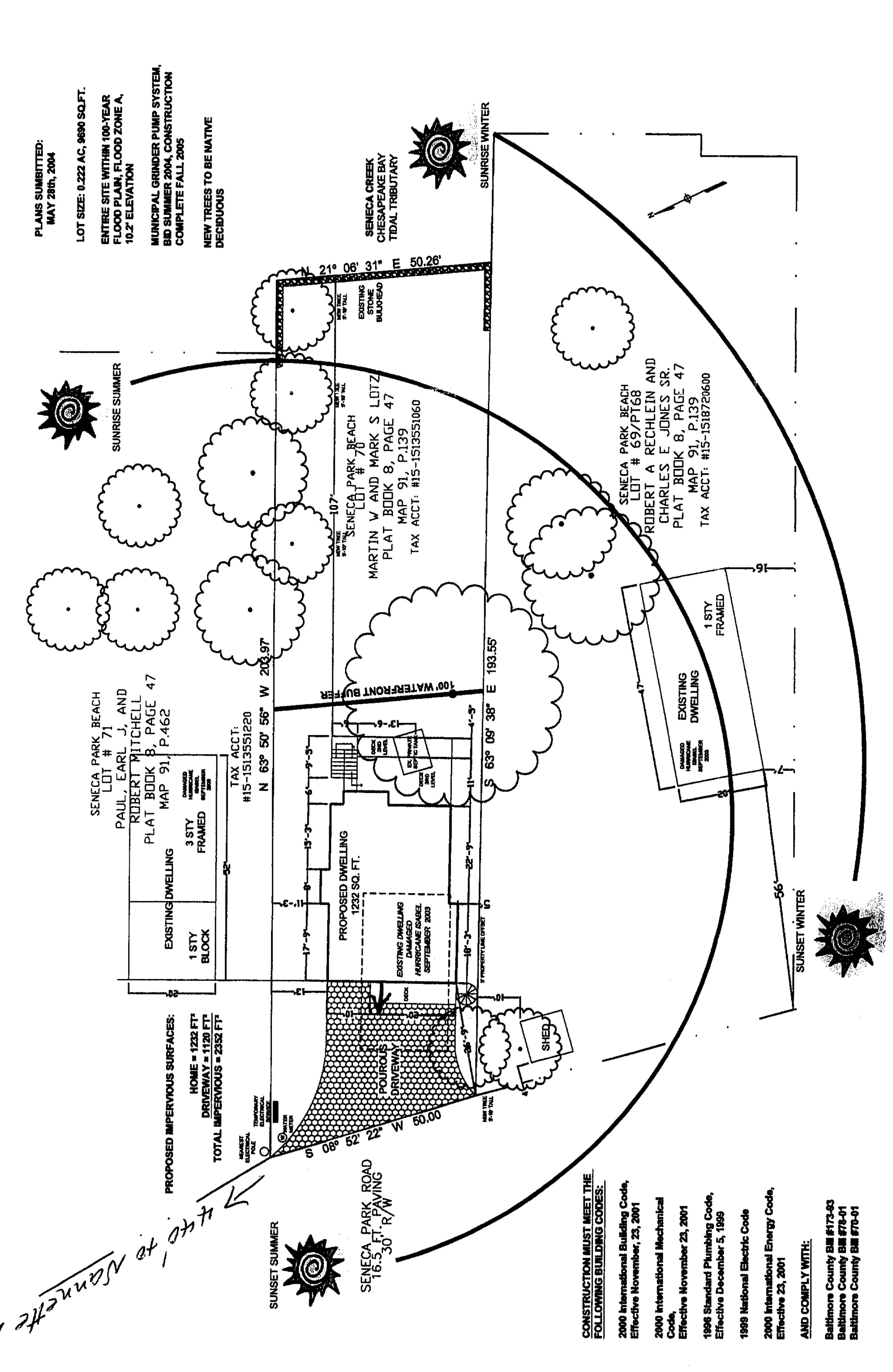
2CALE: 1" = 20"

KINGSVILLE, MD 21087 (PA) 6267.266.014 AUNE AVENUE 410.592.7529 (PH)

PROPERTY ADDRES 944 SENE

Y MODI

# AND



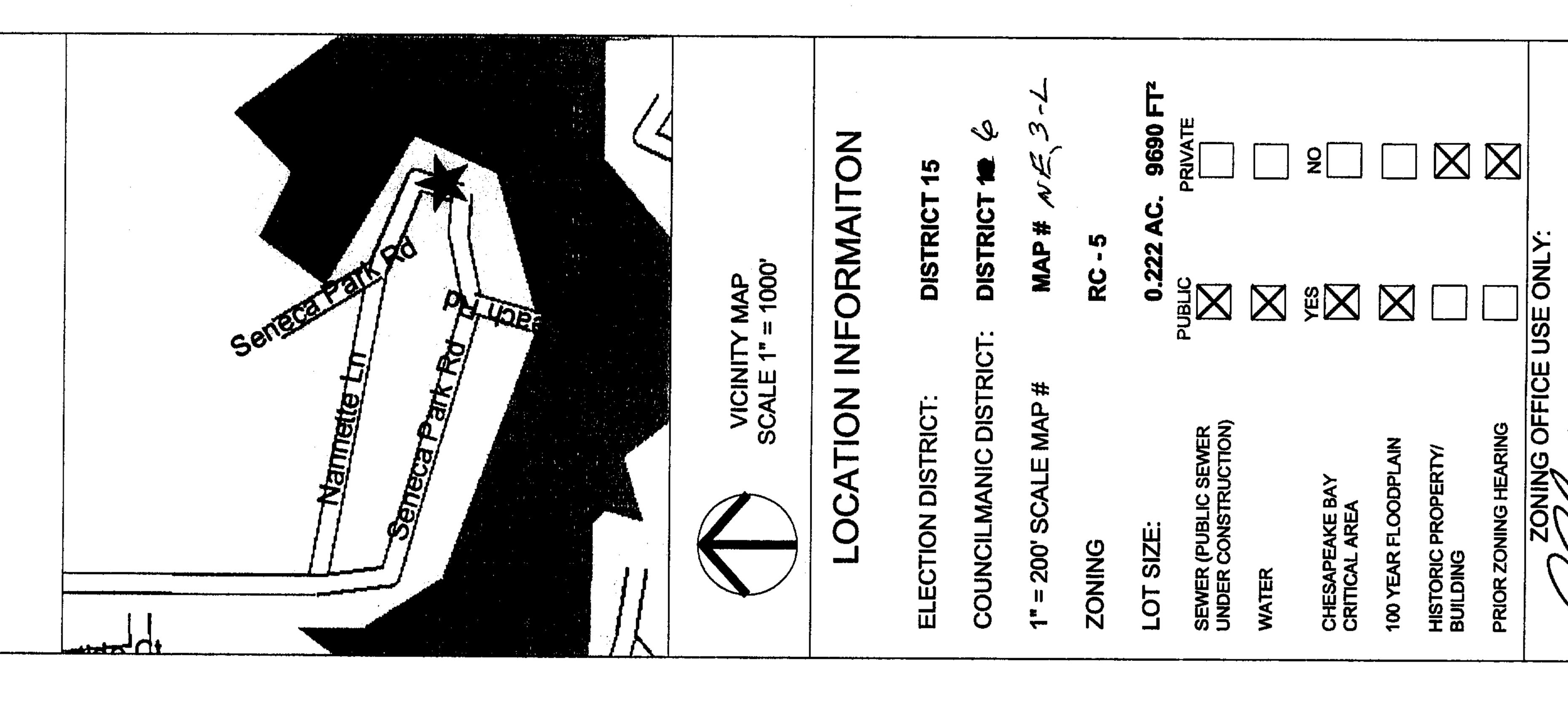
PREPARED BY:

# MARTI

mlotziii@

MAILING ADDRESS: 7215 SUNSHINE AVEN KINGSVILLE, MD 2108

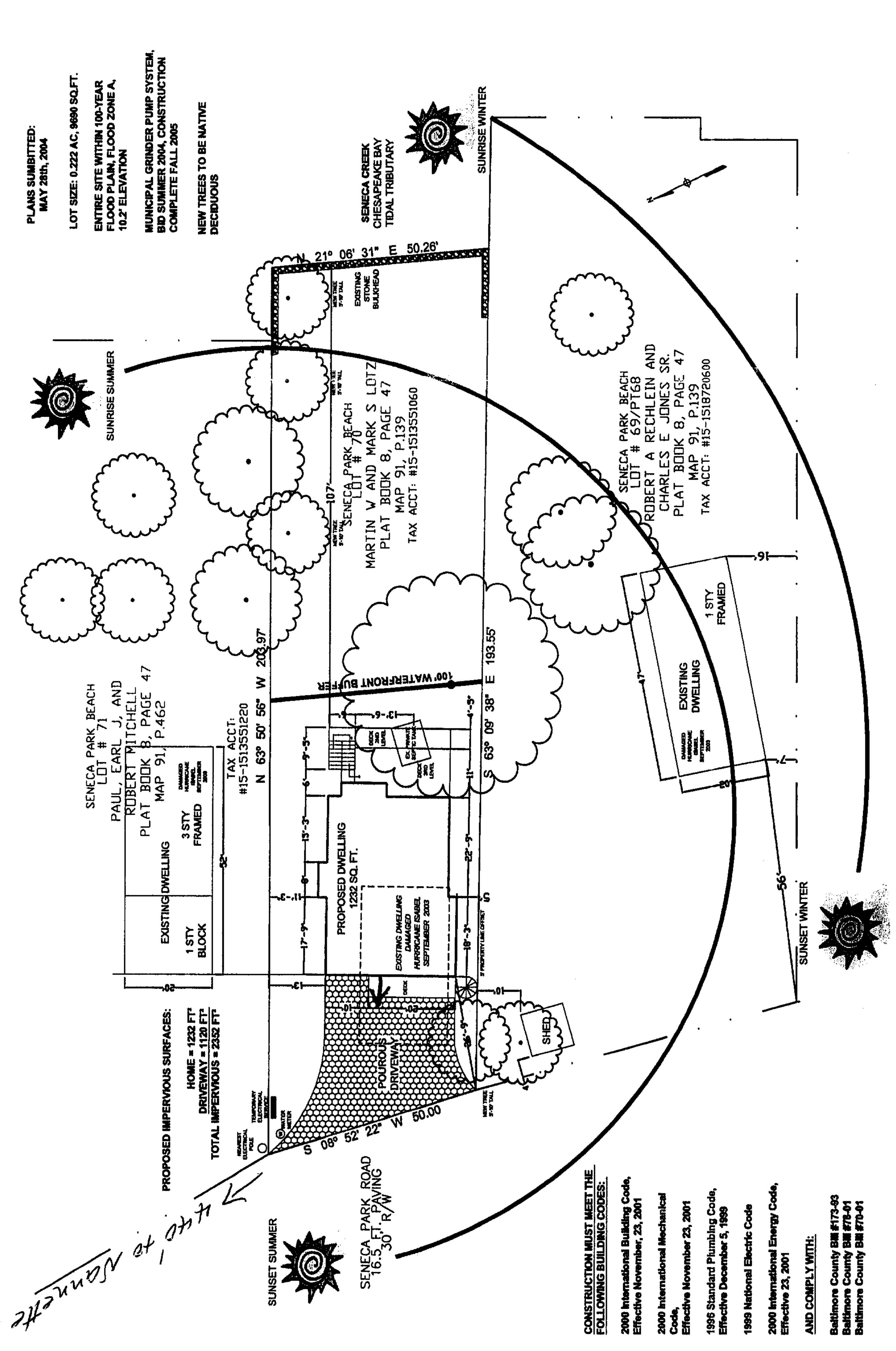
REVIEWED BY:



ADDRES FNES  $\alpha$ PROPERTY A
944 SE 

#

AND



PREPARED BY:

MARTIN

mlotziii(

687 738 MAILING ADDRESS: 7215 SUNSHINE AVENUE KINGSVILLE, MD 21087

|               |                              | AITON  | SICT 15                                   | SICT TO CO                                  | # WE 3-4   |   | AC. 9690 FT <sup>2</sup>  | PRIVATE  |  | 2  |   |   |  |
|---------------|------------------------------|--|---|---|--|---|---|--|--|--|---|---|--|
| ELECT PATE    | CINITY MAP<br>(LE 1" = 1000" | INFORM   | : DISTR                                   | TRICT: DISTR                                | # MAP  | RC - 5  | 0.222   |  |  | XES  |   |   |  |
| Semetric Agin | N AN SCA                     | LOCATION   | ELECTION DISTRICT                         | COUNCILMANIC DIS                            | 1" = 200' SCALE MAP  | SONING  | LOT SIZE:   | SEWER (PUBLIC SEWER<br>UNDER CONSTRUCTION)   | WATER  | CHESAPEAKE BAY<br>CRITICAL AREA  | 100 YEAR FLOODPLAIN   | HISTORIC PROPERTY/<br>BUILDING  | PRIOR ZONING HEARING   |
|               | Semerca Park t               | Semeca Park Roy Senter Line Semeca Park Roy Senter Line Semeca Park Roy Scalle 1" = SCALE 1" = | Semecar Park Rolling VICINITY N SCALE 1"= | VICINITY MAP SCALE 1" = 100  LOCATION INFOR | VICINITY MAP SCALE 1" = 100  LOCATION INFOR  COUNCILMANIC DISTRICT: DI | Seneca Park no 6 SCALE 1" = 1000'  LOCATION INFORM  ELECTION DISTRICT: DISTR  COUNCILMANIC DISTRICT: DISTR  1" = 200' SCALE MAP # MAP | VICINITY MAP SCALE 1" = 1000'  LOCATION INFORM  ELECTION DISTRICT: DISTR  COUNCILMANIC DISTRICT: DISTR  200' SCALE MAP # MAP  ZONING RC-5 | VICINITY MAP SCALE 1" = 1000'  LOCATION INFORMAITON  ELECTION DISTRICT:  DISTRICT 15  COUNCILMANIC DISTRICT:  1" = 200' SCALE MAP # AV & ZONING  ZONING  RC - 5  LOT SIZE:  0.222 AC. 96 | VICINITY MAP  SCALE 1" = 1000'  LOCATION INFORMAITON  ELECTION DISTRICT:  DISTRICT 15  COUNCILMANIC DISTRICT:  1" = 200' SCALE MAP # ME  ZONING  RC - 5  LOT SIZE:  PUBLIC SEWER  SEWER (PUBLIC SEWER  UNDER CONSTRUCTION) | VICINITY MAP SCALE 1" = 1000'  LOCATION INFORMAITON  LOCATION DISTRICT:  DISTRICT 15  COUNCIL MAN # MAP # M. F.  ZONING  LOT SIZE:  O.222 AC. 96  SEWER (PUBLIC SEWER UNDER CONSTRUCTION)  WATER  SEMER (PUBLIC SEWER UNDER CONSTRUCTION)  WATER | VICINITY MAP  SCALE 1" = 1000'  LOCATION INFORMAITON  ELECTION DISTRICT:  DISTRICT 15  COUNCILMANIC DISTRICT:  1" = 200' SCALE MAP # MAP # M/E  ZONING  RC - 5  LOT SIZE:  LOT SIZE:  O.222 AC. 96  UNDER CONSTRUCTION)  WATER  VES  NO  CHESAPEAKE BAY  VICINITY MAP  SCALE 1" = 1000'  NICINITY MAP  SCALE 1" = 1000'  SCALE 1" = 1000'  NAP# M/E  NAP# M/E  NAP# M/E  NAPW MAP  NAPW | LOCATION INFORMAITON  LOCATION INFORMAITON  ELECTION DISTRICT:  DISTRICT 15  COUNCIL MANIC DISTRICT:  1" = 200" SCALE MAP # M/R  2ONING  LOT SIZE:  LOT SIZE:  LOT SIZE:  0.222 AC. 96  LOT SIZE:  NUBLIC SEWER UNDER CONSTRUCTION)  WATER  100 YEAR PLOODPLAIN | LOCATION INFORMAITON  LOCATION INFORMAITON  LOCATION INFORMAITON  ELECTION DISTRICT:  1" = 200' SCALE MAP # MAP # MAP  COUNCILMANIC DISTRICT:  1" = 200' SCALE MAP # MAP # MAP  ZONING  RC - 5  LOT SIZE:  LOT SIZE:  COUNCIL CRAPER  WATER  VES  NO  CHESAPEAKE BAY  CRITICAL AREA  100 YEAR FLOODPLAIN  HISTORIC PROPERTY  MHISTORIC PROPERTY  HISTORIC PROPERTY  MHISTORIC PROPERTY  MHISTORIC PROPERTY  MISTORIC PROPERT |