IN RE: PETITION FOR VARIANCE
E/S of New Section Road, 950 ft. SW
centerline of Seneca Road
15th Election District
6th Councilmanic District
(3943 New Section Road)

Barbara C. & James N. Hock

Petitioners

* BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-185-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

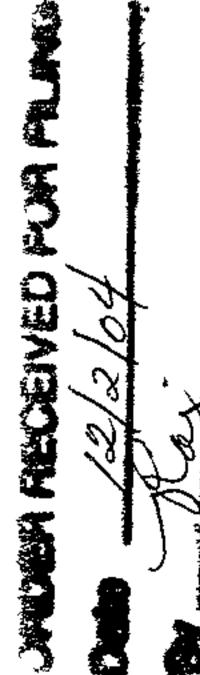
This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Barbara C. and James N. Hock. The variance request is for property located at 3943 New Section Road in the eastern area of Baltimore County. The variance request is from Section 1A04.3 A and 1A04.3 B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling with a minimum setback of 30 ft. and an open projection with a 24.5 ft. setback with a height of 54 ft. in lieu of the required 50 ft., 37.5 ft. and 35 ft. respectively.

The property was posted with Notice of Hearing on November 12, 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 November 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-



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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 Office of Planning dated November 15, 2004, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 26, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Bonnie Buerhaus, James Hock Jr. and Joanne Hock, James Hock, Sr., and Barbara Hock, Petitioners. Michael Vivirito, President of the Bowley's Quarters Improvement Association, appeared at the hearing in support of the Petition. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1 acre of land zoned RC 5. It is improved by an existing home damaged by the storm surge of Hurricane Isabel. The existing home is shown in Petitioners' Exhibit 2. The Petitioners have determined to replace the home with admittedly a larger home and thus the request for variances. See Petitioners' Exhibit 1 for the site plan and elevations of the proposed home.

The Petitioners indicated that the new home would have to be large enough for a family of six and an elderly handicapped relative who lives with them.

As a new home on the water, the first floor will have to be raised 11.2 ft. above the floodplain, which forbids any use of the home below that height. While there are stairs leading up to the first floor from ground level, the handicapped relative's condition requires the Petitioners to install an elevator in the home. Again since no operating equipment can be located below the first floor, all the elevator motors and controls must be up out of the flood level. The Petitioner indicated that the only practical way to do this is to locate this equipment on the top of the elevator shaft above the second floor. This will result in the elevation shown in Petitioners' Exhibit 4. Petitioners' Exhibit 4B in particular shows the elevator hydraulic pump and controls in and above the attic, as well as the HVAC equipment in the attic. This in turn results in a cupola being built on top of the roof. The result is a building height of 54 ft. in lieu of the allowed 35 ft.

Petitioners' Exhibit 1 shows the oddly shaped lot, which has a striking curvilinear portion on the water. In order to accommodate this large family and the handicapped relative, the Petitioners indicated that they needed a house of the size shown on the exhibits. This results in a minimum 30 ft. setback from the north lot line whereas the regulations require 50 ft.

Finally, the Petitioners indicated that they could not locate the stairs leading from the ground level to the first living floor in the west side of the home because this would block the access to the bottom of the house. It would also prohibit vehicles from picking-up and dropping-off the disabled relative and present a safety hazard for the family. Rather, the stairs must be located on the west side of the home as shown which will be 24.5 ft. from the lot line whereas the regulations require 37.5 ft. for this open projection.

Mr. Vivirito, president of the Bowleys Quarters Improvement Association appeared at the learning in support of the petitions. He indicated that the new home would be an asset to the

neighborhood and presented petitions and letters of support from the community. The Petitioners indicated that they did not believe that anyone would be adversely affected by granting the variances especially their neighbor at 3945 New Section Road. They presented photographs of the home at this address which showed there were no windows on the subject side of the home.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure.

A home that will accommodate the large family with an elderly handicapped relative requires the size and configuration shown on the exhibits. The lot is oddly shaped. As a result I find the property unique in a zoning sense.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The pumps and controls for the elevator must be above the flood level and the living area. As a result the height of the building exceeds that allowed by the regulations. To deny the variance would result in a true hardship on the family and especially the handicapped relative. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of any such grant of these variances from the regulations. This is one home replacing another. Furthermore, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The community association supports the Petition.

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 <u>a</u> day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3 A and 1A04.3 B of

the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling with a minimum setback of 30 ft. and an open projection with a 24.5 ft. setback with a height of 54 ft. in lieu of the required 50 ft., 37.5 ft. and 35 ft. respectively, be and it 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 submitted by the Office of Planning dated November 15, 2004, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments submitted by DEPRM dated November 26, 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.

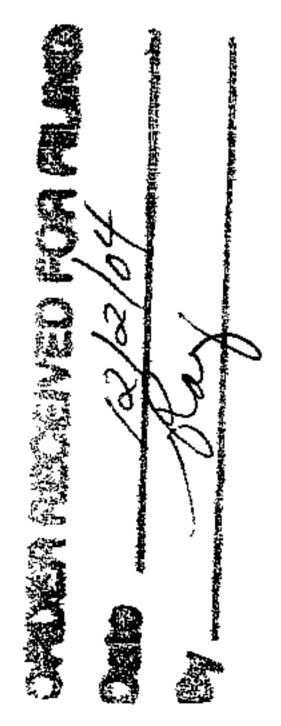
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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 William J. Wiseman III, Zoning Commissioner

December 2, 2004

Mr. & Mrs. James N. Hock, Sr. 3943 New Section Road Baltimore, Maryland 21220

Re: Petition for Variance Case No. 05-185-A

Property: 3943 New Section Road

Dear Mr. & Mrs. Hock:

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

John V. Munghy

JVM:raj Enclosure

c: Bonnie Buerhaus, 9922 Nearbrook La., Baltimore, MD 21234
Barbara & James N. Hock, Sr., 34 Lake Drive, Bel Air, MD 21014
Joanne & James Hock, 3941 New Section Rd., Baltimore, MD 21234
Michael Vivirito, 3619 Bay Drive, Baltimore, MD 21220



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

4. D



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3943 New Section Pd. 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) 1804.38. + 1804.38. (BEER)

To permit a proposed single-family dwelling with a minimum setback of 30-feet and an open projection with a 24.5-foot setback with a height of 54-feet in lieu of the required 50-feet, 37.5-feet and 35-feet respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons; (indicate hardship or practical difficulty) Replacement developed must be large enough to accommodate immediate family of five, along with an infirmed elderly relative who permanently resides with them and requires special assistance (ie. - elevator, wheelchair accessible doorways, bathrooms, shower stall, ect.)

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

If 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 Battimore County adopted pursuant to the zoning law for Battimore 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/Lesse	<u>e:</u>		Legal Own	<u>e/(s):</u>	
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Address				ava C. HOCK	-
Modress		slephone No.	Name - Tyge or	hasa A. Harb	<i>j</i>
City	State	Zip Code	Signature	MANORE JE VALUE	
Attorney For Petitioner:			391	43 New Sector	n 4Pd
			Address	to. MD.	Telephone No.
Name - Type or Print			City	Siste	Zip Code
			Representa	tive to be Contacted:	
Signature				Bonnie L. Buerhaus	>
Company	 -		Name	•	
Address				9922 Nearbrook Land Baltimore, MD 2123	66-0736
	16	lephone No.	Address	rouvumore, 110se 2123	e tprore no.
City	State	Zip Code	City	State	Zip Code
				OFFICE USE ONLY	
Case No 05-185-	n		ESTIMATED	LENGTH OF HEARING	
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Zoning Description for 3943 New Section Rd.

Beginning at a point on the east side of New Section Rd. which is 30 feet wide at the distance of 950 feet southwest of the centerline of Seneca Rd which is 30 feet wide Being a part of Lot 325 in the subdivision of Plat No. 2 Bowleys Quarters, as recorded in Baltimore County Plat Book # 10, Folio 64, containing 1.03 acres of land. Also known as 3943 New Section Rd. and located in the 15th Election District, CTM Councilmanic District.

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The Zoning Commissioner of Baltimore County will hold a public hearing in Towson Ma the Droperty identified herein as follows:

County will hold a public hearing in Towson Ma the Droperty identified herein as follows:

Case #05-185-A

3943 New Section Road

E/side of New Section Road 950 feet senterline of Seneca Road

15th Election District — 6th Councilmanic Dis

950 feet s/west, o

Identified herein as follows:

185-A
Section Road
New Section Road, 950 feet s/west, of Seneca Road
Ion District — 6th Councilmanic District Councilmanic

WILLIAM WISEMAN Zoning Commissioner's Office Commissioner's Office (2) For Information Contact the Zoning RedT 11/659 Nov. 9

OF PUBLICATION

the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., of each

The Jeffersonian

Arbutus Times

Catonsville Times

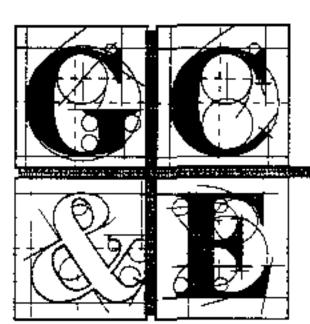
Owings Mills Times Towson Times

orter NE Booster/Rep

North County News

> Willias

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CERTIFICATE OF POSTING

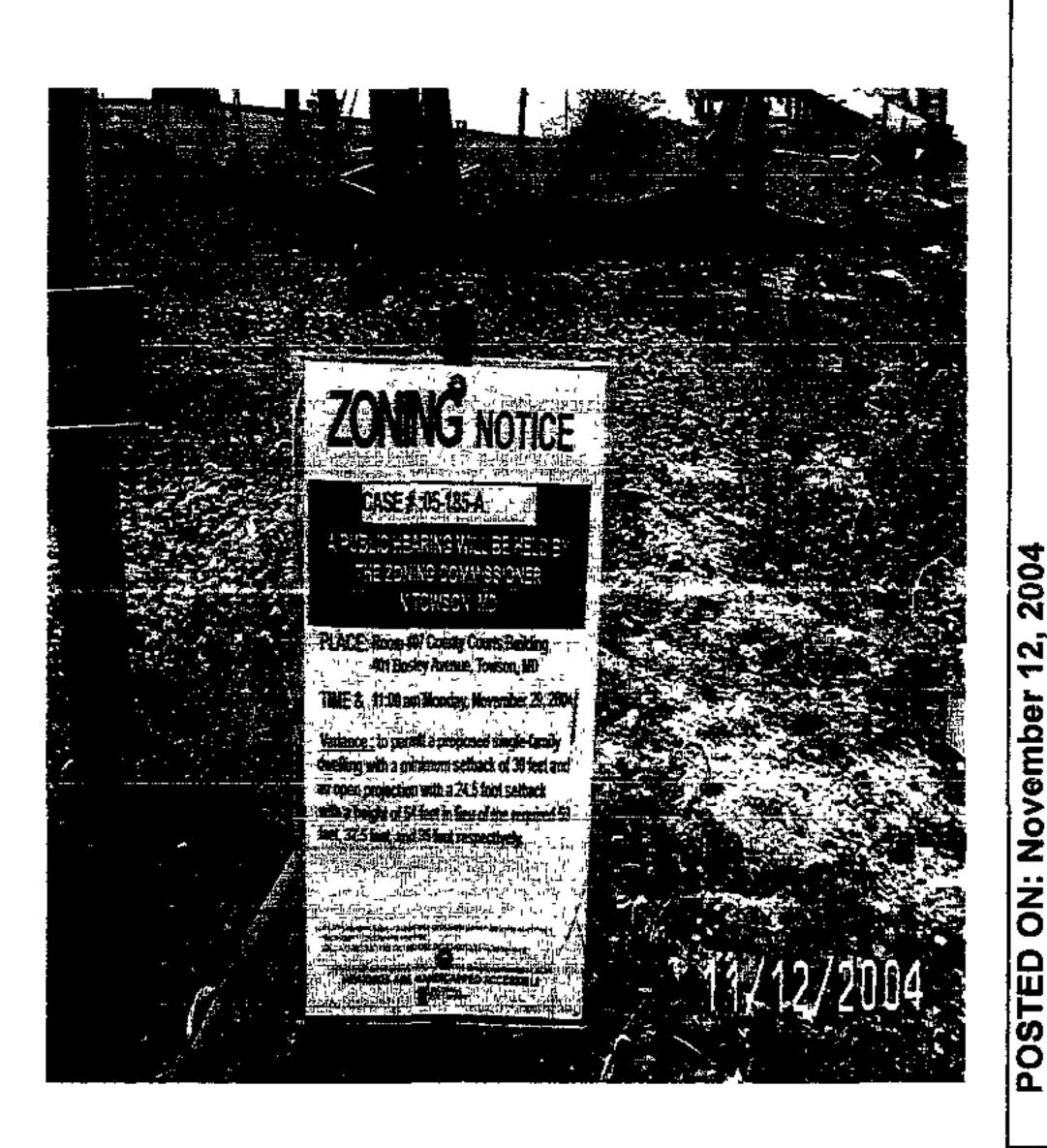
RE: CASE NO. 05-185-A PETITIONER/DEVELOPER: James N. and Barbara C. Hock DATE OF HEARING: November 29, 2004

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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



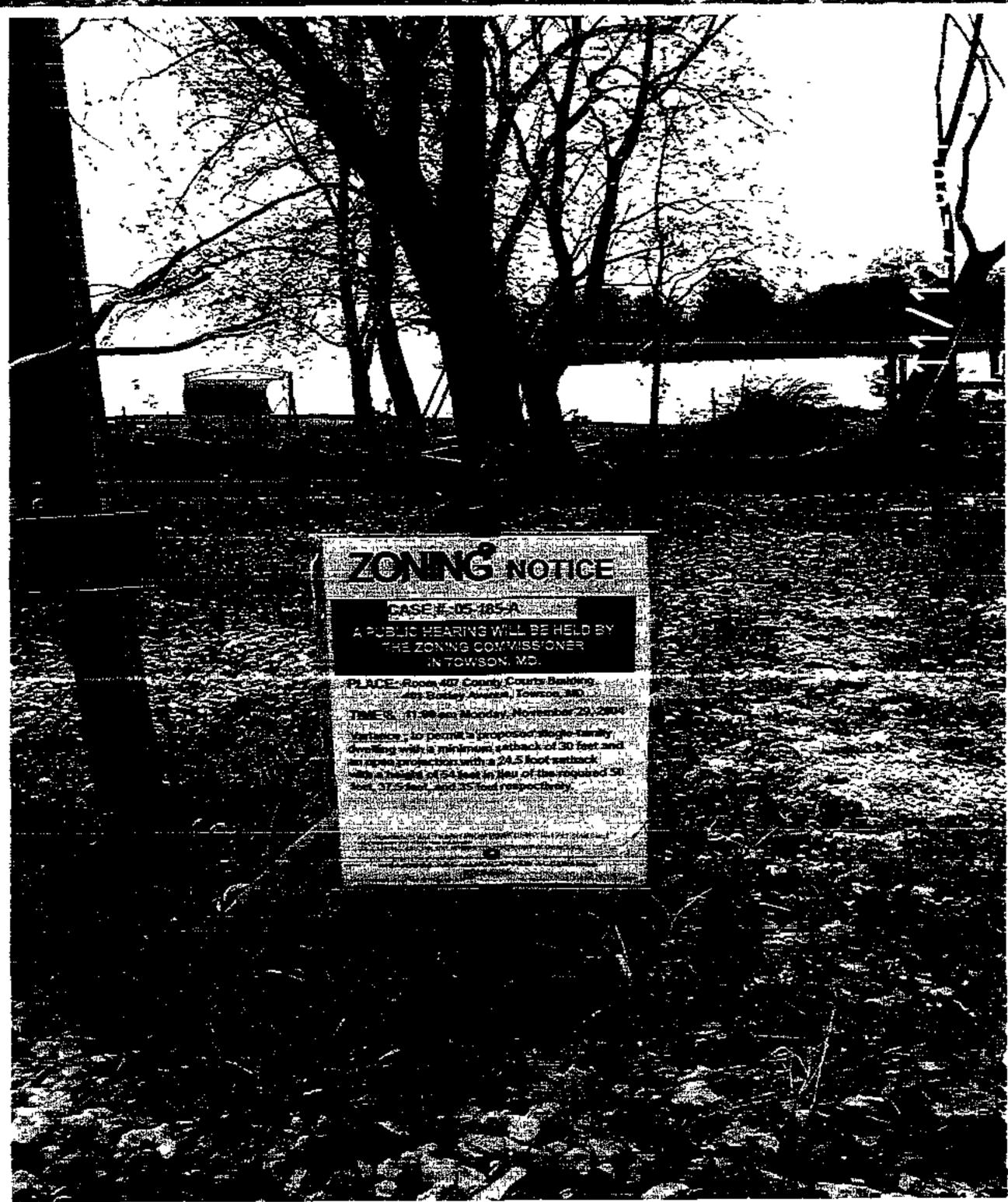
LOCATION:

3943 New Section Road Baltimore, MD 21220

SIGNATURE OF SIGN POSTER
BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX





TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 9, 2004 Issue - Jeffersonian

Please forward billing to:

Mr. and Mrs. James N. Hock 10039 Crane Lane Baltimore, MD 21220

410-574-6464

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: 05-185-A

3943 New Section Road

E/side of New Section Road, 950 feet s/west of centerline of Seneca Road

15th Election District – 6th Councilmanic District

Legal Owners: James N. and Barbara C. Hock

<u>Variance</u> to permit a proposed single-family dwelling with a minimum setback of 30 feet and an open projection with a 24.5 foot setback with a height of 54 feet in lieu of the required 50 feet, 37.5 feet, and 35 feet respectively.

Hearing: Monday, November 29, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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 and 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

October 25, 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: 05-185-A

3943 New Section Road

E/side of New Section Road, 950 feet s/west of centerline of Seneca Road

15th Election District – 6th Councilmanic District

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Hearing: Monday, November 29, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: James & Barbara Hock, 3943 New Section Road Bonnie Buerhaus, 9922 Nearbrook Lane, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 13, 2004.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

ZONING REVIEW

APPROVED SIGN POSTERS

Staff Sergeant Robert A. Black	
1508 Leslie Road	Tolonhana
Dundalk, MD 21222	Telephone: 410-282-7940
	Cell: 410-490-7040
Revocation .	Fax: 410-282-7940
Bruce E. Doak	···· 202-1340
Gerhold, Cross & Etzel, Ltd.	Telephone: 410-823-4470
Suite 100, 320 F Tours-1	m
Suite 100, 320 E. Towsontown Boulevard Towson, MD 21286	Fax: 410-823-4473
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Stacy Gardner	
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Shannon-Baum Signs, Inc.	Telephone: 410-781-4000
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Thomas J. Hoff	
406 W. Pennsulus	T _!
406 W. Pennsylvania Avenue	Telephone: 410-296-3668
Towson, MD 21204	Fax: 410-296-5326
	110-230-3326
Richard Hoffman	
904 Dellwood Drive	Telephan
Fallston, MD 21047	Telephone: 410-879-3122
21047	Fax: 410-879-3122
Linda M. Jones	
Daft Mac	
Daft-McCune-Walker, Inc.	Telephone: 410-296-3333
200 East Pennsylvania Aven	F_ 100000
Towson, MD 21286	Fax: 410-296-4705
Charles E. Merritt	
9831 Magledt Road	
Baltimore AAD Accomp	Telephone: 410-665-5562
Baltimore, MD 21234	410-663-5525
	Fax: 410-663-4315
Garland E. Moore	410-003-4315
3225 Ryerson Circle	Telephone: 410-242-4263
Baltimore, MD 21227	F
— · — · — ·	Fax: 410-242-4263
Linda O'Keefe	
523 Penny Lane	→
Hunt Valley Are	Telephone: 410-666-5366
Hunt Valley, MD 21030	Fax: 410-666-0929
1 4 _	Cell: 443-604-6431
J. Lawrence Pilson, R.S.	770-004-0431
Wichee & Associator Inc	Telephone: 410-527-1555
5 Shawan Place Suite 1	F
Cockeysville, MD 21030	Fax: 410-527-1563
21030	
Martin Ogle	
5016 Caches	
5016 Castlestone Drive	Telephone: 410-933-9470
Baltimore, MD 21237	E
	710-931-1/6/
	= 143-029-34 11
	E-Mail mert1114.aol.com

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A DEVELOPMENT MANAGEMENT/ZONING REVIEW IS DECLIDED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND WY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES INCE THEIR CHARGES MAY VARY.

WC/rjc - Revised 7/22/04

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.

ltem Number	or Case Number	
Petitioner:	Hock	
Address or Lo	cation: 3943 NEW SECTION RD.	
PLEASE FOR	WARD ADVERTISING BILL TC	
PLEASE FOR		
	WARD ADVERTISING BILL TC MR. 4 MRS. JAMES N. HOCK, SR. 10039 CRANE LAKE	
Name:	MR. 4 MRS. JAMES N. HOCK, SR. 10039 CRANE LAKE	
Name:	MR. 4 MRS. JAMES N. HOCK, SR.	

Department of Permits 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

November 22, 2004

James N. Hock, Sr. Barbara C. Hock 3943 New Section Road Baltimore, Maryland 21220

Dear Mr. and Mrs. Hock:

RE: Case Number:05-185-A, 3943 New Section Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 8, 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. Callilally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C: Bonnie Buerbaus 9922 Nearbrook Lane Baltimore 21234



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

October 27, 2004

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.:

172, 174, 177, 183-195

Pursuant to your request, the referenced plan(s) have been reviewed 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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 4, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 1, 2004

Item No. 185)

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco PDM								
FROM:	John D. Oltman, Jr Joo DEPRM								
DATE:	November 26, 2004								
SUBJECT:	Zoning Item # 05-185 Address 3943 New Section Road (Hock Property								
The D	g Advisory Committee Meeting of October 25, 2004. Department of Environmental Protection and Resource Management has no sents on the above-referenced zoning item.								
X The D the fol	Department of Environmental Protection and Resource Management offers llowing 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).								

Additional Comments:

The location of this home was the subject of a Chesapeake Bay Critical Area Administrative Variance approved by DEPRM on October 19, 2004.

Reviewer: Paul Dennis Date: November 26, 2004 S:\Devcoord\ZAC SHELL 11-20-03.doc

m29

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

DATE: November 15, 2004

NOV 1 6 2004

SUBJECT:

3943 New Section Road

INFORMATION:

Item Number:

5-185

Petitioner:

James Hock

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

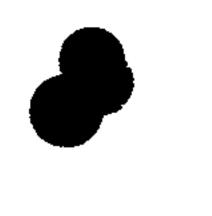
The Office of Planning does not oppose the petitioner's request provided the height of the proposed dwelling does not exceed 45 feet if the 1st floor is to be uninhabited due to flood requirements, or 35 feet if the first floor is to be inhabited. In addition, the petitioner shall provide building elevations (all sides) of the proposed dwelling to this office for review and approval.

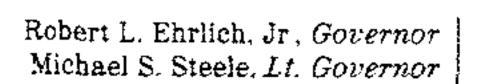
For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL:MAC:







Robert L Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County

Item No. 185 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,

Steven D. Foster, Chief

1. 1. Monell

Engineering Access Permits Division



3943 New Section Road; E/side New

Section Rd, 950' SW c/line of Seneca Road *

15th Election & 6th Councilmanic Districts

Legal Owner(s): James N & Barbara C Hock*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 05-185-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.

People's Counsel for Baltimor

People's Counsel for Baltimore County

RECEIVED

Per....

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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, Bonnie L. Buerhaus, 9922 Nearbrook Lane, Baltimore, MD 21234, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

From:

Timothy Kotroco

To:

Popelarski, Catherine (Kitty)

Date:

10/25/2004 5:13:41 PM

Subject:

Fwd: 3943 new section rd. Nov 29 hearing. What is this

Kitty, can you check on tihs for me. Tim

Timothy M. Kotroco, Director Permits & Development Management

Phone: 410-887-3020

>>> "Tim Kotroco" <tkotroco@co.ba.md.us> 10/25/2004 1:45:06 PM >>>

Timothy M. Kotroco, Director Permits & Development Management

> 05.185-A 3943 New Section Rd VARIANCE Hearing Monday, 11/29 (2) 11 00 AM, RM 407

KRISTIN:

PER TIM KOTROCO - PLEASE SET THIS IN FOR A HEARING AS SOON AS POSSIBLE.

THANKS

THANKS

Department of Permits and Development Management Baltimore County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: ZONING CASE NO. 05-032-A 3943 NEW SECTION ROAD

We, the undersigned, have reviewed the request of the petitioner to construct a dwelling with a side yard of 11 feet instead of the required 50 feet and have no objections.

NAME ADDRESS FRANX MICHAEL VIVIRITO 3619BAY DR. MIDDLE RIVER, MD. 21220 3922 NEW SECTION RO MO ZIZZO 3920 New Jection 2d, MD 21220 3920 New Section 21220 3904 New Sichon Rel 21220 DAVE + BETTY MOX 3902 WEW SECTION RD EGURA_ 3822 / EW Section Ro. 21220 3822 NEW SECTION RD 21220 3826 New Section Rd 21220 horis & MulielBon Couleir 3921 New Section 2d-2,1220 telling 3944 There Latian Rd 11220 394/ Newstertion Rd.

Department of Permits and Development Management Baltimore County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

RE: ZONING CASE NO. 05-032-A 3943 NEW SECTION ROAD

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NAME	ADDRESS
Jon White	3939 New Section 21
	Bockers Onthe mos
Sunt & Nancy Jaylor	3824 New Section R. 21220
June Willie Wart	1 3948 New Section Rd.
Kelena Zzener	3946 New Section Rd
Janus Coll	3928 NEW SECTION (SD)
Cal Stoopshi	1145F Seneca Rd
Deborot 1. Wagner	3932 New Section Rd.
Michael a. Wagner	3932 New Saction Rd,
Bill Lee January Meny J.	3932 NEW SECTION Rd
Marking	4010 Corr D. Jana
Danies M. Farus	3936 New Sections Rd. 21220
Robert 21- Leures	3834 Pew Section Rd 21220
Joan M. Deury 1.3	834 Was Surface Rd 7,55
M. + Mrs Enthory Sersen	- 3800 New Section Rd. 21220

Department Of Permits and Development Management Baltimore County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

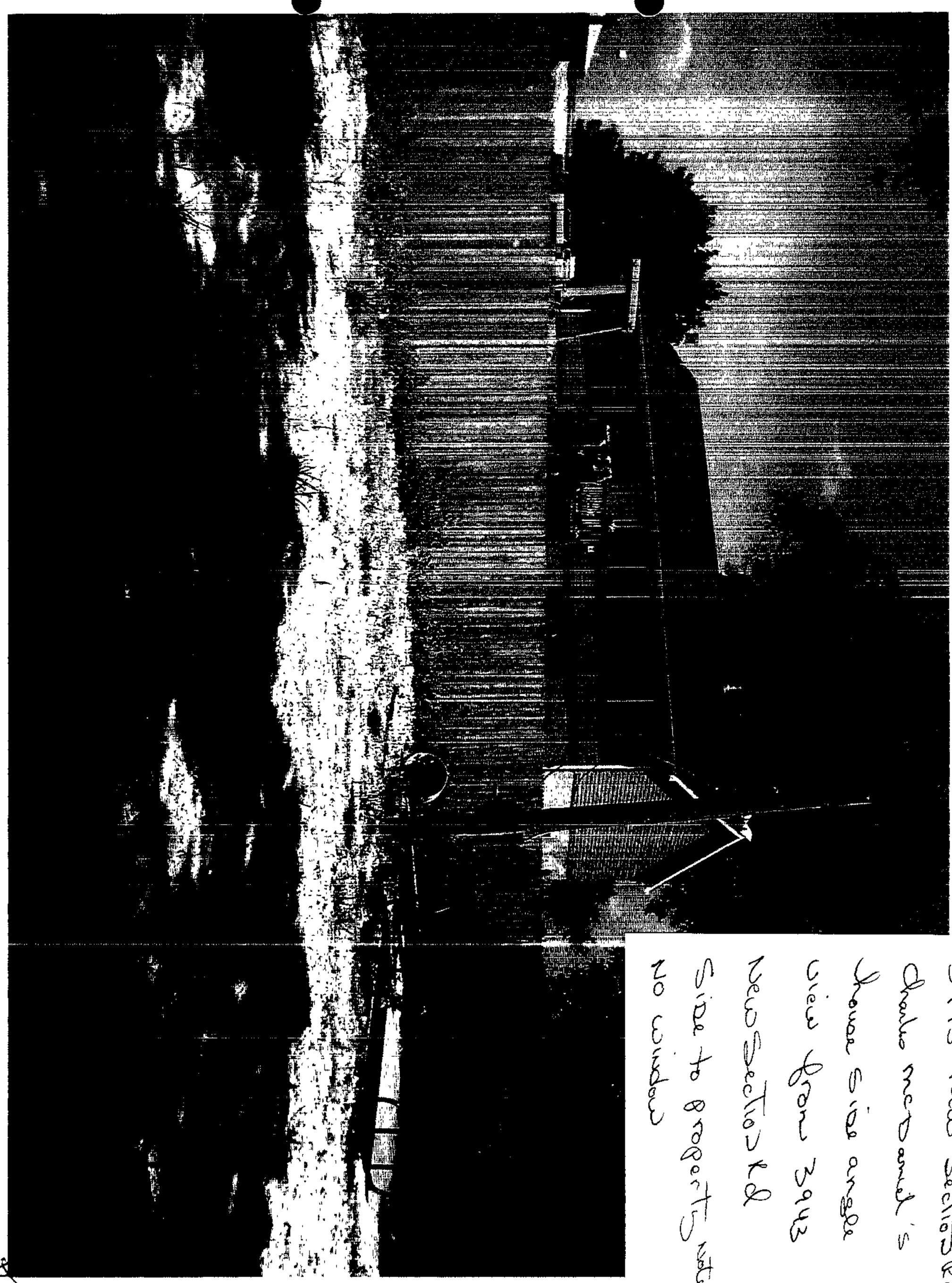
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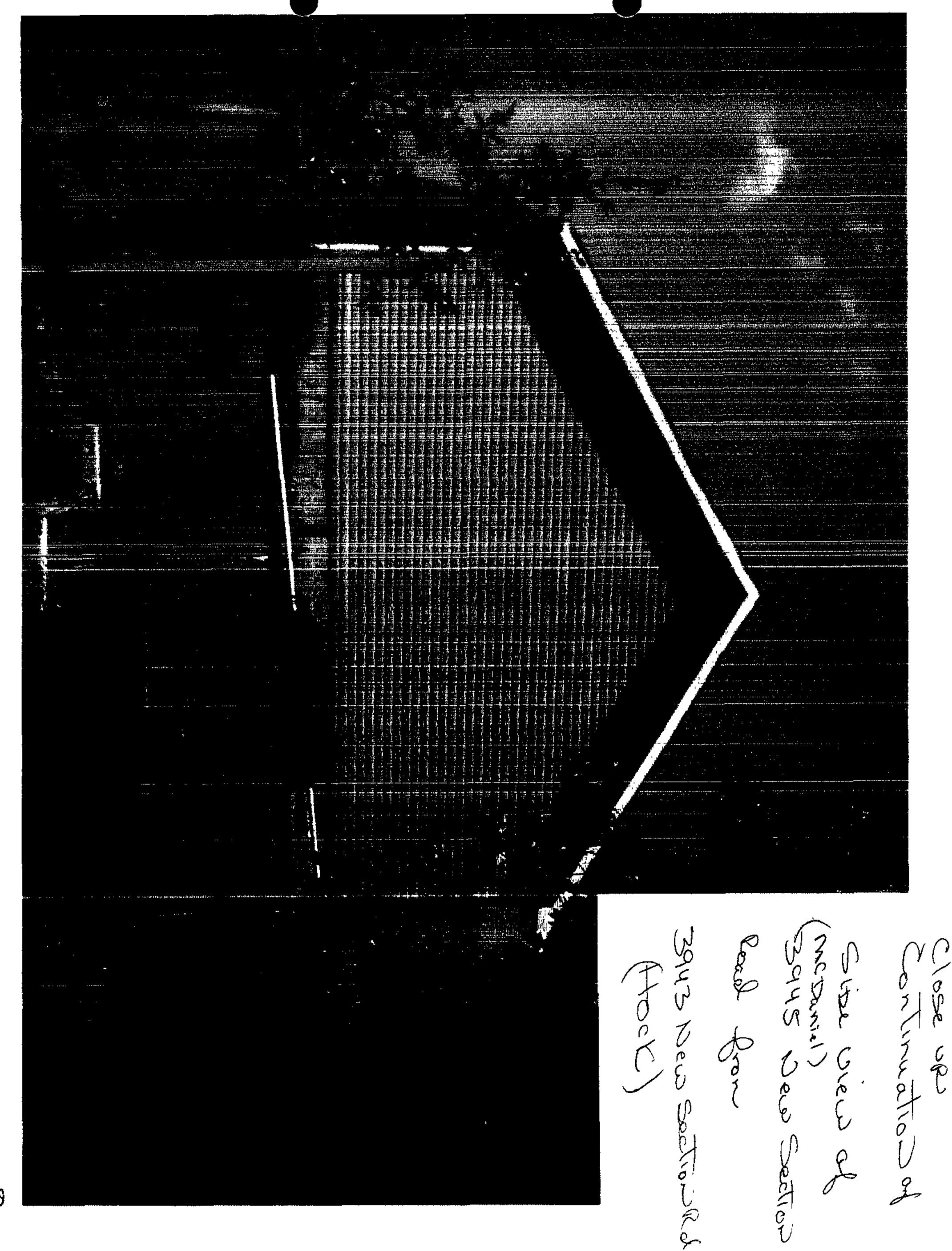
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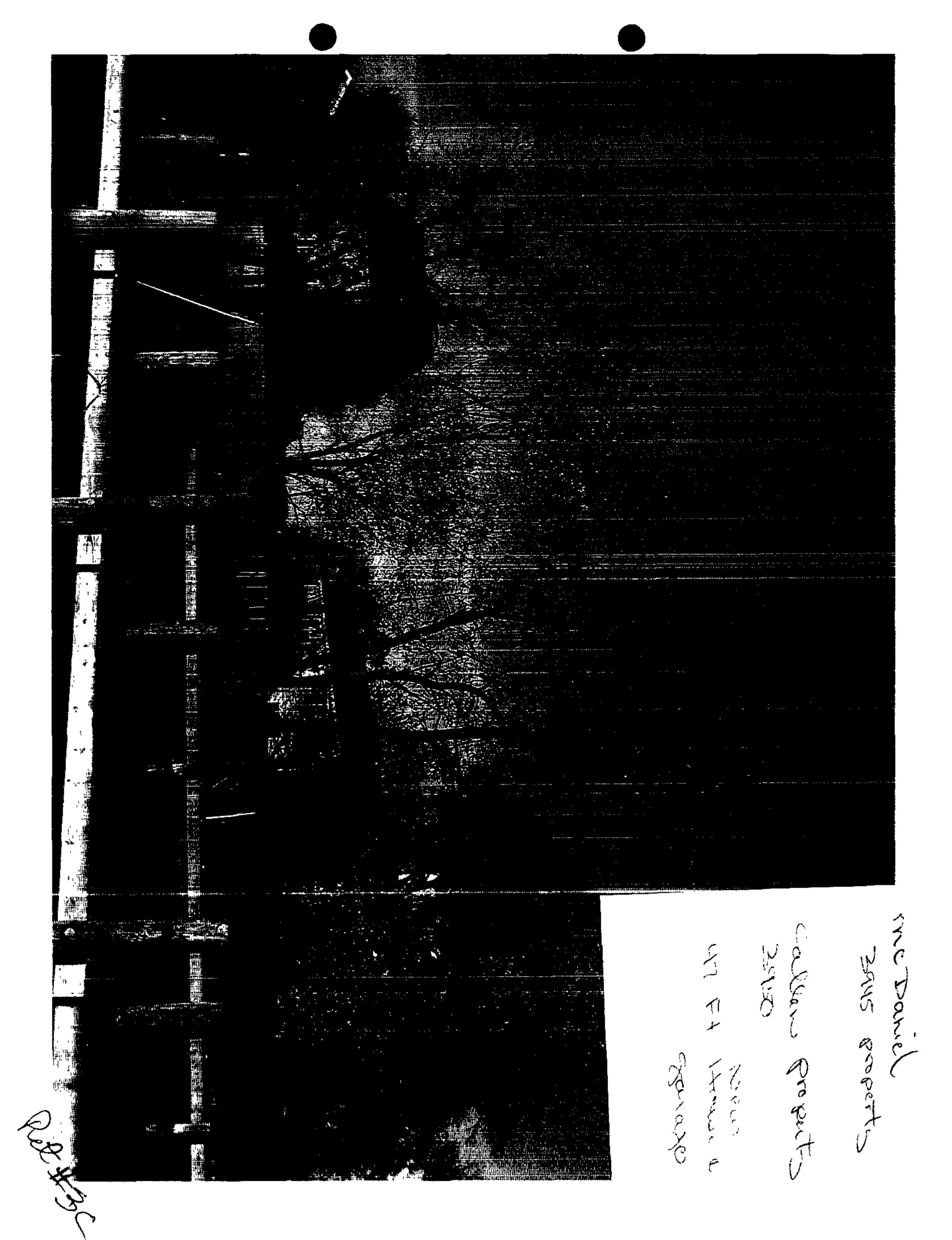


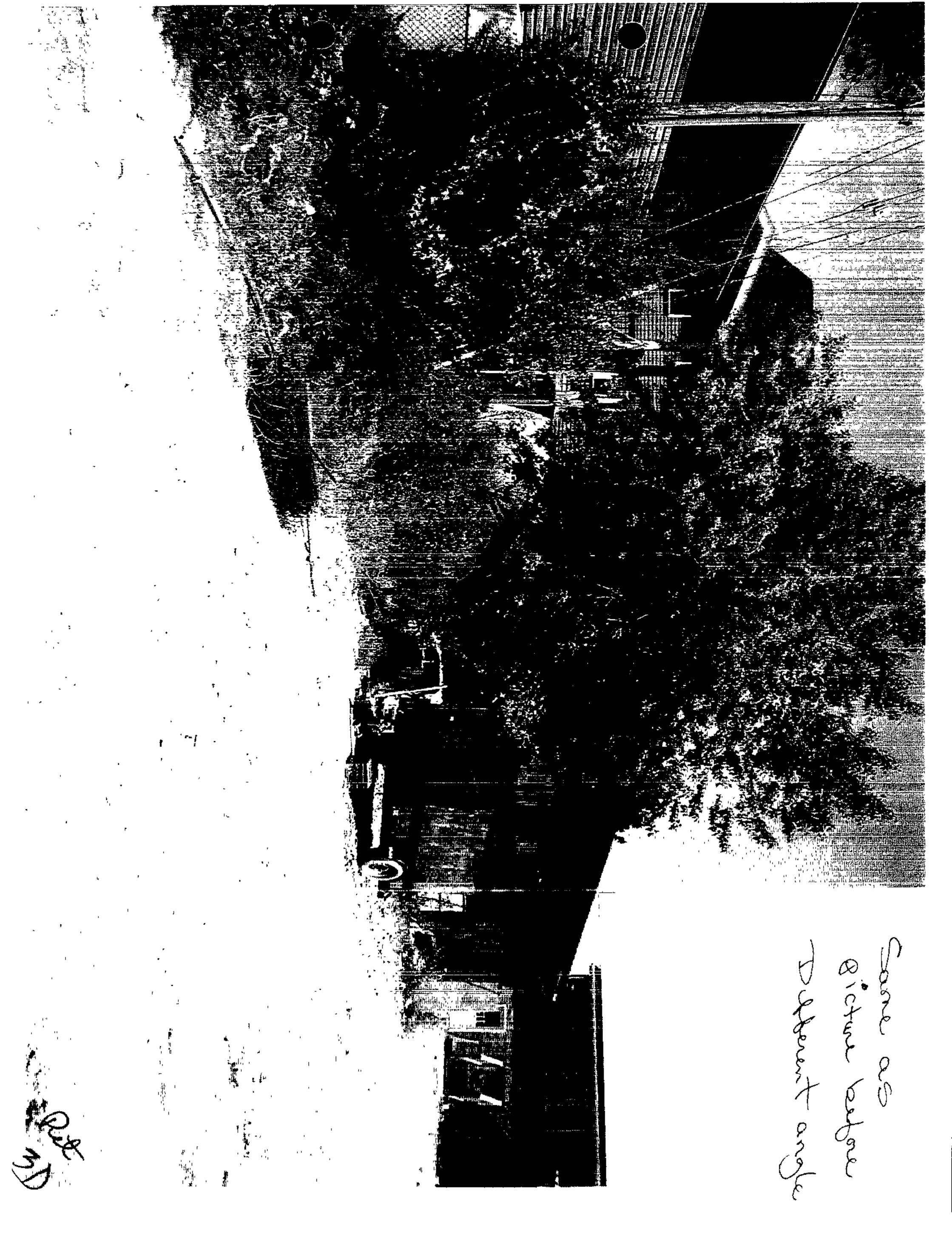
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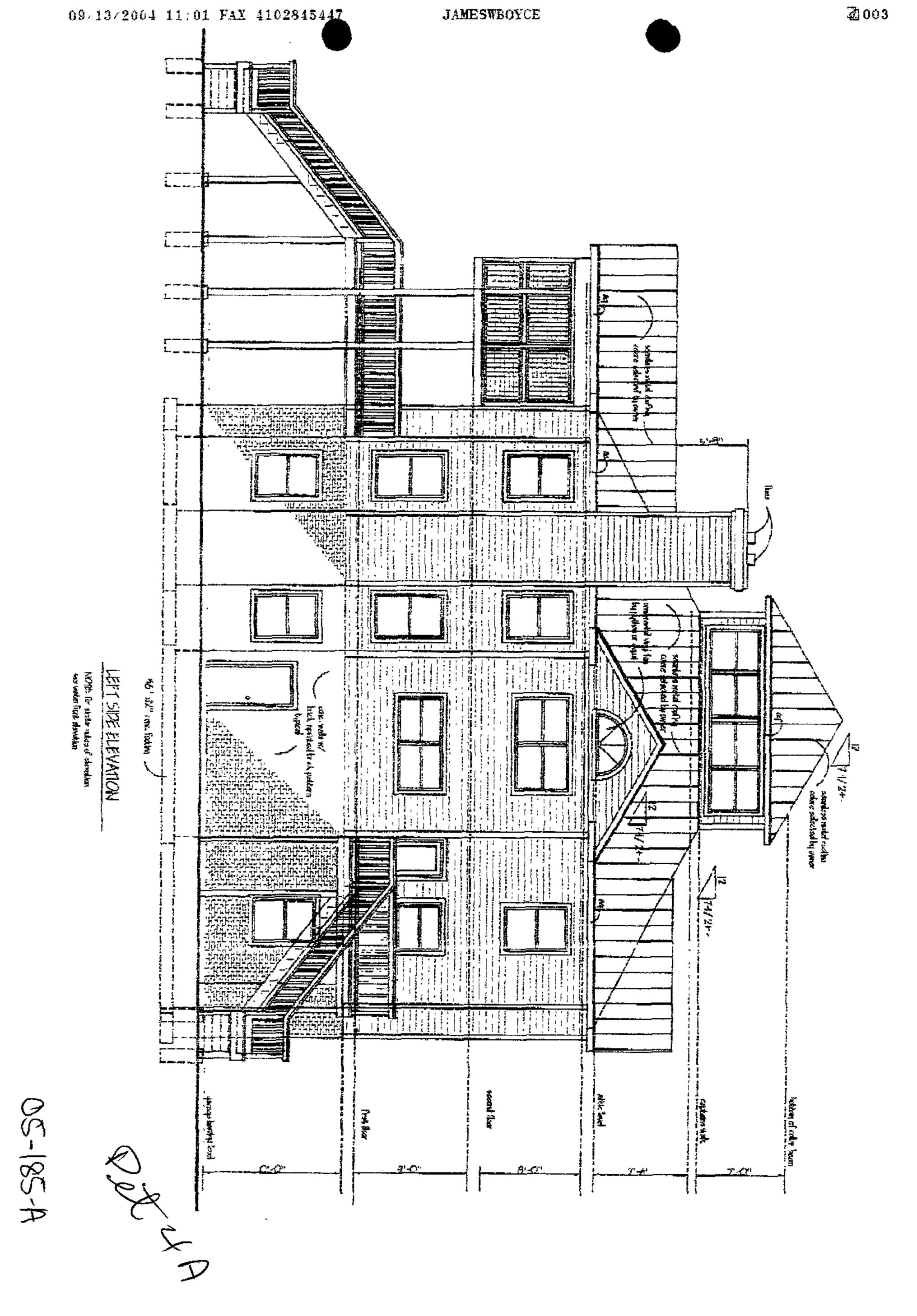


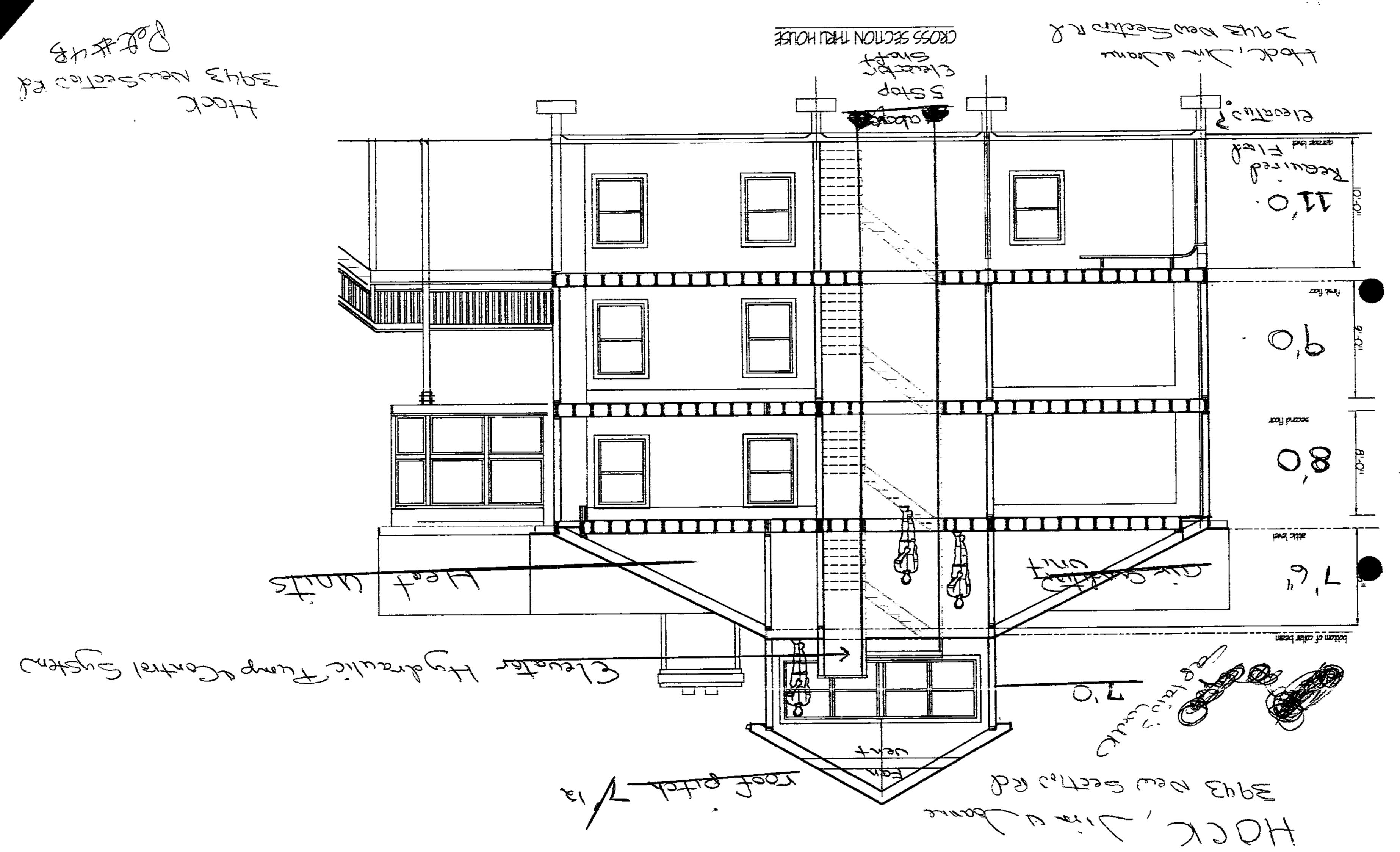
ection RR











The Bowleys Quarters Improvement Association, Inc.

P.O. Box 18051

Baltimore, Maryland 21220

(410) 335-9802

September 16, 2004

Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Subject: 3943 New Section Rd. Owners Jim & Joanne Hock

To Whom It May Concern:

The Bowleys Quarters Improvement Association is not opposed to the development or improvement of the property at 3943 New Section Road. We have no objections to the requested size, side yard setbacks, or height of building proposed. After reviewing the plans, we feel the building would be an asset to the neighborhood. The family is very community minded and active in the association.

Sincerely,

Michael Vivirito
President

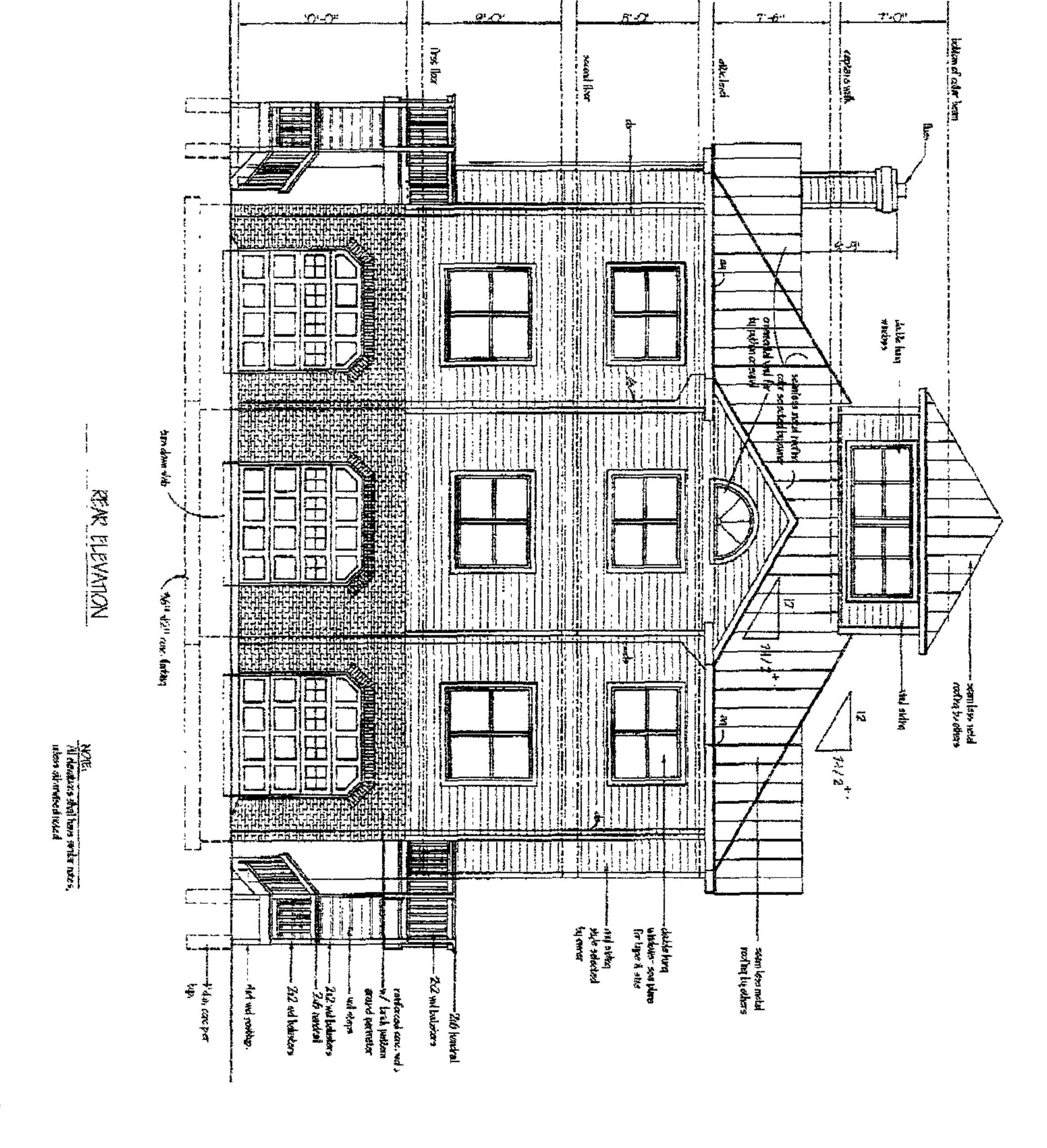
pot 45

PLEASE PRINT CLEARLY

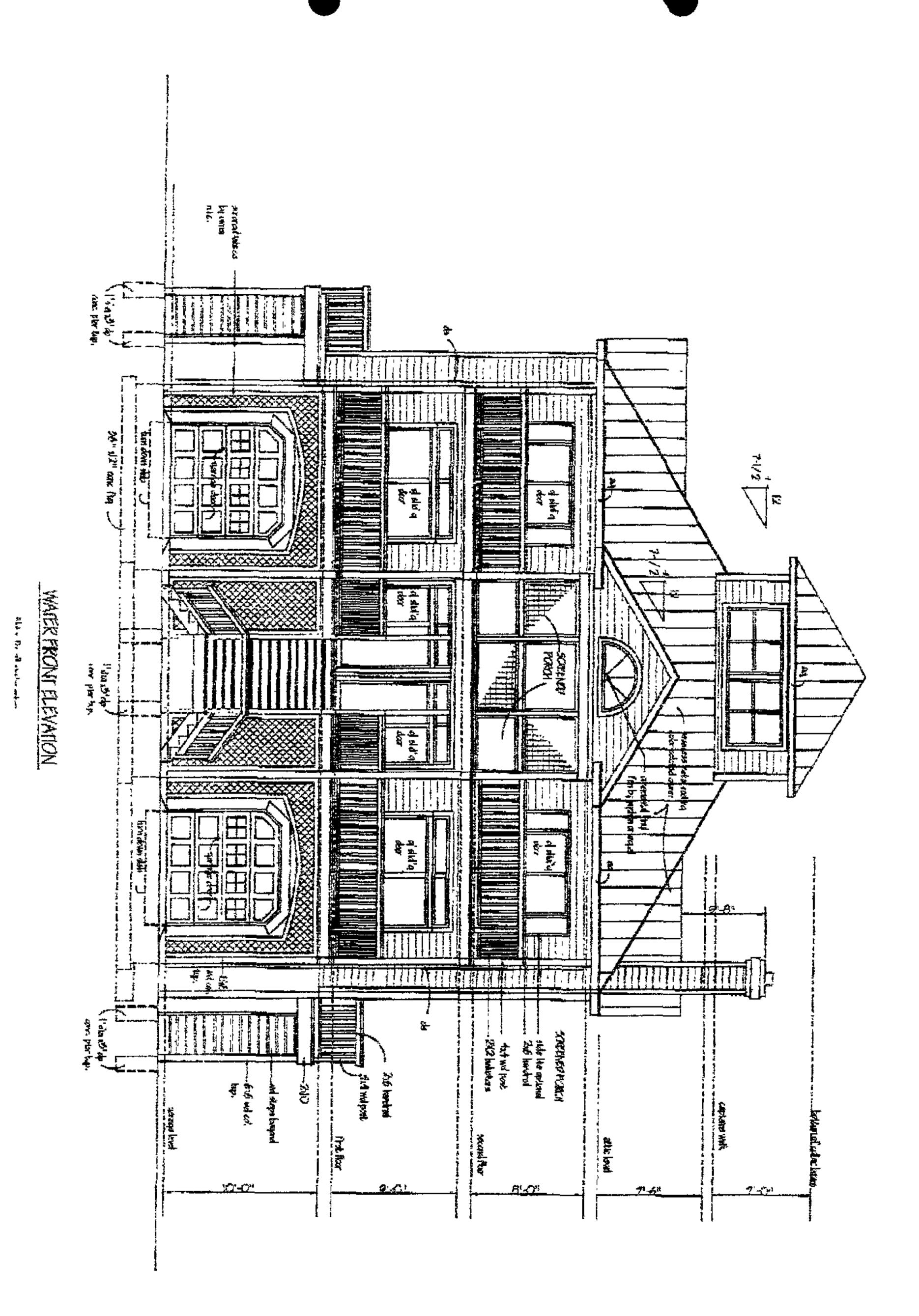
CASE NUMBER

PETITIONER'S SIGN-IN SHEET

E-MAIL												
	Mel 3	i mi	MO 2122	CEVI)	Will Rover Tud 21720							
ADDRESS	9922 Nearloock Com	4 Hale	3941 NEW SECTION RD	2.941 Noco - sectiones	3619BAY DE.							
NAME	Sevinie Pachers	Sanle n. Hork SR.		Choe Choe	Markael 382510							



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09/13/2004 10:59 FAX 4102845447

JAMESWBOYCE

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