IN RE: PETITION FOR VARIANCE

N/S of Seneca Park Road, 2,500 ft. E centerline of Carroll Island Road

15th Election District

6th Councilmanic District

(821 Seneca Park Road)

Wayne Danielak **Petitioners**

- BEFORE THE
- DEPUTY ZONING COMMISSIONER *
- FOR BALTIMORE COUNTY *
- CASE NO. 05-303-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, Wayne Danielak. The Petitioner is requesting variance relief for property located at 821 Seneca Park Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a dwelling with a sum of side yards of 20 ft. in lieu of the required 25 ft., and to allow a lot width of 46 ft. in lieu of 70 ft., and to approve an undersized lot per Section 304 of the B.C.Z.R.

The property was posted with Notice of Hearing on January 20, 2005, 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 January 20, 2005 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, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the

public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) submitted ZAC comments dated January 19, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated January 21, 2004, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Office of Planning dated February 2, 2005, 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 Brian Dietz, professional land surveyor and Wayne Danielak, Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is 20,241 sq. ft. and zoned D.R. 3.5. The property is now improved by the Petitioner's home located on Seneca Park Road. However, the lot is 50 ft. road frontage but over 440 ft. long and the Petitioner proposes to subdivide the lot so that another home can be built on the Nanette Lane portion of the property. See Petitioner's Exhibit 1. The Petitioner pointed out that lots 122 and 123, immediately to the east, further subdivided these lots to provide a home on Seneca Park Road and Nanette Lane, and this is exactly what he proposes. The lot, which is the subject of

this Petition, is lot #124 of the Seneca Park Beach subdivision, which was recorded in the Baltimore County Land Records in 1926. See Exhibit 2

The new home would meet all the DR 3.5 zoning regulations except the lot width, which is 46 ft. across and sum of the side yard setbacks. The Petitioner indicated that the new home would meet the minimum side yard setbacks of 10 ft. but not the sum of the side yard setbacks required by the regulations. The proposed house would be 26 ft. x 57 ft. If the regulations were strictly enforced, the new home could only be 21 ft. wide, which the Petitioner indicated would not be marketable. More importantly, the new house must be elevated 11.2 ft. above the flood plain because it is two streets from the water. The first floor is restricted to parking and storage. The Petitioner indicated that he would need to have the capability to park two vehicles under the first floor and so would require at least 24 ft. of building width. Finally, he noted that the 21 ft. width would restrict the interior design to one room and a corridor similar to row homes in the area. He did not think that this was appropriate for this neighborhood.

In regard to the pattern of development of the neighborhood, the Petitioner noted that the adjacent property has the identical subdivision. He also noted that all the homes along the waterfront and most of the homes along Seneca Park Road are single-family homes on one 50 ft. lot. Consequently, he did not believe that granting the requested relief would result in a change in the character of the neighborhood. He agreed to comply with all ZAC comments. There is no land available for sale on either side of his lot that he could combine with the subject lot to avoid the requested variance.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This lot is a 46 ft. wide lot that was laid out much before the zoning regulations were applied. Consequently, the zoning regulations impact these

older lots disproportionately. In addition, this is clearly a floodplain and subject to damaging tidal surges. I find it unique in a zoning sense.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioners to acquire and avoid the variance requests. Whereas the Petitioner could meet the sum of the side yard setback regulations in theory, I believe this would result in a narrow home not in keeping with the neighborhood.

The problem with this case is that granting this request may impact the pattern of development in the neighborhood. This same longitudinal subdivision has already occurred on the adjacent lot. A similar division here will not be a problem. I acknowledge that the homes on the waterfront and along Seneca Park Road are primarily developed on single 50 ft. lots. However, the new home will front Nanette Lane not Seneca Park Road. This is the neighborhood of concern. Exhibit 1 shows that the adjacent home on Nanette Lane was developed on two lots (122 and 123). The lots to the west of lots 122 and 123 have been developed as one home on multiple lots. Lots to the east of the subject lot are essentially vacant lots assuming a similar longitudinal subdivision. I am concerned this proposal will change the pattern on Nanette Lane if owners to the east request the same relief. That said, I note that the Planning Office is not opposed to the proposal. Further, I recognize that my concerns are based upon the assumption that the lots to the east will be the subject of similar requests and not facts at issue.

Considering all the testimony and evidence before me, I find that these variances can be granted without changing the pattern of development in the neighborhood and therefore are in strict harmony with the spirit and intent of said regulations, and will not injure the public health, safety and general welfare.

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 Petitioner, I find that the Petitioner's variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED, this <u>10</u> day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a dwelling with a sum of side yards of 20 ft. in lieu of the required 25 ft., and to allow a lot width of 46 ft. in lieu of 70 ft., and to approve an undersized lot per Section 304 of the B.C.Z.R., 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 submitted by DEPRM dated January 19, 2005, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated January 21, 2005, a copy of which is attached hereto and made a part hereof;
- 4. Compliance with the ZAC comments submitted by the Office of Planning dated February 2, 2005, a copy of which is attached hereto and made a part hereof;
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

To command the second of the s

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

February 11, 2005

Mr. Wayne Danielak 821 Seneca Park Road Baltimore, MD 21220

> Re: Petition for Variance Case No. 05-303-A Property: 821 Seneca Park Road

Dear Mr. Danielak

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Brian Dietz 7867 Oakdale Avenue Baltimore, MD 21237



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



THE PROPERTY OF THE PARTY OF TH

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 821 SANGER PARK READ

which is presently zoned DR-35

IWe do solemnly declare and affirm, under the penalties of

Date 12

This Petition shall be filed with the Department of Permits and Development Management. The undersigned. leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto ar made a part hereof, hereby petition for a Vanance from Section(s) / /3 oz . g _ c . 1

TO ALLOW A DWELLING WITH A SUM OF SIDE YARDS OF ZO'IN LIEU OF THE REQUIRED 25' FND PEALLOW A LOT WIDTH OF 46" IN LIEU OF 70, AND) TO APPRINE AN UNDERESIZED LUT PER SECTION BONDAND TO APPRINE ANY OTHER VARIANCES DEFINED MECESSARY BY THE ZONING COMMISSIONER

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

Property is to be posted and advertised as prescribed by the zoning regulations. or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the ZOTH regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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Contract Purchaser/Lessee	<u>:</u>		Legal Ow	<u>ner(s):</u>	_	
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Attorney For Petitioner:			821	SENECA	PARK KD	335117-4 Telephone N
			Address Ba	T.	MD	21220
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Case No. 05-303	-	·	ESTIMAT	ED LENGTH	OF HEARING	<u> </u>
Case 140.			UNAVAIL	ABLE FOR H	EARING	

Reviewed By JRE

Brian R. Dietz

Professional Land Surveyor #21080

7867 Oakdale Avenue, Baltimore, MD 21237 Phone 410-686-1198 Fax 410-682-6021

December 13, 2004

Zoning Description for 821 Seneca Park Road CLO+2)

Beginning at a point on the North side of Seneca Park Road (30'R/W), at a distance of 2500' more or less, East of the centerline of Carroll Island Road. Being Lot 124, in the subdivision of Seneca Park Beach, as recorded in Baltimore County Plat Book 8, folio 45. Containing 20,241 sq. ft.. Also known as 821 Seneca Park Road and located in the 15th Election district, 5th Councilmanic District.

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Legal Owner(s): Wayne Danielak

Variance: to allow a dwelling with a sum of side yards of 20 feet in lieu of the required 25 feet and to allow a lot width of 46 feet in lieu of 70 feet and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner

Hearing: Eriday, February 4, 2005 at 10:00 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 accommodations Please, Contact the Zoning Commissioner's Children (4.00 as 4.30)

(2) For interestation concessing the Fac and/or Hearing, Contact the America Review Office at (4.01) 887-3391

1/250 Jan. 20

36206

CERTIFICATE OF PUBLICATION

120,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofl_successive weeks, the first publication appearing on $_{120[205]}$.
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News

LEG M. ADVERTISING





CERTIFICATE OF POSTING

	RE: Case No.: 05-303 4
	Petitioner/Developer: (1) fi
	DANIELAK
	Date of Hearing/Closing: 2/4/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-339	94}
Ladies and Gentlemen:	•
posted conspicuously on the property local SENECA	
he sign(s) were posted on	1/20/05 (Month, Day, Year)
	Sincerely,
	Robert Black 1/22/05 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
Consider a linear segmental and the segmental an	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
•	(Telephone Number)



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





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

December 22, 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: 05-303-A

821 Seneca Park Road

North side of Seneca Park Road at the distance of 2,500 feet +/- east of the centerline of Carroll Island Road.

15th Election District—6th Councilmanic District

Legal Owner: Wayne Danielak

Variance to allow a dwelling with a sum of side yards of 20 feet in lieu of the required 25 feet and to allow a lot width of 46 feet in lieu of 70 feet and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner.

Hearing: Friday, February 4, 2005 at 10:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK: clb

C: Wayne Danielak 821 Seneca Park Road Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 20, 2005.

- (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



Thursday, January 20, 2005 Issue - Jeffersonian

Please forward billing to:

Wayne Danielak 821 Seneca Park Road Baltimore, Maryland 21220

410-952-9650

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: 05-303-A

821 Seneca Park Road

North side of Seneca Park Road at the distance of 2,500 feet +/- east of the centerline of Carroll Island Road.

15th Election District—6th Councilmanic District

Legal Owner: Wayne Danielak

Variance to allow a dwelling with a sum of side yards of 20 feet in lieu of the required 15 feet and to allow a lot width of 46 feet in lieu of 70 feet and to approve an undersized lot and other variances deemed necessary by the Zoning Commissioner.

Hearing: Friday, February 4, 2005 at 10:00 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

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.

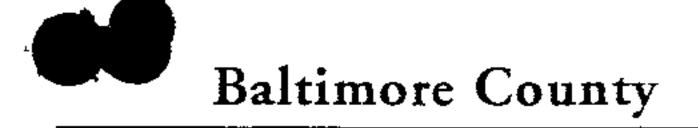
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:
Item Number or Case Number 05-303-A
Petitioner. WAYNE DANIELAK
Address or Location: 821 SEVECA PARK ROAD.
PLEASE FORWARD ADVERTISING BILL TO
Name: WAYNE DANIELAK
Address 821 SENECA PARK ROAD
BALTO, MD 21220
•
Telephone Number 410-952-9650

Department of Permit Development Management

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





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

January 26, 2005

Wayne Danielak 821 Seneca Park Road Baltimore, Maryland 21220

Dear Mr. Danielak:

RE: Case Number: 05-303-A, 821 Seneca Park Road (Lot 2)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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 samitted thus far from the members of the ZAC are attached. These comments are not included 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 with perpaced 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. Callalal S

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Brian Dietz 7867 Oakdale Avenue Baltimore 21237



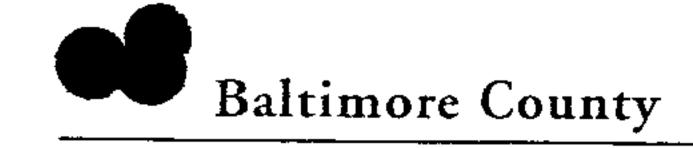
Visit the County's Website at www.baltimorecountyonline.info

Fire Department



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





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 December 23, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 20,

Item No.:

252, 291-296, 298-300, 302-304

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



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







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

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

Maryland Department of Transportation

Date: 12.21.64

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

RE:

Baltimore County

Item No. 303

IRF

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. Houlh

Engineering Access Permits Division



JAN 2 0 2005

ZONNIG COMMISSIONER

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

DEPRM

DATE:

January 19, 2005

SUBJECT:

Zoning Item

05-303

Address

821 Seneca Park Road

Zoning Advisory Committee Meeting of December 20, 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:

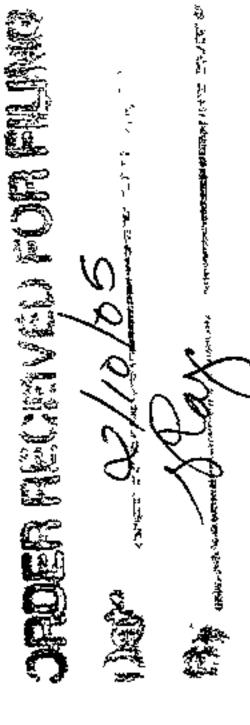
The applicant must comply with the Limited Development Area Regulations. Specifically, the total of the Impervious Surfaces over the entire subdivision may not exceed 15% (3,063 square feet). The plan submitted proposes improvements that will result in this limit being exceeded. In addition, the site must also comply with 15% Minimum Tree Cover limit (7 trees over both lots).

A building permit for this property can not be approved by this Department until public sanitary sewer utilities are extended to the site.

Reviewer:

Sue Farrinetti

Date: December 29, 2004



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: February 2, 2005

FEB - 3 2005

Zoning Advisory Petition(s): Case(s) 5-303 **SUBJECT:**

The Office of Planning has reviewed the subject request and has determined that the proposal would create an undersized lot. However, this office does not consider the proposed 2-lot subdivision to be an adverse proposal.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Division Chief:

MAC/LL

FOR FILES

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 21, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 27, 2004

Item No. 303

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-12-27-2004-ITEM NO 303-01212005

ADER RECEIVED FOR FILENCE

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

Lloyd T. Moxley, Planner II

Zoning Review

Department of Permits & Development Management

DATE:

February 8, 2006

FROM:

John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Petition for Variance (Case No. 05-303-A)

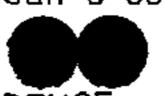
Danielak Minor Subdivision (05-043-M)

Property: 821 Seneca Park Road

Please be advised that the proposed minor subdivision of the above referenced DR 3.5 zoned property, resulting in a net lot area after required road widening for Lot 1 of 9,851 square feet and for Lot 2 of 9,344 square feet respectively, is considered to be within the spirit and intent of the grant of undersized lot approval contained in Zoning Case No. 05-303-A.

I note that prior to the County's exaction of a wider road right of way, the lots met the minimum area for this DR 3.5 zone. I see no reason to require a further request for variance under the circumstances.

JVM:dlw



INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

		Permit or Case No. <u>05</u>	30 <u>3 ~4</u>
TO:	Director. Office of Planning & Community Conservation		
	Attention, Jeffrey Long County Courts Building, Room 406		
	401 Bosley Avenue	Residential Processing	Fee Paid
	Towson, MD 21204	(\$50 00)	
_= = = = = = = = = = = = = = = = = = =	anneld teblog Director	Accepted by JR	=
FROM:	Arnold Jablon, Director Department of Permits & Development Management	Date 12/7/05	
		· · · · · · · · · · · · · · · · · · ·	<u> </u>
RE:	Undersized Lots	ture 25, 1002, this office is requesting recommendations a	nd comments from
Pursuan the Offic	it to Section 304.2 (Baltimore County Zoning Regulations) effective se of Planning and Community Conservation prior to this office's ap-	proval of a dwelling permit.	
MINIM	UM APPLICANT SUPPLIED INFORMATION:		910-952-9650
	Add	1888	ерьопе Инпрег
	ANICO CON DARY DA	Election District 15 Councilmanic District 5 Square Fe	et 10,102
Lot Loc	Lot Address SZI SENECH PARIZ P	p 2500'5 feet from NESW corner of CARE	(street)
Land C)wner: <u>54</u>	Tax Account Number	
	55: <u>Serre &</u>	Telephone Number (4/0)_95	
	CLIST OF MATERIALS (to be submitted for design review by the C	Office of Planning and Community Conservation)	4 2 2
CHEON	BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMIT	S AND DEVELOPMENT MANAGEMENT ONLY!	
ro E	BE FILLED IN BY ZOMING REVIEW, DEL ANTIMETE DE L'ANTIMETE	14A	20分34
		YES NO	াই শিক্ত
1 This	Recommendation Form (3 copies)	1/	シロンブ
2. Perr	nit Application		Phone Phone
3. Site		<u></u>	
Pr	ppery (3 copies)		_
4 Buil	ding Elevation Drawings		5 0
5. Pha	tographs (please label all photos clearly)		Q 14
Adj	oraing Buildings		
Sur	rounding Neighborhaea	<u>—</u> ———————————————————————————————————	ğ 3 %
e Cur	rent Zoning Classification: $\frac{DR-3.5}{}$		3 X
a, cui			
	TO BE FILLED IN BY 1	THE OFFICE OF PLANNING ONLY!	
			5 5 2 E
RECO	MMENDATIONS / COMMENTS.		
}	Approval Conditioned of	n required modifications of the application to conform with the following	ig tecommeneanons
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/	Las themas	Date: T	<u>-</u>
Signe	for the Director, Office of Planning and Community Conservation	The second secon	-

Revised 2/05/02

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2





RE: PETITION FOR VARIANCE
821 Seneca Park Road; N/side Seneca Park
Road, 2,500' E c/line Carroll Island Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Wayne Danielak

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 05-303-A

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Brian Dentz, 7867 Oakdale Avenue, Baltimore, MD 21237, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Like, - - mark

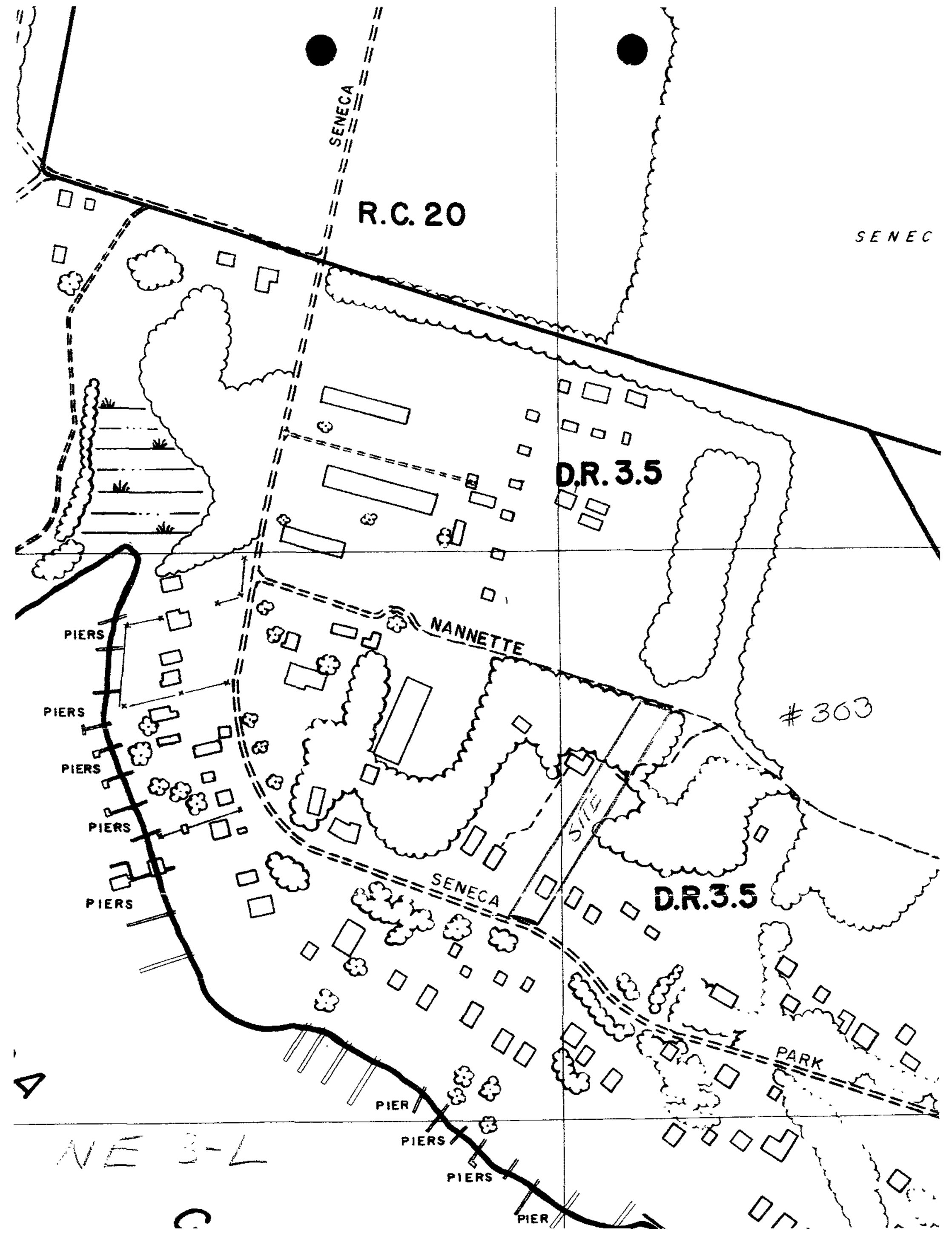
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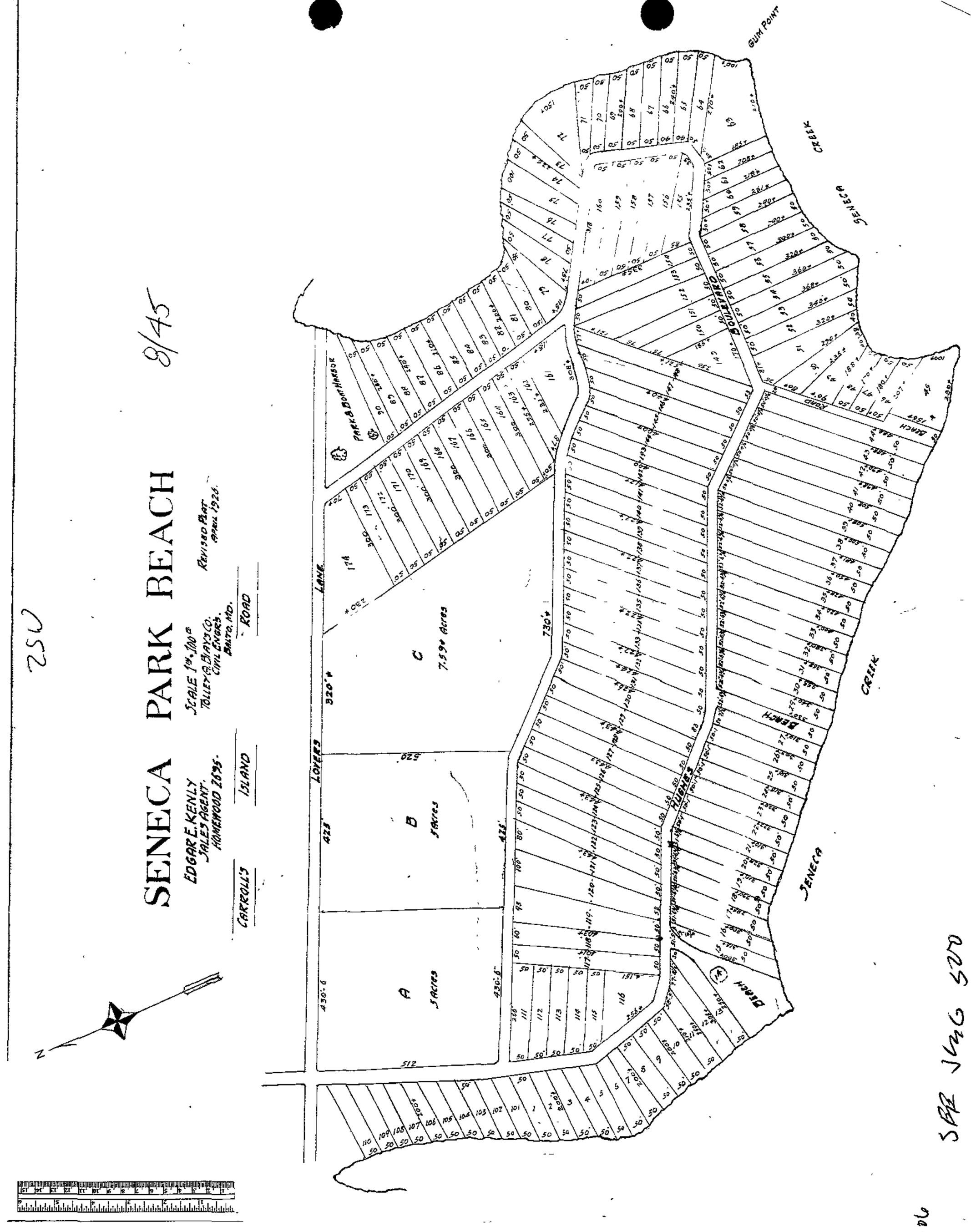
PLEASE PRINT CLEARLY

CASE NAME DAMIELAR PROS CASE NUMBER OS-303-A DATE FERS 4, 2005

PETITIONER'S SIGN-IN SHEET

E-MAIL												
CITY, STATE, ZIP	B	ļ										
ADDRESS	\sim	821 SENECA PARK Rd.										
NAME	Branc DIRTZ	WAYNE DAMISLAK										





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