IN RE: PETITION FOR SPECIAL HEARING S/S of New Section Road between S Seneca Road & Bowleys Quarters Road 15th Election District 6th Councilmanic District **(1317 South Seneca Road)** Karen & Richard Gale *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-307-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing filed by the legal owners of the subject property, the Karen and Richard Gale. The Petitioners are requesting special hearing relief for property located at 1317 South Seneca Road in the eastern area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm an existing nonconforming 1.139 acres RC 5 lot and to allow a .743 acres RC 20 zoned area to be added to the existing RC 5 portion for a total of 1.882 acres.

The property was posted with Notice of Hearing on January 22, 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 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Definition NONCONFORMING USE -- A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use. [Bill No. 18-1976]

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104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated January 24, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Karen and Rich Gale, Petitioners and Alonzo Childress, professional engineer who drafted the Plan to Accompany. John Gontrum, Esquire represented the Petitioners. No Protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Gontrum proffered that the property contains 23+/- acres, split-zoned RC 5 and RC 20. The owners would like to eventually erect a second home on the property. The RC 5 portion of the lot is improved by an existing home which is located on an existing lot of 1.139 acres. The County Council recently passed Bill 55-04 (May 2004) which requires RC 5 lots to be 1.5 acres in size for further subdivision. As such, the Petitioners request confirmation of the existing nonconforming 1.139 acre RC 5 lot with the nonconforming home. Thereafter, they request to be allowed to combine .743 acres of RC 20 zoned area to be added to the existing RC 5 lot for a total of 1.882 acres. Mr. Gontrum indicated that no facilities of any kind are to be located on the RC 20 portion of the property to support the RC 5 portion of the property because the public sewer line is now

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available. The 0.743 acres of RC 20 zoned property is merely being added to the existing lot to satisfy in minimum lot size in RC 5.

Testimony indicated that the existing home on the lot shown has been occupied as a home for more that twenty years. In fact, Mr. Gontrum indicated that this home was the site of several notorious cases of yesteryear. In any case, the Petitioners have owned the property before May 2004 when the new legislation was passed.

Mr. Gontrum points out that extensive discussions with DEPRM resulted in a location for the second home close to the existing home, as shown on Petitioners' Exhibit 1. The new home would sit on a 21 acre lot, but 18 acres of that 21 acres would be protected from further development by a critical area easement. This latter contains the environmentally sensitive areas of the property. Mr. Gontrum proffered that neighbors support the requested relief as shown on Petitioners' Exhibit 2.

Findings of Fact and Conclusions of Law

This case is a request to confirm an existing nonconforming 1.139 acre lot and home thereon. I take notice of the passing of Bill 04-55 by the County Council in May 2004, which increased the size of RC 5 lots from one to one and half acres. I find that the testimony and evidence indicates the Petitioners have owned the home and property prior to May 2004, and that the use of the property as a residence was a legal use prior to May, 2004. I further find the nonconforming use has not changed to any other use nor has it been abandoned or discontinued for a period of one year or more. Consequently, I find the Petitioners have the right to continue such nonconforming use.

I further find that transferring 0.743 acres of RC 20 zoned land to increase the size of the lot on which the home is erected is reasonable under the circumstances so that the total acreage of lot 2 on Petitioners' Exhibit 1 will be 1.882 acres. I find that this lot line adjustment will not adversely affect the neighborhood and will not endanger the health, safety, or welfare of the community.

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By

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, by the Deputy Zoning Commissioner for Baltimore County, this 23 day of February, 2005, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm an existing nonconforming 1.139 acres RC 5 lot and to allow a .743 acres RC 20 zoned area to be added to the existing RC 5 portion for a total of 1.882 acres, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

2. Compliance with the ZAC comments made by DEPRM dated January 24, 2005, a copy of which is attached hereto and made a part hereof.

3. 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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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Date 2/23/05
By

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 23, 2005

John Gontrum, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 05-307-SPH
Property: 1317 South Seneca Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Karen & Rich Gale, 1317 S. Seneca Road, Baltimore, MD 21220
Alonzo Childress, 713 Pheasant Drive, Forest Hill, MD 21050

Printed on Recycled Paper

LBCA Glorie

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1317 South Seneca Road
which is presently zoned R.C. 5; R.C. 20

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To confirm an existing non-conforming 1.139 acre R.C. 5 lot and to allow a .743 acre R.C. 20 zoned area to be added to the existing R.C. 5 portion for a total of 1.882 acres.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

John B. Gontrum, Esquire
Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP
Company

210 W. Pennsylvania Avenue
Address (410) 832-2000 Telephone No.

Baltimore, MD 21204
City State Zip Code

Legal Owner(s):

Richard Gale, Jr.
Name - Type or Print

Signature

Karen Gale
Name - Type or Print

Signature

1317 S. Seneca Road (410) 238-0000
Address Telephone No.

Baltimore, MD 21220
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 12/20/04

ORDER RECEIVED FOR FILING
Date 2/23/05
By

Case No. 05-307-SPH

REV 9/15/98

R. A. Childress & Associates, Inc.
Civil Engineering Consultants
713 Pheasant Drive Forest Hill, Maryland 21050-1528
(410) 803-0304 FAX (410) 803-0299

December 22, 2004

ZONING DESCRIPTION FOR PROPOSED LOT 2
Richard J., Jr. & Karen L Gale Property
1317 South Seneca Road
Baltimore County, Maryland

Beginning at a point at the south side of New Section Road (a 30' wide right-of-way) and the west side of South Seneca Road (a 30' wide right-of-way) and running along the west right-of-way line of South Seneca Road S 52 19' 33" E for a distance of 443.96 feet to the northern most corner of lot 2 and then Running along said road S 52 19'33" E for a distance of 32.09'.

Then leaving said road and running along the following courses:

1.	S 58 27' 46" w	65.60 ft.
2.	S 31 44' 48" E	473.89 ft.

To Goose Harbor Inlet and running along the north side of the Inlet the following courses:

3.	S 52 47' 23" W	93.80 ft.
4.	S 59 27' 26" W	63.62 ft.
5.	S 61 51' 08" W	15.49 ft.

Then leaving Goose Harbor Inlet and running along the following courses:

6.	N 31 32' 42" W	441.11 ft.
7.	N 53 03' 05" E	54.72 ft.
8.	N 34 02' 39" W	15.02 ft.
9.	N 53 03' 05" E	57.51 ft.
10.	N 14 19' 46" E	63.82 ft
11.	N 58 27' 46" E	68.06 ft.

To the northern most corner of Lot 2 (beginning of Lot 2 description).

Area of Lot 2 is 1.882 acres (1.139 acres in R.C. 5 Zone and 0.743 acres in R.C. 20 Zone)

Lot 2 is located in the 15th Election District, 6th Councilmanic District and is part of the property recorded in:

Deed: Liber 19137, Folio 392 Tax Map: 98 Parcel: 10

05-307-SPH

R. A. Childress & Associates Inc.
Civil Engineering Consultants
713 Pheasant Drive Forest Hill, Maryland 21050-1528
(410) 803-0304 FAX (410) 803-0299

ZONING DESCRIPTION FOR September 14, 2004
Richard J., Jr. & Karen L Gale Property
1317 South Seneca Road
Baltimore County, Maryland

Beginning at a point at the south side of New Section Road (a 30' wide right-of-way) and the west side of South Seneca Road (a 30' wide right-of-way) and running along the west right-of-way line of South Seneca Road S 52 19' 33" E for a distance of 476.05 feet and then leaving said road and running along the following courses:

1.	S 58 27' 46" w	65.60 ft.
2.	S 31 44' 48" E	473.89 ft.

To Goose Harbor Inlet and running along the north side of the Inlet the following courses:

3.	S 52 47' 23" W	93.80 ft.
4.	S 59 27' 26" W	63.62 ft.
5.	S 61 51' 08" W	144.22 ft.
6.	S 64 58' 26" W	66.33 ft.
7.	S 81 14' 03" W	55.18 ft.
8.	S 75 44' 11" W	89.46 ft.
9.	S 75 50' 33" W	144.61 ft.
10.	S 77 57' 15" W	84.97 ft.
11.	S 66 14' 09" W	83.60 ft.
12.	S 29 32' 44" E	51.71 ft.
13.	S 41 28' 41" E	120.48 ft.
14.	S 68 53' 38" W	329.36 ft.

To the East side of Bowleys Quarters Road (a 40' wide right- of-way) and running along the said road right-of-way the following courses:

15.	N 32 03' 33" W	171.65 ft.
16.	N 30 41' 36" W	919.12 ft.

To the south side of New Section Road (a 30' wide right-of-way) and running along said road right-of-way the following courses:

17.	N 39 07' 29" E	15.00 ft.
18.	S 71 03' 26" E	210.43 ft.
19.	N 72 56' 24" E	123.29 ft.
20.	N 61 13' 24" E	205.93 ft.
21.	N 55 17' 34" E	363.93 ft.
22.	N 66 24' 24" E	156.91 ft.

To the Point of Beginning.

The Property, located in the 15th Election District, 6th Councilmanic District, as recorded in:
Deed: Liber 19137, Folio 392 Tax Map: 98 Parcel: 10
Containing 23.049 acres of land more or less.

STATE OF MARYLAND
ROBIN ALONZO CHILDRESS
No. 10227
REGISTERED
PROFESSIONAL ENGINEER

SEAL
R. Alonzo Childress
Registered Professional Engineer
Maryland P.E. No. 10227

05-307-SPH

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. #05-307-SPH
1317 South Seneca Road
S/side of New Section Road between South Seneca Road & Bowley's Quarters Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Richard & Karen Gale

Special Hearing: to confirm an existing non-confirming 1.139 acres RC 5 lot and to allow a .743 acres RC 20 zoned area to be added to the existing RC 5 portion for a total of 1.882 acres

Hearing: Monday, February 7, 2005 at 9:00 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 Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/253 Jan. 20 36213

CERTIFICATE OF PUBLICATION

1/20/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20/, 2005.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 41071

DATE 12/20/04 ACCOUNT 001006150

AMOUNT $ 65.00

RECEIVED FROM: R. A. CHILDRESS + ASSOC.

FOR: ITEM # 807 05-307-SPH

1217 S. SENECA RD. D. THOMPSON

DISTRIBUTION:
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

MISCELLANEOUS	JOURNAL	TYPE	DRW
12/21/2004	[illegible]	[illegible]	2

[illegible]
RECEIPT # [illegible] 12/20/2004 [illegible]
Impt: [illegible] ZONING VERIFICATION
ITEM NO. 41071
Recpt Tot [illegible]
[illegible] CK [illegible]
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-307-SPH

Petitioner/Developer: RICHARD & KAREN GALE

Date of Hearing/Closing: 2/7/05

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

ATTN: Kristen Matthews {(410) 887-3394}

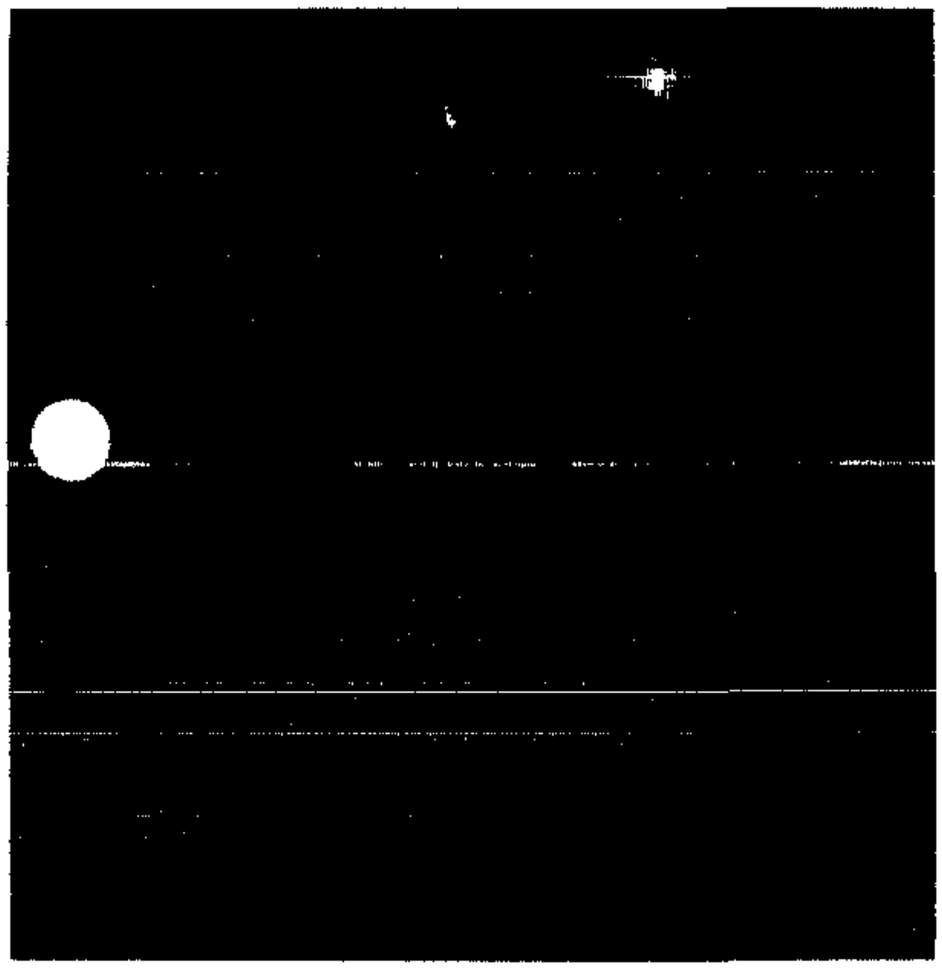
Ladies and Gentlemen:

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:

1317 SOUTH SENECA ROAD

The sign(s) were posted on 1/22/05
(Month, Day, Year)

Sincerely,



Robert Black 1/24/05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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

January 4, 2005

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: 05-307-SPH
1317 South Seneca Road
S/side of New Section Road between South Seneca Road & Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Richard & Karen Gale

Special Hearing to confirm an existing non-confirming 1.139 acres RC 5 lot and to allow a .743 acres RC 20 zoned area to be added to the existing RC 5 portion for a total of 1.882 acres.

Hearing: Monday, February 7, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: John B. Gontrum, 210 W. Pennsylvania Avenue, Baltimore 21204
Richard & Karen Gale, Jr., 1317 S. Seneca Road, Baltimore 21220

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 22, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 20, 2005 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Richard Gale, Jr. 410-238-0000
1317 S. Seneca Road
Baltimore, MD 21220

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: 05-307-SPH
1317 South Seneca Road
S/side of New Section Road between South Seneca Road & Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Richard & Karen Gale

Special Hearing to confirm an existing non-confirming 1.139 acres RC 5 lot and to allow a .743 acres RC 20 zoned area to be added to the existing RC 5 portion for a total of 1.882 acres.

Hearing: Monday, February 7, 2005 at 9:00 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 Baltimore County Zoning Regulations (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 05-307-SPH

Petitioner. GALE

Address or Location: 1317 S. SENECA RD.

PLEASE FORWARD ADVERTISING BILL TO

Name. MR. + MRS. RICHARD GALE, JR.

Address 1317 S. SENECA RD.
BALTD. MD 21220

Telephone Number 410-238-0000

ANYA

Department of Permits and 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

February 2, 2005

John B. Gontrum, Esquire
Whiteford, Taylor & Preston LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 05-307-SPH, 1317 South Seneca Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Richard and Karen Gale 1317 S. Seneca Road Baltimore 21220

Printed on Recycled Paper

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

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 10, 2005

Item No.: 307

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.

Standard cul-de-sacs/**turnaround** designs and roadway radii shall be to the following minimum apparatus requirements:

Inside turning radius 35 ft.
Overall vehicle length 49 ft.
Overall vehicle width 9 ft. 8 in.

"Every **dead-end roadway** more than 300 ft (92 m) in length shall be provided at the closed end with a ***turnaround*** *having not less than a 120-ft (37-m) outside diameter of traveled way*". NFPA 1141: 4-2.2
The minimum inside turning radius shall be 35 feet.

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O)410-887-4881 (C)443-829-2946
MS-1102F

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1·3·05

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

RE: Baltimore County
Item No. 307 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,

S. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

JAN 2 4 2005

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: January 24, 2005

SUBJECT: Zoning Item # 05-307
Address 1317 South Seneca Road (Gale Property)

Zoning Advisory Committee Meeting of January 3, 2005.

_____ 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:

Must comply with the Resource Conservation Area regulations.

Reviewer: Martha Stauss Date: January 24, 2005

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

ORDER RECEIVED FOR FILING
Date 2/23/05
By

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 24, 2005

RECEIVED

JAN 2 - 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-307**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: January 21, 2005

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 10, 2005
Item No. 307

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

The flood protection elevation (M.C.S.) 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

RE:	PETITION FOR SPECIAL HEARING 1317 South Seneca Road; S/side New Section Rd b/w S Seneca Rd & Bowleys Quarters Rd* 15th Election & 6th Councilmanic Districts Legal Owner(s): Richard & Karen Gale Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-307-SPH

* * * * * * * * * * * * *

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 and documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

RECEIVED

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RC 20
RC 5
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PLEASE PRINT CLEARLY

CASE NAME 1317 South Seneca Rd
CASE NUMBER 05-307-SPH
DATE 2/7/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ALONZO CHILDRESS	713 PHEASANT DRIVE	FOREST HILL MD 21050	rachildress@earthlink.net
KAREN Gale	12126 Buttonwood LN	BALTO. MD 21220	rnkgale@comcast.net
RICH GALE	12126 BUTTONWOOD LN.	BALTO. MD 21220	rnkgale@comcast.net
John Gontrum			

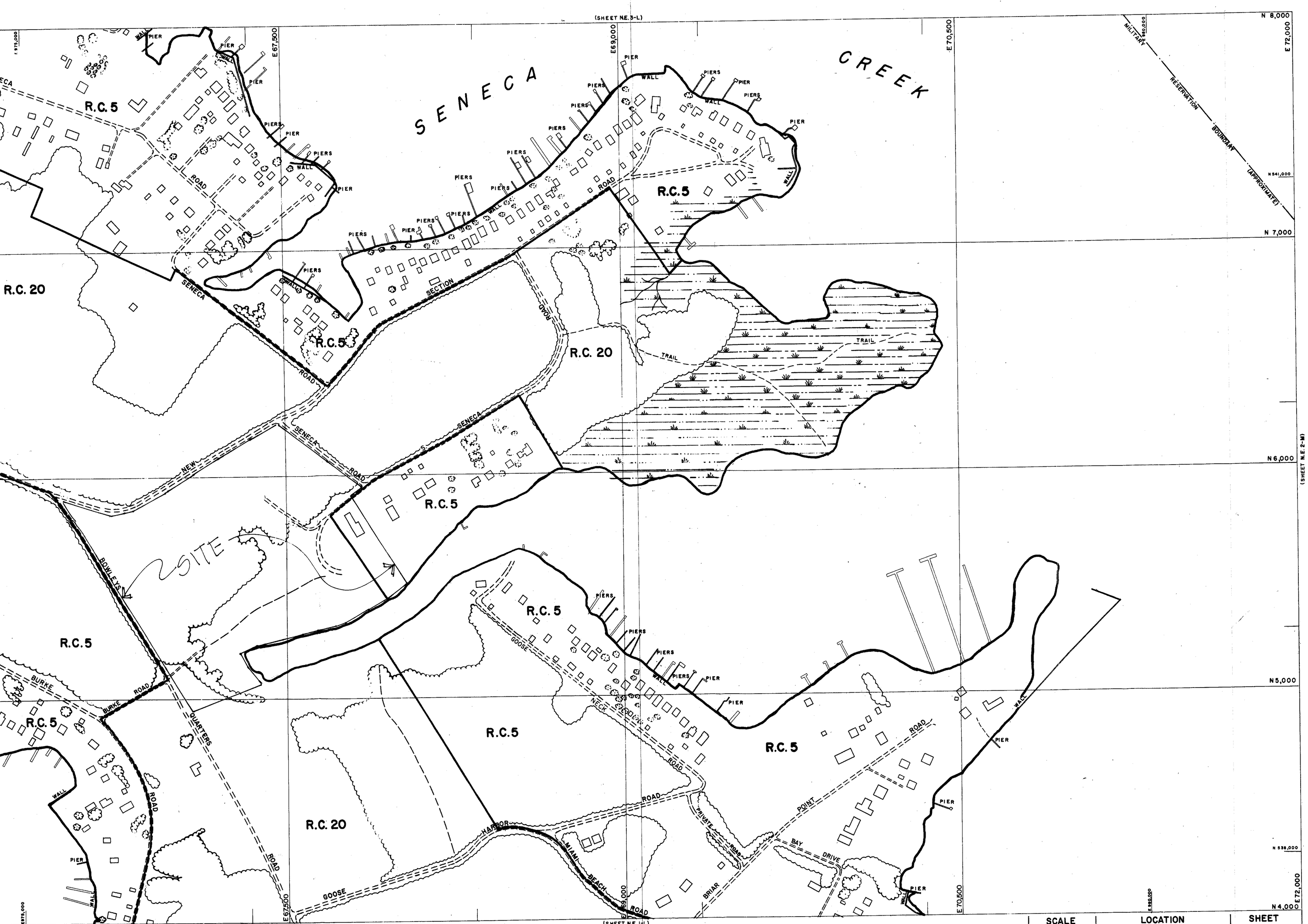
AGREEMENT

I have had the opportunity to meet with Rich Gale and to review the Site Plan for the Special Hearing and the new house. We believe it will be an asset to the community, support the environmental easement and the Special Hearing request.

NAME	ADDRESS
[illegible]	1323 S SENECA RD BALT, MD 21220
Lynda Sowers	1333 S. SENECA RD. BALTO. MD 21220
FREP POERFER	1343 S SENECA BALTIMORE MD 21220
Elizabeth Whetstone	1341 South Seneca Rd. Baltimore, MD 21220

Pet #2

Pt. of Beginning
23 House
232
233
#13
LOT 2
1.862 ac
50
35
New 35
Prop
BS
Zoning
AREA (See ESP PLAN)
EX. PAVING
STEWARD & GLADYS
HOWELL
15-20-199000
5161/152
Zoning
SITE PLAN
Scale : 1" = 50'



2006 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2006
Bills Nos. 87-06, 88-06, 89-06, 90-06, 91-06, 92-06, 93-06.

Joseph Bartenfelder
Chairman, County Council

S BEEN REVISED IN SELECTED AREAS.
' COMPILED BY PHOTOGRAMMETRIC METHODS
HORN, INC. BALTIMORE, MD. 21210

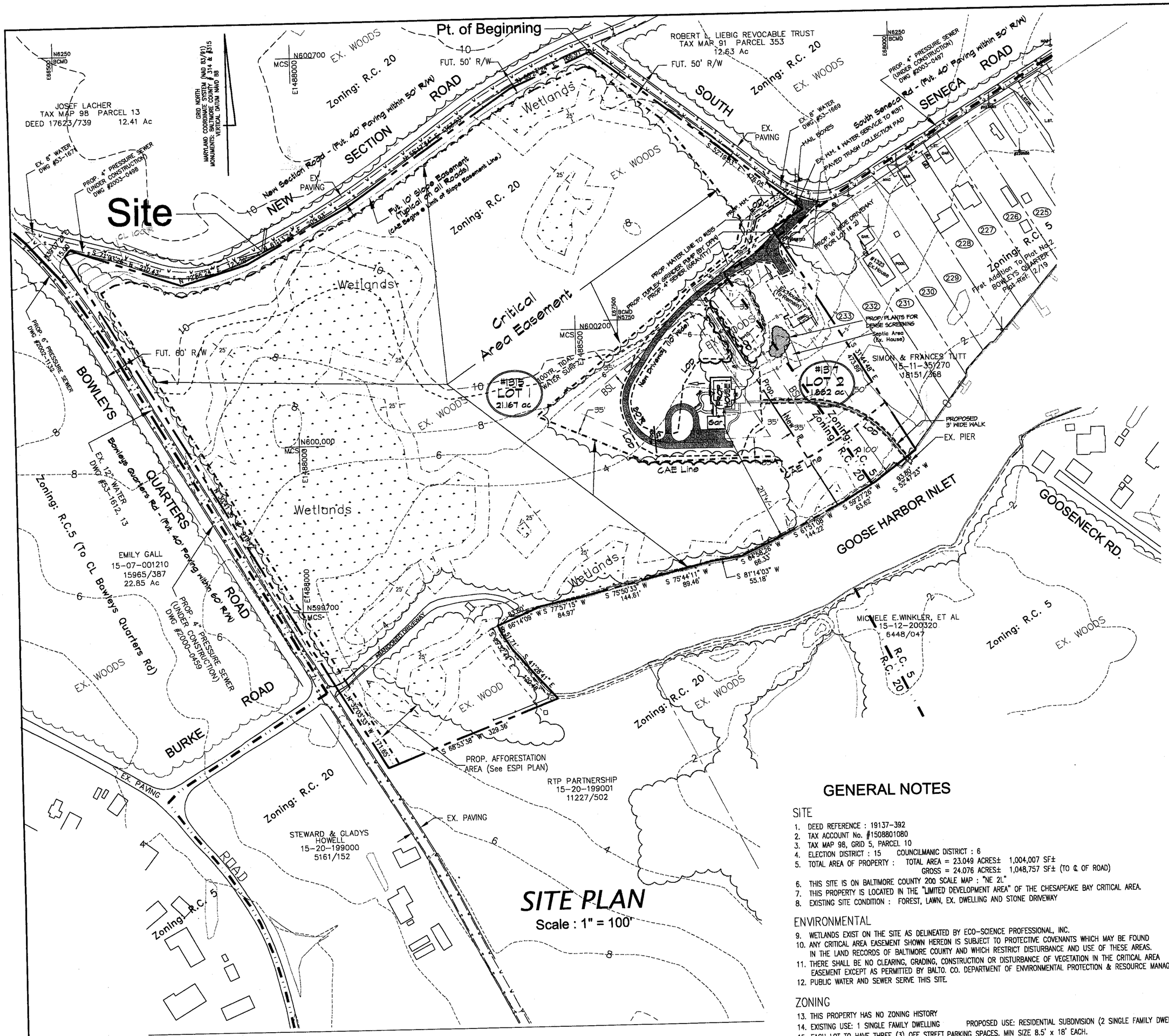
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	BOWLEYS QUARTERS	N.E. 2-L
DATE OF PHOTOGRAPHY JANUARY 1986		

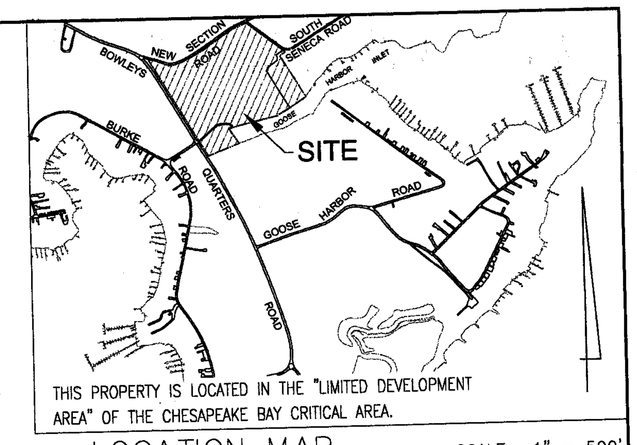
NE 2 L

098 C1

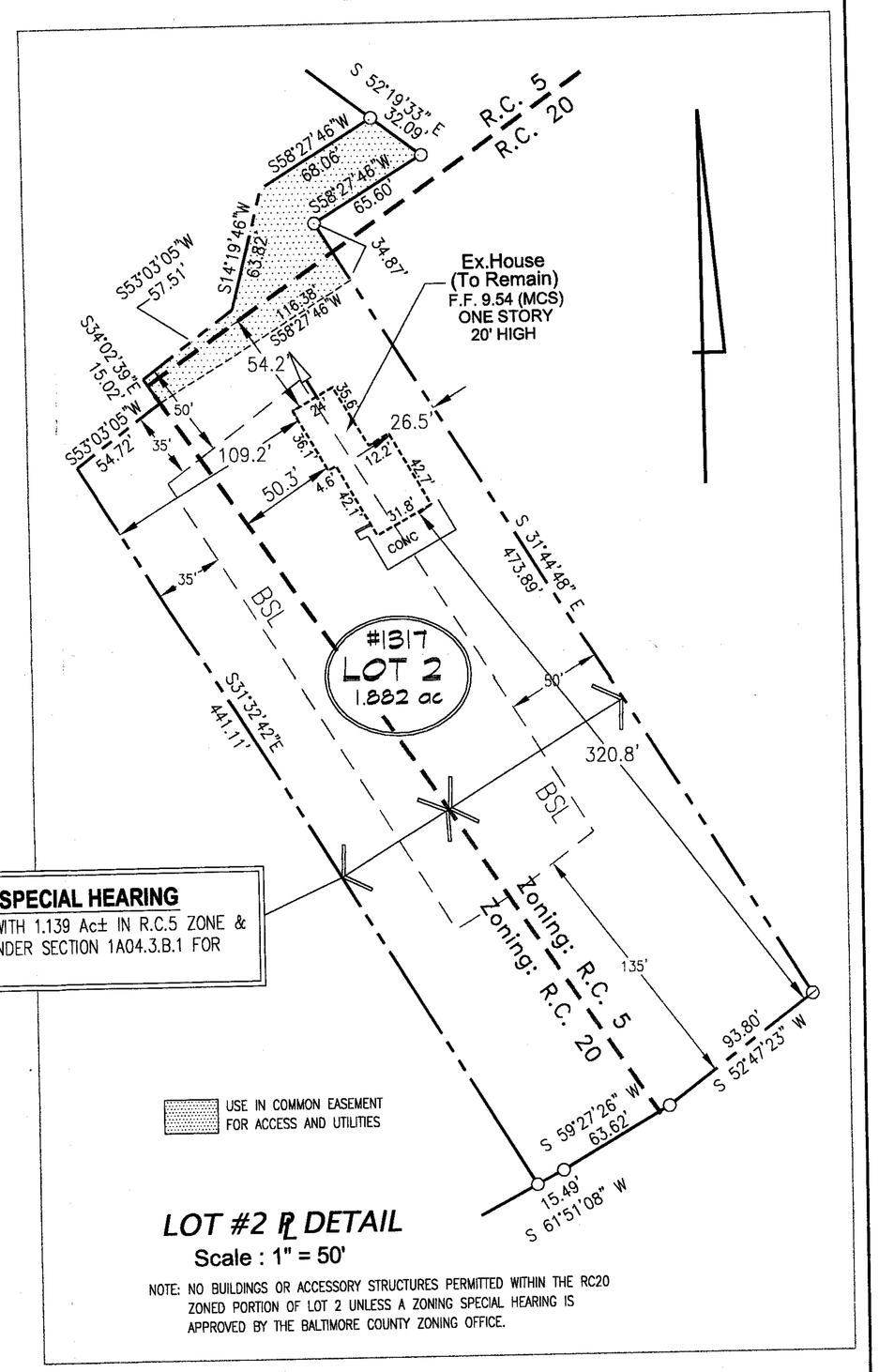
05-307-SPH



SITE PLAN
Scale : 1" = 100'



LOCATION MAP SCALE : 1" = 500'



LOT #2 ℞ DETAIL
Scale : 1" = 50'

NOTE: NO BUILDINGS OR ACCESSORY STRUCTURES PERMITTED WITHIN THE RC20 ZONED PORTION OF LOT 2 UNLESS A ZONING SPECIAL HEARING IS APPROVED BY THE BALTIMORE COUNTY ZONING OFFICE.

PETITION FOR ZONING SPECIAL HEARING
TO PERMIT A 1.882Ac± LOT (WITH 1.139 Ac± IN R.C.5 ZONE & 0.743Ac± IN R.C.20 ZONE.) UNDER SECTION 1A04.3.B.1 FOR A SINGLE LOT OF RECORD.

PETITION FOR ZONING SPECIAL HEARING
TO PERMIT A 1.882Ac± LOT (WITH 1.139 Ac± IN R.C.5 ZONE & 0.743Ac± IN R.C.20 ZONE.) UNDER SECTION 1A04.3.B.1 FOR A SINGLE LOT OF RECORD.

GENERAL NOTES

SITE
1. DEED REFERENCE : 19137-392
2. TAX ACCOUNT No. #1508801080
3. TAX MAP 98, GRID 5, PARCEL 10
4. ELECTION DISTRICT : 15 COUNCILMANIC DISTRICT : 6
5. TOTAL AREA OF PROPERTY : TOTAL AREA = 23.049 ACRES± 1,004,007 SF±
   GROSS = 24.076 ACRES± 1,048,757 SF± (TO ℄ OF ROAD)
6. THIS SITE IS ON BALTIMORE COUNTY 200 SCALE MAP : "NE 2L"
7. THIS PROPERTY IS LOCATED IN THE "LIMITED DEVELOPMENT AREA" OF THE CHESAPEAKE BAY CRITICAL AREA.
8. EXISTING SITE CONDITION : FOREST, LAWN, EX. DWELLING AND STONE DRIVEWAY

ENVIRONMENTAL
9. WETLANDS EXIST ON THE SITE AS DELINEATED BY ECO-SCIENCE PROFESSIONAL, INC.
10. ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
11. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CRITICAL AREA EASEMENT EXCEPT AS PERMITTED BY BALTO. CO. DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
12. PUBLIC WATER AND SEWER SERVE THIS SITE.

ZONING
13. THIS PROPERTY HAS NO ZONING HISTORY
14. EXISTING USE: 1 SINGLE FAMILY DWELLING PROPOSED USE: RESIDENTIAL SUBDIVISION (2 SINGLE FAMILY DWELLINGS)
15. EACH LOT TO HAVE THREE (3) OFF STREET PARKING SPACES. MIN SIZE 8.5' x 18' EACH.
16. THIS PROPERTY AS SHOWN HAS BEEN HELD INTACT SINCE JULY 25, 1956. (SEE DEED 2988/307) NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY TO SUPPORT ANY OTHER OFF-SITE DWELLING.
17. THE PROPERTY SHOWN HEREON IS SUBJECT ANY AND ALL AGREEMENT, EASEMENT, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.
18. FRONT OF DWELLING SYMBOL:—⊏—
19. MAX. HEIGHT OF PROPOSED HOUSE (35 FEET) FRONT - 2 STORY MIN. FLOOR ELEV. 9.5 (MARYLAND DATUM) (= ELEV. 11.2 BALTIMORE COUNTY DATUM)
20. PROPOSED CONSTRUCTION ON ALL LOTS WILL COMPLY WITH COUNTY FLOOD PLAIN REGULATIONS.
21. NO NEW PRIMARY BUILDING TO BE CONSTRUCTED IN R.C. 5 ZONE.
22. THIS PROPOSAL IS TO ADJUST THE LOT LINE WITHIN THE R.C. 20 ZONE TO AUGMENT THE EXISTING LOT OF RECORD.

LEGEND
- 4 — EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY LINE
- PROPOSED PAVING
- S — S — PROP. ON-SITE SEWER GRAVITY LINE
- LOD — LIMIT OF DISTURBANCE (LOD)
- BSL — BUILDING SETBACK LINE

Minimum Building Setback Reqm't. (RC 5 & RC 20)

	RC 5	RC 20
Front : (℄ Street)	75ft	75ft
Side :	50ft	35ft
Rear :	50ft	35ft
Max. Building(s) Size :	15%	–
Min. Size Lot :	1.50 Acre	*

* AS REQUIRED BY DEPRM REGULATIONS.

OWNER / PETITIONER :
RICHARD J. GALE, JR
KAREN L. GALE
1317 SENECA ROAD
BALTIMORE, MD. 21220-4035
(410) 238-0000

CONSULTING ECOLOGIST:
ECO-SCIENCE PROFESSIONAL, INC
P.O. BOX 5006
GLEN ARMS, MD. 21057
(410) - 592-6752

STATE OF MARYLAND — ROBIN ALONZO CHILDRESS — No. 10237 — REGISTERED PROFESSIONAL ENGINEER
SEAL: ENGINEER

MARYLAND COORDINATE SYSTEM (MCS)
Minor Subdivision No. 04-111M

DATE	REVISION DESCRIPTION	BY

Plan to Accompany Petition for a Zoning Special Hearing for RICHARD JR. & KAREN GALE PROPERTY
1317 South Seneca Road

BALTIMORE COUNTY DISTRICT 15 C6 MARYLAND
SCALE: 1" = 100 ft. DATE: 12/17/04

ENGINEER:
R. A. CHILDRESS & ASSOC. INC.
713 PHEASANT DRIVE
FOREST HILL, MD. 21050
(410) 803-0304

SURVEYOR:
THOMPSON & McCORD ASSOC., LLC
402 N. HICKORY AVENUE, SUITE B
BEL AIR, MD 21014
(410)-803-0696

DWG. NO. ZP-1
SHEET 1 OF 1

Pet Ex #7