

IN RE: PETITION FOR VARIANCE
N/S Chestnut Road, 896'E of the c/l
Bowleys Quarters Road
(3734 Chestnut Road)
15th Election District
6th Council District

Ken Searce and Pattie McLane
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-362-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Ken Searce and Pattie McLane. The Petitioners request variance relief from Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling (Isabel damage) with a side yard setback of 6 feet and a front yard setback of 30 feet, both in lieu of the required 50 feet, and a building height of 40 feet in lieu of the maximum allowed 35 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Ken Searce and Pattie McLane, property owners. Also appearing was Buck Jones, Builder. Appearing as Protestants/interested citizens were Christine and Wade Wisnom and Earl and Betty Mitchell, adjacent property owners on either side of the subject property.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront parcel located with frontage on Seneca Creek just north of Bowleys Quarters Road in eastern Baltimore County. The property is also known as Lot 102 of Bowleys Quarters, an older subdivision that was recorded in the Land Records in 1921, well prior to the adoption of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and width requirements. The subject lot is approximately 50 feet wide and 388 feet deep, and contains a gross area of 20,625 sq.ft., zoned R.C.5. The R.C.5

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Date

By

3/18/15

gop

zoning classification requires minimum setbacks of 50 feet from any property line and a minimum lot area of 1½ acres. Thus, it is clear that the subject property is undersized and cannot meet today's development standards.

The Petitioners recently purchased the property and are desirous of redeveloping the site with a new single-family dwelling. In this regard, testimony indicated that the property was previously improved with a dwelling, which was built in 1949; however, this home and several others in the community were destroyed as a result of Hurricane Isabel in September 2003. Thus, the Petitioners propose redeveloping the site with a new single-family dwelling in essentially the same footprint. While the previously existing home has since been razed, its dimension, orientation and location on the property can be established from reviewing Petitioners' Exhibit 3. It was indicated that the original structure was 36 feet wide and provided setbacks of approximately 4 feet on one side (west) and 8½ feet on the other (east). It was indicated that the new house will be a two-story structure, 38 feet by 45 feet in dimension, with a height of 40 feet, and will provide 6-foot side yard setbacks on each side. Additionally, the house will maintain similar side and rear setbacks as other homes in the neighborhood and will be located 30 feet from the closest front property line (bulkhead) as opposed to 30 feet from the water's edge. Relief is requested as set forth above due to the narrow width and small area of the lot. Moreover, the Petitioners propose a height of 40 feet in lieu of the maximum 35 feet allowed to meet the elevation requirements mandated by Federal Flood Insurance regulations. Aside from meeting these requirements, the Petitioners indicated that the family needs storage space and will use the attic for this purpose.

As noted above, the adjacent property owners appeared and expressed concern over the proposed development. While they have no objections to the height variance, Mr. & Mrs. Mitchell, who reside to the east at 3736 Chestnut Road, testified that they encountered substantial water runoff and drainage problems following the recent reconstruction of a home at 3738 Chestnut Road. Evidently the property owners/builder filled in the area prior to construction, raising that property's elevation by several feet, which caused unwanted water runoff to be diverted to the Mitchell property. Despite repeated complaints to County officials, the Mitchells

ORDER RECEIVED FOR FILING
Date 3/18/05
By [Signature]

problems continue unabated. The Wisnoms, who reside to the west of the subject property at 3730 Chestnut Road, wanted to make certain that an open space area of at least 16 feet be maintained between the proposed dwelling and the front of their home.

In response to the concerns raised by these neighbors, Mr. Jones testified that he would not raise the current ground elevation and explained that he would address water runoff and drainage problems by constructing drainage swales between the properties to carry water away. Additionally, he offered to work in concert with the Mitchells' contractor to provide better landscaping and a swale area between the properties, stating that it would be better to use a 12-foot wide area than the 6-foot area being provided on the subject property. Mr. Jones then addressed the issues of distances between the Wisnoms' existing home and the proposed structure, assuring that a 16-foot distance would be maintained between the two. In view of the representations made at the hearing by Mr. Jones, the neighbors were satisfied that a grant of the requested relief would not adversely impact them or the value of their property.

After due consideration of the testimony and evidence presented, I find that the Petitioners have met the requirements of Section 307 for relief to be granted. Given the narrow width of the property (50 feet) and the fact that a dwelling has existed in essentially the same footprint on the property for many years, it is clear that a practical difficulty and unreasonable hardship would result if variance relief were denied. In my judgment, the Petitioners' request is not inconsistent with the character and nature of current development in the community.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the Office of Planning has requested certain conditions be imposed to insure compliance with the R.C.5 zoning regulations. Therefore, as a condition to the relief granted, the Petitioners shall be required to comply with those recommendations. Moreover, due to the property's waterfront location and its location within a floodplain, the Petitioners shall comply with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division of the Department of Permits and Development Management.

ORDER RECEIVED FOR FILING

Date

3/18/05

By

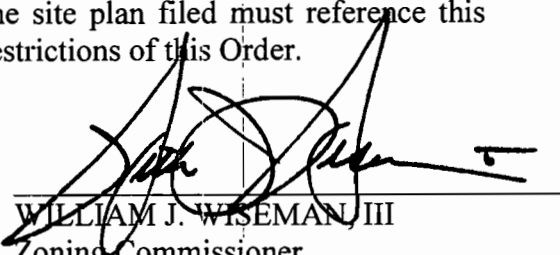
RJP

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of March 2005 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling (Isabel damage) with a side yard setback of 6 feet and a front yard setback of 30 feet, both in lieu of the required 50 feet, and a building height of 40 feet in lieu of the maximum allowed 35 feet, in accordance with Petitioner's Exhibit 1, 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, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure compatibility in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3/18/05
By [Signature]

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

March 18, 2005

Mr. Ken Searce
Ms. Pattie McLane
6403 Blenheim Road
Baltimore, Maryland 21212

RE: PETITION FOR VARIANCE
N/S Chestnut Road, 896' E of the c/l Bowleys Quarters Road
(3734 Chestnut Road)
15th Election District – 6th Council District
Ken Searce & Pattie McLane - Petitioners
Case No. 05-362-A

Dear Mr. Searce & Ms. McLane:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Buck Jones, 500 Vogts Road, Baltimore, Md. 21221
Mr. & Mrs. Wade Wisnom, 3730 Chestnut Road, Baltimore, Md. 21220
Mr. & Mrs. Earl Mitchell, 3736 Chestnut Road, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; Office of Planning
People's Counsel; Case File

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



Petition for Variance

to the Zoning Commissioner of Baltimore County
For the property located at 3734 CHESTNUT ROAD
Which is presently zoned RC - 5

This petition shall be filled 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).

(PETER) 1A04.3A. + To permit a dwelling with 6' side setbacks, 30' front setback and a height of 40' in lieu of the required 50',
1A04.3B.2.b. 50' and 35' respectively.

Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) THIS PROPERTY HAS BEEN A LOT OF RECORD FOR OVER 80 YEARS. THE ORIGINAL STRUCTURE WAS BUILT OVER 50 YEARS AGO AND WAS DESTROYED DURING HURRICANE ISABELL. DUE TO THE WIDTH OF THE LOT AND THE EXISTING ZONING COMPLIANCE WITH EXISTING ZONING REGULATIONS WOULD UNREASONBLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE. THIS WOULD CAUSE THE APPLICANT NOT TO BE ABLE TO SECURE A REASONABLE RETURN OF HIS PROPERTY. THE HARDSHIP IS NOT THE RESULT OF APPLICANTS OWN ACTION. RELIEF REQUESTED WOULD BE IN STRICT HARMONY WITH THE SPIRIT AND INTENT OF THE ZONING REGULATIONS.

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

I, or we, agree to pay expenses of above variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser/Lessee:

Name - Type of Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type of Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s)

KEN SCEARCE

Name-Type or Print

Ken Searce

Signature

PATTY MCLANE

Name-Type or Print

Patty McLane

Signature

3734 CHESTNUT RD.

Address

Telephone No.

BALTO. MD

21220

City

State

Zip code

Representative to be contacted:

BUCK JONES

Name

500 VOGTS LANE

Address

Telephone No.

BALTIMORE

MD

21221

City

State

Zip code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

RECEIVED BY D.T.

DATE 1/19/05

Case No.

05-362-A

ORDER RECEIVED FOR FILING

Date 3/13/15

By [Signature]

ZONING DESCRIPTION 3734 CHESTNUT ROAD

**ZONING DESCRIPTION FOR 3734 CHESTNUT ROAD BEGINNING AT A POINT
ON THE NORTH SIDE OF CHESTNUT ROAD WHICH IS 30' WIDE AT THE
DISTANCE OF 896' EAST OF THE CENTERLINE OF THE NEAREST IMPROVED
INTERSECTING STREET BOWLEYS QUARTERS ROAD WHICH IS 40' WIDE.**

*** BEING LOT # 102, IN THE SUBDIVISION OF BOWLEYS QUARTERS AS
RECORDED IN BALTIMORE COUNTY PLAT BOOK # 7, FOLIO # 13,
CONTAINING 20,625 / .473. ALSO KNOWN AS 3734 CHESTNUT ROAD AND
LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.**

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 1/19/05 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM: FREE-STATE GENERAL CONTRACTORS

FOR: ITEM # 362 05-362-A

2124 CHESTNUT RD IN D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

No. 641311

PAID RECEIPT

BUSINESS DATE TIME
1/20/2005 1/19/2005 14:15(3)
CASHIER NAME
RECEIPT # 328791 1/19/2005
amt 5 528 AMOUNT VERIFICATION
R NO. 001311
Receipt Tot \$65.00
\$65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #05-362-A

3734 Chestnut Road

N/side of Chestnut Road, 896 feet east of centerline of Bowleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Ken Searce & Patty McLane

Variance: to permit a dwelling with a 6 foot side setbacks, 30 foot front setback and a height of 40 feet in lieu of the required 50 feet, 50 feet and 35 feet respectively.

Hearing: Tuesday, March 8, 2005 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 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.

JT 2/744 Feb. 22

40300

CERTIFICATE OF PUBLICATION

2/24, 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 2/22, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date February 21, 2005

RE: Case Number 05-362-A

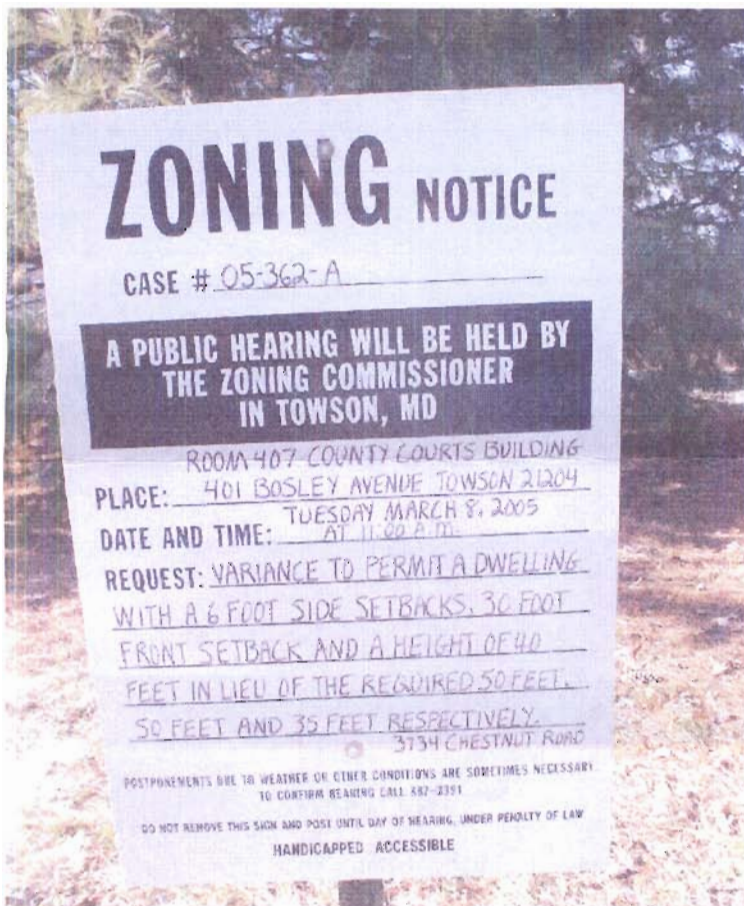
Petitioner/Developer KEN SCEARCE/PATTY McLANE/BUCK JONES

Date of (Hearing) Closing MARCH 8, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3734 CHESTNUT ROAD

The sign(s) were posted on

February 19, 2005



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

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

January 31, 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: 05-362-A

3734 Chestnut Road
N/side of Chestnut Road, 896 feet east of centerline of Bowleys Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Ken Searce & Patty McLane

Variance to permit a dwelling with a 6 foot side setbacks, 30 foot front setback and a height of 40 feet in lieu of the required 50 feet, 50 feet and 35 feet respectively.

Hearing: Tuesday, March 8, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Ken Searce, Patty McLane, 3734 Chestnut Rd., Baltimore 21220
Buck Jones, 500 Vogt Ln., Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 21, 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
Tuesday, February 22, 2005 Issue - Jeffersonian

Please forward billing to:

Buck Jones
500 Vogts Lane
Baltimore, MD 21221

410-574-9337

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: 05-362-A

3734 Chestnut Road

N/side of Chestnut Road, 896 feet east of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Ken Searce & Patty McLane

Variance to permit a dwelling with a 6 foot side setbacks, 30 foot front setback and a height of 40 feet in lieu of the required 50 feet, 50 feet and 35 feet respectively.

Hearing: Tuesday, March 8, 2005 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 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: 05-362-A
Petitioner: KEN SCEARCE / PATTY MCLAINE
Address or Location: 3734 CHESTNUT RD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: BUCK JONES
Address: 500 VOGTS LANE
BALT. MD. 21221
Telephone Number: 410-574-9337

Revised 2/20/98 - SCJ

**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

March 2, 2005

Ken Searce
Patty McLane
3734 Chestnut Road
Baltimore, Maryland 21220

Dear Mr. Searce and Ms. McLane:

RE: Case Number:05-362-A, 3734 Chestnut Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
Buck Jones 500 Vogts Lane Baltimore Maryland 21221

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 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 226,360-³⁶²364,366-367

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
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: 1.25.05

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

RE: Baltimore County
Item No. 362 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
Engineering Access Permits Division

bw
3/8

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr. ^{5th}
DATE: February 11, 2005
SUBJECT: Zoning Item # 05-362
Address 3734 Chestnut Road

RECEIVED

FEB 16 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of January 31, 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:

Property is located in a limited Development Area (LDA) of the CBCA and must comply with LDA regulations, specifically:

- 1.) Property must maintain 100' Critical Area Buffer (front yard setback) or as close as former dwelling (if less than 100');
- 2.) Maximum of 25% impervious surface or up to 31.25% with mitigation;
- 3.) Minimum of 15% tree cover (6 trees for a lot of this size).

Reviewer: Martha Stauss

Date: February 15, 2005

ORDER RECEIVED FOR FILING

Date

By

3/18/05
[Signature]

BW
3/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 10, 2005

RECEIVED

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

FEB 14 2005

ZONING COMMISSIONER

SUBJECT: 3734 Chestnut Road

INFORMATION:

Item Number: 5-362

Petitioner: Ken Searce

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a single-family detached dwelling on an undersized lot. However, it is incumbent upon the petitioner to demonstrate to the Zoning Commissioner, proof that the previous dwelling was constructed 6 feet from each side property line. Further, the height variance is recommended for approval provided the first floor is uninhabitable to comply with floodplain regulations.

In addition, the subject property is an existing lot of record. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

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. Orient the front of the proposed dwelling towards Chestnut Road and incorporate prominent entries and porches or stoops in the front building façade.

3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Ensure that exterior of all buildings use the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
6. 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.

Prepared By: Mart-A Cunniff

Division Chief: [Signature]

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 7, 2005
Item No. 362

DATE: February 9, 2005

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

The flood protection elevation for this site is 11.2 feet (MCS).

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) or residential development.

The Building Engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent flotation collapse.

A minimum 40 feet right-of-way for Chestnut Road shall be shown and the requested variances shall be modified accordingly.

RWB:CEN:cp

cc: File

ZAC-02072005-COMMENT ITEM 362-02092005.doc

ORDER RECEIVED FOR FILING

Date

By

RE: PETITION FOR VARIANCE * BEFORE THE
3734 Chestnut Road; N/side Chestnut Road, *
896' E c/line Bowleys Quarters Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Ken Searce & Patty McLane* FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-362-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 and all documentation filed in the case.

RECEIVED

JAN 31 2005

Per.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Earl & Betty Mitchell
3736 Chestnut Rd
Baltimore MD 21220
410-882-7362

February 22, 2005

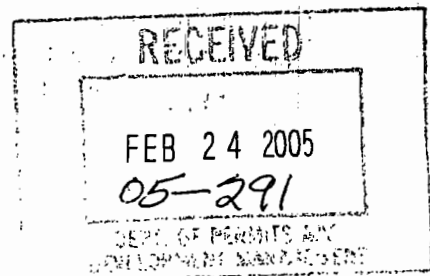
Mr. Tim Kotroco
P.D.M.
111 W. Chesapeake Ave
Room 111
Towson MD. 21204

Mr. Kotroco,

Earl and I want to protest the variance our neighbors have posted at 3734 Chestnut Rd, case # 05-362-A. We only expect that they have to build the new house on the same footprint as the old house. We don't want any changes to the front or sides setbacks. We will be at the hearing on March 8, 2005 to do what we can to save our view.

Sincerely

Earl & Betty Mitchell





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Account Identifier: District - 15 Account Number - 1526000620

Owner Information

Owner Name: MCLANE MARY H **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 3734 CHESTNUT RD **Deed Reference:** 1) /21136/ 449
 BALTIMORE MD 21220-4015 2)

Location & Structure Information

Premises Address
 3734 CHESTNUT RD

Legal Description

3734 CHESTNUT RD
 BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
91	22	150		WATERFRONT			102	82	Plat Ref:	2 7/ 13

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	2,754 SF	20,625.00 SF	34
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	113,900	139,150		
Improvements:	10	10		
Total:	113,910	139,160	130,742	139,160
Preferential Land:	0	0	0	0

Transfer Information

Seller: BOX MATHEW J	Date: 12/15/2004 ✓	Price: \$370,000
Type: IMPROVED ARMS-LENGTH	Deed1: /21136/ 449	Deed2:
Seller: SPARKS DYAN L	Date: 10/29/1997	Price: \$180,000
Type: IMPROVED ARMS-LENGTH	Deed1: /12465/ 501	Deed2:
Seller: ZANDER DIANE L	Date: 03/02/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6674/ 531	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1512590130

Owner Information

Owner Name: MITCHELL EARL L
MITCHELL BETTY SUE Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3736 CHESTNUT RD
BALTIMORE MD 21220-4015 Deed Reference: 1) /10440/ 484
2)

Location & Structure Information

Premises Address
3736 CHESTNUT RD

Legal Description

3736 CHESTNUT RD NS
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
91	22	150		WATERFRONT			103	82		7/ 13

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,750 SF	20,000.00 SF	34
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	108,250	119,420		
Improvements:	10	10		
Total:	108,260	119,430	115,706	119,430
Preferential Land:	0	0	0	0

Transfer Information

Seller: LONG JESSE A	Date: 04/01/1994	Price: \$130,000
Type: NOT ARMS-LENGTH	Deed1: /10440/ 484	Deed2:
Seller: LONG CONRAD	Date: 03/12/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 2363/ 507	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

CASE NAME _____
CASE NUMBER 05-362 A
DATE _____

CASE NAME _____
CASE NUMBER 05-362 A
DATE _____

[illegible]

Case No.:

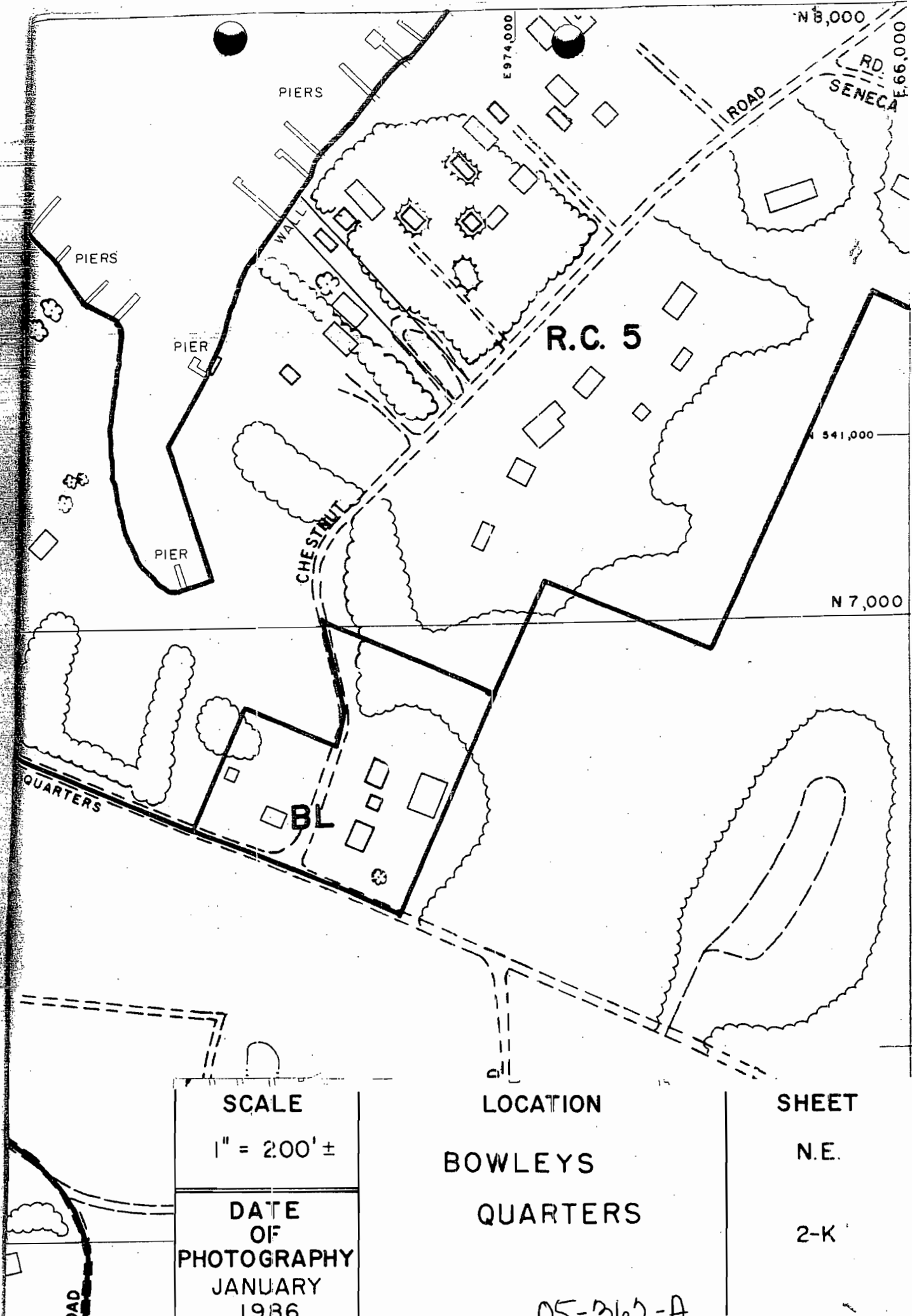
05-362 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	LOT OF RECORD BOWLEYS QUARTER	
No. 3	TOPOGRAPHY MAP ELEVATIONS	
No. 4	LOCATION MAP	
No. 5	SEWER PLAT DENOTES LOCATION OF DAMAGED & RAISED HOME; SETBACKS	
No. 6	CRITICAL BAY REQUIREMENTS SITE PLAN DENOTING SWALES FOR H ₂ O RUNOFF	
No. 7	BUILDING ELEVATION DRAWINGS	
No. 8	PHOTOS OF PROPERTY AND NEIGHBORING HOMES	
No. 9		
No. 10		
No. 11		
No. 12		



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1936

LOCATION

BOWLEYS
QUARTERS

SHEET

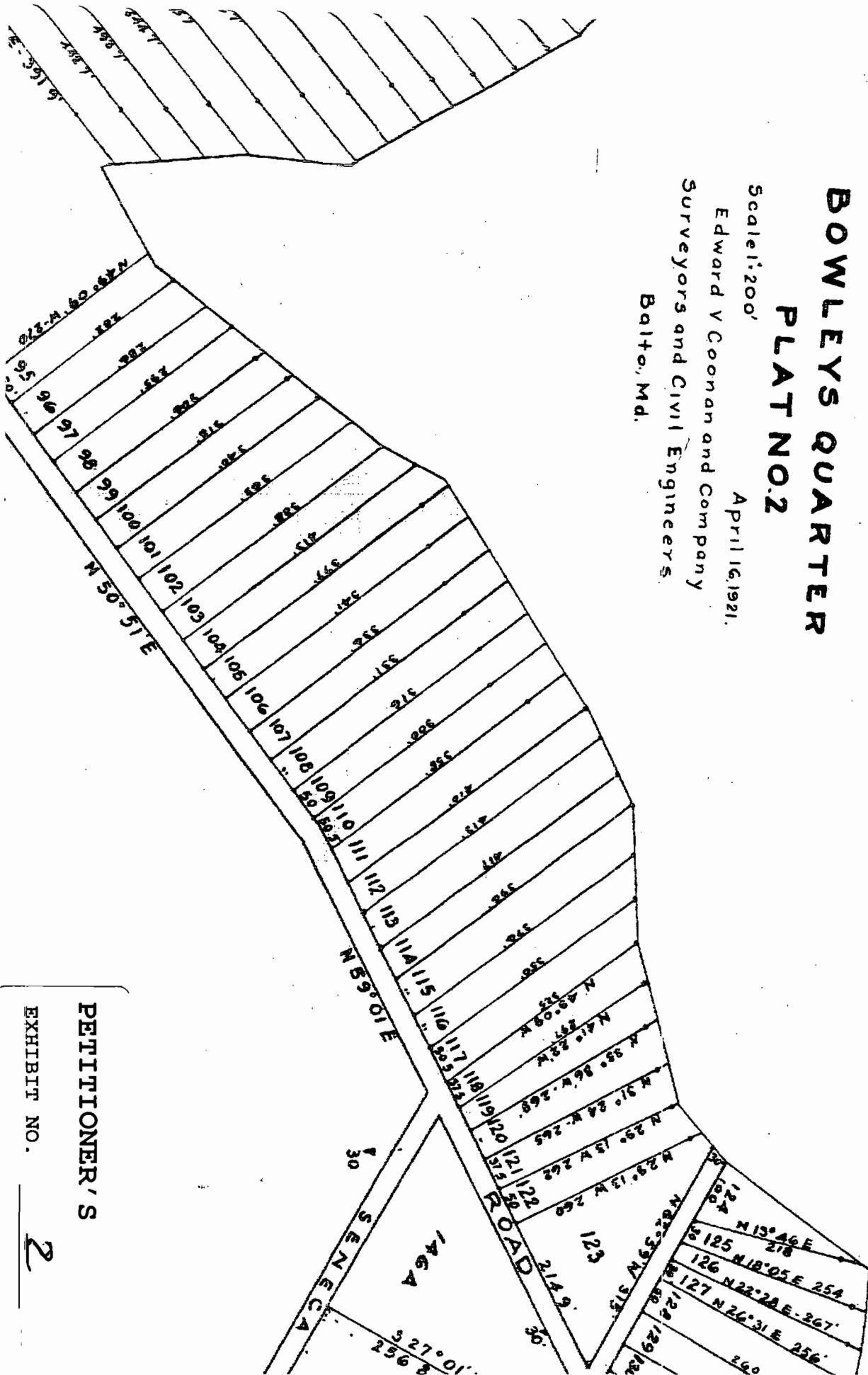
N.E.

2-K

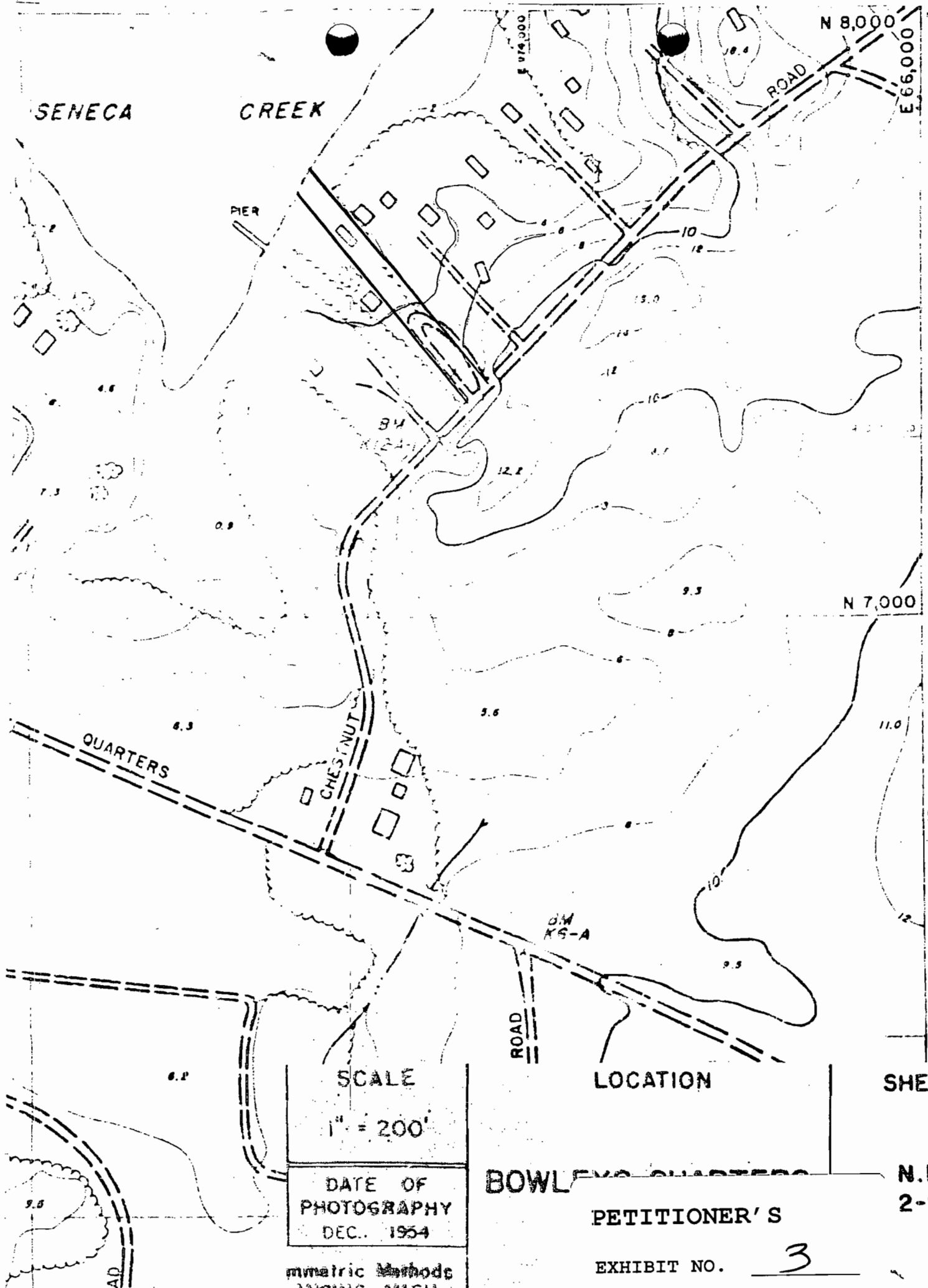
05-2167-A

BOWLEYS QUARTER PLAT NO. 2

Scale: 1"=200'
April 16, 1921.
Edward V Coonan and Company
Surveyors and Civil Engineers
Baltimore, Md.



PETITIONER'S
EXHIBIT NO. 2



SENECA

CREEK

PIER

ROAD

N 8,000
E 66,000

N 7,000

QUARTERS

CHESTNUT

DM
KS-A

ROAD

SCALE

1" = 200'

DATE OF
PHOTOGRAPHY
DEC. 1954

LOCATION

SHEET

BOWLERS QUARTERS

N.E.
2-K

PETITIONER'S

EXHIBIT NO. 3

mmatic Methods
AMERICAN AIRCRAFT

PETITIONER'S

EXHIBIT NO.

4





PETITIONER'S

EXHIBIT NO. 5

SECTION VIEW

GRINDER PUMP TO GRAVITY SEWER CONNECTION
NOT TO SCALE

CONTRACT NO.	03145-SX0
JOB ORDER NO.	1-85-12
SHEET 7 OF	
DWG. NO.	2003-0493
FILE	

SCALE	BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION
PLAN: 1"=50'	CHESTNUT- GOOSE HARBOR SEWERAGE SYSTEM
PROFILE HOR. 1"=50'	CHESTNUT ROAD
VERT. 1"=5'	SUBDIVISION BOWLEY'S QUARTERS
	EL. DISTRICT NO. 15 C 5



STANDING ON PROPERTY NEAR REAR DOOR LOCATION LOOKING NORTH/WEST
AT SENECA RIVER.

PETITIONER'S

EXHIBIT NO.

8



STANDING ON FRONT OF PROPERTY LOOKING NORTH/WEST OVER THE SENECA CREEK.



STANDING ON PROPERTY LOOKING NORTH WEST AT NEIGHBOR'S PROPERTY.



STANDING NEAR CHESTNUT ROAD LOOKING NORTH AT NEIGHBOR'S PROPERTY.



STANDING NEAR CHESTNUT ROAD ON SOUTH CORNER LOOKING NORTH/WEST
AT PROPOSED PROPERTY.



STANDING NEAR PROPOSED REAR DOOR LOOKING SOUTH.



STANDING ON PROPERTY NEAR REAR DOOR LOCATION LOOKING SOUTH/EAST
AT CHESTNUT ROAD.



STANDING ON PEIR LOOKING SOUTH/EAST OUT TO CHESTNUT ROAD.

STANDING ON FRONT OF PROPERTY LOOKING NORTHWEST OVER THE SENECA CREEK

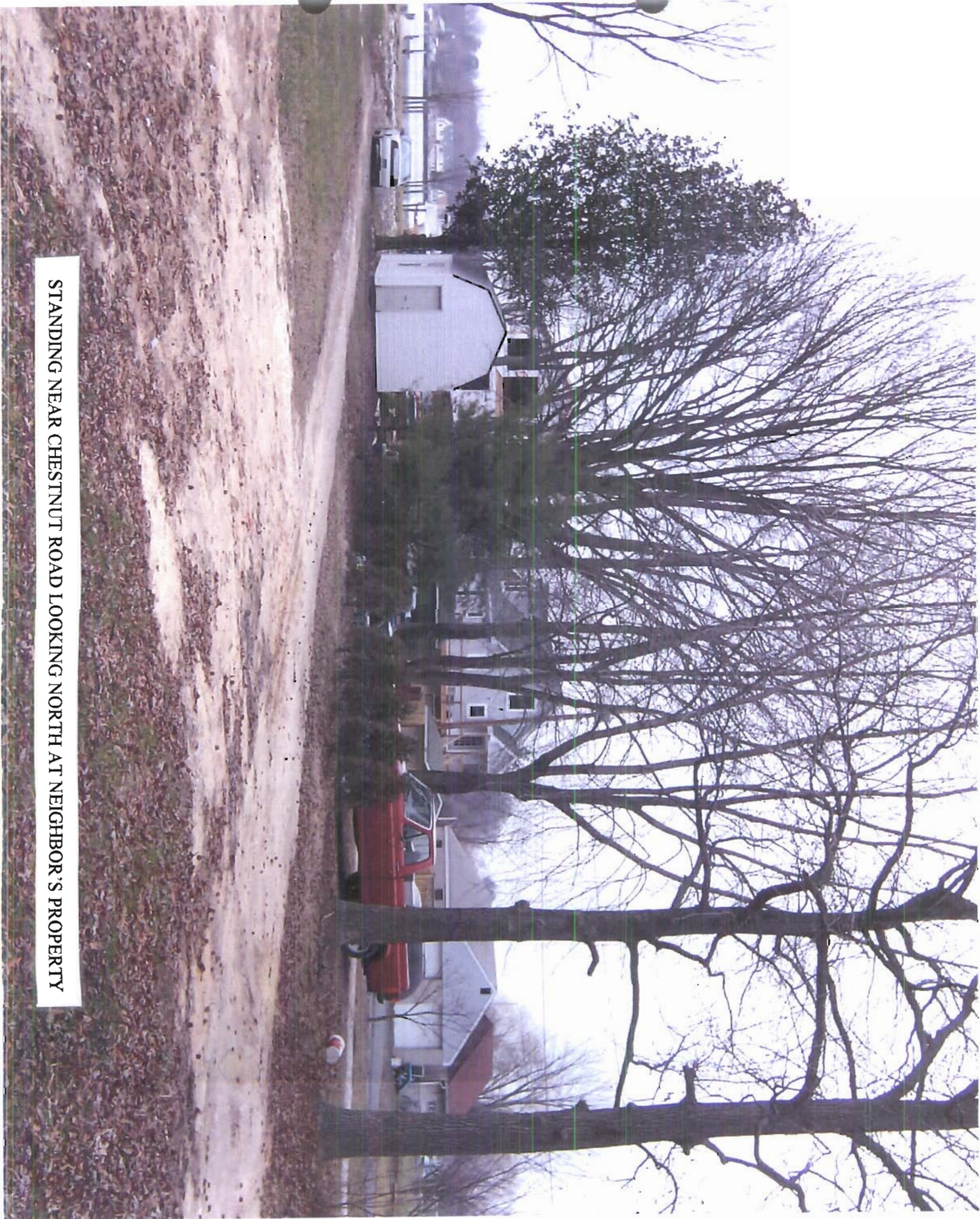


05-362-4



STANDING NEAR CHESTNUT ROAD ON SOUTH CORNER LOOKING NORTH / WEST AT PROPOSED PROPERTY

05-362-A



STANDING NEAR CHESTNUT ROAD LOOKING NORTH AT NEIGHBOR'S PROPERTY

05-3604



STANDING ON PROPERTY LOOKING NORTH / WEST AT NEIGHBOR'S PROPERTY

05-262-A



STANDING ON PROPERTY NEAR REAR DOOR LOCATION LOOKING NORTH / WEST AT THE SENECA RIVER

05-362-A



STANDING ON PROPERTY NEAR LOCATION OF REAR DOOR, LOOKING SOUTH / EAST AT CHESTNUT ROAD

05-342-A



STANDING NEAR PROPOSED REAR DOOR LOOKING SOUTH

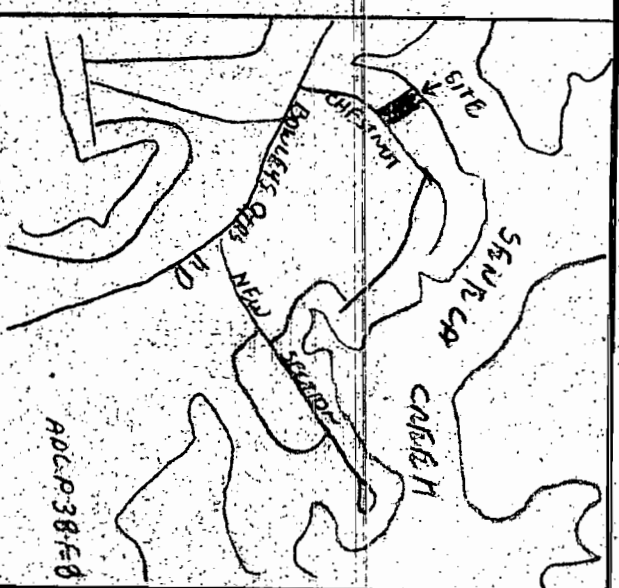
05-362-A



STANDING ON PEIR LOOKING SOUTH / EAST OUT TO CHESTNUT ROAD

05-362-A

PLAT TO ACCOMPANY PETITION FOR
ZONING ☒ VARIANCE
PROPERTY ADDRESS 3734 CHESTNUT RD
SUBDIVISION NAME BOWLEYS QUARTER
PLAT BOOK # 7 FOLIO # 13 LOT # 101
OWNER KEN SCERCE & PATTY MCCLANE

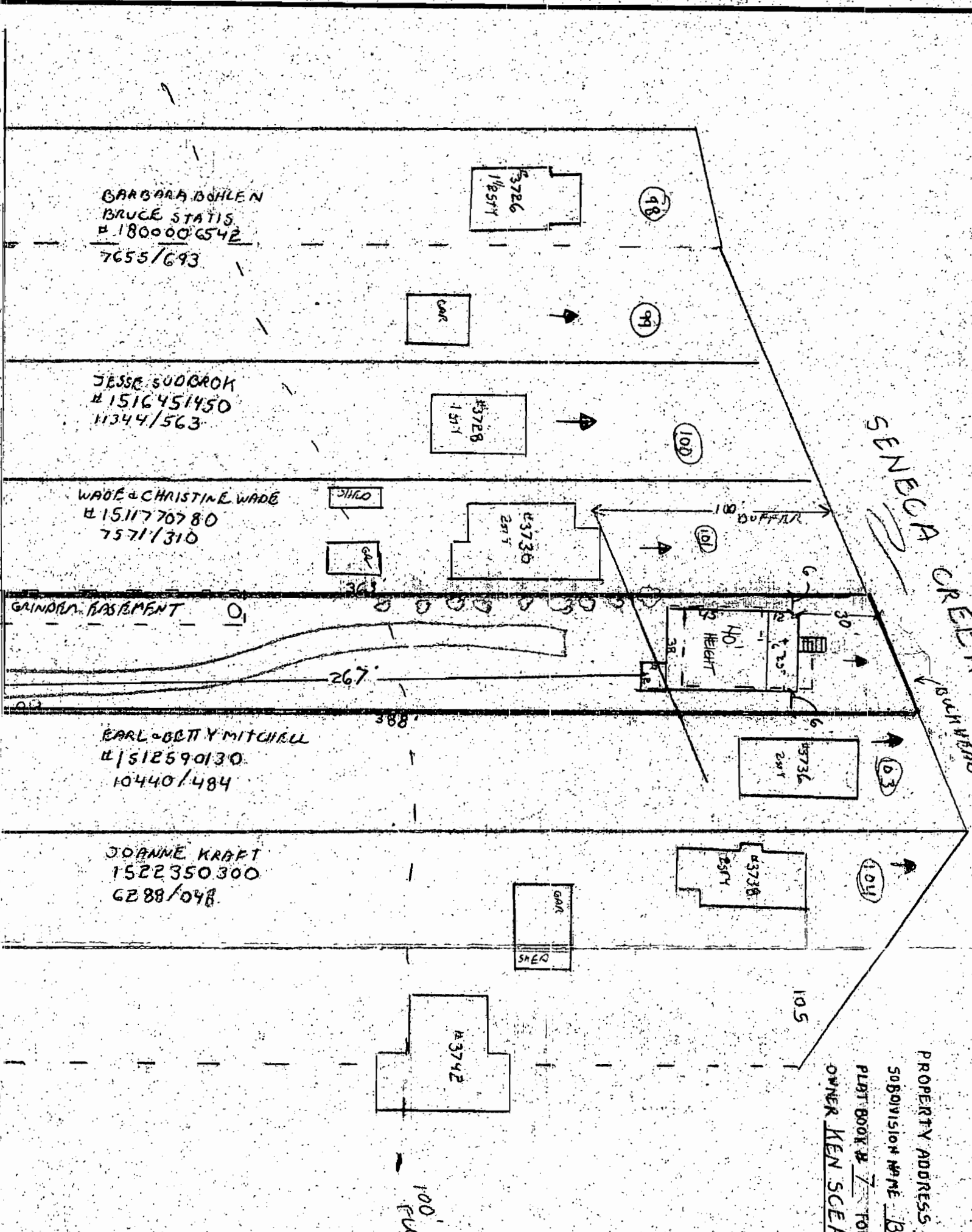


LOCATION INFORMATION
ELECTION DISTRICT - 15
COUNCILMANIC DISTRICT - C
1"=200' SCALE MAP # N.E.-2-K
ZONING: RC5
LOT SIZE .473 ACRES 20,625 SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO
100-YEAR FLOOD PLAIN ☒ YES ☐ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING ☐ YES ☒ NO
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CRSE #
DT. 3/02 05-20-04

SCALE: 1"=50'
DATE: 12-29-04
DRAWN BY: BOB JONES
REVISED:

PETITIONER'S
EXHIBIT NO. 1



CHESTNUT ROAD 30' RW - 20' PAVED



RIGHT SIDE



LEFT SIDE

FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'

DATE 12-22-04

SCEARCE - MCLAINE RESIDENCE

ELEVATIONS

DRAWN BY
SKIP STORM

PAGE # 4



FRONT



REAR

FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'

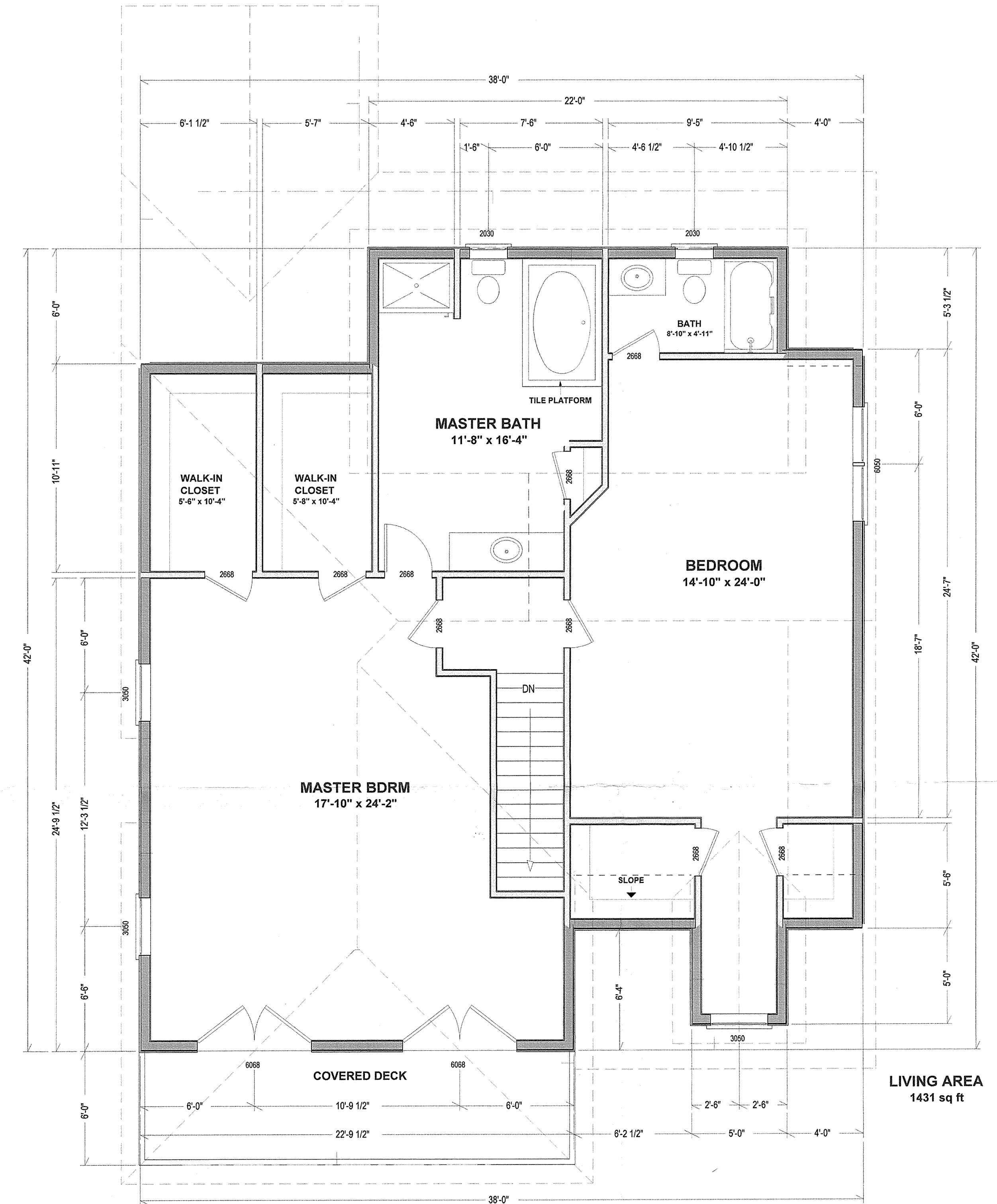
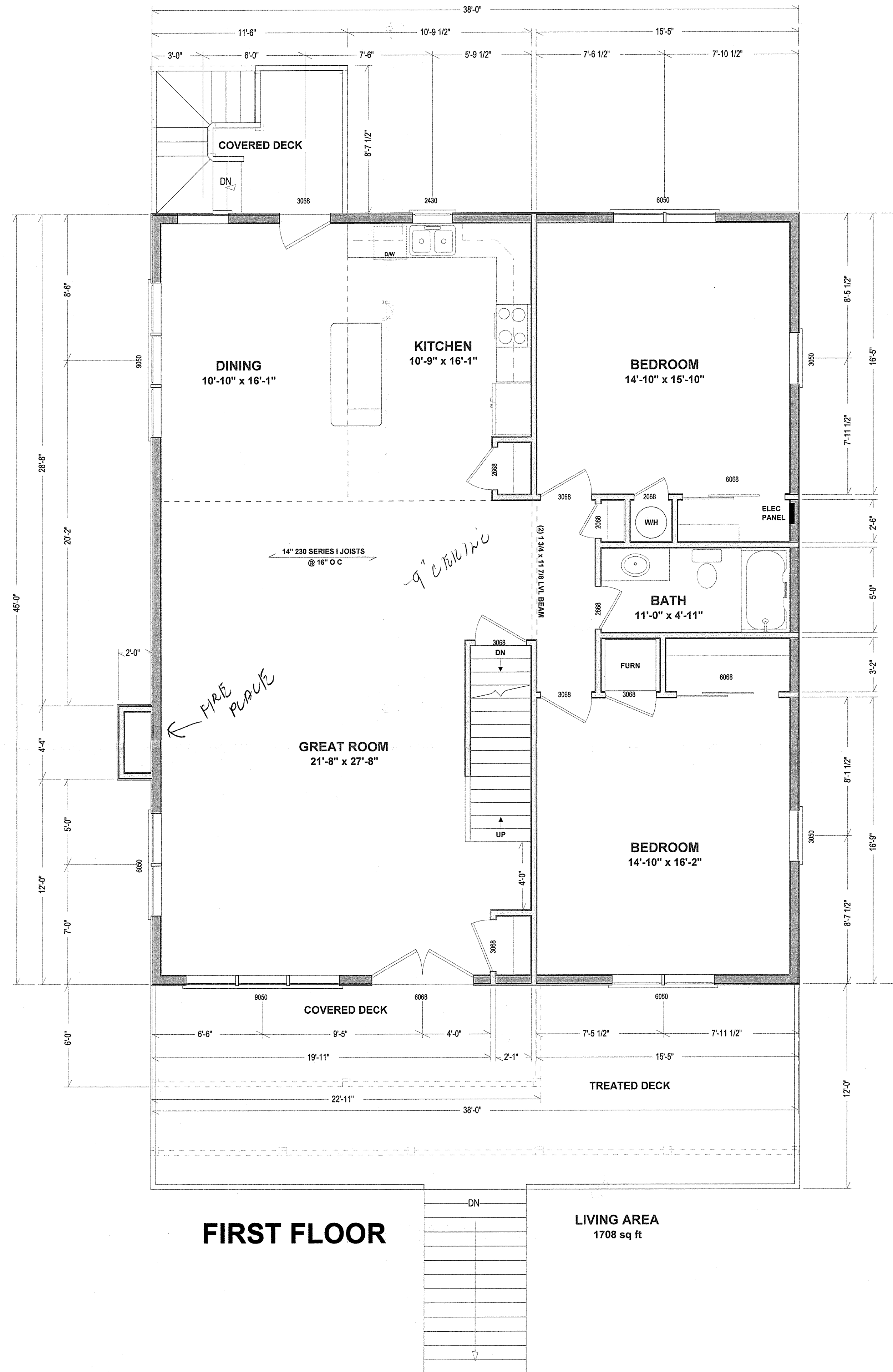
DATE 12-22-04

SCEARCE - MCLAINE RESIDENCE

ELEVATIONS

DRAWN BY
SKIP STORM

PAGE # 3



SECOND FLOOR



FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

DATE 12-22-04

SCEARCE - MCLAINE RESIDENCE

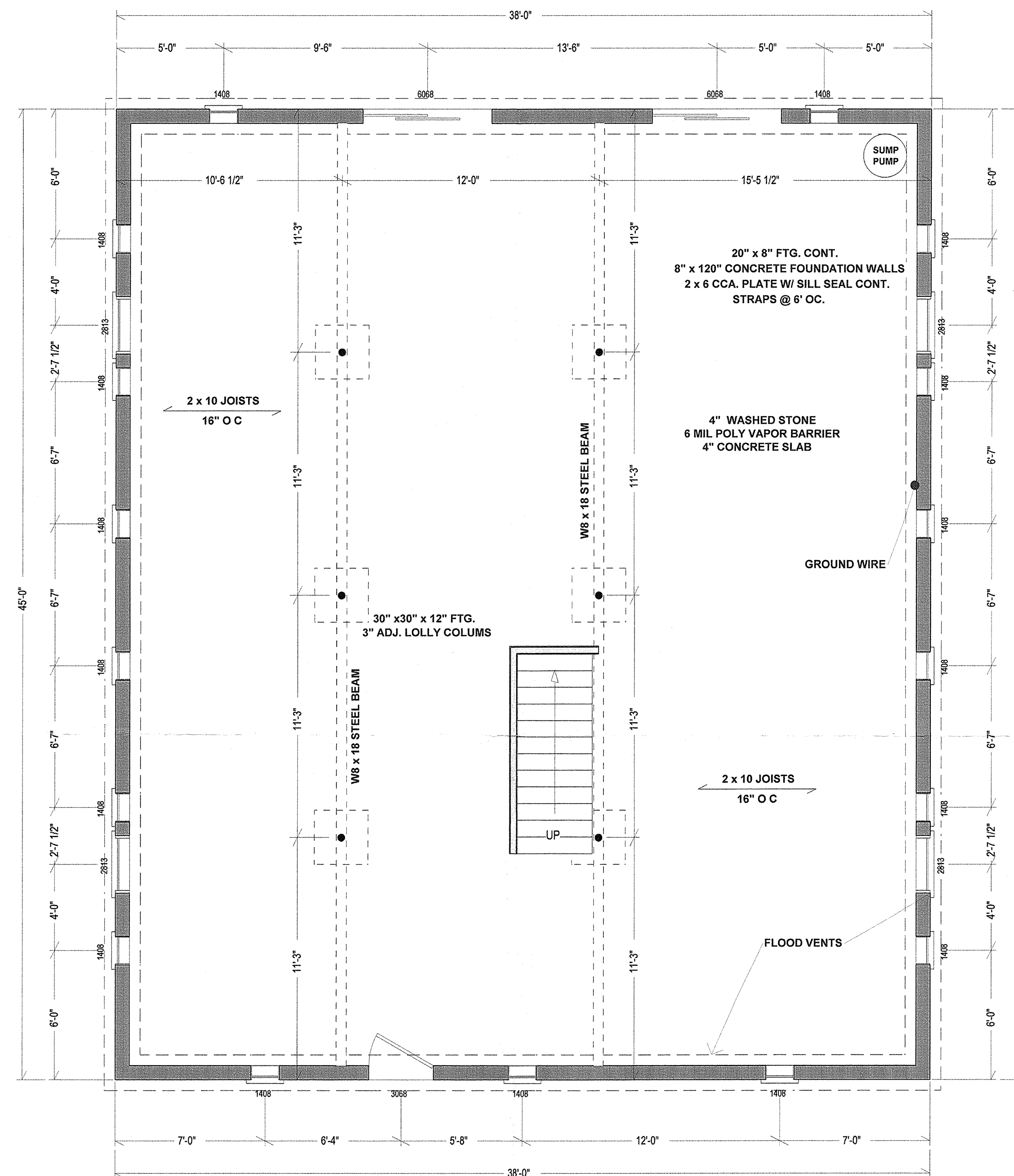
3 D PLANS

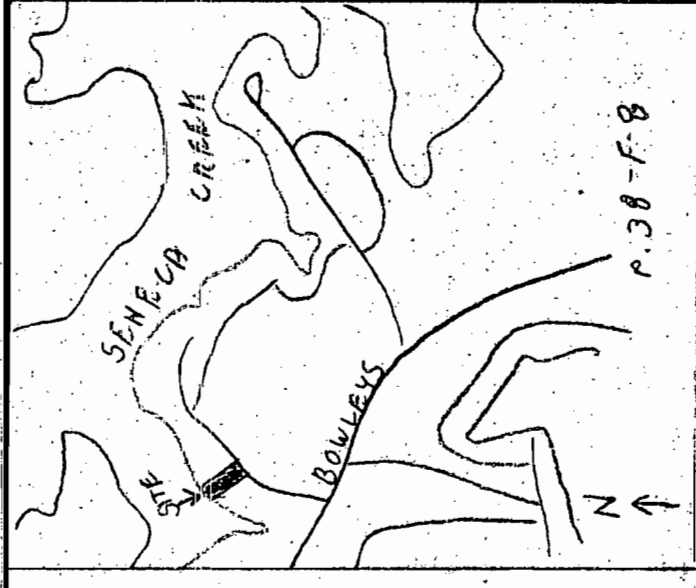
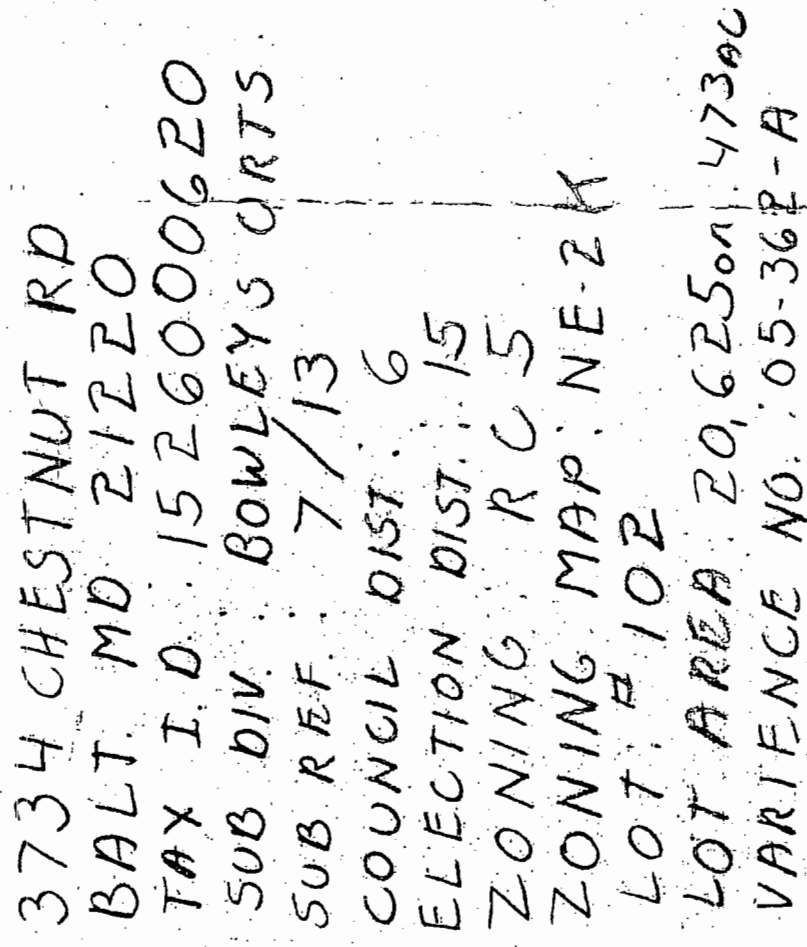
**DRAWN BY
SKIP STORM**

PAGE # 1

PETITIONER'S
EXHIBIT NO. **7**

05-362-A





- 1) THIS SITE IS IN THE LIMITED DEVELOPMENT ZONE OF THE COUNCIL.
- 2) MAN MADE IMPROVEMENTS ARE LIMITED TO 5% OF THE SITE. EXISTING TREES AND AREAS SHALL BE PRESERVED OR 10-50% PRESERVED SURROUNDING AREA EQUALS 25% OF 10-50%.
- 3) MINOR IMPROVEMENTS TO THE WATER QUALITY THAT REDUCES FROM POLLUTIONS THAT ARE DISCHARGED FROM STRUCTURES OR CONVEYANCES OR THAT FLOW RUN OFF FROM SURROUNDING LANDS.
- 4) CONSERVE FISH, WILDLIFE AND PLANT HABITAT.
- 5) BE CONSISTENT WITH ESTABLISHED LAND USE POLICIES FOR DEVELOPMENT IN THE JURISDICTION BY CRITICAL AREA WHICH ACCOMMODATE GROWTH AND ALSO ADDRESS THE FACT THAT EVEN IF POLLUTION IS CONTROLLED THE NATURE MOVEMENT, AND ACTIVITIES OF WORKING IN THAT AREA, CREATE ADVERSE ENVIRONMENTAL IMPACTS.
- 6) WHILE PRIVATE DWELLINGS WILL NOT BE CLOSER TO THE WATER THAN EXISTING DWELLINGS WHICH IS 25' DIST FROM THE WATER LINE. THE NEW STRUCTURE WILL BE 115' FROM THE WATER LINE.
- 7) NO CONCRETE FOUNDATION IS TO BE INSTALLED. THERE IS NO IMPROVEMENT TO BE MADE TO THE EXISTING FOUNDATION.

SCIENCE & CLIMATE

SCALE: 1" = 1'

DRAWN BY
BUCH JONES
REVISED

SITE PLAN

PETITIONER'S

EXHIBIT NO. 6

CHEST NOT TO BE OPENED MAY 30 1963