

IN RE: PETITION FOR SPECIAL HEARING
W/S of Seneca Park Road, 275 ft. N
centerline of Nanett Lane
15th Election District
6th Councilmanic District
(976 Seneca Park Road)

Linda D. & Thomas W. Spear, Sr.
Petitioners

* * * * *

IN RE: PETITION FOR SPECIAL HEARING
W/S of Seneca Park Road, 225 ft. N
centerline of Nanett Lane
15th Election District
6th Councilmanic District
(974 Seneca Park Road)

Melissa & Mark Nickles
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as Petitions for Special Hearing filed by the legal owners of the subject properties as set forth in the above-captioned cases. The Petitioners are requesting special hearing relief as follows:

Case No. 05-410 SPH This case was filed by the legal owners of the subject property, Linda D. and Thomas W. Spear, Sr. The Petitioners are requesting special hearing relief for property located at 976 Seneca Park Road in Baltimore County. Special Hearing relief is requested pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively).

Case No. 05-411-SPH This case was filed by the legal owners of the subject property, Melissa and Mark Nickles. The Petitioners are requesting special hearing relief for property

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located at 974 Seneca Park Road in Baltimore County. Special Hearing relief is requested pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively).

Each property was posted with Notice of Hearing on March 19, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 22, 2004 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.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of these cases and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated March 8, 2005, copies of which are attached hereto and made a part hereof. ZAC comments were also received from the Office of Planning dated March 15, 2005, copies of which is attached hereto and made a part hereof. Finally, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 17, 2005, copies of which are attached hereto and made a part hereof.

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Interested Persons

Appearing at the hearing on behalf of the variance requests were Scott Chilton, Planning Consultant, and Linda and Thomas Spear, William Daiker and Mark Nickles, Petitioners. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

By agreement, all testimony and evidence given in Case No. 05-410 SPH is applicable to Case No. 05-411-SPH. Mr. Chilton indicated that each lot is vacant, each consists of .25 acres, more or less and is zoned RC 5. Case No. 05-410-SPH involves lot 85 and Case No. 05-411-SPH involves lot 84 of the "Seneca Park Beach" subdivision, which was recorded in the Land Records of Baltimore County in 1926. See Exhibit No. 2. The Petitioners would like to build a new single-family dwelling on each lot. See Exhibit No. 1. Each lot is approximately 50 feet wide and the new homes would be 30 feet wide. This leaves side yard setbacks of 9.5 feet. The Petitioners indicated that the full 30 feet is needed for their new homes because of the need for handicapped accessible facilities in the homes.

The Petitioners are the children of William Daiker whose home is on lot 83. He indicated that he would like his children to be able to move close to him on the two lots to the south of his home. He noted that he has been paying real estate taxes on these two lots since he purchased the properties in 1954. The proposed homes are modest in size compared to others being built in the area. Mr. Chilton presented letters of support from neighbors behind the proposed homes whose water view might be affected by the new homes. See Exhibit No. 7.

Mr. Chilton presented evidence that having one home on each lot would be consistent with the pattern of development of the neighborhood. He indicated that waterfront lots 80, 81, 82,

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83, 86, 87, and 88 have one home on each 50 foot wide lot. Across Seneca Park Road, the pattern is one home on two or more lots for these water view lots.

The availability of public sewerage on each lot was discussed at length. Mr. Chilton indicated that the public sewer line was actually installed in Seneca Park Road but that it was not yet operational. Obviously, the lots are not large enough for septic systems. He indicated that he discussed the added cost and inconvenience of building a temporary holding tank for sewerage which would have to be pumped out every two weeks while waiting for the public sewer line to become operational. According to his conversations with County officials, he indicated that this could take a year or more. He indicated that Mr. and Mrs. Spears were without a home at the moment and desperately wanted to build and move into the new home.

Findings of Fact and Conclusions of Law

The Petitioners filed a quest for Special Hearing pursuant to Section 1A04.3.B.1.b, which allows altering the minimum lot size for lots of record before September 2, 2003. In each case the lot size is 0.25 acres while the required size is 1.5 acres. The regulations are not precise as to whether the setback regulations may also be altered in the same hearing. However, if only the size may be altered, the Petitioner would have to file for both a variance and special hearing for essentially the same relief. This would double the cost to the Petitioner for filing fees and postings without any additional information given to the public regarding the relief requested. Consequently, I find that the County Council intended that the setback regulations are also subject to the provision allowing the size of the lot to be altered.

I also note that the regulations impose "Performance Standards" of Section 1A04.4A on all residential development including single lots of record and minor subdivisions. The regulations indicate that the Office of Planning should receive information that will allow it to make findings regarding these standards, and transmit these findings to the Hearing Officer who is then bound

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J. R. A.

by the findings. Presumably, this means the Office of Planning's findings would be available for the special hearing to alter lot size and setbacks. Unfortunately, the process involving minor subdivisions and single lots does not work this way. As one example, in this particular case the Petitioners indicated that they did not receive the Office of Planning's request for information until the day of the hearing. Obviously, they had not submitted anything to the Office of Planning, nor had the Office of Planning have a basis for any findings and rightfully submitted no findings before the special hearing. Having said this, I make no criticism of the Planning Office. As I understand the situation, the ordinary flow of cases involving minor subdivisions and single lots do not allow sufficient time to send the list of information needed to the Petitioner, receive information from the Petitioner, discuss shortcomings, review revised submittals and make a finding. To provide the needed time would require a separate administrative hearing and scheduling process distinct from the existing review process for these small developments. In addition, Petitioners for small developments universally complain that providing the information the Planning Office needs pursuant to the Performance Standards is very costly and ordinarily should not be expended until they know they have zoning approval. The costs include substantial architectural effort, which traditionally is not authorized until the zoning issues are resolved for small developments. This scheduling problem has also occurred in applying the Performance Standards in RC 8 cases. In the RC 8 situation, the Planning Office has interpreted the regulations to have review for Performance Standards before building permits and not for the special hearing.

In stark contrast to the above, the process for review of development plans of large subdivisions under the development regulations has incorporated Performance Standards for many years. As one example, developers regularly submit pattern books describing the architectural features of proposed new homes to the Planning Office for review. These pattern

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books become part of the Hearing Officer's review of development plans. While developers are not joyous about submitting such information to the Office Planning, the scale and value of large new developments seems to justify the requirement. In addition, the developer has months to prepare the material and face to face review of its Performance Standard submittals with the Planning Office weeks before the Development Plan Conference.

While the subject properties are technically in a "subdivision" (Seneca Park Beach subdivision recorded in the Land Records in 1926), traditionally we have treated these old land record subdivisions as simply lots of record. Development in these "subdivisions" usually consists of in-fill lots in existing neighborhoods. These land record subdivisions have never been reviewed by any County agency but rather were simply recorded in the land records by the owner before any County review was established. Consequently the County has traditionally processed applications for zoning relief as lots of record, not the full development plan review.

In summary, I do not believe the County Council intended to impose a new separate review process on single lots of record and minor subdivisions similar to the Development Plan review imposed on large new residential developments. The cost to the County and Petitioner would be prohibitive. I believe the County Council wanted Performance Standards to apply to minor subdivision and single lots of record, but only after the zoning hearing is resolved. Consequently, I find that the Petitioner may satisfy requirements of the Performance Standards of RC 5 to Planning's satisfaction before building permit.

Finally, I note that this Commission has been very reluctant to do by special hearing what ordinarily should be done by variance or special exception. Each of the latter has specific criteria to consider and long history of Board of Appeals and Court review. Section 500.7, which authorizes special hearings, on the other hand does not give any specific criteria, allows the widest discretion and has the least history of review. Said another way, if every variance,

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which is difficult to justify, could be filed as a special hearing there would be no requests for variances. I do not believe that the County Council intended to eliminate the criteria and history associated with variances and special exceptions to start over again with a blank slate of special hearings. Consequently, I will treat this special hearing as essentially a request for variance.

Considering all the testimony and evidence in this case, I find the lots were laid out in 1926 many years before the RC zoning was imposed and so I find that the RC zoning impacts these properties differently from lots laid out in conformance to the RC regulations. Therefore, these lots are unique in a zoning sense. I also find that strict enforcement of the RC regulations would impose a hardship on the Petitioners, as they would not be able to build a shed much less a home on the lot. The lots are 50 feet wide. Clearly, no one can build a home with a side yard setback of 50 feet on each side as required by the RC 5 regulations.

I also find that the requested relief can be granted within the spirit and intent of the regulations as homes are allowed by right in RC 5 zones. Finally, I find there will be no adverse effect on the neighborhood as the pattern of development at least along the waterfront is one home on each 50 foot lot.

However, there is a perennial problem with new homes on this section of the County. There are no gravity sewer lines and the new force main will not be operational for perhaps a year. Mr. Chilton indicates his clients will apply to DEPRM for a temporary holding tank arrangement until the public sewer is ready, realizing that this doubles the cost of waste disposal system and will require pumping the holding tank every two weeks. He indicates that the Spears are desperate for a home and are willing to pay the added cost of the interim system. Nevertheless, as I expressed at the hearing, I think this is a great mistake and worry that in spite of best intent, these interim systems will create more health problems along the waterfront when the tanks are not pumped for any number of reasons. The public sewer was extended to these

RECEIVED FOR MR. CHILTON

areas not to open them for development but to relieve existing health problems. That said, I will approve the special hearing but on condition that no building permit should be issued until the public sewer system is operational for this property. However, if DEPRM approves an interim system, I will approve the interim system by letter as being within the spirit and intent of the regulations.

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 requests should be granted.

THEREFORE, IT IS ORDERED, this 29 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioners' requests for special hearing as follows:

Case No. 05-410 SPH for Special Hearing relief for property located at 976 Seneca Park Road filed pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively); **AND**

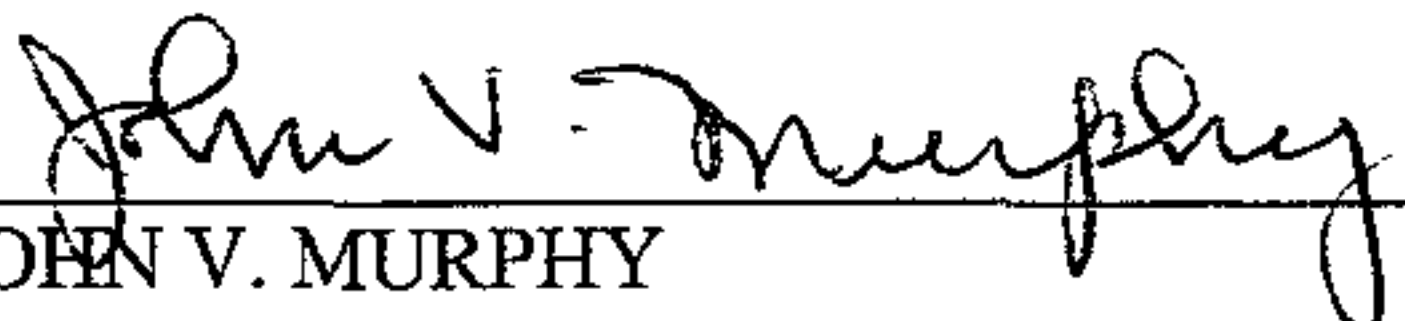
Case No. 05-411-SPH for Special Hearing relief for property located at 974 Seneca Park Road filed pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively)

be and they are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

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1. No building permits shall be issued until the public sewer system that serves these lots is fully operational. Note however if DEPRM approves an interim system, I will approve the interim system by means of a spirit and intent letter.
2. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 8, 2005 before building permit is issued, copies of which are attached hereto and made a part hereof.
3. Compliance with the ZAC comments submitted by the Office of Planning dated March 15, 2005 before building permits are issued, copies of which are attached hereto and made a part hereof.
4. Compliance with the ZAC comments made by DEPRM dated March 17, 2005, copies of which are 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

JVM:raj

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5/26/05
raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

April 29, 2005

Mr. Scott Chilton
27 Neptune Drive
Joppa, Maryland 21085

Re: Petitions for Special Hearing
Case Nos. 05-410-SPH & 05-411-SPH
Property: 974 & 976 Seneca Park Road

Dear Mr. Chilton:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for special hearing have 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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Linda & Thomas Spear, 11423 Philadelphia Rd., White Marsh, MD 21162
William Daiker, 125 Rodeo Cir., Baltimore, MD 21220
Mark Nickles, 4 Tadmor Ct., #103, Baltimore, MD 21234
Hon. Joseph Bartenfelder, County Council

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 976 Seneca Park Rd.

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a lot having an area of 0.25 acre ~~the~~ with a setback of 59 ft. to the street centerline & side property line setbacks of 9 1/2 ft. each in lieu of the minimum required 1.5 acre, 75 ft. & 50 ft. each respectively pursuant to Sect. 1A04.3.B.1.b.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

LINDA DAIKOR SPEAR

Name - Type or Print

Signature

THOMAS W. SPEAR, SR

Name - Type or Print

Signature

11423 PHILADELPHIA RD 410 529-7190

Address

Telephone No.

WHITE MARSA MD 21162

City

State

Zip Code

Representative to be Contacted:

Scott Chilton

Name

27 Neptune Dr 410-588-4700

Address

Telephone No.

Joppa Md. 21085

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 2-14-05

Case No. 05-410 SPH

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: ~~Northwest~~ 976 Seneca Park Rd.

BEGINNING AT A POINT ON THE Northwest N 07° 26' 37" W 50.00' SIDE OF
Seneca Park Rd, WHICH IS 30' R/W WIDE AT THE

DISTANCE OF 275' North OF THE CENTERLINE OF THE NEAREST IMPROVED
INTERSECTING STREET, Nannetta Ln, WHICH IS 30' R/W WIDE. AS

RECORDED IN ~~DEED~~ ^{Plat Book} 8, FOLIO # 45, CONTAINING .25 AC. + -. ALSO

KNOWN AS 976 Seneca Park Rd. AND LOCATED IN THE
15th ELECTION DISTRICT, 6th

COUNCILMAN DISTRICT.

410

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: #05-410-SPH

976 Seneca Park Road

W/side Seneca Park Road, 275 feet north of centerline of Nannette Lane

15th Election District - 6th Councilmanic District

Legal Owner(s): Linda Daiker Spear & Thomas W. Spear, Sr.

Special Hearing: to permit a lot having an area of .25 acre with a setback of 59 feet to the street centerline of side property line setbacks of 9.5 feet each (in lieu of the minimum required 1.5 acre, 75 feet and 50 feet each respectively).

Hearing: Wednesday, April 6, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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/3/759 Mar. 22

43781

CERTIFICATE OF PUBLICATION

3/23/, 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 3/22/, 2005.

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



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 641395

DATE

11/14/83

ACCOUNT

8-001-006-6152

AMOUNT \$

65.00

RECEIVED FROM:

State

Chilton

FOR:

Reedville Spine of History 11/1/83
for 976 Spine of History 11/1/83

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 11/14/83

AMOUNT \$ 65.00

RECEIVED BY 11/14/83

RECEIVED BY 11/14/83

RECEIVED BY 11/14/83

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date March 20, 2005

RE: Case Number 05-410-SPH

Petitioner/Developer THOMAS + LINDA SPEAR/SLOTT CHILTON

Date of (Hearing) Closing April 6, 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 976 SENECA PARK ROAD

The sign(s) were posted on

March 19, 2005

ZONING NOTICE

CASE # 05-410-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 106 COUNTY OFFICE BUILDING
PLACE: 111 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: WEDNESDAY APRIL 6, 2005
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT A LOT
HAVING AN AREA OF .25 ACRE WITH
A SETBACK OF 59 FEET TO THE STREET
CENTERLINE OF SIDE PROPERTY LINE SETBACKS
OF 3.5 FEET EACH (IN LIEU OF THE MINIMUM
REQUIRED 1.5 ACRE, 75 FEET AND 50 FEET
EACH RESPECTIVELY).

976 SENECA PARK RD

POSTING NOTICE: THIS SIGN AND POSTING ARE REQUIRED BY LAW. IF ANYONE HAS A QUESTION, PLEASE CALL 410-666-5366.

DO NOT REMOVE THIS SIGN AND POSTING OR YOU WILL BE SUBJECT TO A FINE UNDER PENALTY OF LAW.

HANDICAPPED - ACCESSIBLE

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

March 2, 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: 05-410-SPH

976 Seneca Park Road

W/side Seneca Park Road, 275 feet north of centerline of Nannette Lane

15th Election District – 6th Councilmanic District

Legal Owners: Linda Daiker Spear & Thomas W. Spear, Sr.

Special Hearing to permit a lot having an area of .25 acre with a setback of 59 feet to the street centerline of side property line setbacks of 9.5 feet each (in lieu of the minimum required 1.5 acre, 75 feet and 50 feet each respectively).

Hearing: Wednesday, April 6, 2005 at 9:00 a.m. in Room 106, County Office Building, .
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Thomas & Linda Spear, 11423 Philadelphia Rd., White Marsh 21162
Scott Chilton, 27 Neptune Drive, Joppa 21085

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 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
Tuesday, March 22, 2005 Issue - Jeffersonian

Please forward billing to:
Scott Chilton
27 Neptune Drive
Joppa, MD 21085

410-588-4700

NOTICE OF ZONING HEARING

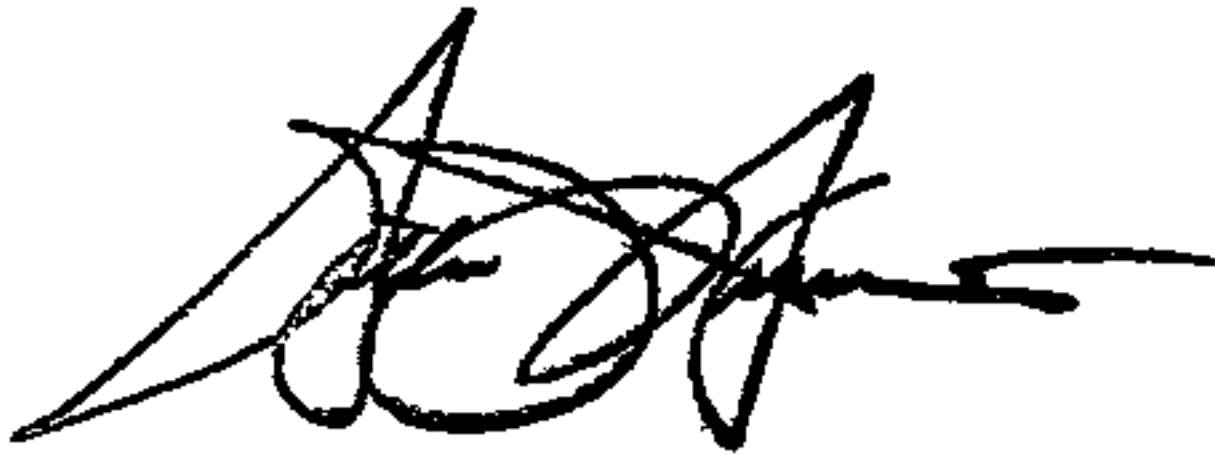
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-410-SPH

976 Seneca Park Road
W/side Seneca Park Road, 275 feet north of centerline of Nannette Lane
15th Election District – 6th Councilmanic District
Legal Owners: Linda Daiker Spear & Thomas W. Spear, Sr.

Special Hearing to permit a lot having an area of .25 acre with a setback of 59 feet to the street centerline of side property line setbacks of 9.5 feet each (in lieu of the minimum required 1.5 acre, 75 feet and 50 feet each respectively).

Hearing: Wednesday, April 6, 2005 at 9:00 a.m. in Room 106, County Office Building, .
111 W. Chesapeake 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: 04-410 SPH
Petitioner: Tam & Linda Spear
Address or Location: 976 Seneca Park Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott Chilton
Address: 27 Neptune Dr.
Joppa, Md. 21085
Telephone Number: 410-538-4700

**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 29, 2005

Linda Daiker Spear
Thomas W. Spear, Jr.
11423 Philadelphia Road
White Marsh, Maryland 21162

Dear Mr. and Mrs. Spear:

RE: Case Number: 05-410-SPH, 976 Seneca Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 14, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Scott Chilton 27 Neptune Drive Joppa 21085

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

February 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 28, 2005

Item No.: 405-407, 410-415

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.

1. 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: 2.25.05

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

RE: Baltimore County
Item No. 410 JJS

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

4/16

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: March 17, 2005

SUBJECT: Zoning Item # 05-410
Address 976 Seneca Park Road

RECEIVED

MAR 17 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of February 28, 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:

- 1.) This property is located within the Limited Development Area and the Buffer Management Area of the CBCA. Permits associated with this property must comply with the 25% maximum impervious surface limit and the 15% minimum tree cover limit (equal to 4 trees for a lot of this size). Many trees were recently removed from the properties in question. Any trees removed in the 100-foot buffer setback from mean-high-tide must be replaced at a ration of 1:1. In addition, any building must be placed outside of the 100-foot setback.
- 2.) Building permits will not be approved by the Groundwater Management section of this Department until public water and sanitary sewer is available to the site.

Reviewer: Martha Stauss, Sue Farrinetti

Date: March 17, 2005

NOTED RECEIVED FOR FILING
4/29/05
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 15, 2005

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

RECEIVED

MAR 21 2005

SUBJECT: 976 Seneca Park Road

INFORMATION:

Item Number: 5-410

Petitioner: Linda and Thomas Spear

Zoning: RC 5

Requested Action: Special Hearing

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Zoning Commissioner's Office should note that lot 85 (the subject lot) and adjoining lot 84 were recently under common ownership. The adjoining lot 84 is also the subject of a Special Hearing/Variance request (Case 5-411), for undersize lot and relief for minimum required yard area. This office is not sure how this relates to the standards stated in Section 304.1.C of the BCZR.

In addition, 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. Photographs of the existing dwelling.
2. Submit building elevations to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
3. Orient the front of the proposed dwelling towards Seneca Park Road and incorporate prominent entries and porches or stoops in the front building façade.

RECEIVED FOR PLANNING

4/29/05

Ray

4. 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.
5. 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.
6. 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.
7. 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: Maeb A. Gump

Division Chief: _____

MAC/LL

ORDER RECEIVED FOR FILING
4/29/05
JRS

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 March 7, 2005
Item No. 410

DATE: March 8, 2005

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

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setback shall be modified accordingly.

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-03-07-2005-ITEM NO 410-03082005

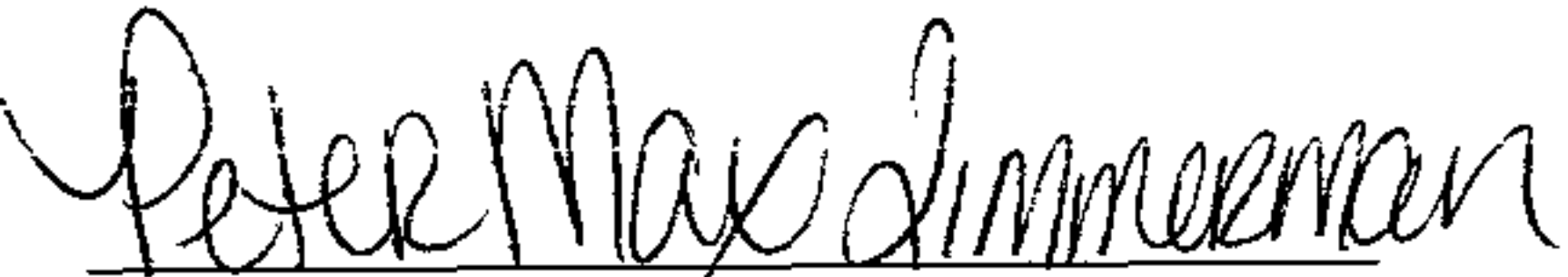
ORDER RECEIVED FOR PLUMBING
4/29/05
Ray

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
976 Seneca Park Road; W/side Seneca Park		
Road, 275' N c/line of Nanett Lane	*	ZONING COMMISSIONER
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Linda Daiker Spear &	*	FOR
Thomas W. Spear, Sr		
Petitioner(s)	*	BALTIMORE COUNTY
	*	05-410-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.

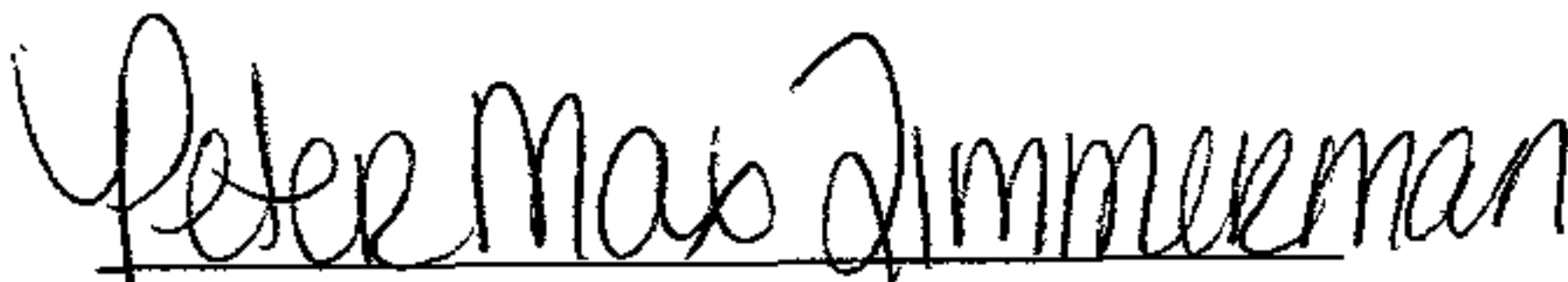

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 2nd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Scott Chilton, 27 Neptune Drive, Joppa, MD 21085, Representative for Petitioner(s).

RECEIVED


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Per.....

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

12/03/2004

OWNER INFORMATION

DISTRICT: 15 ACCT NO: 2200020308

USE: RESIDENTIAL

OWNER NAME: DAIKER WILLIAM C

PRINCIPAL
RESIDENCE
YES

MAILING ADDRESS: 972 SENECA PARK RD
BALTIMORE

MD 21220-2314

TRANSFERRED

FROM: DAIKER WILLIAM C

DATE: 06/30/1994 PRICE: \$0

DEED REFERENCE: 1) /10628/ 203
2)

SPECIAL TAX RECAPTURE

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO
<F5> RETURN TO LIST SCR N <F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

12/03/2004

LOCATION INFORMATION

DISTRICT: 15 ACCT NO: 2200020308

NAME: DAIKER WILLIAM C

USE: RESIDENTIAL

PREMISES ADDRESS
972 SENECA PARK RD

LEGAL DESCRIPTION
.229 AC
ES SENECA PARK RD
SENECA PARK BEACH

MAP	GRID	PARCEL	SUBDIV	SECT	BLOCK	LOT	GROUP
91	17	139				83	82

PLAT NO :
PLAT REF:

8/ 45

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA
YEAR BUILT ENCLOSED AREA
1955 1,024 SF

PROPERTY LAND AREA
10,000.00 SF

COUNTY
USE
04

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO
<F5> RETURN TO LIST SCR N <F6> SELECT NEXT PROPERTY

February 14, 2005

Sirs:

The purpose of this letter is to reiterate my intention to provide lots for my children to allow them to build homes upon them some time in the future.

When I purchased this parcel of land in 1954, it was divided into four lots. I built a home on one lot and kept the others for future homes. Now it is the desire of my children/grandchildren to erect homes on two of these lots to fulfill their and my dream of the family being together as one.

This wish of theirs to build on these lots completes and satisfies my prior intentions.

Sincerely,

A handwritten signature in cursive script that reads "William Daiker". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. William Daiker

February 23, 2005

Mr. William Daiker
976 Seneca Park Road
Baltimore, Maryland 21220

RE: Seneca Creek Spur #59 Revisions

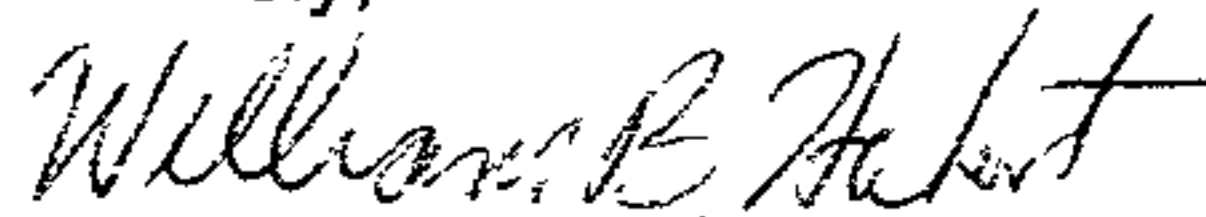
Mr. Daiker:

Attached is a draft revised spur drawing based on our phone conversation today. Please review the plan and contact me with any questions or changes.

- Property lines in red are estimated based on the aerial photo, with lots being 50' wide. Please furnish a copy of the recent property line survey.
- The red pier and spur are the proposed revised location and dimensions. The location is based on the estimated extended property line and the 10' property line set backs for the proposed mooring pilings.
- The proposed spur depth has been revised to -3.5' MLW as requested by the Federal resource agencies currently reviewing the project.
- The pier location and dimensions are approved by Baltimore County, as part of the County Building Permit that I understand will be applied for shortly. Please furnish a copy of the approved building permit as soon as possible. We will use that information to make revisions to the spur application if necessary.

Please contact me at (410) 694-9401 if you have any questions or require additional information.

Sincerely,



William B. Heckert
Project Manager

enclosure

cc: Hank Grose – BC DEPRM

P:\21502_Seneca Creek Dredging\05 Permit Acquisition\REVISIONS\spurs\rev_ltrdaiker_59_022205.DOC



Plt. Ex. #4A - 7/4/73





976 Tom & Linda

CKS
TO:
BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAX BILL

TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 410-887-2403

PARCEL NUMBER YEAR
22-00-020309 2005

CYCLE BILL DATE ELECTION DISTRICT
FY 07/01/2004 15

ASSESSMENT
24,500

LEVY PERIOD
JULY 1 2004-JUNE 30 2005

CHARGES

SEWER BENEFIT
SEWER SERVICE
WATER BENEFIT 55.00
WATER DISTRIBUTION
CONSTRUCTION LOAN 20.97
OTHER
TOTAL CHARGES 75.97

PROPERTY STATUS

NOT A
PRINCIPAL
RESIDENCE

COUNTY TAX
STATE TAX
CHARGES

RATE TAXES/CHARGES
PER \$100
1.11500 273.18
0.13200 32.34
75.97

PROPERTY DESCRIPTION
000000 SENECA PARK RD
459 AC LTS 84-85

DAIKER WILLIAM C
972 SENECA PARK RD
BALTIMORE, MD. 21220

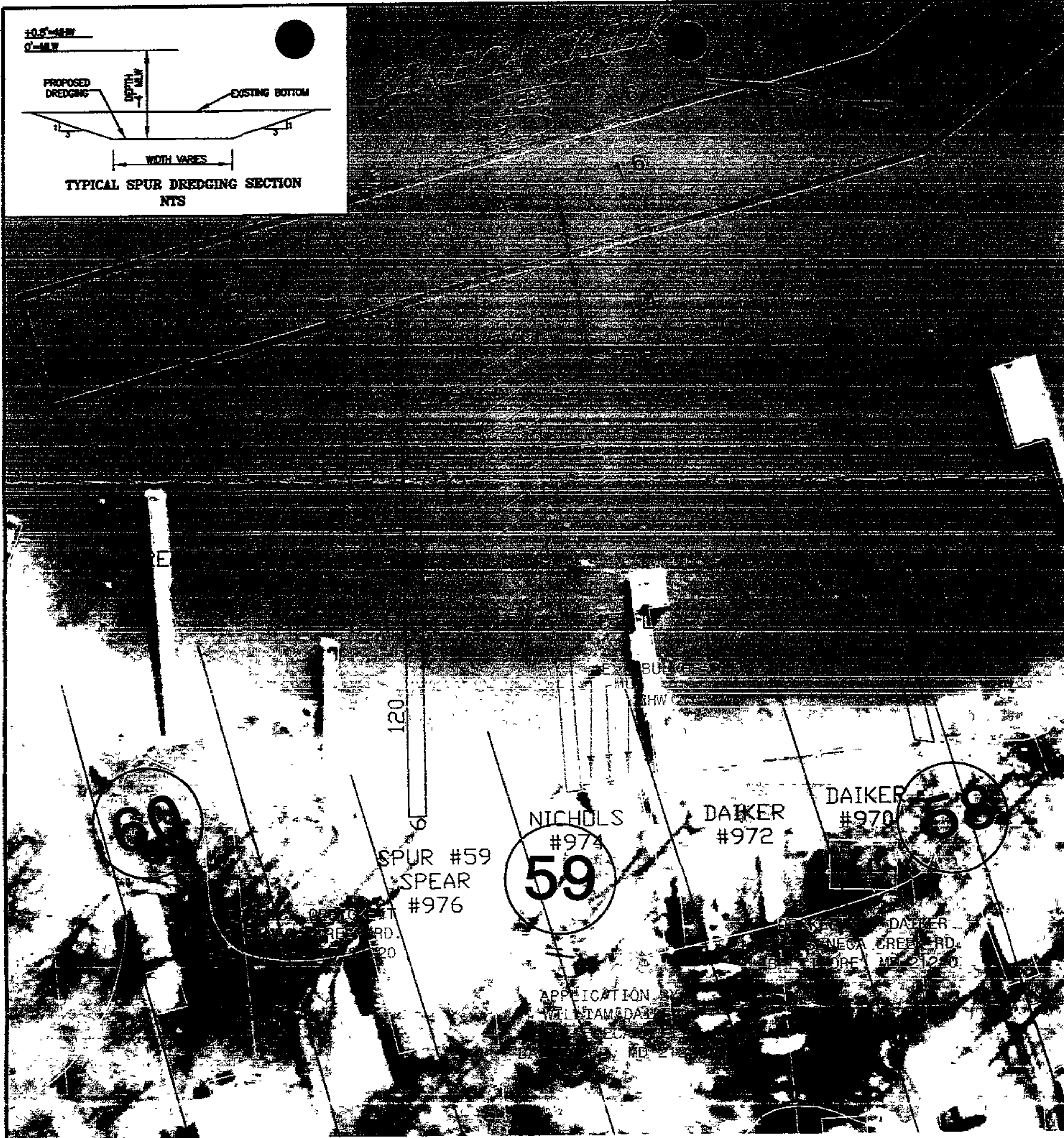
GROSS BILL 381.49

LOT BLOCK SEC PLAT BOOK FOLIO
84

CONSTANT YIELD 1.085 DIFFERENCE 0.03

INTEREST/
DISCOUNT
NET
TOTAL

Page # 5



SENECA CREEK
SPUR 59
WILLIAM DAIKER
976 SENECA PARK RD
BALTIMORE MD 21220

To Whom It May Concern
Baltimore County

I (we) have no objection
to building of homes located
at 974 & 976 Seneca Park Rd. 21220,
on the waterfront.

Name - JOHN M. GOZICK (J.M. Goyt)

Address - 966 SENECA PARK RD.
MIDDLE RIVER, MD 21220

Date - 3.17.05

Pet #7

To Whom It May Concern
Baltimore County

I (we) have no objection
to building of homes located
at 974 & 976 Seneca Park Rd. 21220,
on the waterfront.

Name - John S. Gephardt
address - 980 Seneca Park Rd.
date - 3-17-05

To Whom It May Concern
Baltimore County

I (we) have no objection
to building of homes located
at 974 & 976 Seneca Park Rd. 21220,
on the waterfront.

Name - Donald J. Teaball

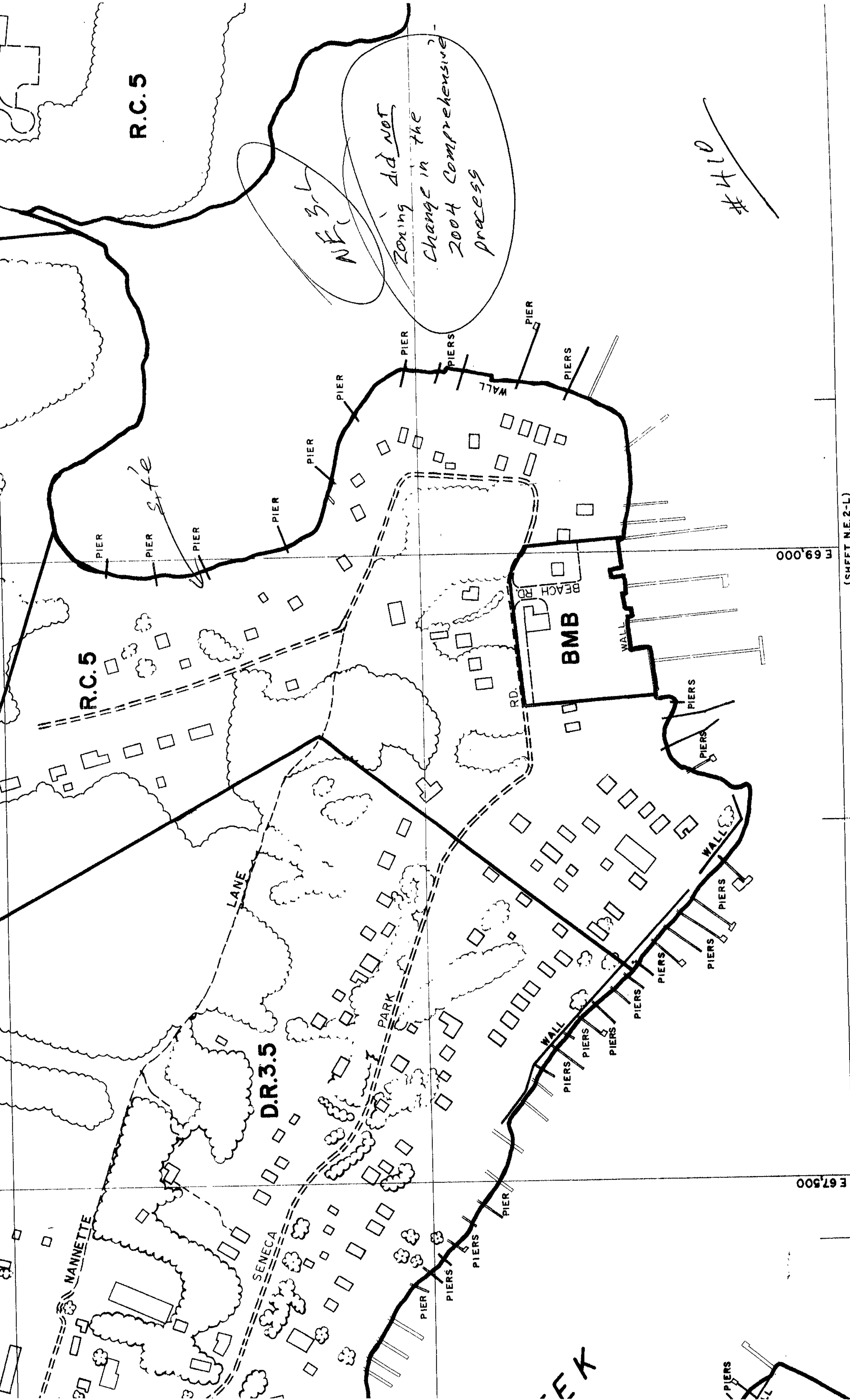
Address - 977 Price Road BALTO MD 21220

Date - 3-17-05

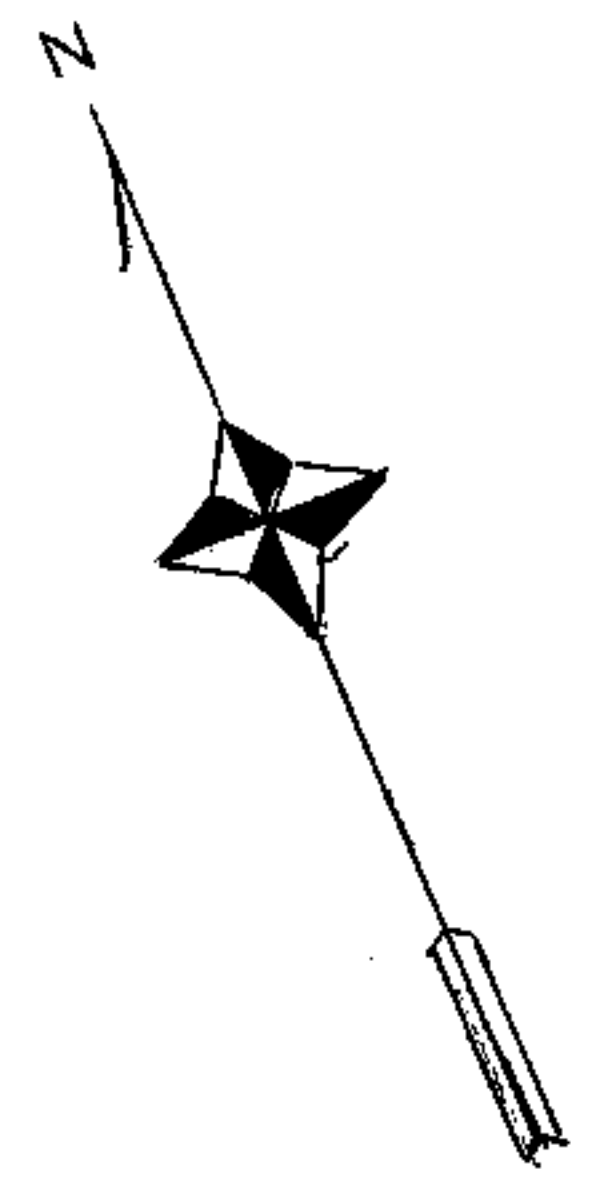
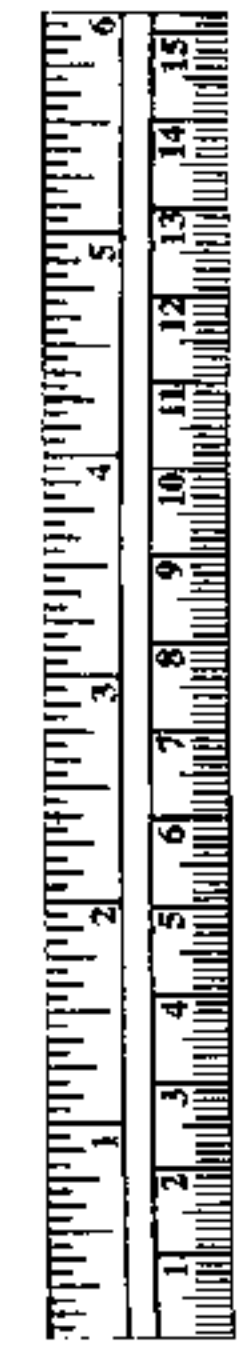
To Whom It May Concern
Baltimore County

I (we) have no objection
to building of homes located
at 974 & 976 Seneca Park Rd. 21220,
on the waterfront.

Name - Ralph P Cerato
address - 971 Seneca Park Rd
Middle Pine Md 21220
date - 3-17-05



(SHEET NE.2-L)



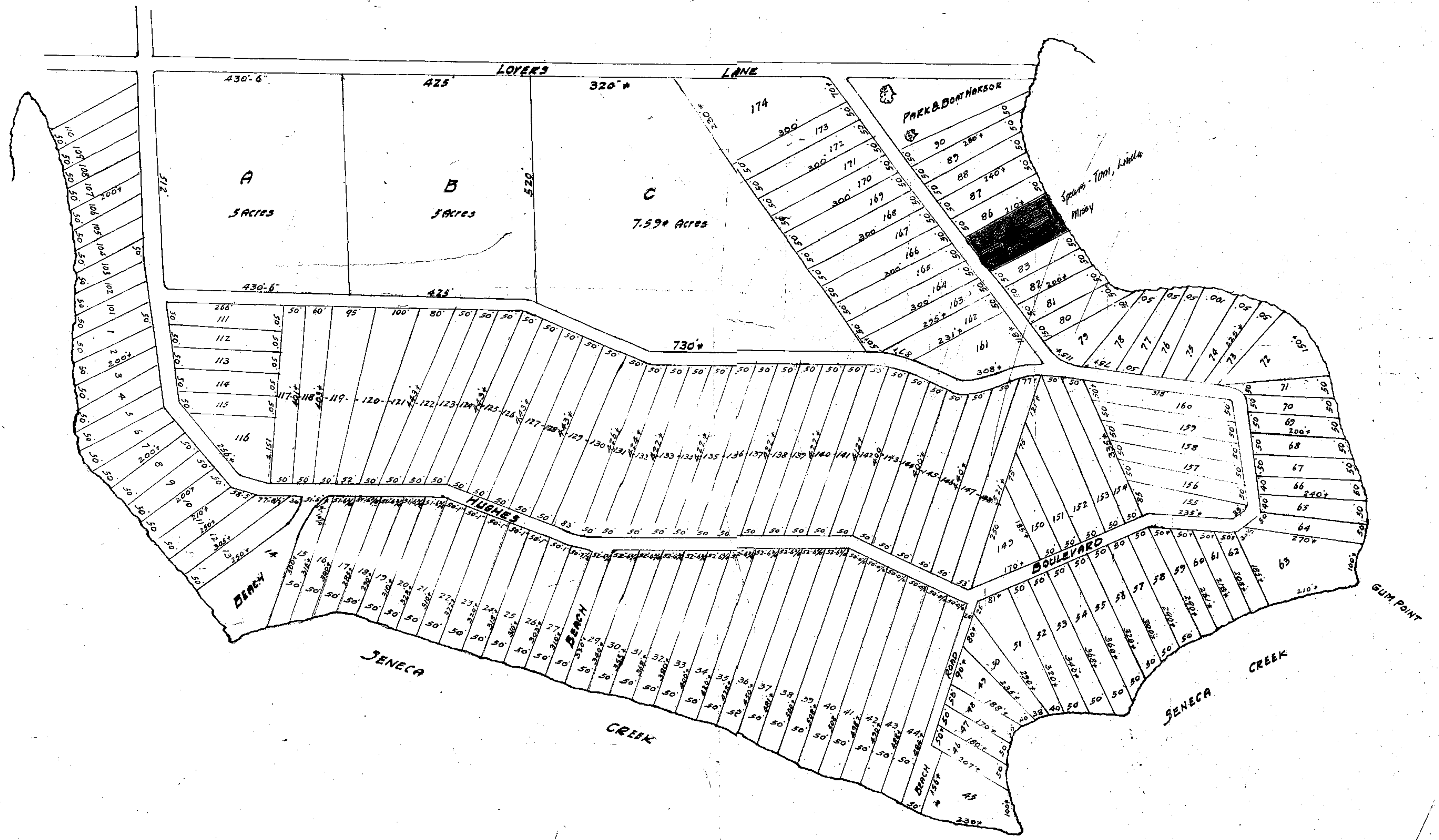
SENECA PARK BEACH

EDGARE KENLY
SALES AGENT
HOMewood 2695-

SCALE 1"=100'
TOLLEY A. CHAYES CO.
CIVIL ENGRS.
BALTO. MD.

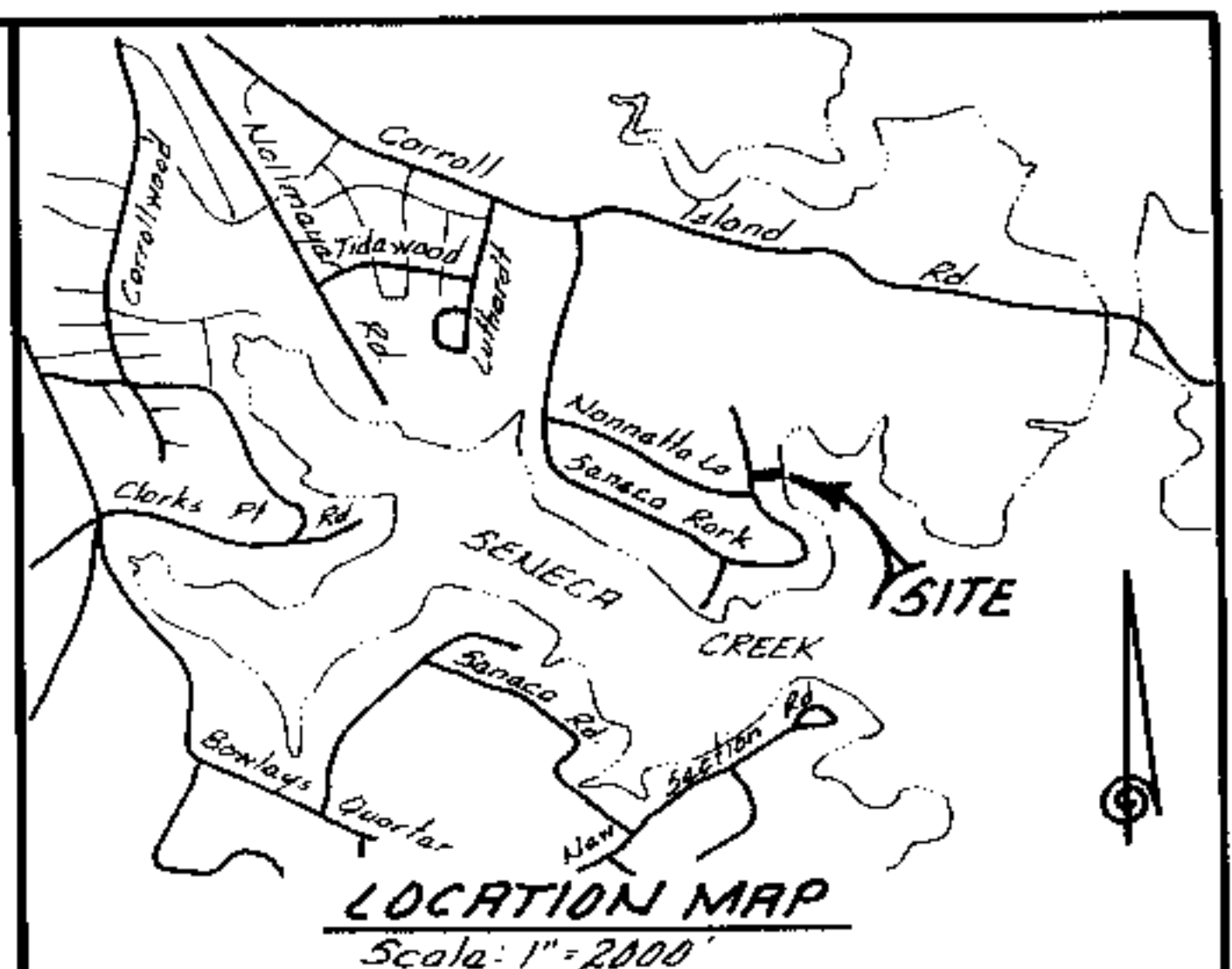
REVISED PLAT
APRIL 1926.

CARROLL'S ISLAND ROAD

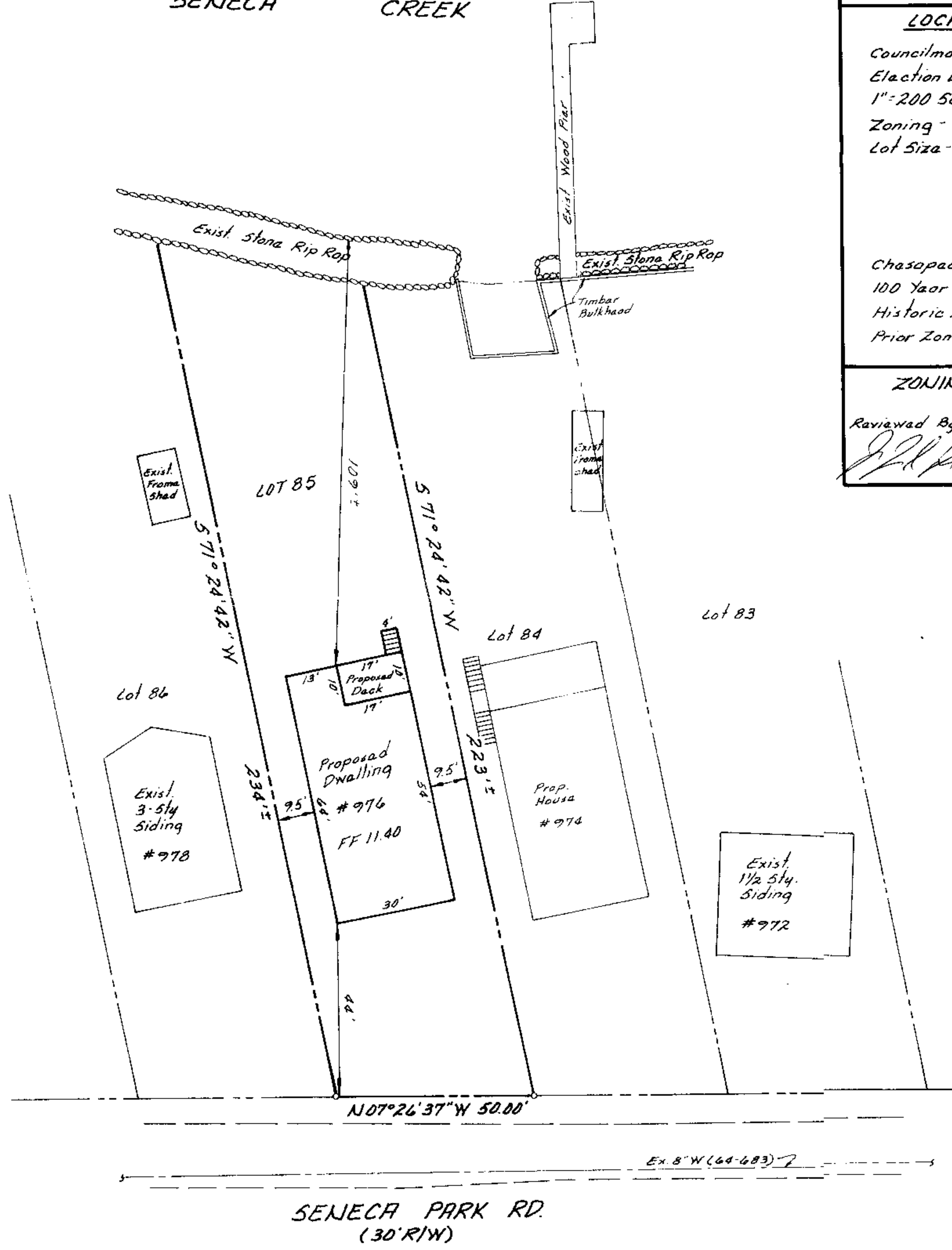


PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS- 976 SENECA PARK RD.
 SUBDIVISION NAME - SENECA PARK BEACH
 PLAT BOOK# 8, FOLIO# 45, LOT# 85, SECTION
 OWNERS- LINDA D SPEAR & THOMAS W. SPEAR SR.



SENECA CREEK



LOCATION INFORMATION

Councilmanic District- 6th
 Election District 15th
 1"-200 Scale Map # NE 3-L
 Zoning- RC 5
 Lot Size- .25 Ac.±

	Public	Private
Sewer	☐	☒
Water	☒	☐
Chesapeake Bay Critical Area	☒	☐
100 Year Flood Plain	☒	☐
Historic Property / Building	☐	☒
Prior Zoning Hearings:	None	

ZONING OFFICE USE ONLY

Reviewed By	Item #	Case #
<i>[Signature]</i>	410	

Pet #411

Pet #1