

IN RE: PETITION FOR ADMIN. VARIANCE
S/S New Section Road, 1000' E of the c/l
Seneca Road
(3941 New Section Road)
15th Election District
6th Council District

James N. Hock, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-412-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, James Nicholas Hock, Jr., and his wife, Joanne T. Hock. The Petitioners request variance relief from Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 44 feet in lieu of the maximum allowed 35 feet for a replacement dwelling (Hurricane Isabel). 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.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

Date

By

3/12/05
[Signature]

Based upon the evidence contained within the case file, I am persuaded to grant the requested relief. It was indicated that the existing dwelling suffered significant damage during Hurricane Isabel and that the proposed dwelling height is necessary to meet Federal Flood Insurance elevation requirements as well as provide for parking underneath and attic storage space. In addition, the proposed dwelling will be designed with an elevator, which equipment will be housed above.

There were no adverse comments submitted by any County reviewing agency, and there was no opposition expressed by any of the neighbors. Thus, it appears that relief can be granted without detrimental impact to the health, safety or general welfare of the surrounding locale. However, due to the property's waterfront location and its location within a floodplain, the Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Bureau of Development Plans Review Division of the Department of Permits and Development Management (DPDM) relative to Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements.

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 17th day of March 2005 that the Petition for Administrative Variance seeking relief from Sections 1A04.3 A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling height of 44 feet in lieu of the maximum allowed 35 feet for a replacement dwelling (Hurricane Isabel), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

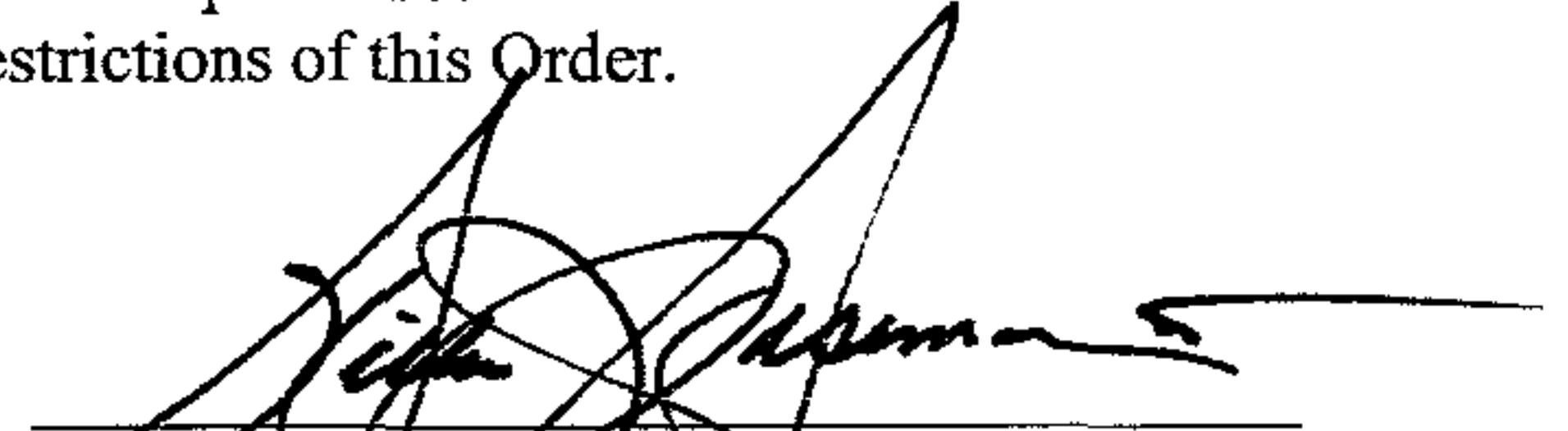
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING

Date 3/22/05
By [Signature]

- 2) Compliance with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, pursuant to the ZAC comments submitted by DEPRM, dated March 17, 2005, and the Bureau of Development Plans Review, dated March 8, 2005, and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains.
- 3) 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 3/17/05
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 17, 2005

Mr. & Mrs. James N. Hock, Jr.
3941 New Section Road
Baltimore, Maryland 21220

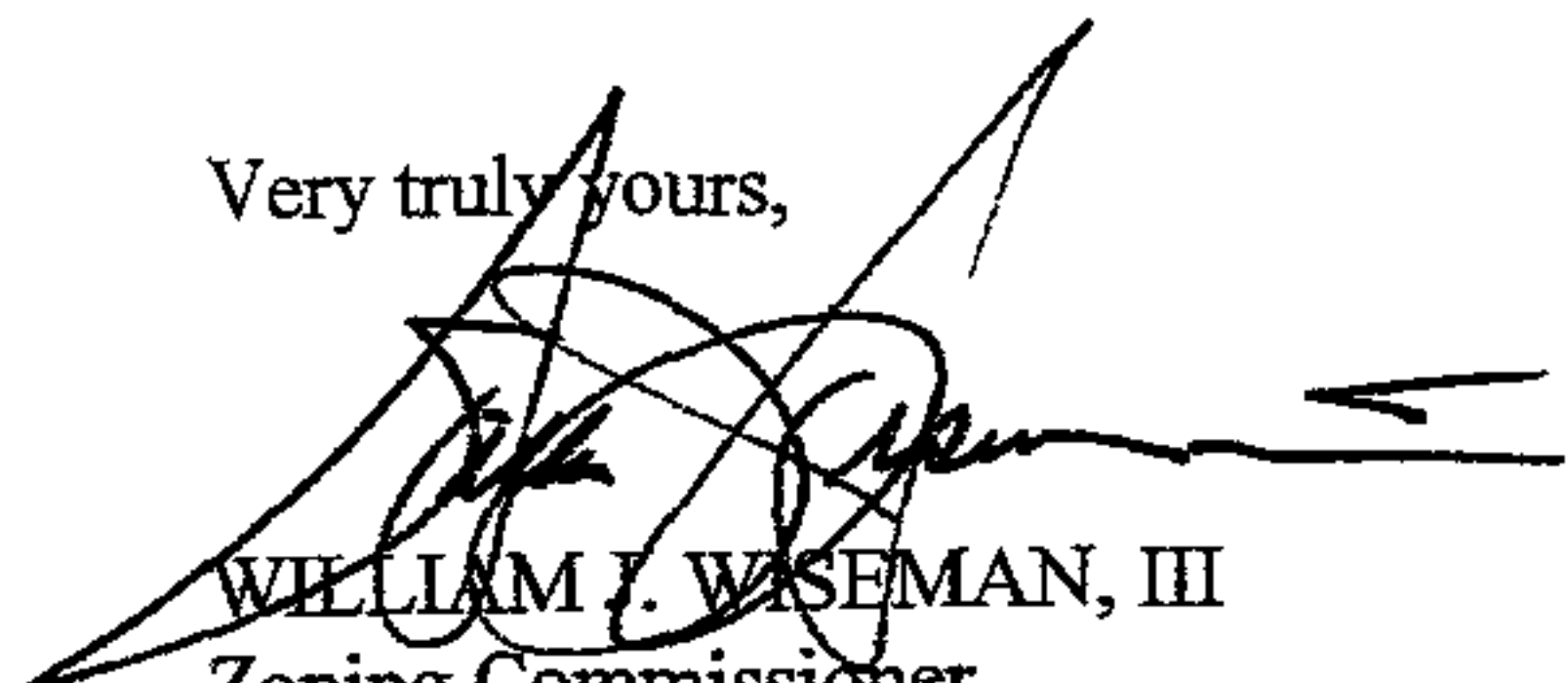
RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S New Section Road, 1000' E of the c/l Seneca Road
(3941 New Section Road)
15th Election District – 6th Council District
James N. Hock, Jr., et ux - Petitioners
Case No. 05-412-A

Dear Mr. & Mrs. Hock:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File





<

Ganglia at new
constructio

Gas Drive

21220

OS-185-A

3945 New Section Rd.

water

05-185-A

