RE: PETITIONS FOR SPECIAL HEARING and
VARIANCE – SE/S Bowleys Quarters Road,
627.98 feet NE of Chesapeake Road
(Proposed Lots 1 & 2, Bowleys Quarters Road)
15<sup>th</sup> Election District
6<sup>th</sup> Council District

Hunter S. Roppelt (Deceased) and
Gertrude Roppelt, Legal Owners;
Seneca Harbor Development Corporation,
Contract Purchasers

\* BEFORE THE

\* ZONING COMMISSIONER

FOR

\*

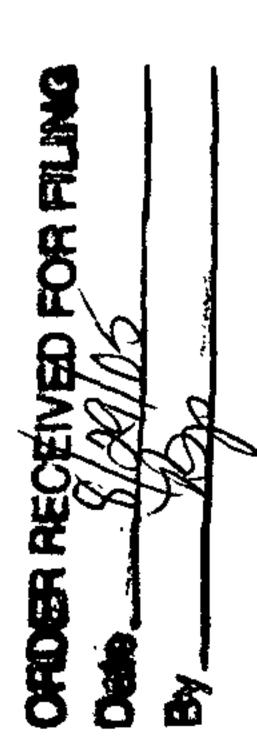
\* BALTIMORE COUNTY

\* Case No. 05-650-SPHA

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Hunter S. Roppelt (deceased) and Gertrude Roppelt, his wife, property owners, and Seneca Harbor Development Corporation, contract purchaser. The Petitioners request special hearing relief as follows: 1) To permit the consolidation/ reconfiguration of five separate (5) lots of record into two building lots, each less than one and one-half (1.5) acres in area, pursuant to Sections 1A04.3.B.1(b)(1) and/or 4A03.4.B of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) to confirm that the overall density for that property as shown on Plat 3, Plat reference 9/56 (Bowley's Quarters) will not be exceeded by the grant of this Special Hearing, and; 3) for such other and further relief as may be deemed necessary by the Zoning Commissioner. Petitioners also request variance relief as follows: 1) From Section 1A04.3.B.2(b) of the B.C.Z.R. to allow side yard setbacks of 25 feet and 35 feet for a dwelling on proposed Lot 1 and side yard setbacks of 25 feet and 35 feet for a dwelling on proposed Lot 2; 2) if necessary, variances from Sections 1A04.3.B.1(a) and/or 4A03.4.B.1 of the B.C.Z.R.; and, 3) for such other and further relief as may be deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on the plat



ORDER RECEIVED FOR FILLIANS

By Salabase Salabase

By Salabase

to accompany the Petitions for Special Hearing and Variance, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Sam Rothblum, president of Seneca Harbor Development Corporation, contract purchaser; David L. Martin, the registered landscape architect from George Williams Stevens Jr. and Associates, Inc., the consultants who prepared the plan; and Lawrence E. Schmidt, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the southeast side of Bowleys Quarters Road, just north of Chesapeake Avenue in Middle River. The property is composed of five separate lots of record identified as Lots 64, 65, 66, 67, and 68 on an old plat for the community of Bowleys Quarters in Plat Book 9, Folio 56. This plat was recorded in the land records of Baltimore County well prior to the adoption of the first set of zoning regulations in Baltimore County in 1945. As is the case with nearly all of the lots shown on the Plat, the subject lots are each 50 feet wide and approximately 380 feet deep. Thus, collectively, the property is 250 feet by 380 feet in dimension, and contains a gross area of 2.15 acres, zoned RC.5.

The property is presently unimproved and contains a mature stand of trees. Additionally, there is an area of wetlands located in the front of the property, primarily clustered on Lots 64 and 65. As noted above, the Petitioner proposes a reconfiguration of the lots to create two building lots. A new lot line will be drawn through the middle of Lot 66, resulting in the creation of two equal sized lots, each 1.1 acres in area. As shown on the plan, each of the reconfigured lots will be 125 feet wide. Each lot is proposed for development with a single-family dwelling.

Special Hearing and Variance relief is requested as set forth above to accommodate this proposal. Under the Petition for Special Hearing, the Petitioner seeks relief to allow the

consolidation and reconfiguration of the five separate lots of record into two building lots. It is to be noted that Section 1A04.1 of the B.C.Z.R. sets out the many area and density requirements in the RC.5 zone. That section provides that a lot less than 1.5 acres may not be *created* in an RC.5 zone (emphasis added). However, in this case the lots are not being created, per se, rather the existing five separate lots of records (each with a separate tax ID number) are being reconfigured. Section 1A04.3.B.1 of the B.C.Z.R also permits certain exceptions to the minimum lot size requirement. Additionally, Section 1A04.4.B thereof allows exceptions to minimum lot area requirements within the Bowleys Quarters community. The Petitioner argued that the proposal was consistent with these sections of the B.C.Z.R. as well as the existing community. In this regard, an examination of the site plan and aerial photographs submitted demonstrates that the proposed lots would be consistent with the neighborhood. Most of the lots with water frontage in the Bowleys Quarters community are 50 feet wide and have been developed in accordance with the original plat. There are a few "double" and "triple" lot properties in the neighborhood, and the Petitioner's proposed reconfiguration of these five lots of record is consistent with these lots. In fact, the proposed reconfiguration will produce building lots larger than many in the community.

Special Hearing relief is also requested to confirm that the overall density for the Bowleys Quarters subdivision as shown on Plat Reference 9/56 will not be exceeded by the grant of this special hearing relief. Due to the utilization of the existing lots of record and the reconfiguration of those lots in the manner proposed, it is clear that the overall density for the Bowleys Quarters community will not be exceeded.

The relief that the Petitioners have requested under the Petition for Variance is more particularly shown on the plan. As noted above, single-family dwellings are contemplated for proposed Lots 1 and 2. The houses will be centered on each lot to present an aesthetically

is requested to permit reduced side yard setbacks. This variance request is driven due to two factors. First, the relative narrow configuration of each lot when compared to its depth is a compelling factor. Second, the location of the houses is driven by environmental constraints associated with the property, particularly the existence of the wetlands towards the front of the parcel. It is also to be noted that the location of the houses is consistent with dwellings on other lots in the neighborhood, many of which are undersized.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted to allow the side yard setbacks as proposed. Variance relief is also requested, if

pleasing appearance, consistent with the scheme of the neighborhood. However, variance relief

granted to allow the side yard setbacks as proposed. Variance relief is also requested, if necessary, from Sections 1A04.3.B.1(a) and/or 4A03.4.B.1. Variances from these sections would be required only if the request under the special hearing to approve the reconfiguration of the subject property were denied. In this case, I believe those variances are unnecessary as the Petition for Special Hearing will be granted for the reasons set forth above. The granted relief through the Special Hearing will render moot the need for Variance relief.

As noted above, there were no Protestants who appeared at the hearing, notwithstanding the advertisement and public posting of the property. Additionally, there were no adverse Zoning Advisory Committee (ZAC) comments. In this regard, testimony indicated that the contract purchaser's representatives (Mr. Martin and Mr. Schmidt) had met with the Office of Planning to review the proposal. Pursuant to the ZAC comment received from the Office of Planning, that agency "does not oppose the Petitioner's request;" however, certain restrictions to the grant of any relief were requested, including a requirement that building elevation drawings be submitted to ensure the compatibility of the proposed dwellings to the neighborhood. Thus, that comment will be incorporated as a restriction upon the grant of the relief.

Similarly, a ZAC comment was received from the Bureau of Development Plans Review regarding development of this site. That comment identifies certain routine public works issues and also notes that the property is subject to the flood plain regulations. This comment shall also be incorporated as a restriction upon the grant of the relief requested and the Petitioner indicated that it would comply with that requirement.

Finally, a ZAC comment was offered from the Department of Environmental Protection and Resource Management (DEPRM). That comment notes that this property is subject to the Chesapeake Bay Critical Areas regulations, which limit disturbance of the existing area of wetlands, restrict the amount of impervious surface allowed and limit the removal of tree cover. The Petitioner will be required to comply with the Chesapeake Bay Critical Area regulations. DEPRM also notes that the proposed consolidation would constitute a minor subdivision, and should be processed by Baltimore County as such. In this regard, I leave to the discretion of the DRC the determination as to whether the proposal represents a minor subdivision or, in the alternative, a lot line adjustment. In any event, the Petitioner shall make application for the resolution of this issue to the DRC.

Pursuant to the advertising, posting of the property as required, and public hearing on these Petitions held, and for the reasons set forth above, the Petitions for Special Hearing and Variance shall granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 21 day of August 2005, that the Petition for Special Hearing to permit the that the Petition for Special Hearing seeking approval to allow the consolidation/reconfiguration of five separate (5) lots of record into two building lots, each less than one and one-half (1.5) acres in area, pursuant to Sections 1A04.3.B.1(b)(1) and/or 4A03.4.B of the BCZR and to confirm that the

overall density for that property as shown on Plat 3, Plat reference 9/56 (Bowleys Quarters) will not be exceeded by the grant of this Special Hearing, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.2(b) of the B.C.Z.R. to allow side yard setbacks of 25 feet and 35 feet each for a dwelling on proposed Lots 1 and 2, 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(s) 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, dated April 28, 2005 and April 20, 2005, respectively, have been attached hereto and made a part hereof.
- 3) Compliance with the ZAC comments submitted by the Office of Planning dated August 3, 2005, a copy of which is attached hereto. The Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning prior to the issuance of any permits. The proposed dwellings shall be compatible 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

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section

1A04.3.B.1(a) and/or 4A03.4.B.1 of the B.C.Z.R. be and is hereby DISMISSED as moot.

WJW:bjs

E LENG

WILLIAM F. WISEMAN, III

Zoning Commissioner of

**Baltimore County** 

#### Zoning Commissione

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





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

August 29, 2005

Lawrence E. Schmidt, Esquire Gildea & Schmidt 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE SE/S Bowleys Quarters Road, 627.98' NE of Chesapeake Avenue (Proposed Lots 1 & 2, Bowleys Quarters Road)

15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Hunter S. Roppelt (Deceased) and Gertrude Roppelt, Owners;
Seneca Harbor Development Corp., Contract Purchasers - Petitioners Cases Nos. 05-650-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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,

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Ms. Gertrude Roppelt

3624 Bay Drive, Baltimore, Md. 21220-4405

Mr. Samuel Rothblum, Seneca Harbor Development Corporation

212 Washington Avenue, Towson, Md. 21204

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; Development Plans Review; Office of Planning; People's Counsel; Case File



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 (Tax Map 98, Grid 11, Parcel 16, Lots 64-68) which is presently zoned <u>RC-5</u>

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

- 1. The consolidation/reconfiguration of five separate (5) lots of record, resulting in two building lots, each less than one and one-half (1.5) acres in area, pursuant to Sections 1A04.3.B.1(b)(1) and/or 4A03.4.B of the BCZR.
- 2. To confirm that the overall density for that property as shown on Plat 3, Plat reference 9/56 (Bowley's Quarters) will not be exceeded by the grant of this Special Hearing.
- 3. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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:

Seneca Harbor Development Corp.

Hunter S. Roppelt	(Deceased)	
- Type or Print		

Legal Owner(s):

Name Type or Print	- Honel	N	ame - Type or Print	
Signature Samuel Rothblam  212 Washington Ave	Via presidan		Signature Gertrude Roppelt	
Address	-	Telephone No.	Name - Type or Print	
Towson	MD	21204	GERTRUDE R	oppel
City	State	Zip Code	Signature	
Attorney For Peti	tioner:		3624 Bay Drive	
	<del></del>		Address	Tele

phone No. Lawrence E. Schmidt Baltimore MD 21220-4405 Name Type or Print State Zip Code

Signature Lawrence E. Schmidt Gildea & Schmidt, LLC

Company 300 East Lombard Street, Suite 1440 410-234-0070 Address Telephone No. Baltimore MD 21202 City State Zip Code

Lawrence E. Schmidt Name 300 East Lombard Street Suite 1440 410-234-0070 Address Telephone No. Baltimore MD 21202 City State Zip Code

Representative to be Contacted:

UNAV	AILABLE FOR HEAR	EING	
viewed Bv	JNP	Date	6/8/05

Case No. \_ O5-650-SPHA

DOT FILLING

**ECH.** 



# Petition for Variance

to the Zoning Commissioner of Baltimore County Quertes (1)

for the property located at: Tax Map 98, Grid 11, Parcel 16, Lots 64-68

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 Variance from Section(s):

- 1. A variance from Section 1A04.3.B.2(b) to allow side yard setbacks of 25 feet and 35 feet for a dwelling on proposed Lot No. 1 and side yard setbacks of 25 feet and 35 feet for a dwelling on proposed Lot No. 2.
- 2. If necessary, variances from Section 1A04.3.B.1(a) and/or 4A03.4.B.1 of the BCZR.
- 3. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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

To be presented at hearing.

REV 9/11/98

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/L	.essee:		<u>Legal Owner(s):</u>						
Seneca Harbor Developme	ent Corp.		Hunter S. Roppelt (Deceased)						
Name - Type or Print	Ame	Nam	e - Type or Print						
Signature Samuel Rothblum	ce Presid	e A	Signature		<del></del>				
212 Washington Ave	, ,	(410) 296-4122	Gertrude Roppelt						
Address		Telephone No.	Name - Type or Print	<u> </u>					
Towson	MD	21204	GERTA	ende Ro	PPELT				
City	State	Zip Code	Signature	700					
Attorney For Petition	er:	•	3624 Bay Drive						
	<del></del>		Address		Telephone No.				
Lawrence E. Schmidt			Baltimore,	MD	21220-4405				
Name Type or Print	100	-eity		State	Zip Code				
MMM 9	8/////	<u> </u>	Representative	to be Contacted:					
Signature	•		· · · · · · · · · · · · · · · · · · ·						
Gildea & Schmidt, LLC		<u> </u>	Lawrence E. Schmi	dt					
Company			Name		<u></u>				
300 East Lombard Street, S	uite 1440	410-234-0070	300 East Lombard S	Street Suite 1440	410-234-0070				
Address		Telephone No.	Address		Telephone No.				
Baltimore	MD	21202	Baltimore	MD	21202				
Baltimore	State	Zip Code	City	State	Zip Code				
			<u>OF</u>	FICE USE ONLY					
35. O5-6	50-SP1	4A	ESTIMATED LENGTH	OF HEARING	<u> </u>				

Reviewed By \_\_\_

UNAVAILABLE FOR HEARING



#### GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS 1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Description of a 2.15 Acre Parcel of Land known as the Roppelt Property for Special Hearing and Variances June 8, 2005

Beginning for the description of a 2.15 Acre area, at a point on the southerly Right-of-Way line of a 40 foot wide Right-of-Way of Bowleys Quarters Road, said point of beginning having a Maryland State (nad83/91) Coordinate Value of North 596,160 and East 1,487,775 being measured North 52 degrees 10 minutes 6 seconds East 627.98 feet from the centerline intersection of said Bowleys Quarters Road and Chesapeake Road, running thence leaving said point of beginning and binding on the southerly Right-of-Way line of Bowleys Quarters Road the following course;

- 1) North 49 degrees 55 minutes 16.4 seconds East 250.50 feet thence, leaving said Right-of-Way line, the following courses,
- 2) South 37 degrees 24 minutes 44.8 seconds East 389.60 feet thence,
- 3) South 53 degrees 28 minutes 9.4 seconds West 250.00 feet thence,
- 4) North 37 degrees 27 minutes 7.3 seconds West 374.10 feet to the point of beginning.

Containing 93,654 Square Feet or 2.15 Acres of Land more or less.

Being Lots 64, 65, 66, 67 and 68 in the Subdivision known as Plat No.3 of Bowleys Quarters recorded in Baltimore County Plat Book #9, Folio #56, and located in the 15th Election District.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT

BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

05-650-SPHA

410-825-8120 • FAX 410-583-0288 www.gwstephens.com

#### 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 <u>Towson, Maryland</u> on the property identified herein as follows:

Case: #05-650-SPHA

Case: #05-650-SPHA
Proposed Lots 1 & 2 Bowley's Quarters Road
S/east side of Bowley's Quarters Road, 627.98 feet
n/east of Chesapeake Road

15th Election District - 6th Councilmanic District Legal Owner(s): Hunter S. (deceased) & Gertrude Roppelt Contract Purchaser: Seneca Harbor Development Corporation

Special Hearing: to allow the consolidation/reconfiguration of five separate lots of record resulting in two building lots, each less than one and one half (1.5) acres in area and to confirm that the overall density for that property as shown on Plat 3 will not be exceeded by the grant of this Special Heairng and for such other and further relief as may be deemed necessary by the Zoning Commissioner. Variance: to allow side yard setbacks of 25 feet and 35 feet for a dwelling on proposed lot #1 and side yard setbacks of 25 feet and 35 feet for a dwelling on proposed lot #2 and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, August 3, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

AND FIRE LANGERS I

WILLIAM J. WISEMAN, III
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/7/683 July 19 59341

#### CERTIFICATE OF PUBLICATION

7/20/,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
n = 7/19, 2005.
The Jeffersonian  Arbutus Times
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

#### **CERTIFICATE OF POSTING**

RE: Case No.: 05-650-5PHA

Petitioner/Developer: SENEGA HARBOR

DEVELOPMENT CORP.

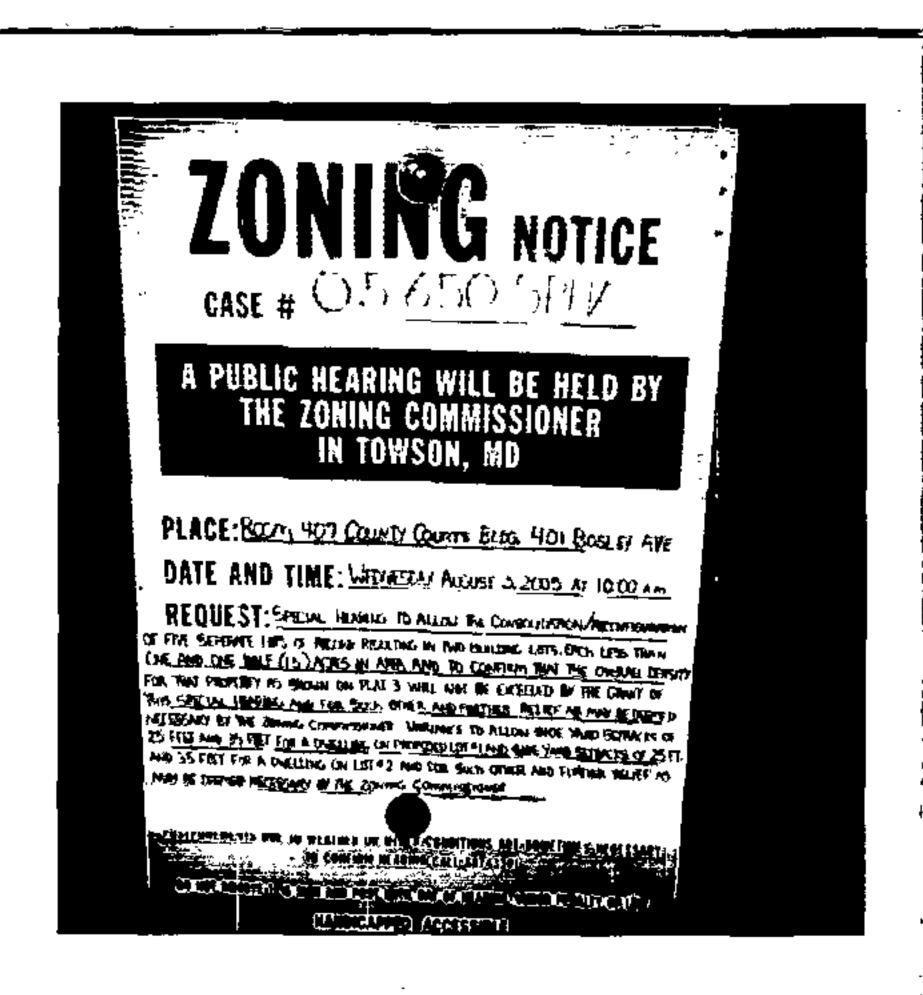
Date of Hearing/Closing: AUG 3, 2005

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

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

Ladies and Gentlemen:

Sincerely,



٠.	Robert Black 7-20.	<b>∞</b> 5,
	(Signature of Sign Poster) (Date)	•
	SSG Robert Black	
- 	(Print Name)	ر مصوری بیدن
	1508 Leslie Road	
•	(Address)	<b>-</b>
	Dundalk, Maryland 21222	
-	(City, State, Zip Code)	-
	(410) 282-7940	
•	(Telephone Number)	-

JUL 2 1: 2005

DEVELOPICATION

-

## Department of Permits and Development Management

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





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

June 16, 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: 05-650-SPHA

Proposed Lots 1 & 2 Bowley's Quarters Road S/east side of Bowley's Quarters Road, 627.98 feet n/east of Chesapeake Road 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Hunter S.(deceased) & Gertrude Roppelt

Contract Purchaser: Seneca Harbor Development Corporation

<u>Special Hearing</u> to allow the consolidation/reconfiguration of five separate lots of record resulting in two building lots, each less than one and one half (1.5) acres in area and to confirm that the overall density for that property as shown on Plat 3 will not be exceeded by the grant of this Special Hearing and for such other and further relief as may be deemed necessary by the Zoning Commissioner. <u>Variance</u> to allow side yard setbacks of 25 feet and 35 feet for a dwelling on proposed lot #1 and side yard setbacks of 25 feet and 35 feet for a dwelling on proposed lot #2 and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, August 3, 2005 at 10:00 a.m. in Room 407, County Courts Building,

#01 Boşley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Lawrence Schmidt, 300 East Lombard Street, Ste. 1440, Baltimore 21202 Mrs. Gertrude Roppelt, 3624 Bay Drive, Baltimore 21220-4405 Seneca Harbor Development Corp., 212 Washington Avenue, Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 19, 2005.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
  - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 19, 2005 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

#### 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: 05-650-SPHA

Proposed Lots 1 & 2 Bowley's Quarters Road S/east side of Bowley's Quarters Road, 627.98 feet n/east of Chesapeake Road 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Hunter S.(deceased) & Gertrude Roppelt

Contract Purchaser: Seneca Harbor Development Corporation

<u>Special Hearing</u> to allow the consolidation/reconfiguration of five separate lots of record resulting in two building lots, each less than one and one half (1.5) acres in area and to confirm that the overall density for that property as shown on Plat 3 will not be exceeded by the grant of this Special Hearing and for such other and further relief as may be deemed necessary by the Zoning Commissioner. <u>Variance</u> to allow side yard setbacks of 25 feet and 35 feet for a dwelling on proposed lot #1 and side yard setbacks of 25 feet and 35 feet for a dwelling on proposed lot #2 and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, August 3, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

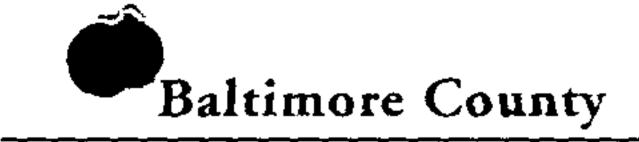
#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 05-650-5PI-IA
Petitioner: GERTRUDE ROPPEIT
Address or Location: NoposeD Lois 172 Bouley's Quarters Bouley's Quarters
PLEASE FORWARD ADVERTISING BILL TO:  Name: LAWRENCE E SCHMIDT
Address: 300 E LOMBAND ST., SUITE 1440  BALTIMORE, MD.  21202
Telephone Number: 410-234-6070

# Department of Permits an Development Management

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





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

July 25, 2005

Lawrence E. Schmidt Gildea & Schmidt, LLC. 300 East Lombard Street, Ste 1440 Baltimore, Maryland 21202

Dear Mr. Schmidt:

RE: Case Number: 05-650-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 8, 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.

W. Calling Mila De

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: , People's Counsel . Gertrude Ropplet 3624 Bay Drive Baltimore 21220 . Seneca Harbor Development Corp. 212 Washington Avenue Towson 21204



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

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

South Side Bowleys Quarters Road Northeast of Chesapeake

**DATE:** August 3, 2005

**INFORMATION:** 

Item Number:

5-650- Revised Comments

Petitioner:

Hunter and Gertrude Roppelt

Zoning:

RC 5

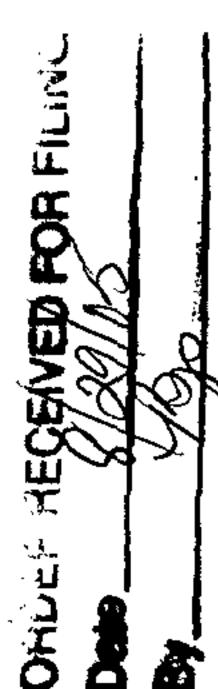
Requested Action:

Special Hearing and Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to create two building lots. However, 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 existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses 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.
- 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.

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

Prepared By:

Division Chief:

CM/LL

ORDER RECOMMED/COR FILING

Date

W:\DEVREV\ZAC\5-650 doc

18/2 8/2

JUN 2 8 2005

ZONING COMMISSIONER

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

**DEPRM** 

DATE:

June 28, 2005

SUBJECT:

Zoning Item

# 05-650

Address

Bowley's Quarters Road

Zoning Advisory Committee Meeting of June 20, 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).

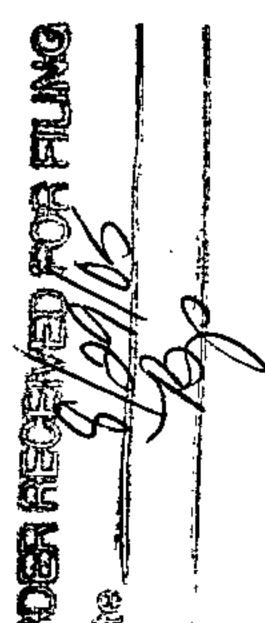
#### Additional Comments:

- 1.) There shall be no disturbance of the non-tidal wetlands or the associated buffer(s) in the course of making improvements to this property without first obtaining permission from this Department. The applicant may also be subject to review by State and/or Federal agencies as well in conjunction with any proposed disturbance(s).
- 2.) Impervious surfaces are limited to 15% of each "lot" or homesite.
- 3.) A minimum of 15% tree cover shall be established and/or maintained on each lot.
- 4.) The proposed consolidation of lots would constitute a minor subdivision and should be processed as such. In addition, this proposal may also need permission from the Baltimore County Development Review Committee (DRC) for approval to proceed.

Reviewer:

Bruce Seeley, Glenn Shaffer

Date: June 28, 2005



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 28, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 27, 2005 Item No. 650

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 10.4.

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 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 requirement of B.O.C.A. International Building Code adopted by the county.

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

The ultimate right-of-way for Bowleys Quarters Road is 60-feet wide. This should be reflected on this plan and on all subsequent plans.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 650-06282005doc



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

June 20,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No. 633,639,643,644,645,646,647.648,649 (650) 651,652,653,654,655,656,657, 658,659,660 and 661

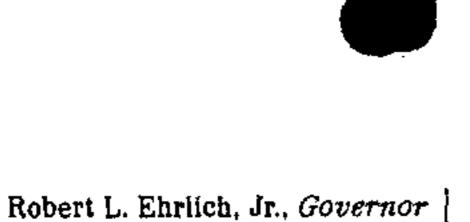
Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

#### The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file





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

Maryland Department of Transportation

Date: 6.20.05

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

Michael S. Steele, Lt. Governor

RE:

Baltimore County
Item No. 657

JH7

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

f. 1. Soull

Engineering Access Permits Division





RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

Proposed Lot 1 & 2 Bowleys Quarters Rd; SE/S\* Bowleys Quarters Rd, 627.98' NE Chesapeake Rd

15th Election & 6th Councilmanic Districts

Legal Owners: Hunter (deceased) &

Gertrude Ropplet

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

05-650-SPHA

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16<sup>th</sup> day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

JUN 16 2005

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

LEASE PRINT CLEARLY

CASE NAME 05-650-5PH, CASE NUMBER 12-10-17 DATE 8/3/05 10-17-11

# PETITIONER'S SIGN-IN SHEET

E- MAIL	Mosting a state can	Sama senoca harbor. com									
STATE, ZIP	2022	21204									
CITY,	YOUNGER 17	Loaken						v			
ADDRESS	168 OROMWENT SKIERD	212 WASH. ALL						•			
NAME	DAVID MARTIN	SAM ROSPUM									

Case No.:

# 05-650 SPHA

#### Exhibit Sheet

#### Petitioner/Developer

#### Protestant

No. 1	<del></del>	······································
180. 1	Site PLAN	
No. 2	A ERIAL OF SOCROUNDA NEGGHBOR HOOD	
No. 3	Photo's of Existing	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10	,	
No. 11		
No. 12		
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#### (SIGN IN SHEETS - OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning – My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. THESE PROCEEDINGS ARE BEING RECORDED


Code. THESE PROCEEDINGS ARE BEING RECORDED FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 05-65 This is a Petition for LAWRENCE SCHMIDT AHDRINGY FOR filed by SENECA HARBOR DEU. GO for property located at and zoned RC-5 "Read language from file" The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign 7-18-05 by KOBT BLACK was posted an approved sign poster and shows the time, date, place and subject matter of the hearing. The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication. I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST? NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. \_, since there is no opposition, if you want to make AN INFORMAL PROFFER of the testimony and evidence, you're welcome to do so. IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you


Geo. W. Stephens : Assoc BRENT PetersEN

to sign so that we can mail you a copy of the decision in this case.

#### **EXPLAIN PROCESS:**

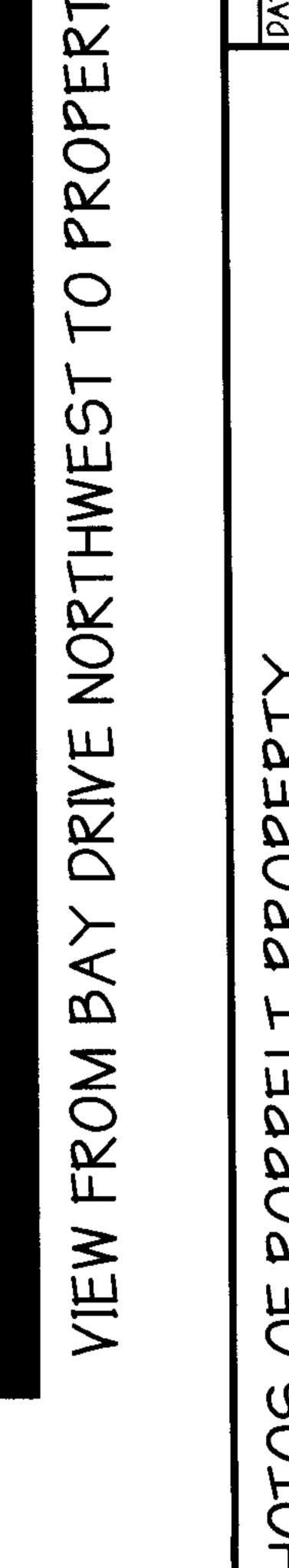
First the owner of the property will have an opportunity to present testimony and evidence regarding the request for the property at
Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'l give you an opportunity to do so.
Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.
PRESENT CASE
SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT
All right Mr./Ms, please proceed with your case:
TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms.  just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.
CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this Where do you live? How long have you lived there? What is it about the that bothers you/or what would you like to tell me about this case.
CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER. THANK YOU FOR ATTENDING
I'm not prepared to make a decision here and now.
I want some time to think about the evidence presented - might want to look at the property
Hopefully, within a few weeks, I'll issue a written decision in the case
If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.





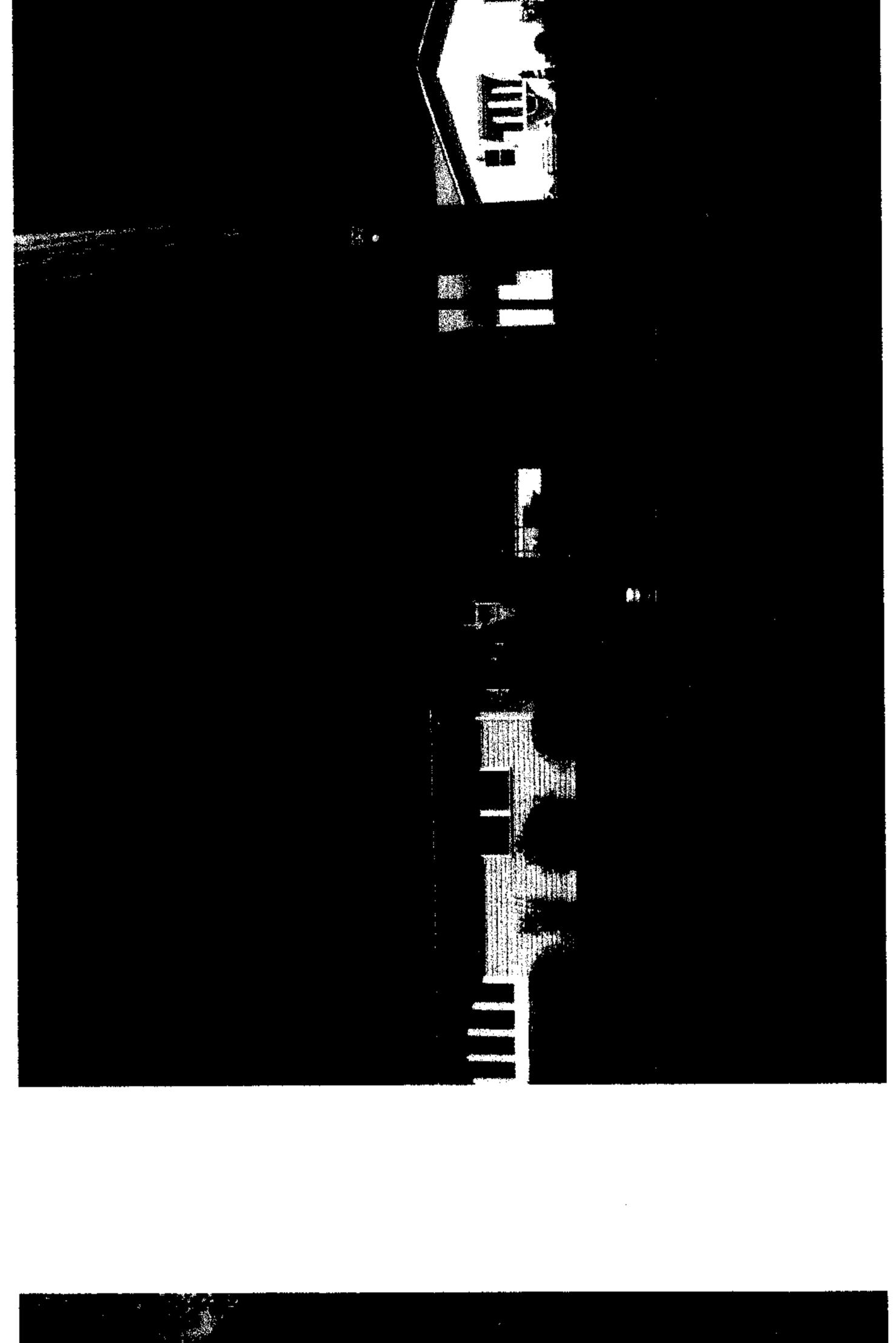
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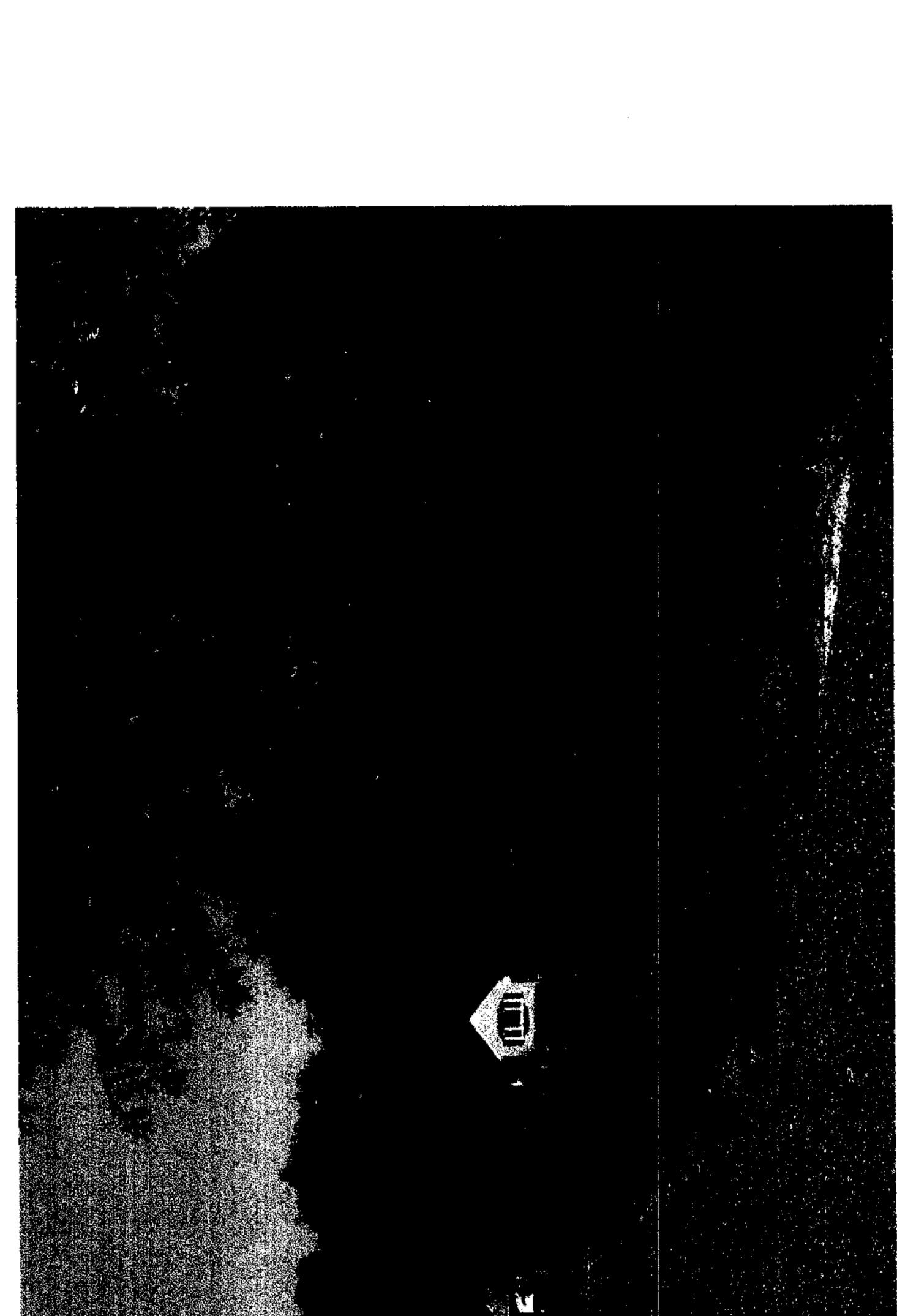


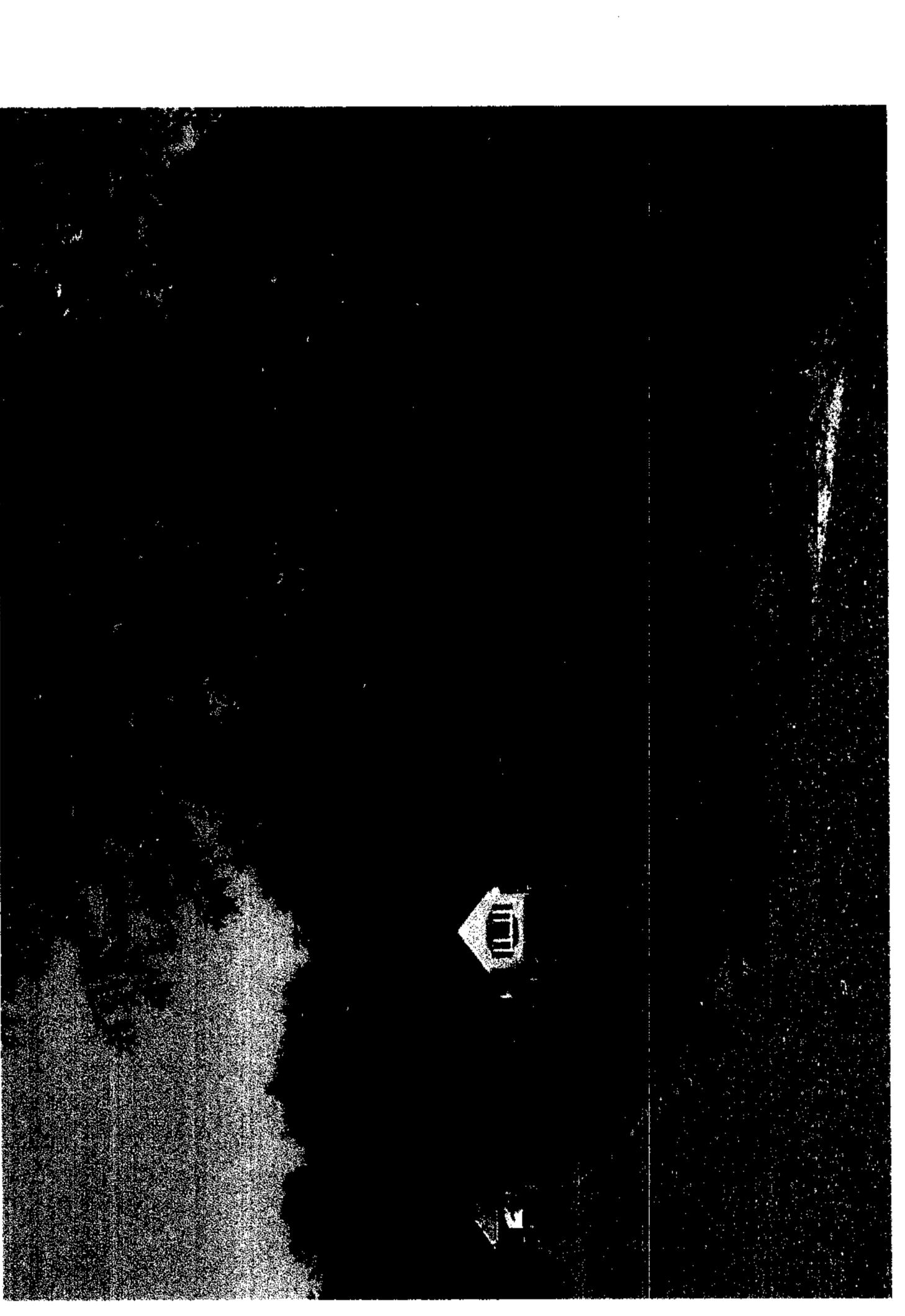


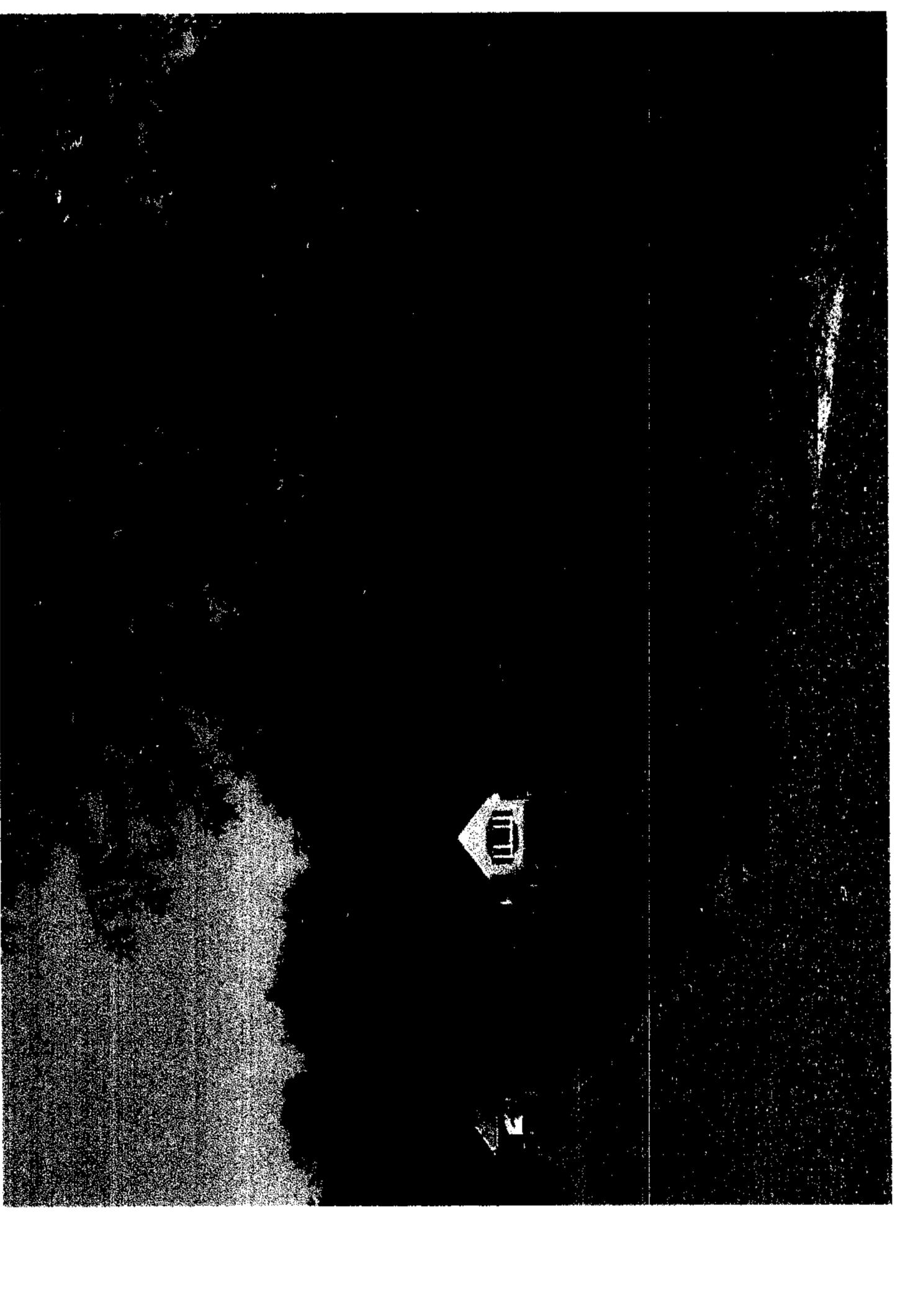




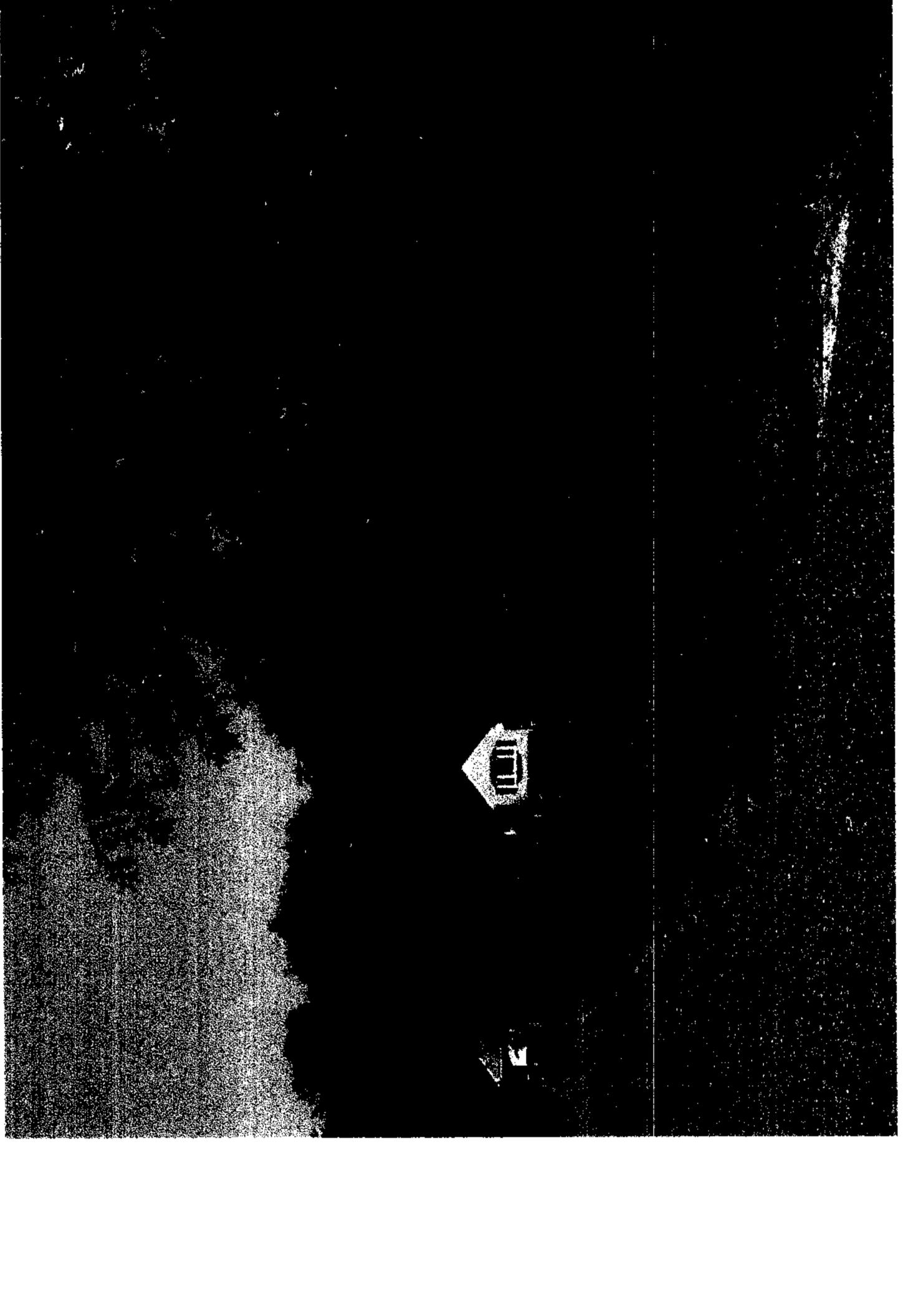


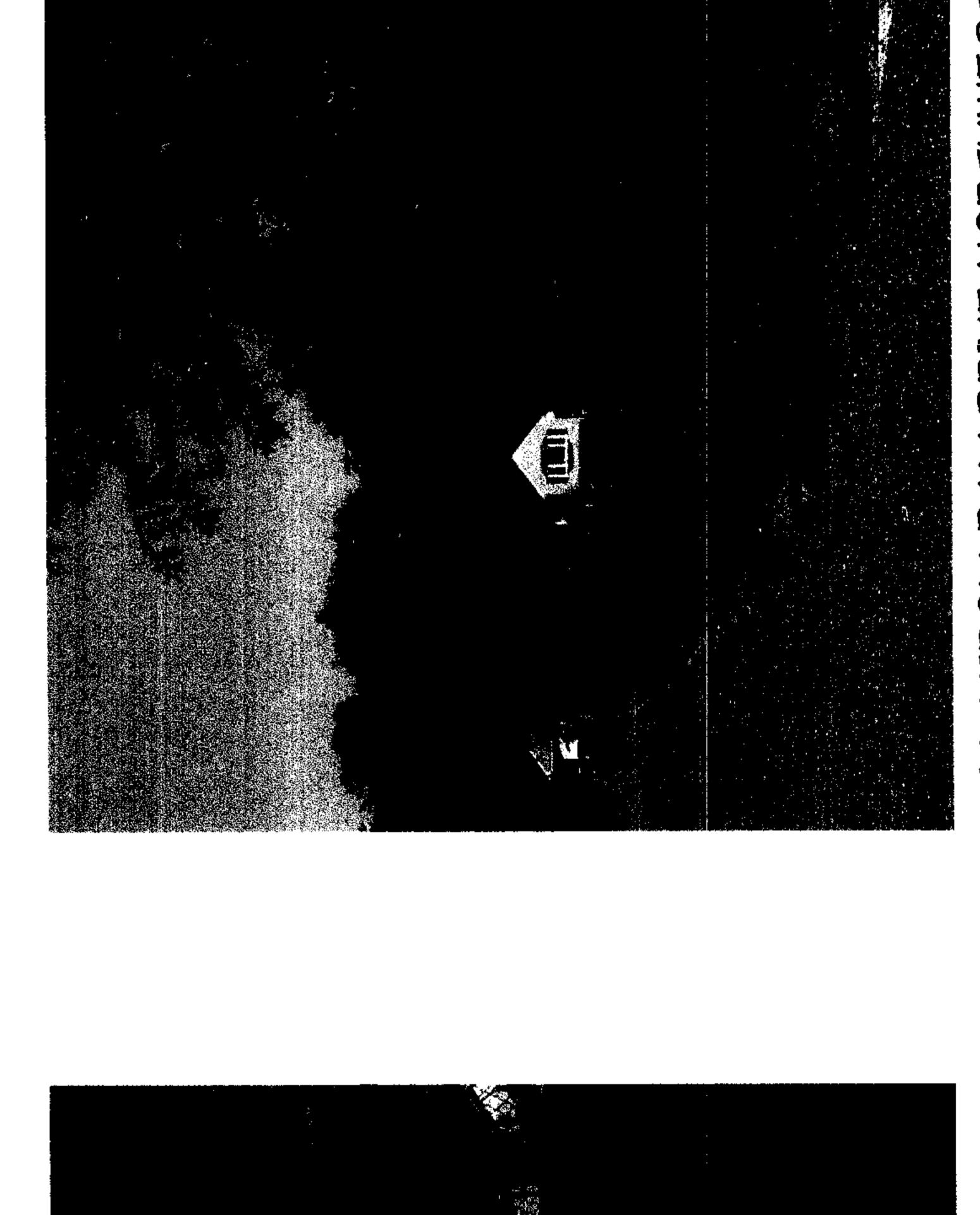


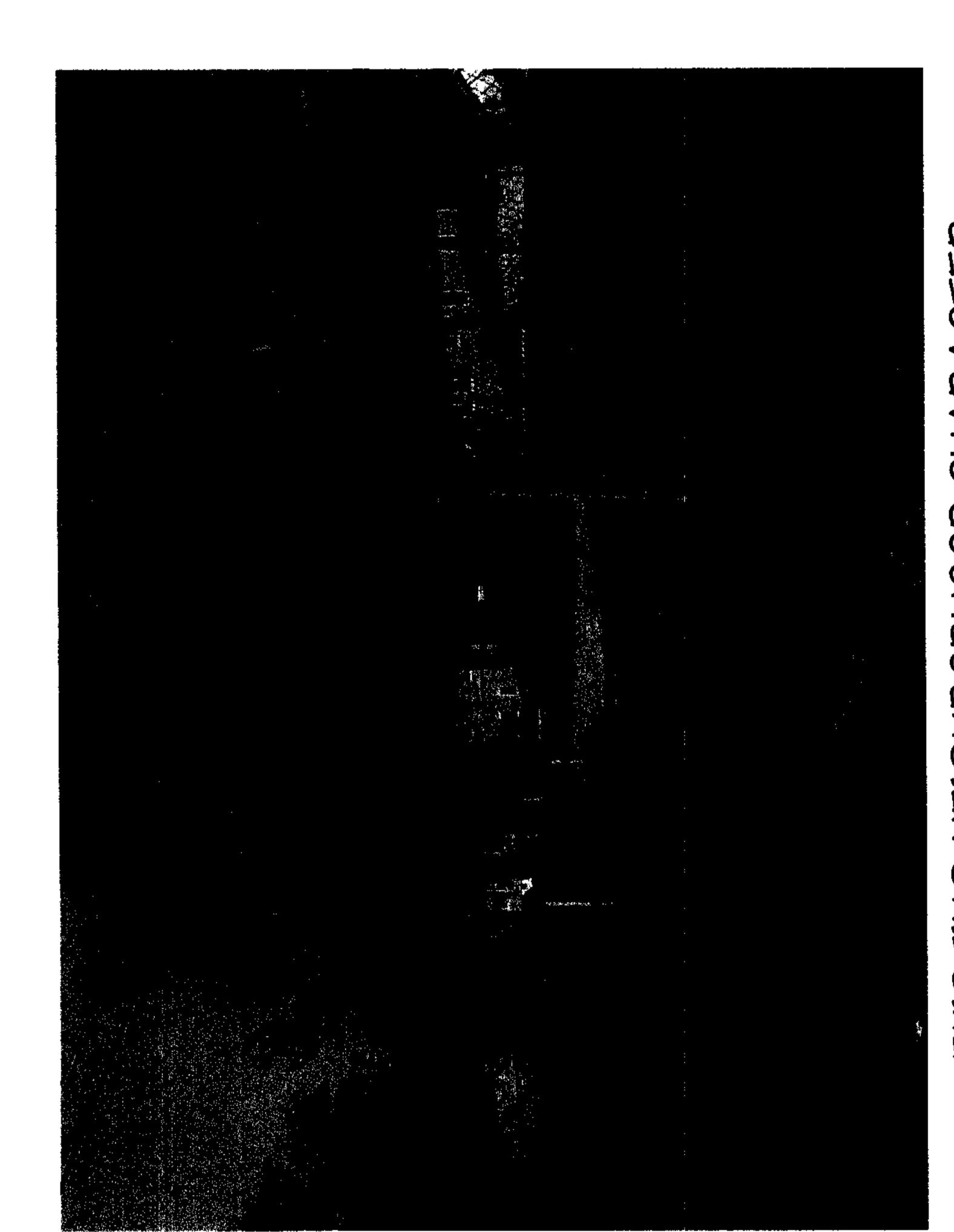


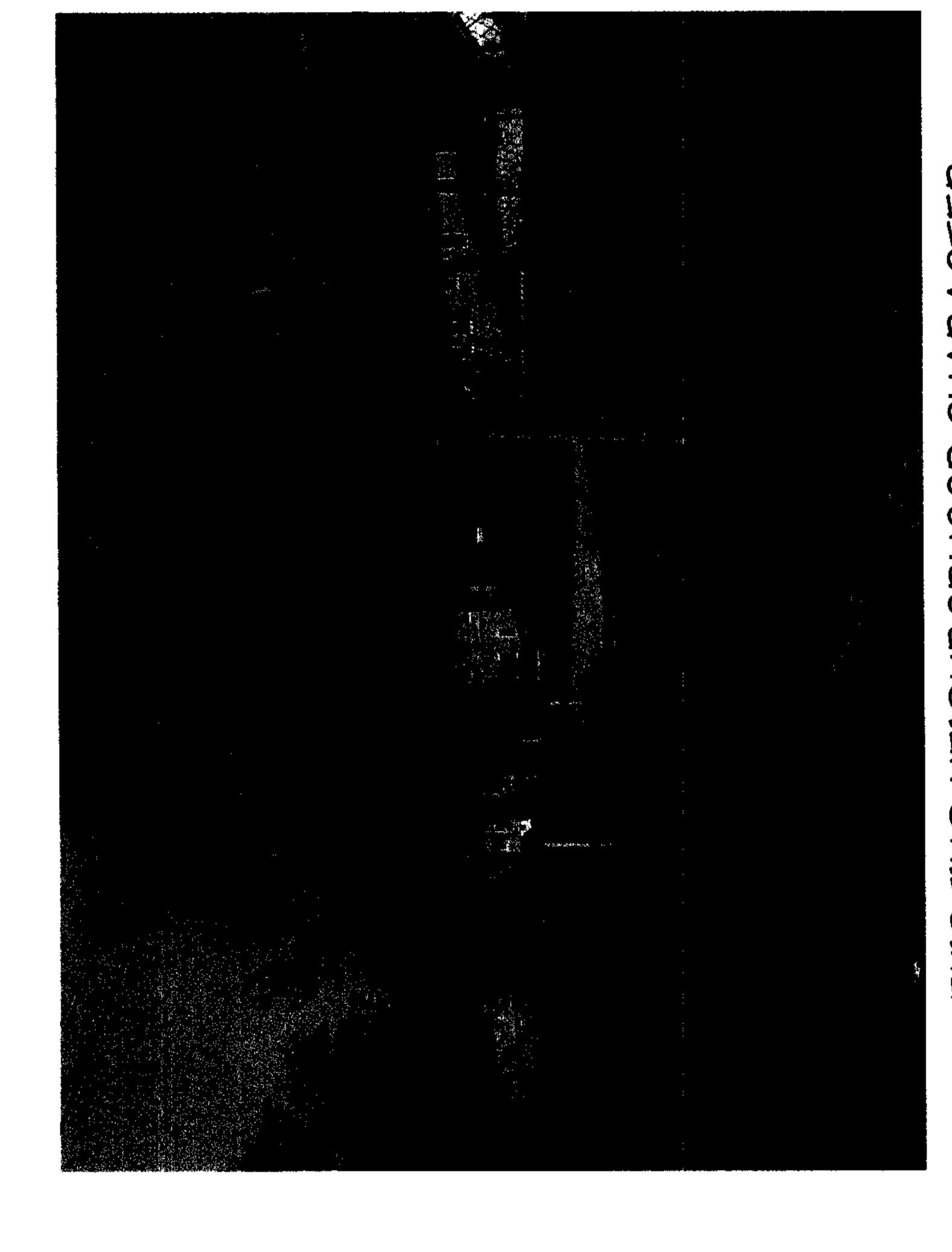


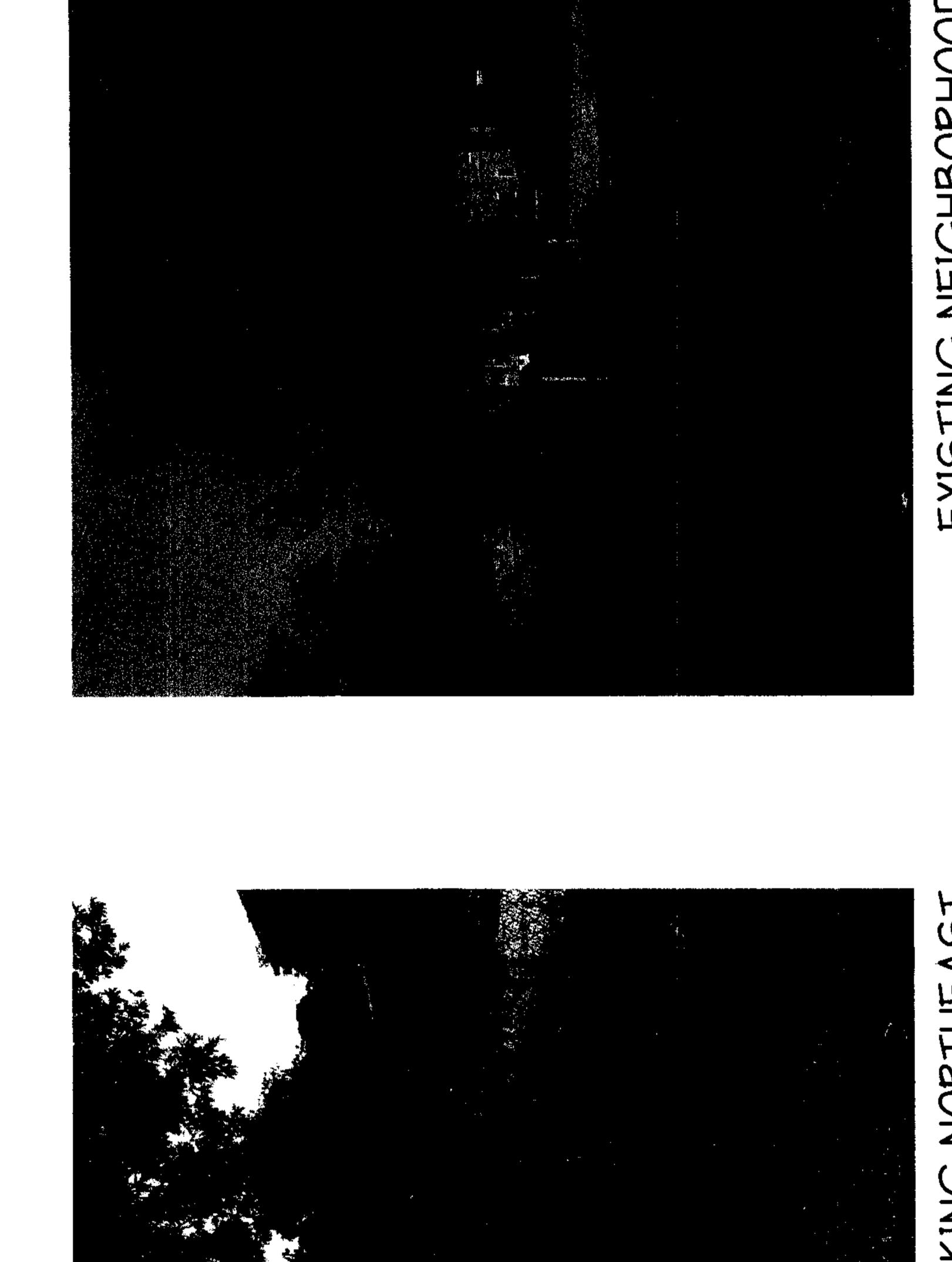
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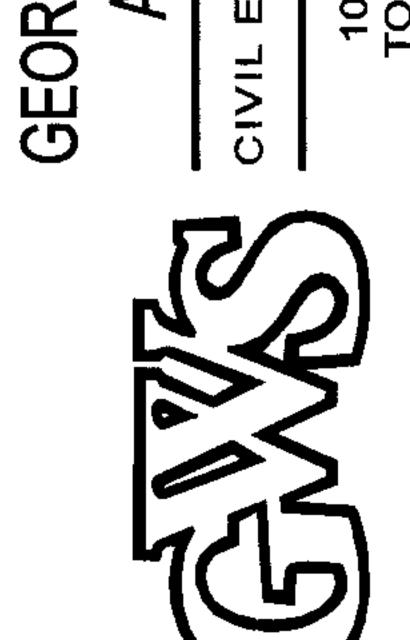




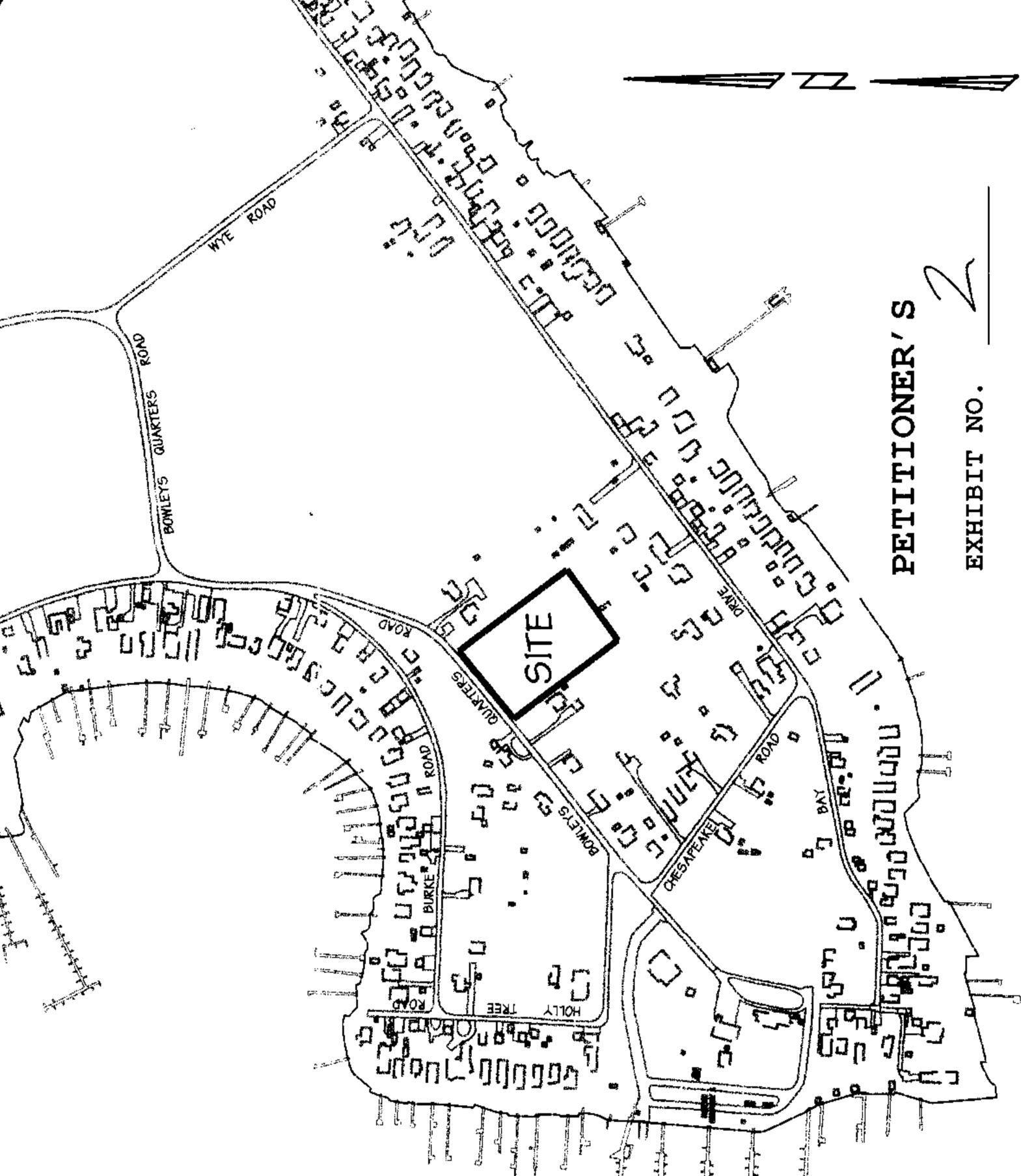
RD

BOWLEYS QUARTERS

LOOKING







# VICINIT

SPECIAL HEARING FOR:

1. THE CONSOLIDATION / RECONFIGURATION OF FIVES RESULTING IN TWO BUILDING LOTS, EACH LESS ACRES IN AREA, PURSUANT TO SECTIONS 1ACRES.

2. TO CONFIRM THAT THE OVERALL DENSITY FOR PLAT 3, PLAT REFERENCE 9/56 (BOWLEYS QUEY THE GRANT OF THIS SPECIAL HEARING.

3. FOR SUCH OTHER AND FURTHER RELIEF AS MAZONING COMMISSIONEER.

VARIANCE FOR:

1. A VARIANCE FROM SECTION 1A04.3.B.2(b) TO AI
FEET AND 35 FEET FOR A DWELLING ON PROP(
SETBACKS OF 25 FEET AND 35 FEET FOR A DI
2. IF NECESSARY, VARIANCES FROM SECTIONS 1,
THE BCZR.
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAZONING COMMISSIONER.

ARYLAND = 8, 2005

AM STEPHENS, JR. CIATES, INC.

Office OF BUDGET & FIN DOUBLE COL OPIOCK INCO **5**0.00