RFLING TOTAL CA IN RE: PETITIONS FOR SPECIAL HEARING &

VARIANCE – NE/S Bowleys Quarters Road,

1,380' S of the c/l Susquehanna Avenue

(923 Bowleys Quarters Road)

15th Election District

6th Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 05-662-SPHA

Henry Roesner, Legal Owner;

Patrick C. Kerr, et ux, Contract Purchasers

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 Henry Roesner, owner of the subject property, and Patrick C. Kerr and Linda T. Kerr, as Contract Purchasers. The Petitioners request special hearing relief and a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit development of the subject property with a single-family dwelling. Specifically, relief is requested from Section 1A04.3.B.1.a of the B.C.Z.R. to approve the subject property as an undersized lot and to determine that density will not be affected by the proposed development. In addition, variance relief is requested from Section 1A04.3.B.2.b to permit side yard setbacks of 10 feet each in lieu of the minimum required 50 feet, and from Section 1A04.3.A to allow a building height of 36'11-1/8" in lieu of the maximum allowed 35 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Henry Roesner, owner of the property, Patrick C. Kerr, who has contracted to purchase the property, Doug DuVal, Architect, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on Seneca Creek and the northeast side of Lot 71 of Bowleys Quarters Plat No. 2, which was recorded in the Land Records on May 26, 1921, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots in this community are undersized and do not meet current width and/or area requirements for development. Mr. & Mrs. Kerr have contracted to purchase the property and are desirous of developing the lot with a single-family dwelling. However, given the narrow width and small area of the lot, the requested zoning relief is necessary. In addition, a variance from height limitations is requested given the proposed construction in a designated flood hazard area. Finally, special hearing relief is requested to approve the subject lot as undersized and a determination that density will not be affected by the proposed development.

In this regard, testimony disclosed that Henry Roesner at one time owned three adjacent lots, namely Lots 71, 72 and 73 of Bowleys Quarters. Mr. Roesner resided on the

Bowleys Quarters Road in Middle River. The property is an unimproved parcel, also known as

In this regard, testimony disclosed that Henry Roesner at one time owned three adjacent lots, namely Lots 71, 72 and 73 of Bowleys Quarters. Mr. Roesner resided on the middle lot (Lot 72) in the dwelling known as 923 Bowleys Quarters Road, until that home was destroyed by Hurricane Isabel in 2003. Mr. Roesner recently sold Lot 73 to another party and has contracted to sell Lot 71 to the Petitioners.

As shown on the site plan, the subject property is 51.16 feet wide and approximately 320 feet deep, and contains a gross area of 0.3677 acres, (16,017 sq.ft.) more or less, zoned R.C.5. The R.C.5 regulations require a minimum lot area of 1.5 acres, and setbacks of no less than 50 feet to any property line. Thus, it is clear that the property could not be developed without the requested zoning relief. In support of the request, Counsel for the Petitioners noted that the property has been a duly recorded lot of record since 1921. Moreover, the proposed development will be compatible with the pattern of development in the neighborhood and will provide setbacks consistent with other houses in the community.

After due consideration of the testimony and evidence presented, I am persuaded that relief should be granted. To deny relief would result in a practical difficulty for the Petitioners and prohibit reasonable use of the property for a permitted purpose. As noted above, many of the

lots are similar in area and width as the subject property. Moreover, the proposed dwelling will be consistent with the pattern of development in the neighborhood and meets the spirit and intent of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995). In this regard, the Office of Planning had requested that certain conditions be imposed to the grant of any relief to insure compliance with the R.C.5 zoning regulations and development standards. However, just prior to the start of the hearing, building elevation drawings of the proposed dwelling were submitted to the Office of Planning who provided an amended comment. That comment indicates they support the Petitioners' proposal and find same to be in accordance with the spirit and intent of the R.C.5 regulations and performance standards.

I further find that the subject property meets the requirements of Section 304 of the B.C.Z.R. and that the proposed development will not result in any increase in density. There were no adverse comments submitted by any County reviewing agency and no one appeared in opposition to the request. To the contrary, the community supports the proposal as evidenced by the letter received from the Bowleys Quarters Improvement Association. Thus, it appears that relief can be granted without detrimental impact to the surrounding locale. However, as conditions to this approval, the proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning. Moreover, due to the property's waterfront location, the proposed construction must comply with Federal Flood Insurance regulations and Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management and the Development Plans Review Division of the Department of Permits and Development Management, copies of which are attached hereto and made a part hereof.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 day of September 2005 that the Petition for Special Hearing seeking approval of the

subject property as an undersized lot and a determination that density will not be affected by the proposed development, pursuant to Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.2.b to permit side yard setbacks of 10 feet each in lieu of the minimum required 50 feet, and from Section 1A04.3.A to allow a building height of 36'11-1/8" in lieu of the maximum allowed 35 feet for a proposed single-family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.
- 3) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

VILLIANT. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bis

Zoning Commissioner

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

September 8, 2005

Anthony J. DiPaula, Esquire 34 S. Main Street Bel Air, Maryland 21014

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Bowleys Quarters Road, 1,380' S of the c/l Susquehanna Avenue
(923 Bowleys Quarters Road)
15th Election District – 6th Council District
Henry Roesner, Legal Owner; Patrick C. Kerr, et ux, Contract Purchasers - Petitioners
Case No. 05-662-SPHA

Dear Mr. DiPaula:

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 traly yours,

Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Mr. Henry Roesner

55 Dendron Court, Baltimore, Md. 21234

Mr. & Mrs. Patrick C. Kerr

14409 Manor Road, Phoenix, Md. 21131

Mr. Doug DuVal, DuVal & Assoc., P.A.

1729 York Road, Suite 205, Lutherville, Md. 21093

Chesapeake Bay Critical Areas Comm., 1804 West Street, Suite 100, Annapolis, Md. 21401 Development Plans Review, DPDM; DEPRM; Office of Planning; People's Counsel; File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	923	Bullys	Quarters	Road
which is	RC5			

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

(44 attached)

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/Le	:ssee:		Legal Owner(s):
TATRICIC C. KERRE	,		HENRY ROESNER
Name - Type or Brint			Name - Type or Print Rolling
Signature Mayor Lo	410.5	92-8277	Signature
Address/	11/2	Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petitioner	<u></u>		55 DEN DEON CT. 410-468-4280 Address Telephone No.
			-7
Name - Type or Print	<u></u>	<u> </u>	City State Zip Code
Signature			Representative to be Contacted:
			Douglas W. D. Val. L.S. Pres, Go D. Wal & Asse. 1.
Company		<u></u>	Name!
Address	<u> </u>	Telephone No.	1729 40.4 14.5 5tt. 705 410-645-5467 Address Telephone No.
			Lutherille, MD 21093
City	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
			ESTIMATED LENGTH OF HEARING
Case No.			UNAVAILABLE FOR HEARING
REV 9/15/98		Revie	ewed By Date

SPECIAL HEARING FOR 923 BOWLEYS QUARTERS ROAD

the issuing of a building permit for the construction of a dwelling on a lot of record, dated 1921, which contains 0.3677 acres, in lieu of 1.5 acres, as required under Baltimore County Section 1A04.3.B.1.b.

AND TO DETERMINE THAT DENSITY IS NOT AFFECTED.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 923 Bowly Quarties Road which is presently zoned RCS

This Petition shall be filed with the Department of Permits of the property situate in Baltimore County and which is deschereof, hereby petition for a Variance from Section(s)	and Development Management. The undersigned, legal owner(s) cribed in the description and plat attached hereto and made a part
(see affached)	Londa F. Cerr
of the Zoning Regulations of Baltimore County, to the zoning la or practical difficulty) (sue a focused)	w of Baltimore County, for the following reasons: (indicate hardship
owners and the second of the s	noting of and firster are a first of the second
perjury, that I/w is the subject of this Pet	e are the legal owner(s) of the property which
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
PATINIC P. KEDZ	
Varne - Type or Print	Name - Type or Print
ignature 2	Jung Rosser
14457 Mars 60 410-552-8277	Signature
Iddiess Telephone No.	Name - Type or Print
Thoesey My State Zip Code	Signature
Attorney For Petitioner:	550ENDRON CT 410-668-6286
	Address Telephone No.
James - Type or Print	BALTIMOKE, MD 21234 City State Zip Code
	Representative to be Contacted:
ignature	
company	Douglas W. DuVal. L.S. Pros. 90 DuVal & Aggoc. P.A.
	1729 Yerk Rd. Sta. 205 410-1666-5467
Telephone No.	Address Telephone No.
State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
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Reviewed By	UNAVAILABLE FOR HEARING Date
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VARIANCE FOR 923 BOWLEYS QUARTERS ROAD

1A04.3.B.1.a., TO APPROVE AN UNDERSIZED LOT AND TO DETERMINE THAT DENSITY IS NOT BEING AFFECTED.

REASON FOR REQUEST THE LOT OF RECORD, DATED 1921, CONTAINS 0.3677 ACRES, IN LIEU OF 1.5 ACRES, AS REQUIRED UNDER BALTIMORE COUNTY SECTION 1A04.3.B.1.a.

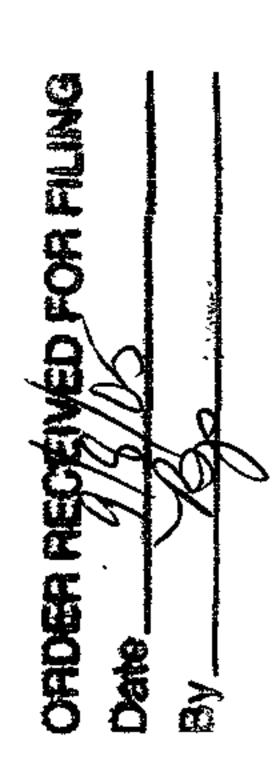
1A04.3.B.2.b., TO ALLOW SIDE YARD SETBACKS OF 10' IN LIEU OF THE REQUIRED 50'.

REASON FOR REQUEST THE WIDTH OF THE EXISTING LOT OF RECORD, FROM 1921, IS 50'.

1A04.3.A., TO ALLOW THE BUILDING HEIGHT TO BE 36'-11 1/8", IN LIEU OF THE MAXIMUM 35'.

REASON FOR REQUEST BALTIMORE COUNTY BUILDING CODE REQUIRES THAT CONSTRUCTION IN DESIGNATED FLOOD HAZARD AREAS REQUIRE, IN THIS CASE, THE LOWEST LEVEL OF LIVING SPACE TO BE ELEVATED 8' ABOVE EXISTING GROUND, THUS INCREASING THE HEIGHT TO 36'-11 1/8".

A Special Hearing to determine that density is not affected.



ZONING DESCRIPTION FOR 923 BOWLEYS QUARTERS ROAD

Beginning at a point on the northeast side of Bowleys Quarters Road which is 40' wide at the distance of 1380' south of the centerline of Susquehanna Avenue which is 30' wide. Being lot #71 in the subdivision of Bowleys Quarter Plat No.2 as recorded May 26, 1921 in Baltimore County Plat Book W.P.C. No. 007, Folio #13, containing 16017 sq. ft. or 0.3677 ac±. Also know as 923 Bowleys Quarters Road and located in the 15th Election District, 6th Councilmanic District.

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: #05-662-SPHA

923 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,380 feet south centerline of Susquehanna Avenue 15th Election District — 6th Councilmanic District

Legal Owner(s): Henry Roesner

Variance: to approve an undersized lot and to determine that the density is not being affected and to allow side yard setback of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 inches in lieu of the maximum 35 feet. Special Hearing: to determine density is not affected.

Hearing: Monday, August 15, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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. 7/226 July 28

CERTIFICATE OF PUBLICATION

7/28/,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\sqrt{38}$, 2005 .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings-
LEGAL ADVERTISING

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CERTIFICATE OF POSTING

RE: 05-662-SPHA

Petitioner/Developer: **Henry**

Roesner

Hearing Date: 9/7/05

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

Attention: Ms. Kristen Matthews

Ladies and Gentlemen:

This Letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 923 Bowleys Quarters Rd.

The sign(s) were posted on 8/23/05.

Sincerely,

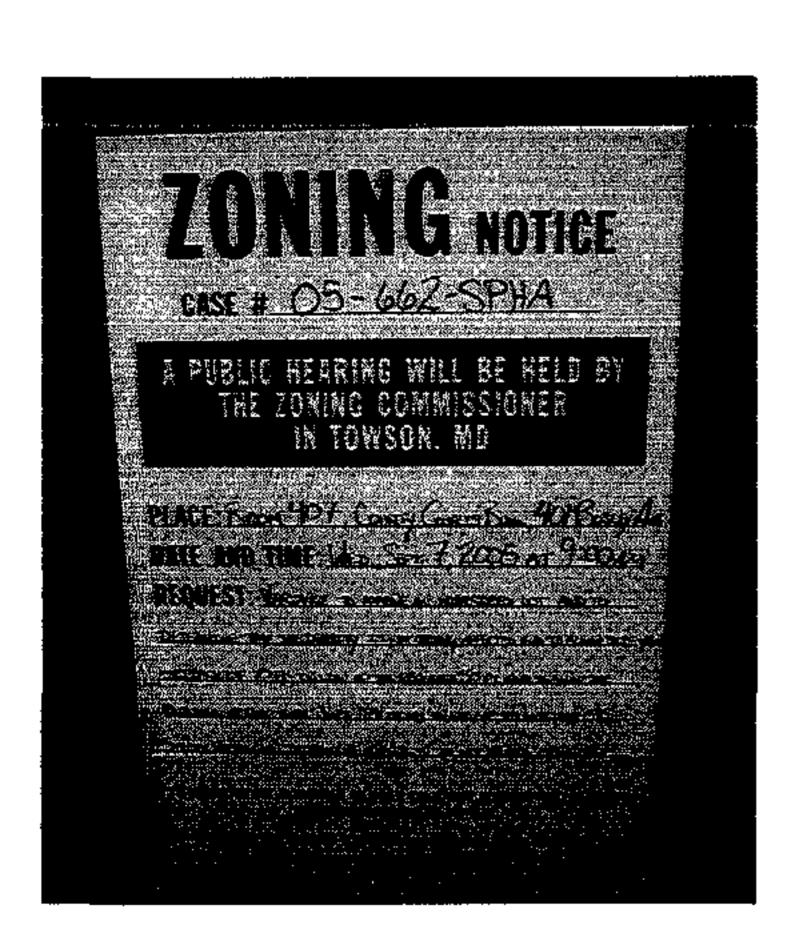
Thomas J. Hoff

Thomas J. Hoff, Inc.

406 West Pennsylavnia Avenue

Towson, MD 21204

410-296-3668



Krister ost mich

July 5, 2005

Mr. Timothy Kotroco
Director
Department of Permits
and Development
111 W. Chesapeake Avenue
Towson, MD 21204

Re: CASE NUMBER: 05-662-SPHA 925 Bowleys Quarters Road Legal Owner: Henry Roesner

Dear Mr. Kotroco:

I am receipt of the Corrected Notice of Zoning Hearing and am requesting that this zoning hearing be postponed until after August 28, 2005. The reason for this request is that I will be out of town (and at times out of the country) from August 8, 2005 through August 28, 2005. This trip has been planned since January 2005 and cannot be changed without great financial hardship.

Your consideration in this matter is greatly appreciated.

Sincerely,

Henry W. Roesner 55 Dendron Court

Baltimore, MD 21234

410-668-6286 phone.fax

Rec 61 7/5/05 Klm

Department of Permits 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

July 15, 2005

CORRECTED 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: 05-662-SPHA

923 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,380 feet south centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owner: Henry Roesner

<u>Variance</u> to approve an undersized lot and t determine that the density is not being affected and to allow side yard setback of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 inches in lieu of the maximum 35 feet. <u>Special Hearing</u> to determine density is not affected.

Hearing: Tuesday, September 13, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Henry Roesner, 55 Dendrow Ct., Baltimore 21234
Patrick Kerr, 14409 Manor Road, Phoenix 21131
Douglas Duval, 1729 York Road, Ste. 205, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 29, 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, August 30, 2005 Issue - Jeffersonian

Please forward billing to:

Pat Kerr 410-299-8656

14409 Manor Road Phoenix, MD 21131

CORRECTED 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:

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Hearing: Tuesday, September 13, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits and Development Management

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



Baltimore County

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

July 15, 2005

Henry Roesner 55 Dendron Court Baltimore, MD 21234

Dear Mr. Roesner:

RE: Case Number: 05-662-SPHA, 923 Bowleys Quarters Road

The above matter, previously scheduled for September 7, 2005, has been postponed due to unavailability of a Commissioner. The hearing has been rescheduled and the final corrected notice is attached. We apologize for any inconvenience this may have caused.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

lunty Kot-oco

Timothy Kotroco

Director

TK:klm

C: Patrick Kerr, 14409 Manor Road, Phoenix 21131

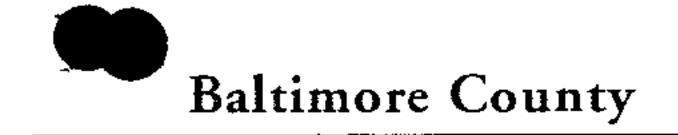
Douglas Duval, 1729 York Road, Ste. 205, Lutherville 21093



Department of Permits 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

July 12, 2005

CORRECTED 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: 05-662-SPHA

923 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,380 feet south centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owner: Henry Roesner

<u>Variance</u> to approve an undersized lot and t determine that the density is not being affected and to allow side yard setback of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 inches in lieu of the maximum 35 feet. <u>Special Hearing</u> to determine density is not affected.

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

Timothy Kotroco

Director

TK:klm

C: Henry Roesner, 55 Dendrow Ct., Baltimore 21234
Patrick Kerr, 14409 Manor Road, Phoenix 21131
Douglas Duval, 1729 York Road, Ste. 205, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 23, 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.





Tuesday, August 23, 2005 Issue - Jeffersonian

Please forward billing to:

Pat Kerr 410-299-8656

14409 Manor Road Phoenix, MD 21131

CORRECTED 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: 05-662-SPHA

923 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,380 feet south centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owner: Henry Roesner

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Hearing: Wednesday, September 7, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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 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

July 12, 2005

Douglas W. Duval Duval & Associates, P.A. 1729 York Road, Ste. 205 Lutherville, MD 21093

Dear Mr. Duval:

RE: Case Number: 05-662-SPHA, 923 Bowleys Quarters Road

The above matter, previously rescheduled for August 15, 2005, has been postponed at the owner's request. The hearing has been rescheduled and the new notice is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Verytruly yours,

luth Kotroco

Timothy Kotroco

Director

TK:klm

C: Henry Roesner, 55 Dendron Court, Baltimore 21234 Patrick Kerr, 14409 Manor Road, Phoenix 21131



Department of Permits and Development Management

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



Baltimore County

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

June 29, 2005

CORRECTED 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: 05-662-SPHA

923 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,380 feet south centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owner: Henry Roesner

<u>Variance</u> to approve an undersized lot and t determine that the density is not being affected and to allow side yard setback of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 inches in lieu of the maximum 35 feet. <u>Special Hearing</u> to determine density is not affected.

Hearing: Monday, August 15, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Mutty Rotroco
Timothy Kotroco

Director

TK:klm

C: Henry Roesner, 55 Dendrow Ct., Baltimore 21234
Patrick Kerr, 14409 Manor Road, Phoenix 21131
Douglas Duval, 1729 York Road, Ste. 205, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 30, 2005.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, July 28, 2005 Issue - Jeffersonian

Please forward billing to:

Pat Kerr

14409 Manor Road Phoenix, MD 21131 410-299-8656

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:

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Hearing: Monday, August 15, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Department of Permits and Development Management

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



Baltimore County

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

June 29, 2005

Mr. Douglas W. Duval Duval & Associates, P.A. 1729 York Road, Ste. 205 Lutherville, MD 21093

Dear Mr. Duval:

RE: Case Number: 05-662-SPHA, 923 Bowleys Quarters Road

The above matter, previously scheduled for August 10, 2005, has been postponed because their will be no Zoning Commissioners available on that date. The hearing has been rescheduled and corrected zoning notice is attached. We do apologize for any inconvenience this may have caused.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Director

TK:klm

C: Patrick Kerr, 14409 Manor Road, Phoenix 21131 Henry Roesner, 55 Dendrow Court, Baltimore 21234



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 24, 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:

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923 Bowleys Quarters Road

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Hearing: Wednesday, August 10, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Henry Roesner, 55 Dendrow Ct., Baltimore 21234
Patrick Kerr, 14409 Manor Road, Phoenix 21131
Douglas Duval, 1729 York Road, Ste. 205, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 26, 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, July 26, 2005 Issue - Jeffersonian

Please forward billing to:

Pat Kerr

14409 Manor Road

Phoenix, MD 21131

410-299-8656

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:

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Hearing: Wednesday, August 10, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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.

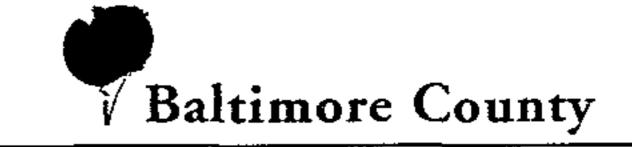
For Newspaper Advertising:
Item Number or Case Number: 05-662- A
Petitioner: Mv. Pat Kirv
Address or Location: 923 bowleys Quarters R.D.
PLEASE FORWARD ADVERTISING BILL TO: Name: Mv. Pat Karr
Name:
Address: 14109 Manor Rd.
Address: 14409 Manor Rd. Phoenix, MD 21131
Telephone Number: 410-299-8656
#662

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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





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

August 29, 2005

Henry Roesner 55 Dendrow Court Baltimore, Maryland 21234

Dear Mr. Roesner:

RE: Case Number: 05-662-SPHA, 923 Bowleys Quarters Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 05-662-SPHA.

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. Callilal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: cib

Enclosures

c: People's Counsel Patrick C. Kerr 14409 Manor Road Phoenix 21131 Douglas W. Duvall 1729 York Road, Ste. 205 Lutherville 21093



Fire Department



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





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

June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-666, 668-678

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.

Lt J.D.Mezick Fire Marshal's Office 410-887-5178 MS-1102F

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6.27.05

Baltimore County

Item No. 662

RE:

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

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

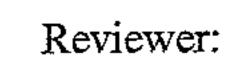
P. J. Hell

Engineering Access Permits Division

1000 al

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

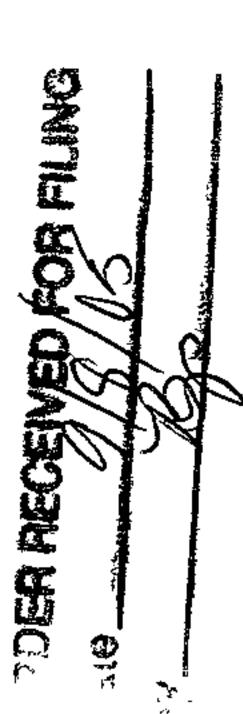
TO:		Tim Kotroco				
FROM	[:	Bruce Seeley			AUG - 3 200	
DATE	:	August 3, 200)5	-		
SUBJI	ECT:	Zoning Item Address	# 662 923 Bowleys Quarter Roesner Prop	rs Rd		
	Zoning	g Advisory Cor	mmittee Meeting of	6-20-05	<u> </u>	
		_	invironmental Protection ove-referenced zoning it		e Management has no	
<u>X</u> _		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 33-3-101 through 33-3-120 of the Baltimore County Code).				
	<u></u>	<u> </u>	of this property must con Regulations (Section 3: ounty Code).	~ *		
	<u>X</u>	Critical Area	of this property must constant Regulations (Sections 3), of the Baltimore Court	3-2-101 throu		
	Additi	onal Comment	ts:			



Patricia Farr

Date: August 3, 2005

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 6, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-662- Variance

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC-5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request.

Prepared By

RECEIVED

SEP 7 2005

Division Chief:

DEVIDEOR CHICL

CM/LL

Pay

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

DATE: July 28, 2005

JUL 2 9 2005

ZONING COMMISSIONER

SUBJECT:

923 Bowleys Quarters Road

INFORMATION:

Item Number:

5-662

Petitioner:

Henry Roesner

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and does not oppose the petitioner's request. There appears to be several existing undersized lots in the neighborhood. 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.

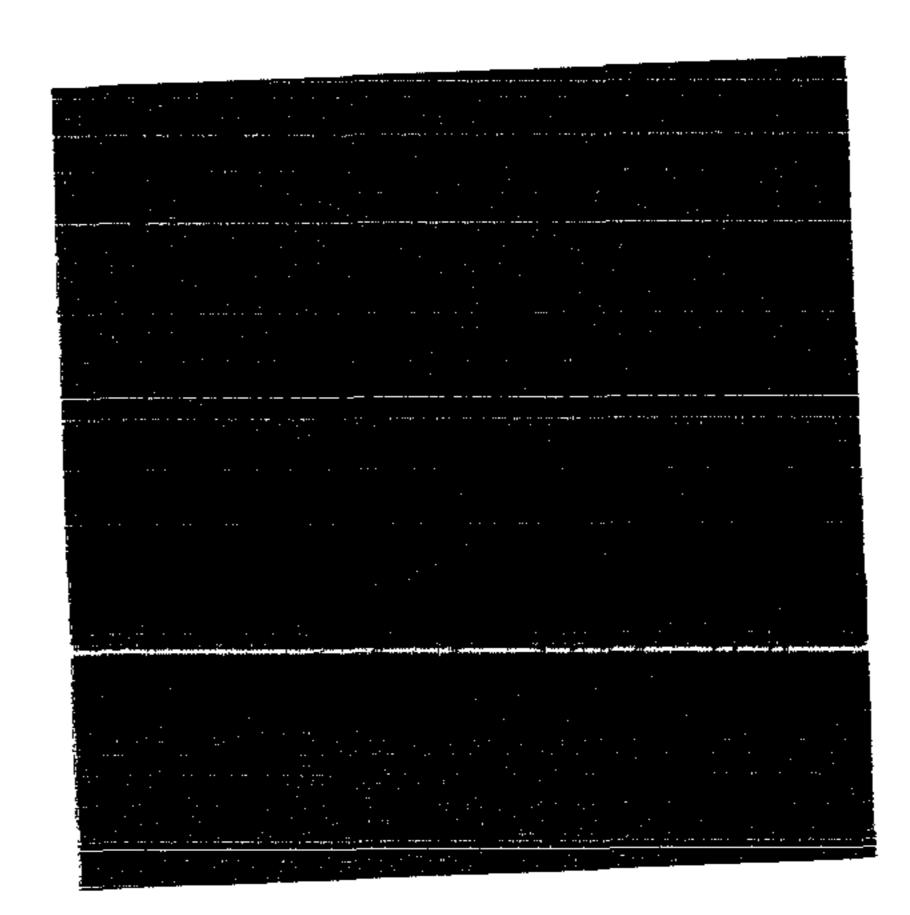
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style. (If applicable)

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:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 5, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 30, 2005 Item No. 662

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.

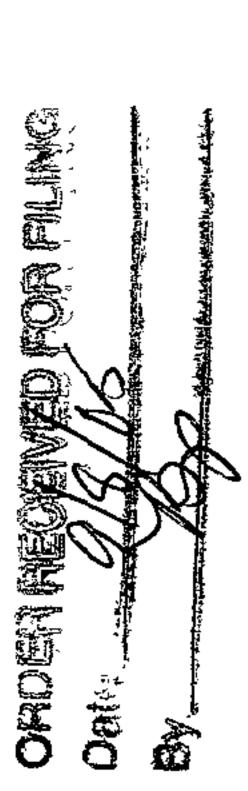
Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 662-07052005.doc



RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

923 Bowleys Quarters Road; NE/side Bowleys*

Quarters Rd, 1,380' S c/line Susquehanna Ave 15th Election & 6th Councilmanic Districts

Legal Owner(s): Henry Roesner

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-662-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 ŽIMMERMAN

Reople'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 27th day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Douglas W. DuVal, DuVal and Associates, P.A., 1729 York Road, Suite 205, Lutherville MD 21093, Representative for Petitioner(s).

RECEIVED

JUN 2 ? 200

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Bul

RE: PETITION FOR SPECIAL HEARING * BEFORE THE AND VARIANCE

* ZONING COMMISSIONER

923 Bowleys Quarters Road; NE/side Bowleys Quarters Rd., 1,380' S c/line Susquehanna Ave.

FOR BALTIMORE COUNTY

15th Election & 6th Councilmanic Districts

* 05-662-SPHA

Legal Owner: Henry Roesner

Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of Anthony J. DiPaula and DiPaula & Sullivan, LLC as counsel on behalf of the Petitioner in the above captioned matter.

Anthony DiPaula DiPaula & Sullivan, LLC 34 South Main Street Bel Air, Maryland 21014 410-893-4255

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY, that on this ______ day of August, 2005, a copy of the foregoing Entry of Appearance was mailed, first class, postage prepaid to:

Peter Max Zimmerman, People's Counsel Carol S. Demilio, Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, Maryland 21204

Anthony J. DiPaula

s \das\ajd\Kerr, P.\Entry of App.

RECEIVED

AUG 1 1 2005

ZONING COMMISSIONER

LEASE PRINT CLEARLY

DATE	CASE NUMBER	CASE NAME

RELLICIER'S SIGN-IN SHEET

							17 1-04-201000	TUBY PARCLIED		Amount J. 0 Mauce	FATHER C. Kense	Donalus W. Du. Val	NAME	>
				*				スペ ひがかなか つナ	(人) つら、 () 十	34 S. Min St.	30 E. Bowin Ro Sul 302	1729 YOM Ded. 54.205	ADDRESS	·)]
							144-11101111111111111111111111111111111		120 1 1 1 1 1 2 1224	BOL AIR MD 21014	S	Luthoulle, MD 21093	CITY, STATE, ZIP	i !
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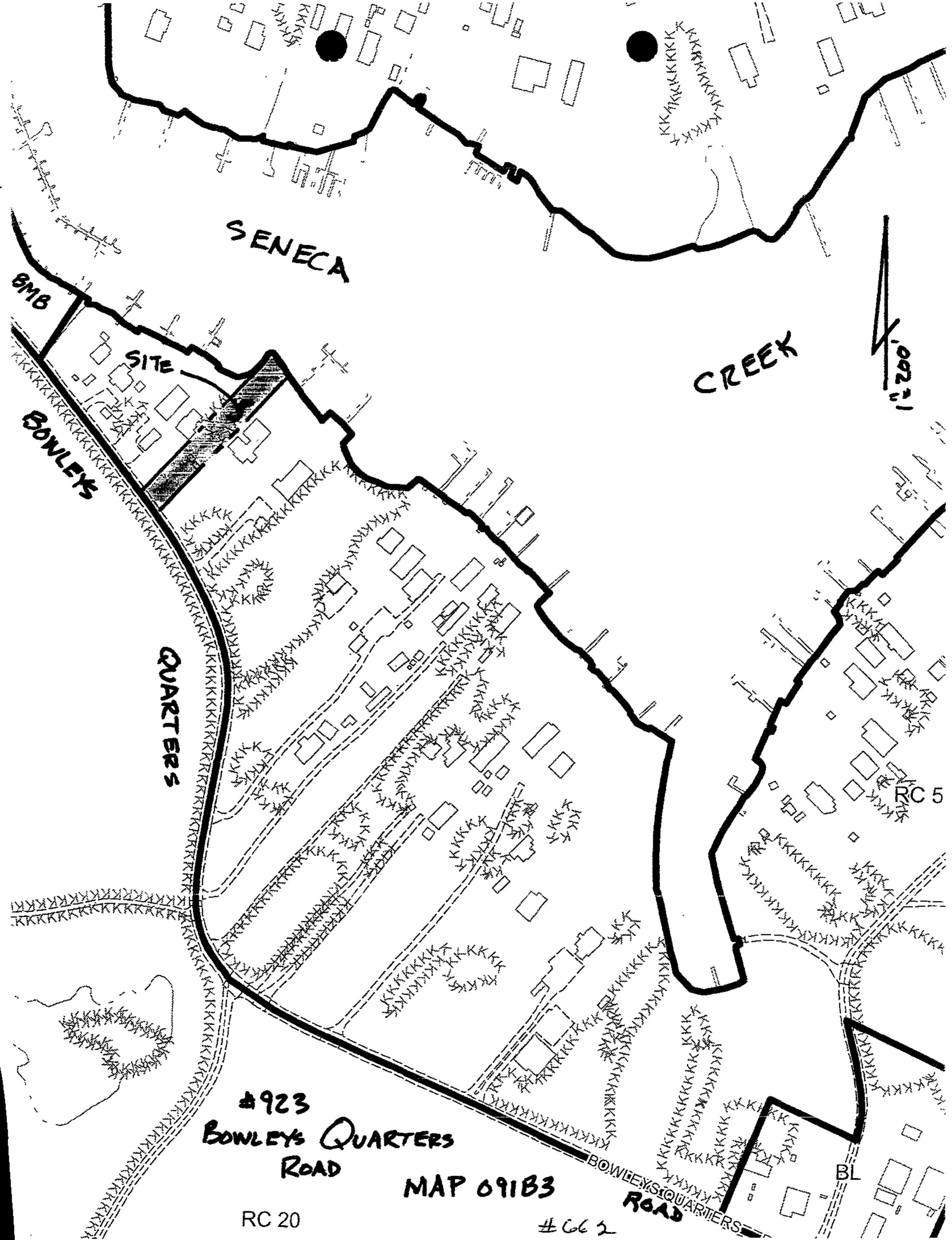
Case No.: 05-662 SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

-	<u></u>	
No. 1		
	Sitz flan	
No. 2	<u> </u>	
	RECORD PLAT	
No. 3	Collective - Althor FOI	
	Collective - Althu #DI Photo's of area	
No. 4		<u> </u>
No. 5		
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}		
No. 10		<u> </u>
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Lot 71 is UNCANTLOT-Lot 70 on Right Lot 72 on TEFT

PETITIONER'S

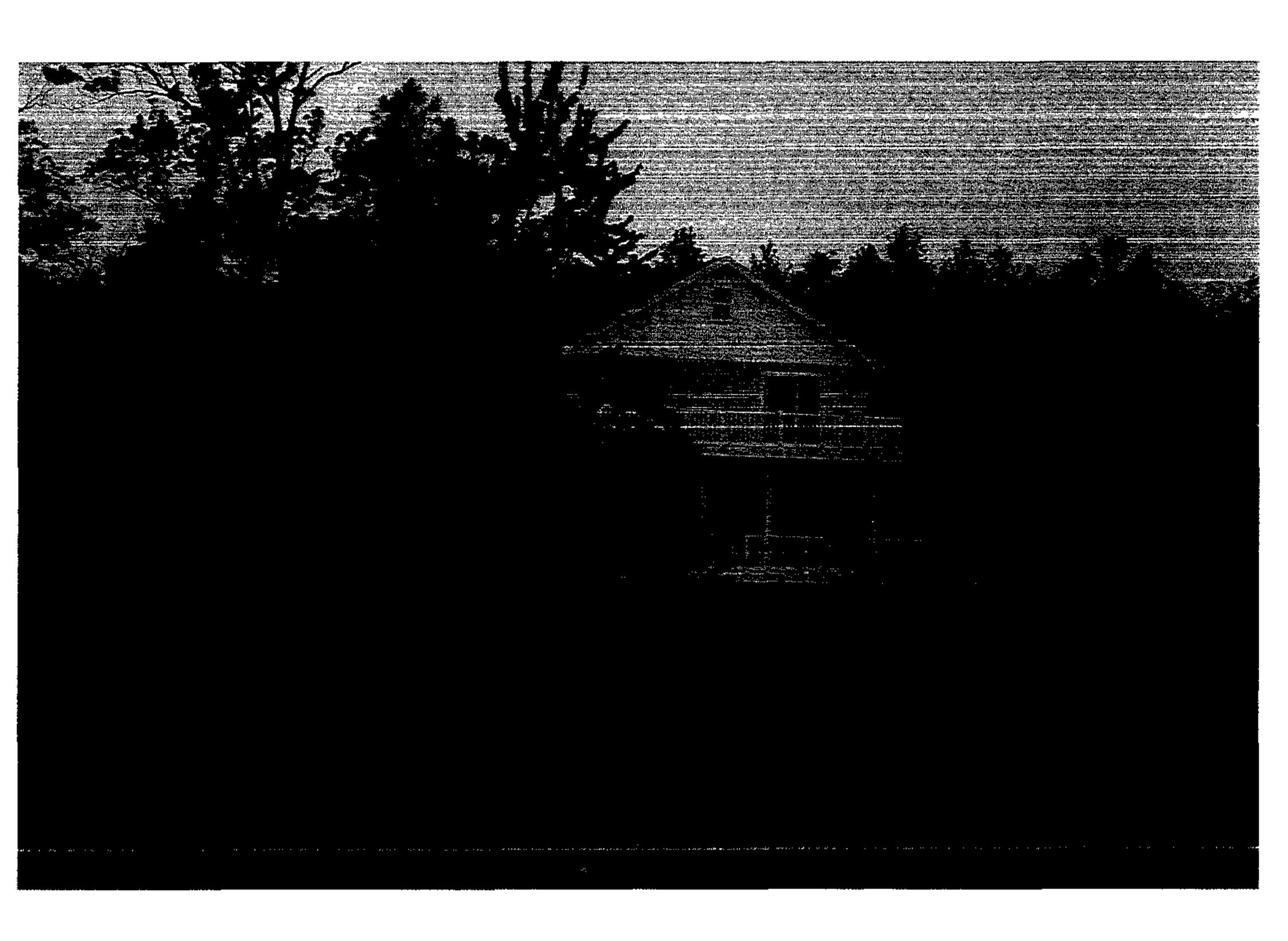
EXHIBIT NO.

#662

Waterview OF Lot 71



Waterview OF Lot 72



Deterview of Lot 70.



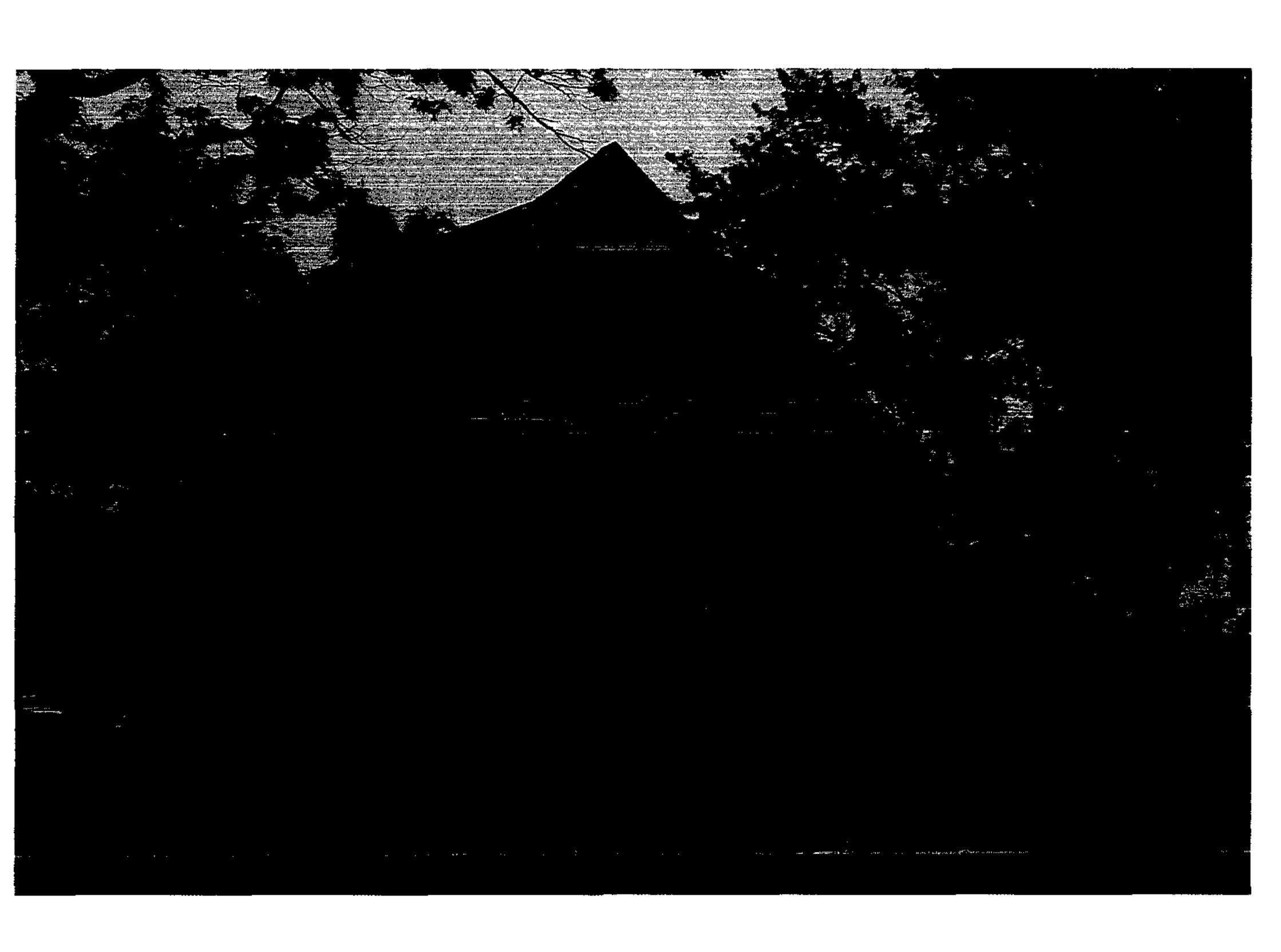
Lot 1/ IN middle (Street view)



Lot 71 from Street



Street view of Lot 70



Struct view of Lot 72

LOOKING N/W ON Bowleg's Guenter Ro-



Looking South on Boaleys Quarter Ro

File No. 30708-04MO

Parcel ID No. 15-2200019744

This Deed, MADE THIS Aday of January 2005, by and between Henry Roesner, Sole Owner, party of the first part, GRANTOR; and Norman Flowers and Linda Flowers, Tenants By The Entirety, parties of the second part, GRANTEES.

WITNESSETH, That in consideration of the sum of TWO HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$225,000.00), the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said Norman Flowers and Linda Flowers, Tenants By The Entirety, their, personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME and being known and designated as Lot No. 73. Plat 2, as shown on the Plat of Bowley's Quarters Company of Baltimore County, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7 folio 13.

Tax Account No.

Title Insurer: First American Title Insurance Company

BEING all and the same lot of ground which by Deed dated June 9, 2004, and recorded among the Land Records of Baltimore County, Maryland in Liber 208 90, folio 469, was granted and conveyed by Jacqueline Roesner and Henry Roesner unto Henry Roesner, Sole Owner.

TOGETHER with the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Norman Flowers and Linda Flowers, Tenants By The Entirety, their, personal representatives and assigns, in Fee Simple.

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said GR	RANTOR.	
	Henry Roesher Henry Roesher	<u>عبد</u> {Seal}
		{Seal}
······································		{Seal}
	 	{Seal}

STATE OF MARYLAND,

COUNTY, to wit:

I HEREBY CERTIFY, that on this day of, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Henry Roesner, Sole Owner, the GRANTOR herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires

Sharon Hayes

Notary Public Public

Baltimore County, MD

My Comm. Exps. 02/01/05

REVIEWED SDAT WWW.DATE

00217 644

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

David L. Thurston, Attorney

After recording return to: Crown Title Corporation 1 Sanford Avenue Catonsville, Maryland 21228 Phone: (410) 719-0200

Fax: (410) 719-020 Fax: (410) 719-0300

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Jaryland, County of John, this 4 day of Japuary 2005.

My Commission Expires:_

Notary Public

Sharon Hayes
Notary Public
Baltimore County, MD
My Comm. Exps. 02/01/05

R/(107

021771645

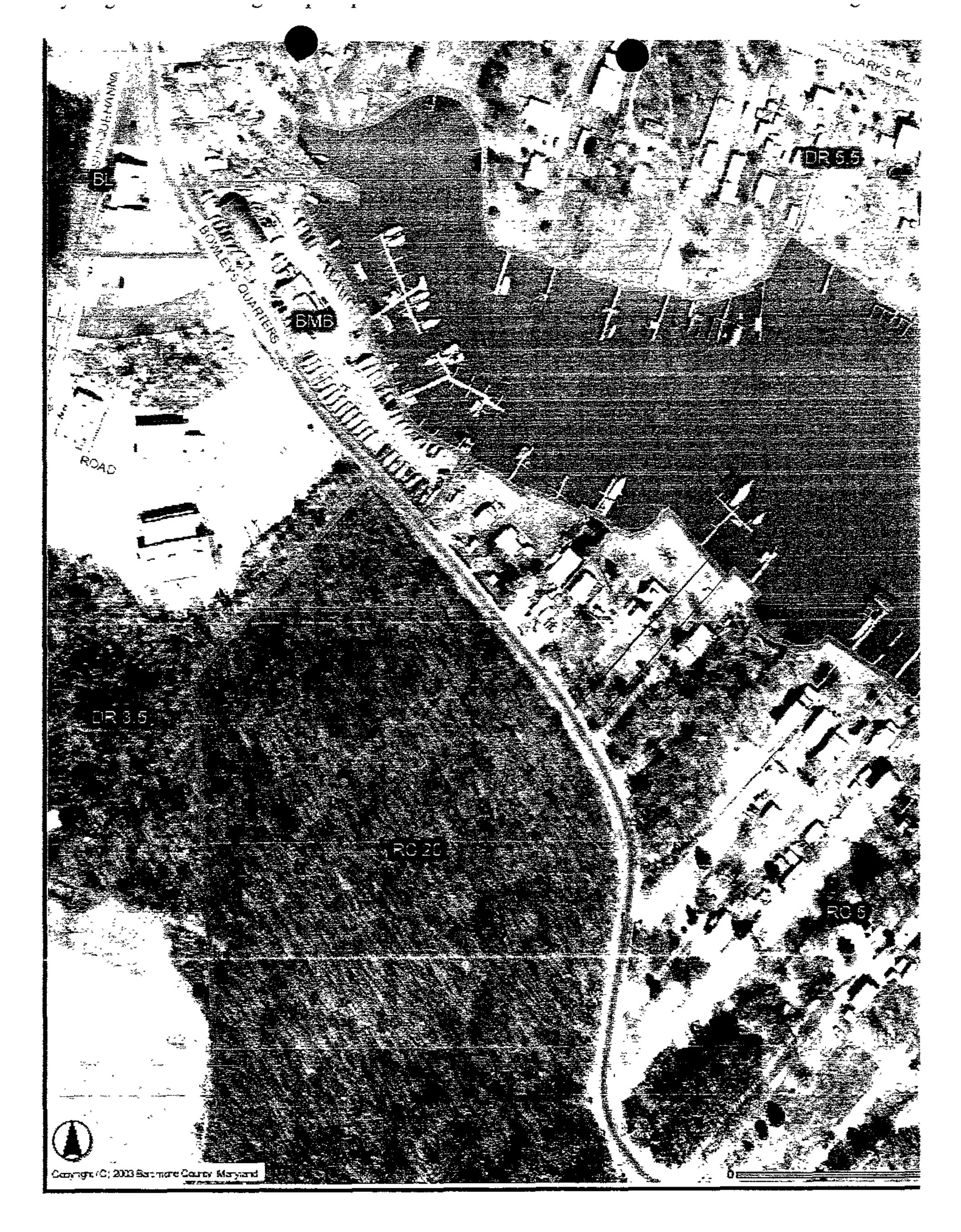
Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Resident

Based on the certification below, Transferor claims exemption from the tax withholding requirements of § 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a deed or other instrument that affects a change in ownership of real property is recorded. The requirements of § 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

lame of Transferor Henry Roesn	8 ľ
	% Possus karlikgingalus
Regulation	1, Transferor, am a resident of the State of Maryland.
andm	Transferor is a resident entity under § 10-912(A)(4) of Maryland's
	Tax General Article, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal	Although I am no longer a resident of the State of Maryland, the
Realistanua	Property is my principal residence as defined in IRC § 121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

	Sen. Thydflyfill flyggyffagan
Witness	Henry Roesner Name Name Signature Name Signature
	36), inchienclemis
Witness/Attest	Name of Entity
	By:
	Name
	Title
_	



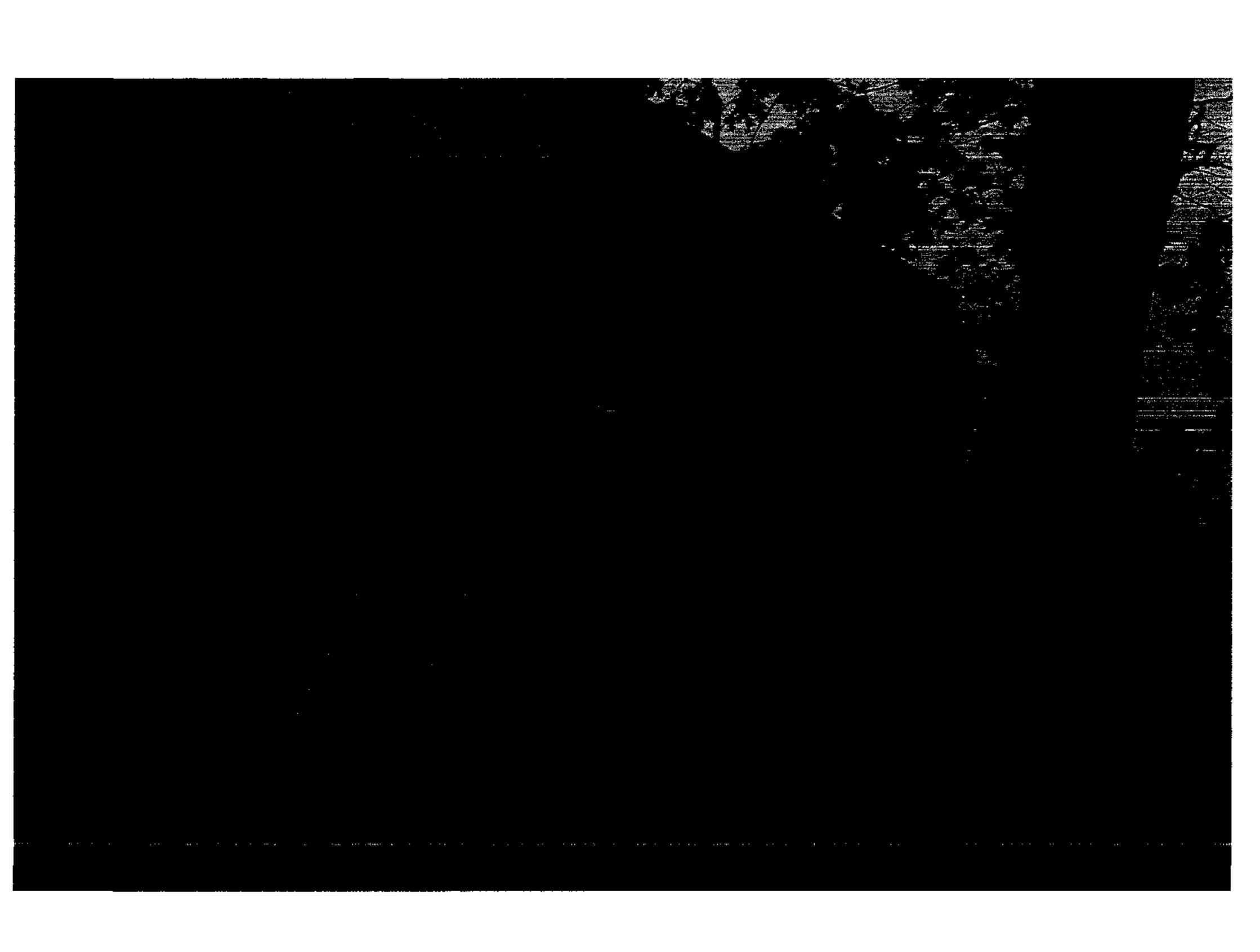
http://bamaps1.co.ba.md.us/arcims_path/bcgims?ServiceName=wds&Clic PETITIONER'S



Lot 71 is vocant lot lot to to 70 on right ut 72 on left

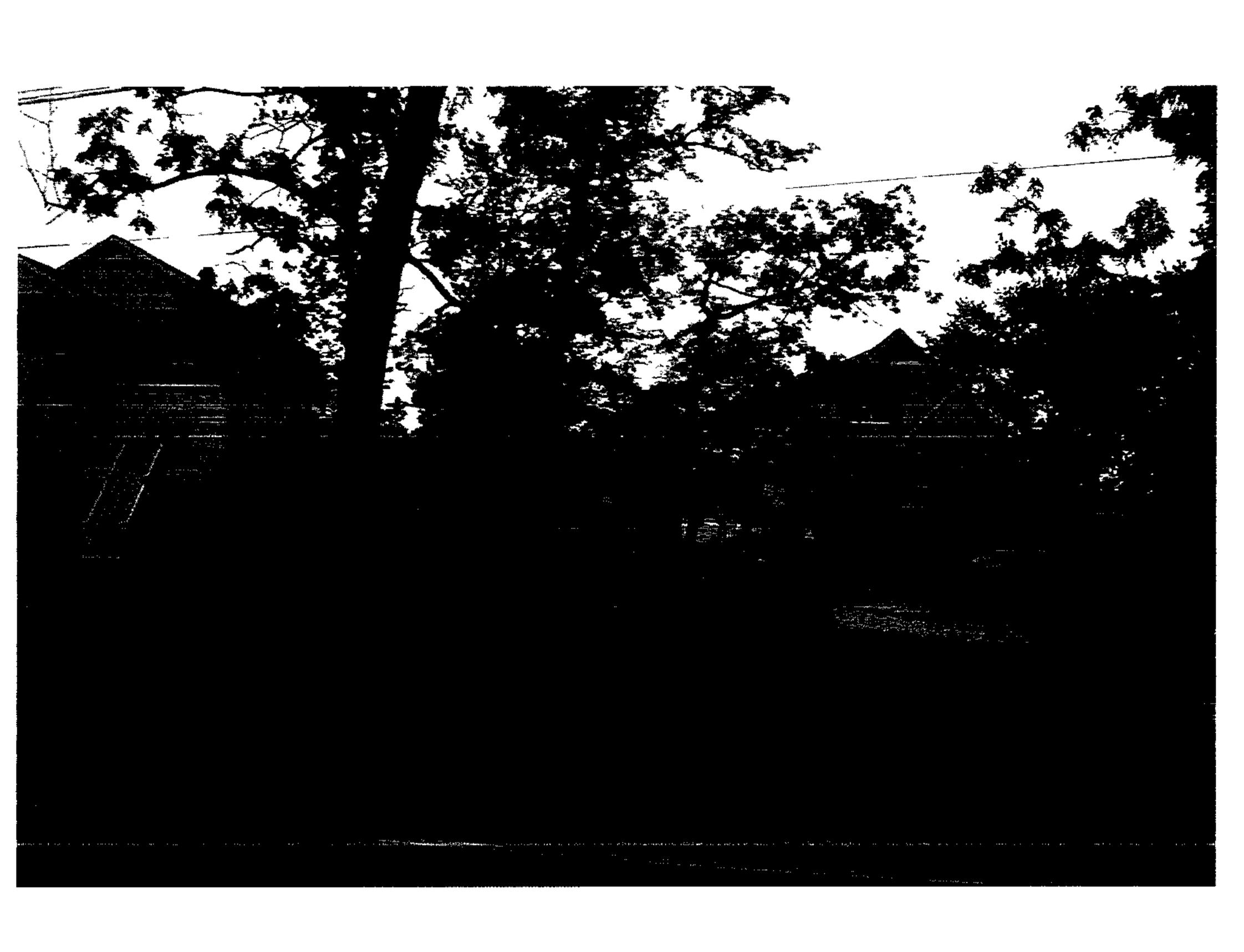


Waterian of Lot 70



Struct view of Lot 70

Waterview of lot 71

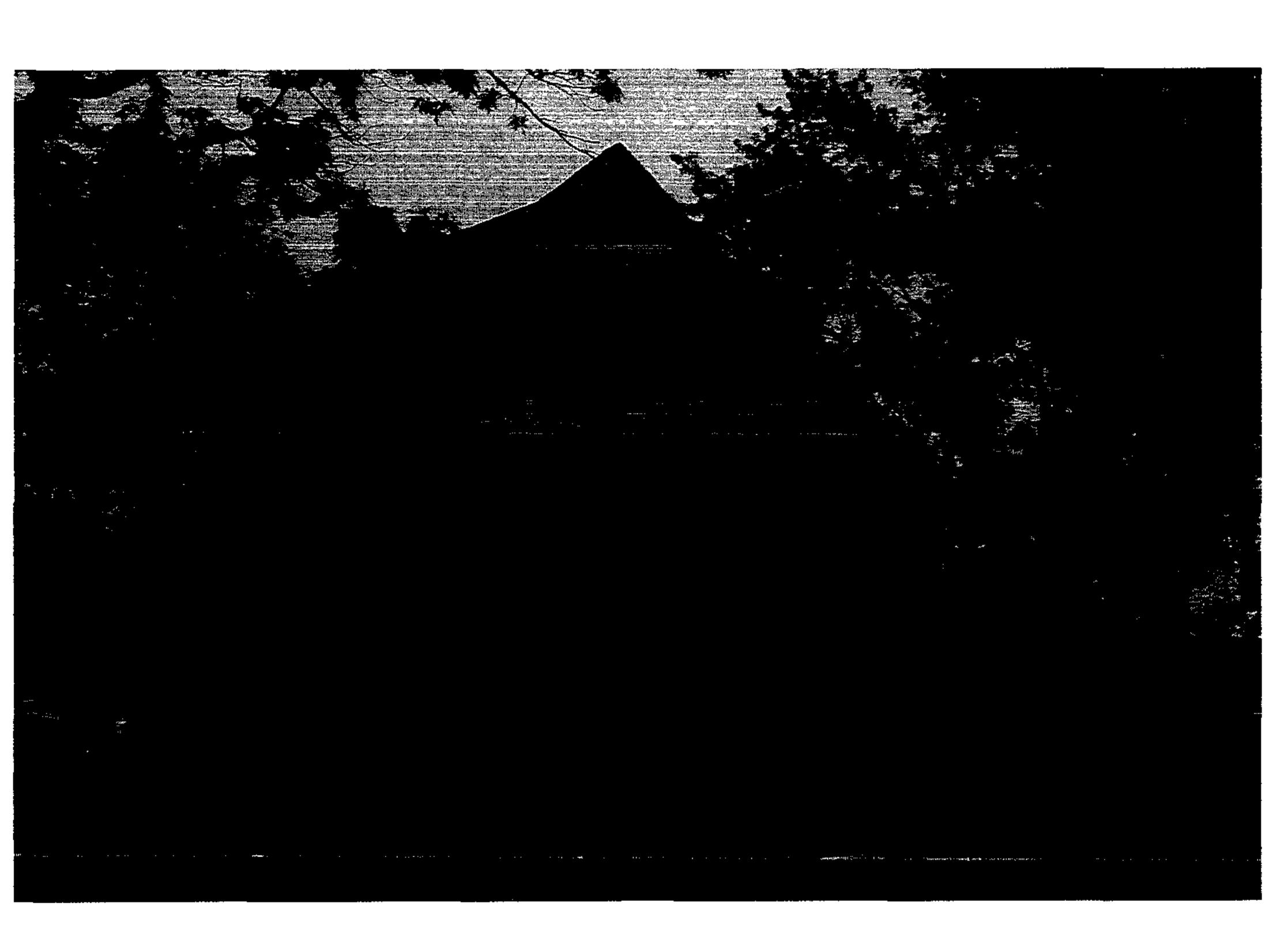


Lot 71 in middle (street view)



Lot 71 From Strait

#663



Street view of Lot 72



Woterview of lot 72

The state of the s

Looking NW on Bowles Quartous Road



Looking South on bowlys Quorters Rd.



Lot 73 View From Street Howa lot



Lot 73 View from mid-bot to Street



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Lot 74 View from Lot 73 tools side of Lot 74

W. P. C. Nº 7 PART 1~13 CREEK BOWLEYS QUARTER PLATNO.2 Scale 1: 200' 10-15-04 April 16,1921. Edward V Coonan and Company Surveyors and Civil Engineers · Indicates Location of Stake Balto, Md.

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EXHIBIT NO.

IN RE: PETITIONS FOR SPECIAL HEARING &

VARIANCE – NE/S Bowleys Quarters Road,

1,482' S of the c/l Susquehanna Avenue

(927 Bowleys Quarters Road)

15th Election District

6th Council District

Norman A. Flowers, et ux Petitioners * BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 05-663-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 the owners of the subject property, Norman A. Flowers, and his wife, Linda Flowers. The Petitioners request special hearing relief and a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit development of the subject property with a single-family dwelling. Specifically, relief is requested from Section 1A04.3.B.1.a of the B.C.Z.R. to approve the subject property as an undersized lot and to determine that density will not be affected by the proposed development. In addition, variance relief is requested from Section 1A04.3.B.2.b to permit side yard setbacks of 10 feet each in lieu of the minimum required 50 feet, and from Section 1A04.3.A to allow a building height of 36'11-1/8" in lieu of the maximum allowed 35 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Linda Flowers, co-owner of the property, Doug DuVal, Architect, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on Seneca Creek and the northeast side of Bowleys Quarters Road in Middle River. The property is an unimproved parcel, also known as



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ORDER FR

Date

Lot 73 of Bowleys Quarters Plat No. 2, which was recorded in the Land Records on May 26, 1921, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots in this community are undersized and do not meet current width and/or area requirements for development. The Petitioners recently purchased the property and are desirous of developing the lot with a single-family dwelling. However, given the narrow width and small area of the lot, the requested zoning relief is necessary. In addition, a variance from height limitations is requested given the proposed construction in a designated flood hazard area. Finally, special hearing relief is requested to approve the subject lot as undersized and a determination that density will not be affected by the proposed development.

In this regard, testimony disclosed that the Petitioners recently purchased the property from Henry Roesner, who at one time owned three adjacent lots, namely Lots 71, 72 and 73 of Bowleys Quarters. Mr. Roesner resided on the middle lot (Lot 72) in the dwelling known as 923 Bowleys Quarters Road, until that home was destroyed by Hurricane Isabel in 2003. In any event, Mr. Roesner subsequently sold Lot 73 to the Petitioners and is apparently in the process of selling the other lot (Lot 71) to another party.

As shown on the site plan, the subject property is 52.16 feet wide and approximately 331 feet deep, and contains a gross area of 0.3773 acres, (16,433 sq.ft.) more or less, zoned R.C.5. The R.C.5 regulations require a minimum lot area of 1.5 acres, and setbacks of no less than 50 feet to any property line. Thus, it is clear that the property could not be developed without the requested zoning relief. In support of the request, Counsel for the Petitioners noted that the property has been a duly recorded lot of record since 1921. Moreover, the proposed development will be compatible with the pattern of development in the neighborhood and will provide setbacks consistent with other houses in the community.

After due consideration of the testimony and evidence presented, I am persuaded that relief should be granted. To deny relief would result in a practical difficulty for the Petitioners and prohibit reasonable use of the property for a permitted purpose. As noted above, many of the

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WASHINGTON FILLING
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lots are similar in area and width as the subject property. Moreover, the proposed dwelling will be consistent with the pattern of development in the neighborhood and meets the spirit and intent of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995). In this regard, the Office of Planning had requested that certain conditions be imposed to the grant of any relief to insure compliance with the R.C.5 zoning regulations and development standards. However, subsequent to the hearing, building elevation drawings of the proposed dwelling were submitted to the Office of Planning which found the Petitioners' proposal to be in accordance with the spirit and intent of the R.C.5 regulations and performance standards.

I further find that the subject property meets the requirements of Section 304 of the B.C.Z.R. and that the proposed development will not result in any increase in density. There were no adverse comments submitted by any County reviewing agency and no one appeared in opposition to the request. To the contrary, the community supports the proposal as evidenced by the letter received from the Bowleys Quarters Improvement Association. Thus, it appears that relief can be granted without detrimental impact to the surrounding locale. However, as conditions to this approval, the proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning. Moreover, due to the property's waterfront location, the proposed construction must comply with Federal Flood Insurance regulations and Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management and the Development Plans Review Division of the Department of Permits and Development Management, copies of which are attached hereto and made a part hereof.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 23 day of August 2005 that the Petition for Special Hearing seeking approval of the subject property as an undersized lot and a determination that density will not be affected by the

proposed development, pursuant to Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.2.b to permit side yard setbacks of 10 feet each in lieu of the minimum required 50 feet, and from Section 1A04.3.A to allow a building height of 36'11-1/8" in lieu of the maximum allowed 35 feet for a proposed single-family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.
- 3) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

Zoning Commissioner

for Baltimore County

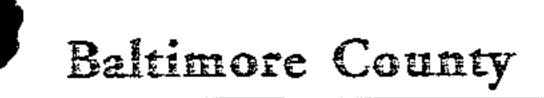
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Zoning Commissioner

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 23, 2005

Anthony J. DiPaula, Esquire 34 S. Main Street Bel Air, Maryland 21014

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S Bowleys Quarters Road, 1,482' S of the c/l Susquehanna Avenue
(927 Bowleys Quarters Road)
15th Election District – 6th Council District
Norman A. Flowers, et ux - Petitioners
Case No. 05-663-SPHA

Dear Mr. DiPaula:

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Norman A. Flowers

3 Sundance Lane, Shrewsbury, Pa. 17361

Mr. Doug DuVal, DuVal & Assoc., P.A.

1729 York Road, Suite 205, Lutherville, Md. 21093

Chesapeake Bay Critical Areas Comm., 1804 West Street, Suite 100, Annapolis, Md. 21401 Development Plans Review, DPDM; DEPRM; Office of Planning; People's Counsel; File



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



4105834



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	927	BowLEy's	QUARTERS	R
which is	presentl	y zoned	RC 5	

i/We do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that live are the legal owner(s) of the property which

EXHIBIT NO.

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

(See attached)

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.

Contract Purchaser/Les	506.		Lega! Owner(s):
			NORMAN A. FLOWERS
Name - Type or Print		. , ,	Name - Type or Print
Signature			Signature Signature
	_		LINDA FLOWERS
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature 7/7-5785740 (a)
Attorney For Petitioner:			Signature 3 JUNDANCE LANE 7/7-578-87/9 (c) 7/7-235-6231 (H) Address Address
			SHREWSBURY PA 17361
Name - Type or Print			City State Zip Code
Signature			Representative to be Contacted:
Company			DOUG DUVAL (DUVAL & ASSOC. P.A.)
	· 18-778-8		1729 YORK ROAD, SUITE 205 410 666 546-
Address		Telephone No.	Address LUTHERVILLE MD 21093
	State	Zp Code	City State Zip Code
			OFFICE USE ONLY
		-	ESTIMATED LENGTH OF HEARING
Case No.	····		UNAVAILABLE FOR HEARING
1 9 5 9 8		Revi	PETITIONER'S

VARIANCE FOR 927 BOWLEYS QUARTERS ROAD

 $\sqrt{\,}$ 1A04.3.B.1.a., TO APPROVE AN UNDERSIZED LOT AND TO DETERMINE THAT DENSITY IS NOT BEING AFFECTED.

REASON FOR REQUEST
THE LOT OF RECORD, DATED 1921, CONTAINS 0.3677 ACRES, IN LIEU OF 1.5
ACRES, AS REQUIRED UNDER BALTIMORE COUNTY SECTION 1A04.3.B.1.a.

1A04.3.B.2.b., TO ALLOW SIDE YARD SETBACKS OF 10' IN LIEU OF THE REQUIRED 50'.

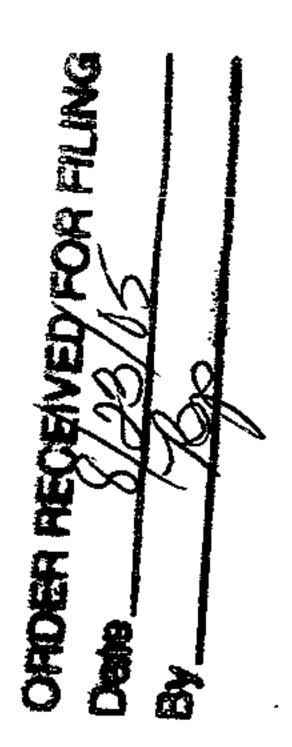
REASON FOR REQUEST THE WIDTH OF THE EXISTING LOT OF RECORD, FROM 1921, IS 50'.

1A04.3.A., TO ALLOW THE BUILDING HEIGHT TO BE 36'-11 1/8", IN LIEU OF THE MAXIMUM 35'.

REASON FOR REQUEST BALTIMORE COUNTY BUILDING CODE REQUIRES THAT CONSTRUCTION IN DESIGNATED FLOOD HAZARD AREAS REQUIRE, IN THIS CASE, THE LOWEST LEVEL OF LIVING SPACE TO BE ELEVATED 8' ABOVE EXISTING GROUND, THUS INCREASING THE HEIGHT TO 36'-11 1/8".

A Special Hearing to determine that density is not affected.





DU VAL & ASSOC, PERBOA FLOOD



Contract Purchaser/Lessee:

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 907 Bewiey's QUARTERS which is presently zoned ______ RC5

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)

(SEE ATTACHED)

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

(SEE ATTACHED)

Property is to be posted and advertised as prescribed by the zoning regulations. , or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the coning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

> I/We do solemnly deciare 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.

Anto par Lationaset/Teased.		Legal Owner(s):
Name - Type or Print	 .	Namy-Type or Print, 1000ERS
Signature		Mann A Lame
Address	Telephone No.	Name Type or Print
City	Zip Code	Signature Stowers
Attornev For Petitioner:		3 SUNDANCE LANE 717-578-8719 (CELL Address Telephone No. Telephone No.
Name - Type or Print	-	THREWSBURY PA 17361 City State Zip Code
Signature		Representative to be Contacted:
Company		DOUG DUVAL (NUVAL + ASSEC. P.A.)
Address	Telephone No.	1729 YORKROAD SUITE DOS 410-666-5467
State	Žip Code	City State Zip Code
8921		OFFICE USE ONLY
Case No. 05-663-A		ESTIMATED LENGTH OF HEARING
3 5 98	Reviewed By_	UNAVAILABLE FOR HEARING BIL Date 6/14/85

VARIANCE FOR 927 BOWLEYS QUARTERS ROAD

1A04.3.B.1.a., TO APPROVE AN UNDERSIZED LOT AND TO DETERMINE THAT DENSITY IS NOT BEING AFFECTED.

REASON FOR REQUEST
THE LOT OF RECORD, DATED 1921, CONTAINS 0.3677 ACRES, IN LIEU OF 1.5 ACRES, AS REQUIRED UNDER BALTIMORE COUNTY SECTION 1A04.3.B.1.a.

1A04.3.B.2.b., TO ALLOW SIDE YARD SETBACKS OF 10' IN LIEU OF THE REQUIRED 50'.

REASON FOR REQUEST THE WIDTH OF THE EXISTING LOT OF RECORD, FROM 1921, IS 50'.

1A04.3.A., TO ALLOW THE BUILDING HEIGHT TO BE 36'-11 1/8", IN LIEU OF THE MAXIMUM 35'.

REASON FOR REQUEST
BALTIMORE COUNTY BUILDING CODE REQUIRES THAT CONSTRUCTION IN
DESIGNATED FLOOD HAZARD AREAS REQUIRE, IN THIS CASE, THE LOWEST
LEVEL OF LIVING SPACE TO BE ELEVATED 8' ABOVE EXISTING GROUND, THUS
INCREASING THE HEIGHT TO 36'-11 1/8".



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: #05-663-A

927 Bowleys Quarters Road

N/east of Bowleys Quarters, 1,482 feet south of centerline of Susquehanna Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Norman A. & Linda Flowers

Variance: to approve an undersized lot and to determine that density is not being affected and to allow side yard setbacks of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 in lieu of the maximum 35 feet.

Hearing: Monday, August 15, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley

Avenue, Towson 21204.

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. 7/227 July 28

CERTIFICATE OF PUBLICATION

728,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on 728 , 2005 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

RE: **05-663-SPHA**Petitioner/Developer:

Norman & Linda Flowers

Hearing Date: **8/15/05**

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

Attention: Ms. Kristen Matthews

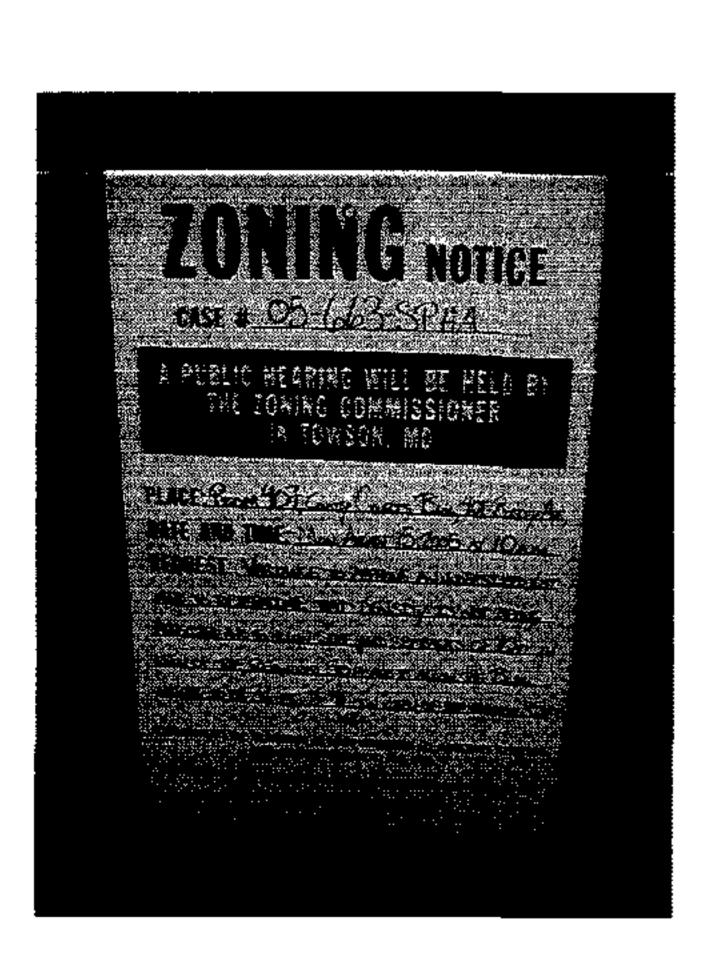
Ladies and Gentlemen:

This Letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 927 Bowleys Quarters Rd.

The sign(s) were posted on 7/30/05.

Sincerely,

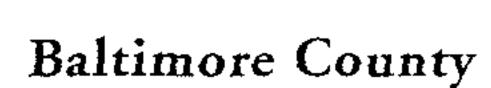
Thomas J. Hoff Thomas J. Hoff, Inc. 406 West Pennsylavnia Avenue Towson, MD 21204 410-296-3668



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 29, 2005

CORRECTED 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: 05-663-A

927 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,482 feet south of centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owners: Norman A. & Linda Flowers

<u>Variance</u> to approve an undersized lot and to determine that density is not being affected and to allow side yard setbacks of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 in lieu of the maximum 35 feet.

Hearing: Monday, August 15, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Norman & Linda Flowers, 3 Sundance Lane, Shrewsbury PA 17361 Doug Duval, 1729 York Road, Ste. 205, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 30, 2005.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, July 28, 2005 Issue - Jeffersonian

Please forward billing to:

Norman Flowers
3 Sundance Lane

Shrewsbury, PA 17361-1123

1-717-255-6859

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: 05-663-A

927 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,482 feet south of centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owners: Norman A. & Linda Flowers

<u>Variance</u> to approve an undersized lot and to determine that density is not being affected and to allow side yard setbacks of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 in lieu of the maximum 35 feet.

Hearing: Monday, August 15, 2005 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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 a Pe

Director's Office

County Office Building

111 W' Chesapeake Avenue

Towson, Maryland 21204

Tel: 410-887-3353 • Fax. 410-887-5708



Baltimore County

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

June 29, 2005

Norman A. Flowers Linda Flowers 3 Sundance Lane Shrewsbury, PA 17361

Dear Mr. & Mrs. Flowers:

RE: Case Number: 05-663-A, 927 Bowleys Quarters Road

The above matter, previously scheduled for August 10, 2005, has been postponed because there are no Zoning Commissioners available on that date. The hearing has been rescheduled and the corrected notice is attached. Sorry for any inconvenience this may have caused you.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Timothy Kotroco

Very fully yours, lot-oco

Director

TK:klm

C: Doug Duval, 1729 York Road, Ste. 205, Lutherville 21093



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 26, 2005 Issue - Jeffersonian

Please forward billing to:

Norman Flowers 3 Sundance Lane Shrewsbury, PA 17361-1123

1-717-255-6859

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: 05-663-A

927 Bowleys Quarters Road

N/east side of Bowleys Quarters Road, 1,482 feet south of centerline of Susquehanna Avenue 15th Election District – 6th Councilmanic District

Legal Owners: Norman A. & Linda Flowers

<u>Variance</u> to approve an undersized lot and to determine that density is not being affected and to allow side yard setbacks of 10 feet in lieu of the required 50 feet and to allow the building height to be 36 feet 11 1/8 in lieu of the maximum 35 feet.

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

WILLIAM J WISEMAN III

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:	
PLEASE FORWARD ADVERTISING BILL TO: Name: Mv. Norm Flowors Address: 3 Sundance Lane Shrwsbury, PA 17361-1123	
Telephone Number: 1-7/7-255-6859 # 663	Revised 2/20/98 - SCJ

Department of Permits and Development Management

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





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

August 8, 2005

Norman A. Flowers Linda Flowers 3 Sundance Lane Shrewsbury, Pennsylvania 17361

Dear Mr. and Mrs. Flowers:

RE: Case Number: 05-663-A, 927 Bowleys Quarters Road

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Doug Duvall 1729 York Road, Ste. 205 Lutherville 21093



Fire Department



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





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

June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-666, 668-678

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.

Lt J.D.Mezick Fire Marshal's Office 410-887-5178 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: 6.27.05

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

RE:

Baltimore County
Item No. 443

BPR

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

1. 1. Hall

Engineering Access Permits Division

18/16

2005

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

FROM:	Bruce Seeley	
DATE:	August 3, 2005	AUG - 3
SUBJECT:	Zoning Item # <u>663</u> Address <u>927 Bowleys Quarters Rd</u> Flowers Property	
Zonin	ng Advisory Committee Meeting of 6-	-20-05
''	Department of Environmental Protection and lents on the above-referenced zoning item.	Resource Management has no
	Department of Environmental Protection and I lowing comments on the above-referenced 2	_
	Development of the property must comply Protection of Water Quality, Streams, Weth 33-3-101 through 33-3-120 of the Baltimon	lands and Floodplains (Sections
	Development of this property must comply Conservation Regulations (Section 33-6-10 Baltimore County Code).	
<u>X</u>	Development of this property must comply Critical Area Regulations (Sections 33-2-16 other Sections, of the Baltimore County Co	01 through 33-2-1004, and
<u>Additi</u>	ional Comments:	

ORDER PROPRIED FOR FILE SALES

Reviewer:

TO:

Tim Kotroco

Patricia Farr

MA

Date: August 3, 2005

S:\Devcoord\ZAC SHELL 8-03-05.doc

18416

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

DATE: July 28, 2005

RECEIVED

JUL 2 9 2005

ZONING COMMISSIONER

SUBJECT:

927 Bowleys Quarters Road

INFORMATION:

Item Number:

5-663

Petitioner:

Norman Flowers

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and does not oppose the petitioner's request. There appears to be several existing undersized lots in the neighborhood. 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. (If applicable)

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:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

DATE: July 5, 2005

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 30, 2005 Item No. 663

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.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 663-07052005.doc



RE: PETITION FOR SPECIAL HEARING *

AND VARIANCE

* ZONING COMMISSIONER

927 Bowleys Quarters Road; NE/side

Bowleys Quarters Rd., 1,482' S c/line * FOR BALTIMORE COUNTY

Susquehanna Ave.

15th Election & 6th Councilmanic Districts *

Legal Owners: Norman & Linda Flowers

Petitioners *

ENTRY OF APPEARANCE

Please enter the appearance of Anthony J. DiPaula and DiPaula & Sullivan, LLC as counsel on behalf of the Petitioners in the above captioned matter.

Anthony J. Dapaula
DiPaula & Sullivan, LLC
34 South Main Street
Bel Air, Maryland 21014
410-893-4255

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY, that on this ______ day of August, 2005, a copy of the foregoing Entry of Appearance was mailed, first class, postage prepaid to:

Peter Max Zimmerman, People's Counsel Carol S. Demilio, Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, Maryland 21204

Anthony J. DiPaula

RE: PETITION FOR SPECIAL HEARING * BEFORE THE

AND VARIANCE
927 Bowleys Quarters Road; NE/side Bowleys*
Quarters Rd, 1,482' S c/line Susquehanna Ave
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Norman & Linda Flowers
Petitioner(s) * BALTIMORE COUNTY

* 05-663-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 27th day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Douglas W. DuVal, DuVal and Associates, P.A., 1729 York Road, Suite 205, Lutherville MD 21093, Representative for Petitioner(s).

RECEIVED

*

JUN 2 7 216

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DiPAULA & SULLIVAN, LLC

34 South Main Street Bel Air, Maryland 21014 (410) 893-4255 FAX (410) 893-4277

TELECOMMUNICATIONS INFORMATION SHEET

Please deliver this sheet and the attached documents, if any, to:

NAME: Zoning Commissioner's Office

FAX NUMBER: 410-887-3468

FROM: Anthony J. DiPaula, Esq.

RE: 927 and 923 Bowleys Quarters Road

TOTAL PAGES INCLUDING THIS PAGE: 3

COMMENTS: Attached please find Entries of Appearance in Case Nos. 05-662 SPHA and 05-

663 SPHA.

SENT: August 11, 2005

OUR CLIENT: Flowers/Kerr

Confidentiality Notice

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

WARNING

Interception of telephonic communications could be a violation of Maryland and Federal laws.

PLEASE PRINT CLEARLY

CASE NUMBER, 05-62

PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP	Ren Aria, MD 21014		2 Za_									
ADDRESS	Min Sr.	1729 Gh 20, 5he. 205	3 Sundance Lane									
NAME	ANTHOMY J. D. MALLA	Dary Du Val	Cinda Flowers							4		

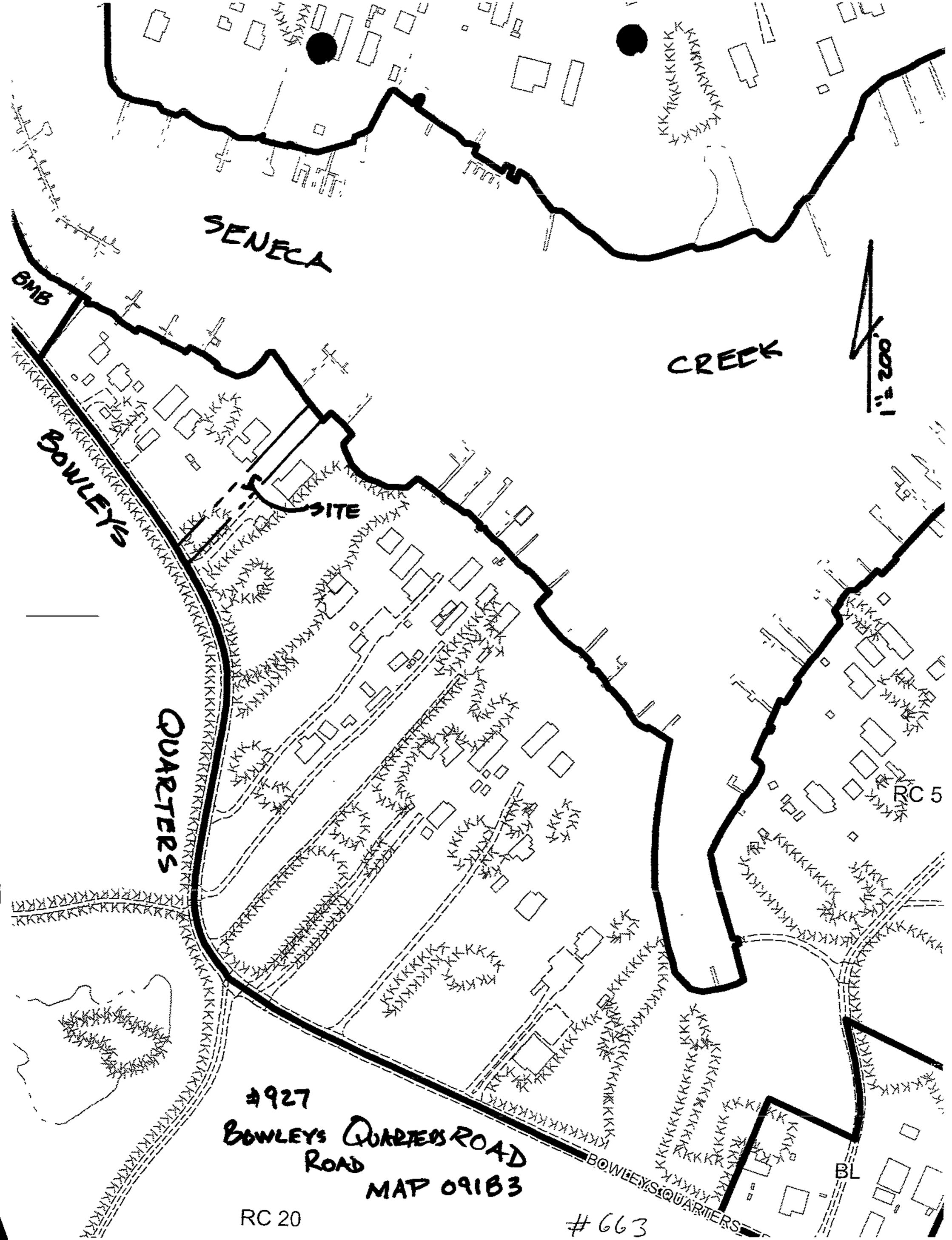
Case No.: 05-663-A 927 Bowleys QtRS

Exhibit Sheet

Petitioner/Developer

Protestant

	
No. 1	PETITION FOR SPECIAL HEARING LEFT OUT OF ZONING FILE
	LEFT OUT OF ZONING FILE
No. 2	Sitz PLAN
FAT - 2	
No. 3	RECORD PLAT
No. 4	
	DEED
No. 5	
	BLAG SIEURTIONS AND
	BLDG ELEUNTIONS AND PHOTOGRAPHS OF SURROUNDING COCAL
No. 6	acrial Photograph
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No. 12	



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W. P. C. Nº 7 PARTI~13

BOWLEYS QUARTER PLAT NO.2

Scaletizoo' April 16,1921.

Edward V Coonan and Company


Surveyors and Civil Engineers

Balto, Md.

· Indicates Location of Stake

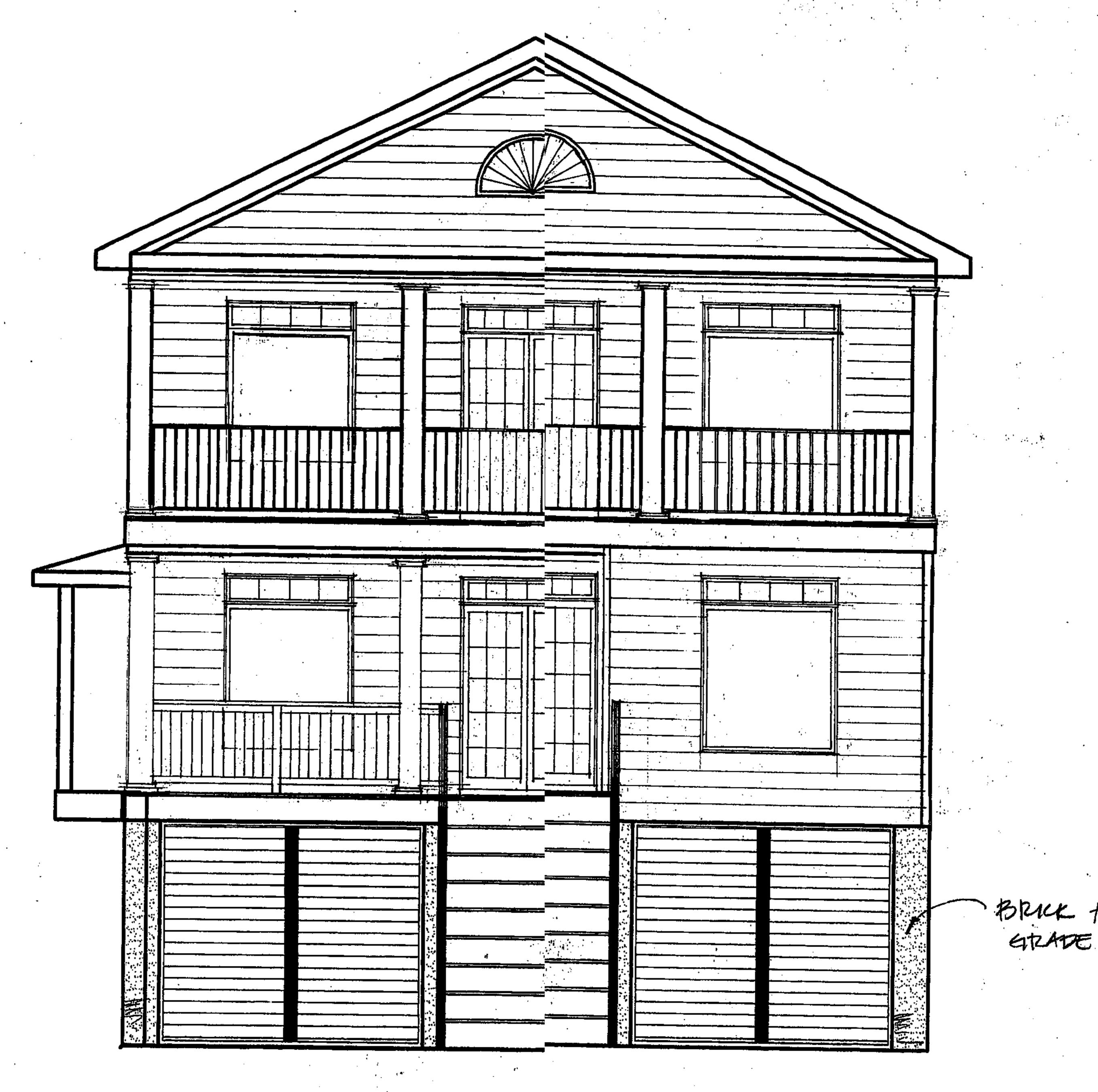
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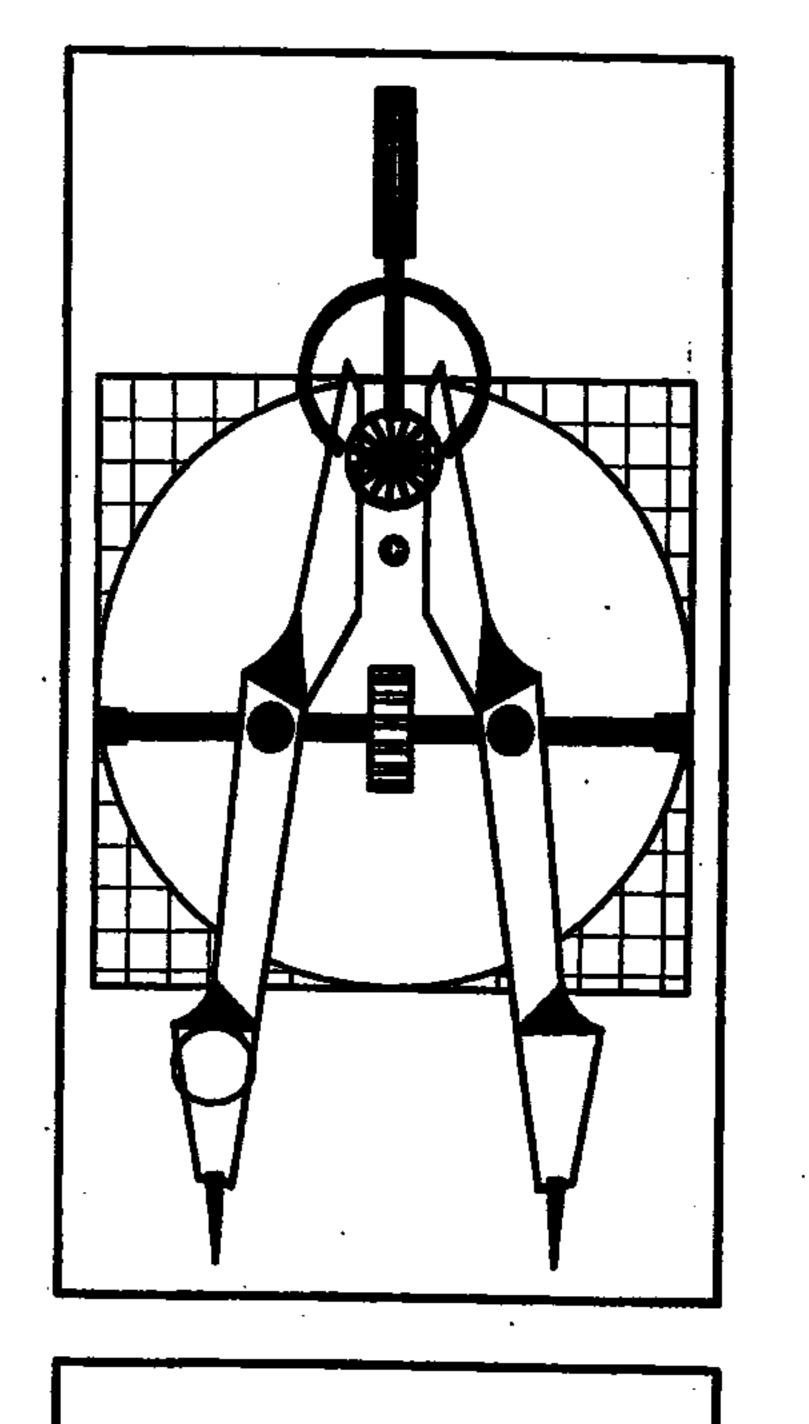




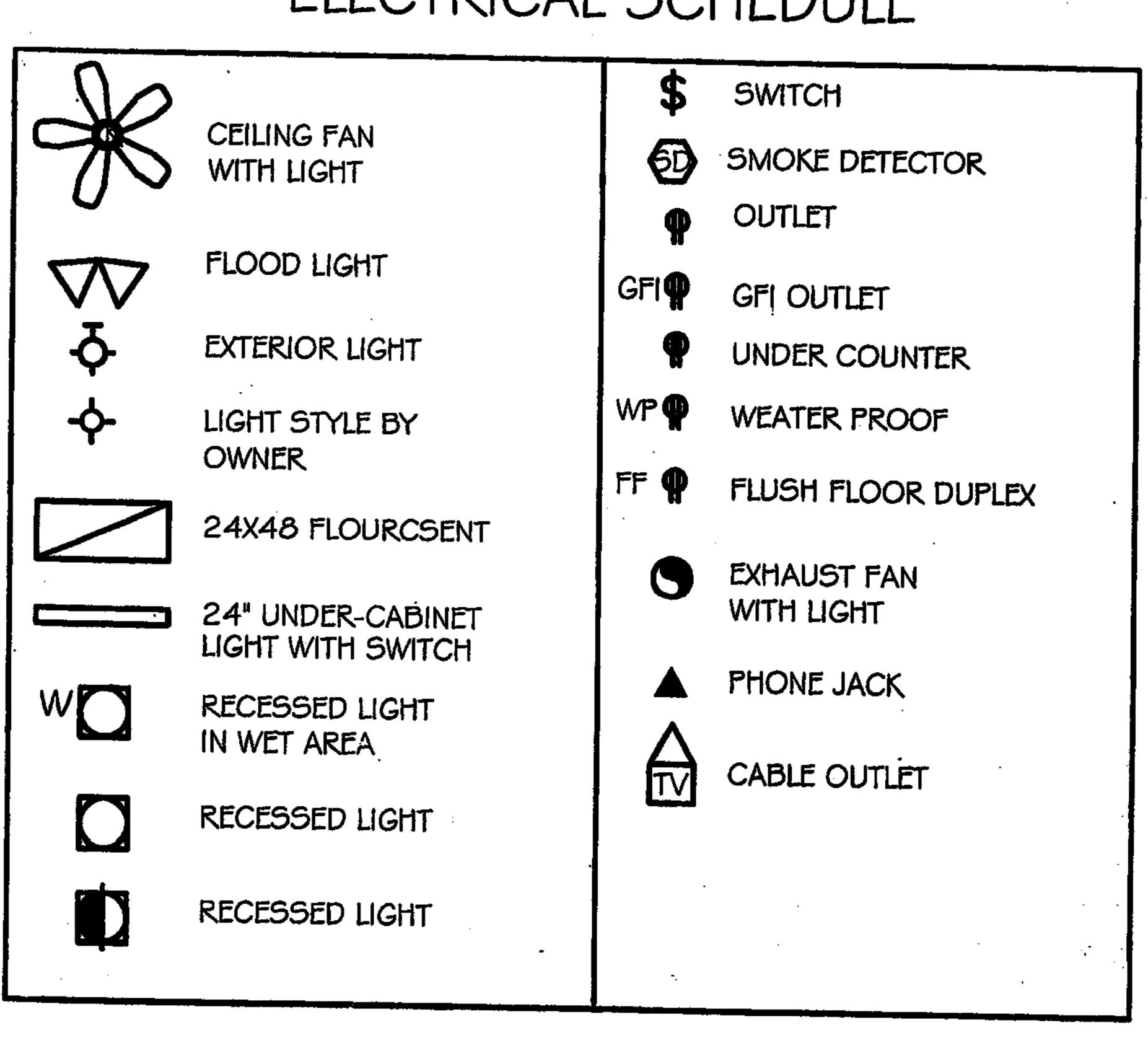
REAR ELEVATION

ELECTRICAL PLAN NOTES

- 1. Codes. This electrical plan is intended to indicate the requirements of the owner. The details of the electrical system shall be determined by an electrical contractor licensed according to code and by the local building department. Install all electrical wiring, conduit and panel boxes, co-axial cable, and telephone wiring per local codes. All electrical work to be in accordance with N.E.C. Review drawings and provide all work for a complete and operable system, including all incidentals, required by code agencies and local governing bodies.
- 2. Verify all Dimensions. Prior to start of construction, contractor shall verify and coordinate all dimensions in field. These are conceptual drawings.
- 3. Power Panel. Provide recessed electrical power panel as indicated by electrical contractor. Install in accordance with all applicable codes.
- 4. Electrical Meter Panel. Consult electrical engineer for panel size and load requirements. Verify location with power company for transformer location.
- 5. Smoke Detector. Provide surface mounted, direct wired smoke detectors located on ceilings or walls in conformance with Fire Marshall's requirements.
- 6. Electrical Layout. All electrical service shall comply with national electrical code, standard building code, N.F.P.A. and all other applicable state and local codes. Locations are suggested only. Consult your engineers and subcontractors for exact locations, specifications, sizes and code compliance.
- 7. Engineering. This drawing represents power and communication receptacle, ceiling fixture locations and switching diagrams as suggestions only, and shall not be utilized as an engineering document.
- 8. Cover Plates. Install white cover plates throughout interior of home. At the exterior, install silver cover plates.
- 9. Switches and Receptacles. When two (2) or more switches or receptacles are located together, gang with one common faceplate. If they cannot be ganged, install with a minimum distance between units.
- 10. Receptacles. Install all receptacles at 18" on center (OC) above finished floor. At counters, locate receptacles at 44" on center (OC) Above finished floor.
- 11. Switches. Install switches 48" on center (OC) Above finished floor, unless otherwise noted. Locate light switch cover plates 6" from frame of door or corner of
- 12. Appliances. Provide and install necessary electrical requirements for appliances. Check manufacturers recommendations.
- 13. Telephone. Install cat 5 cabling for telephone, in straight shots.



ELECTRICAL SCHEDULE

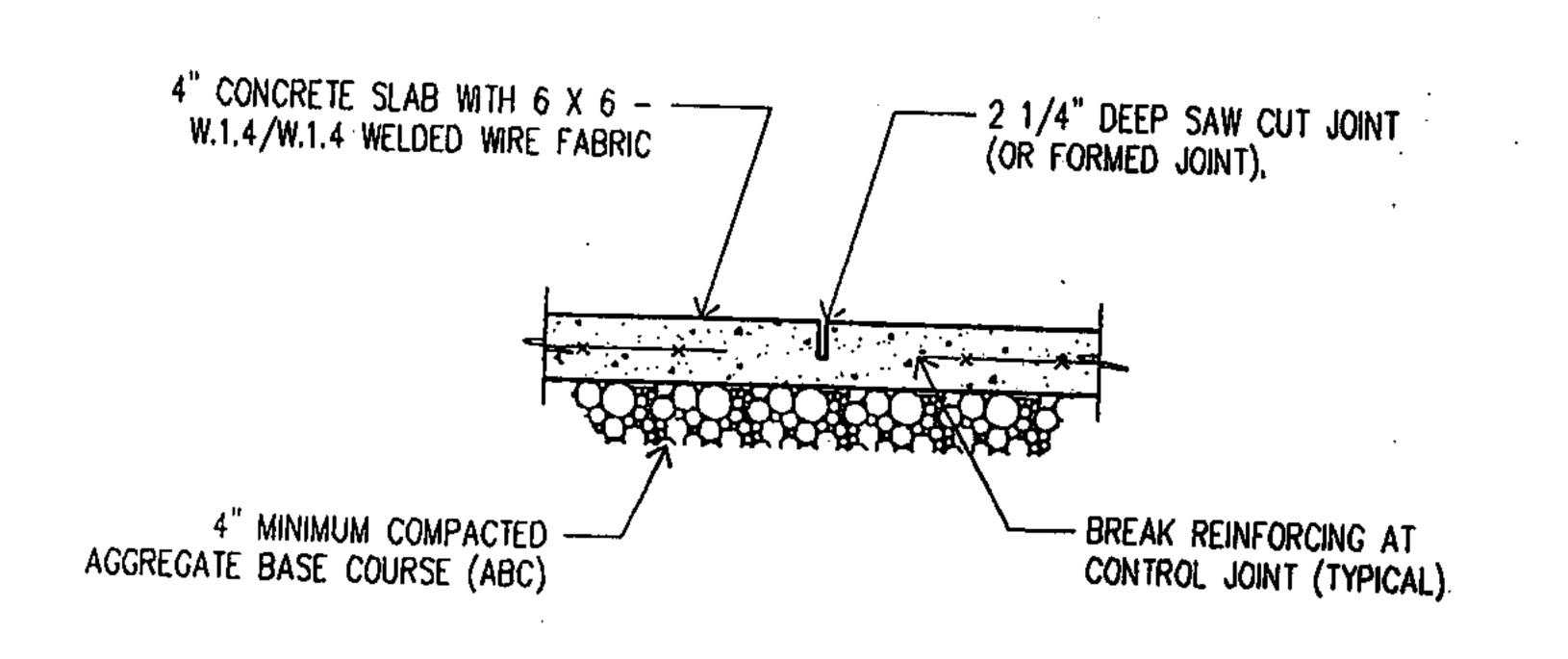


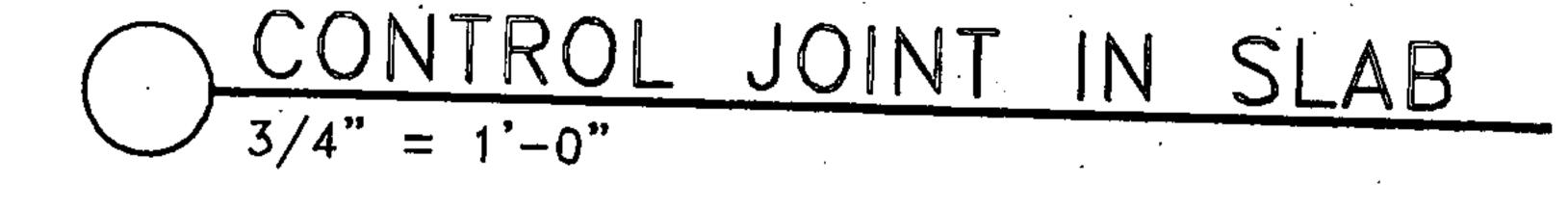
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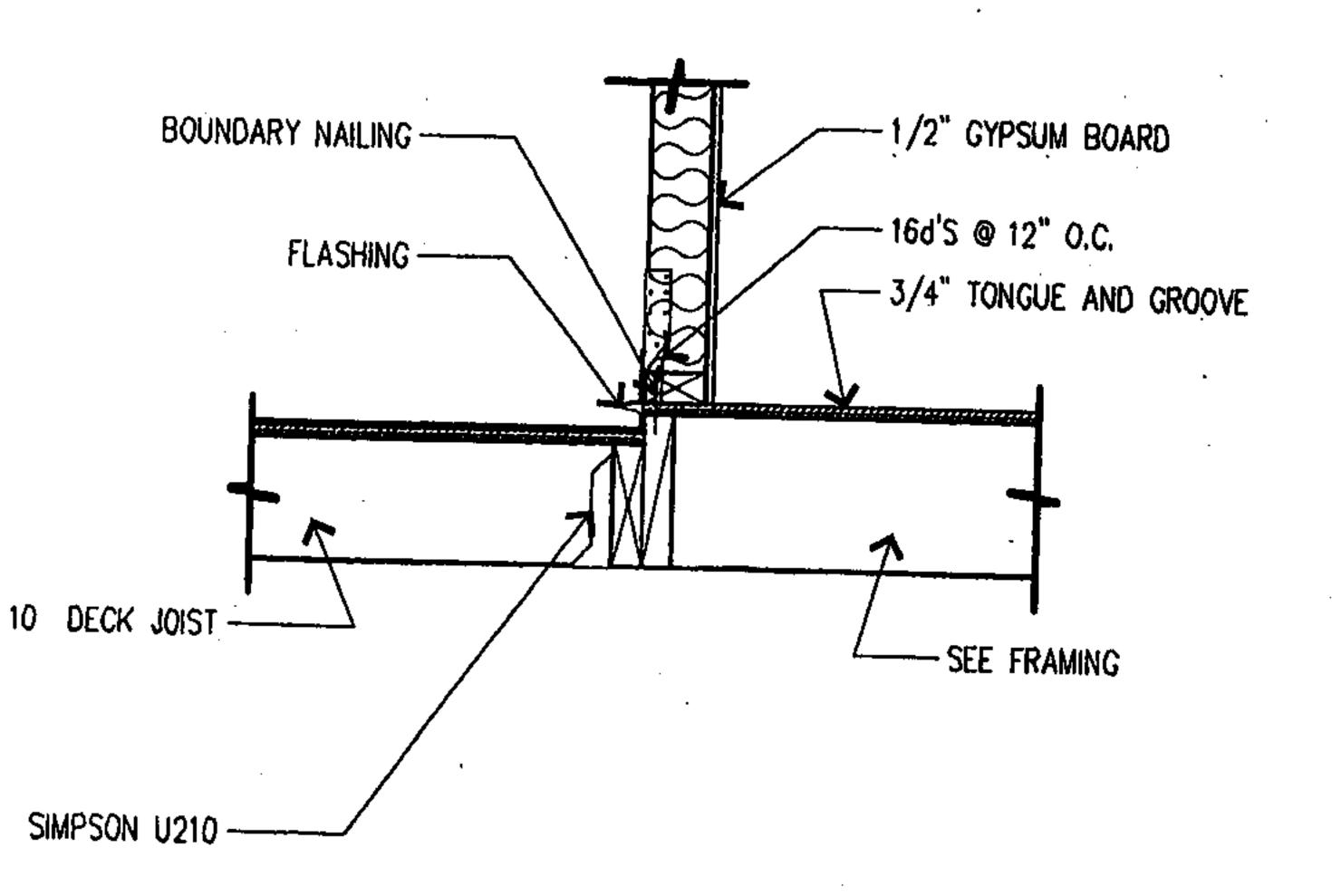
*REVISIONS 3 DRAWN BY: CRK CHECKED BY: CRK SCALE: AS NOTED JOB NO.: 204

PETITIONER'S

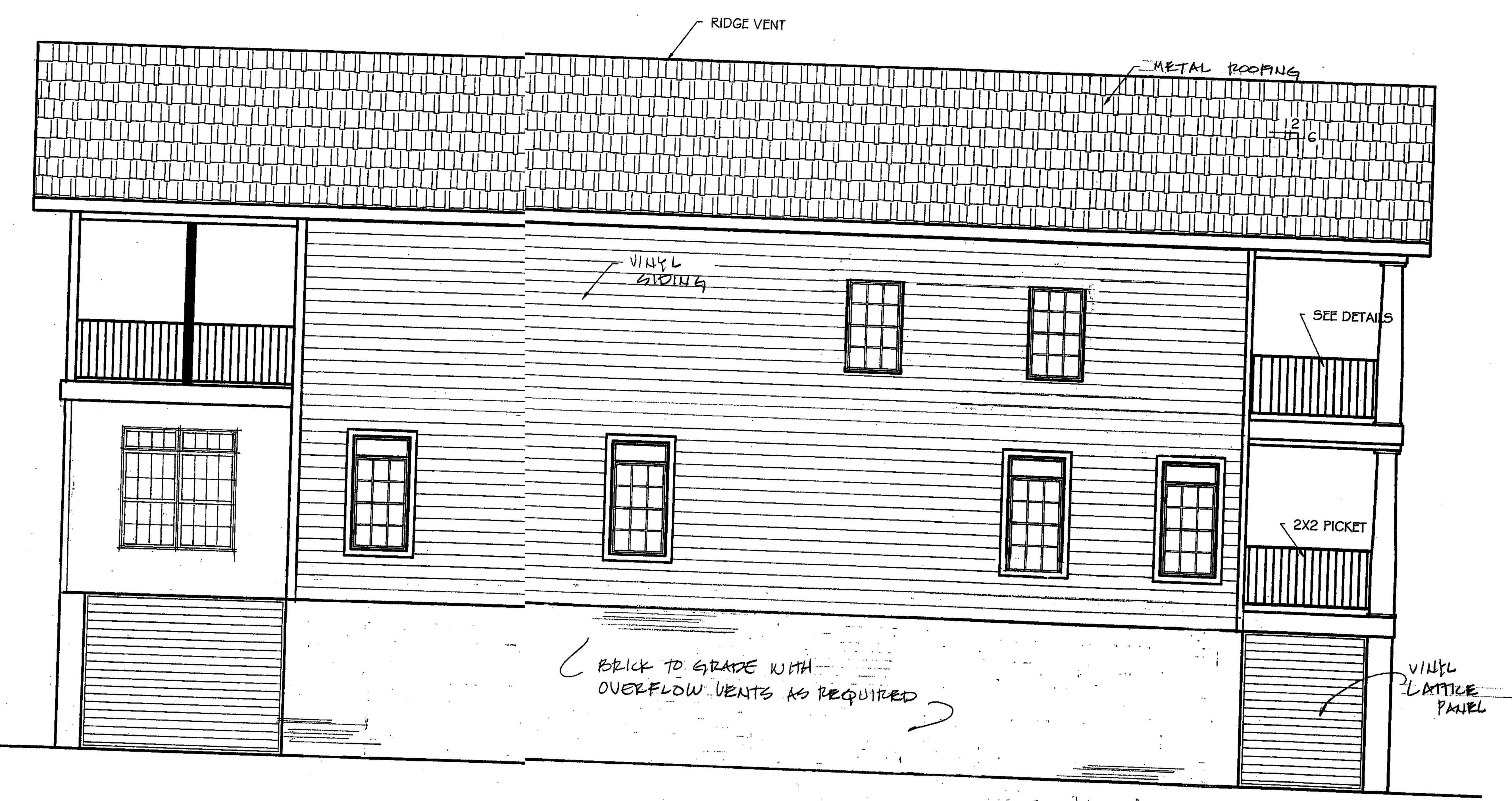
- 2. Flashing. 20" wide galvanized flashing shall be used on all valleys. Provide metal flashing over all windows and doors in exterior walls throughout. Provide pan flashing under all exterior doors. Provide all wall, base, cap, thru-wall flashing and/or counter flashing, etc. as required to prevent the entrance of water.
- 4. Door and Window Trim. Provide trim as shown on plans. Color to be selected by owner.
- 5. Windows. double-hung, clear glazed, insulated windows painted as specified. Confirm that openings are compliant with all applicable codes concerning egress, lighting and ventilation requirements. Temper all glass 2'-0" from door and above whirlpool tubs. Trim windows with Casing. Bedroom windows shall comply with IRC Code requirements for emergency escape. Clear height shall be 5.7 sq.ft., minimum net clear width shall be 20", minimum net clear height shall be 24", and sill height shall not exceed 24" above floor. Provide manufacturer's egress hardware at bedroom windows in each bedroom without exterior door.
 - 6. Columns. Construct structural wood frame columns with 2 x 4 studs and finish surfaces as specified. Finish interior columns according to finish schedule. Finish exterior columns as shown on elevations or perma-cast round columns.
 - 7. Hand Rail. All hand rails shall be constructed so as to prevent passage of a 4" sphere.
 - 8. Transom Windows. Transom windows that are not directly connected to the window or door unit below shall be installed 10" above window unit below. Transom windows to be wood, clear glazed, insulated fixed units. Paint as specified by owner.
 - 9. Shutters. Install working shutters and hardware as shown on elevation. Color as specified by owner.
 - 10. Deck. Construct porch with pressure treated lumber only. We recommended applying a sealant over all exposed areas.
 - 11. Stairs. Construct stairs of pressure treated wood. Wood type, color and style to be determined by owner.



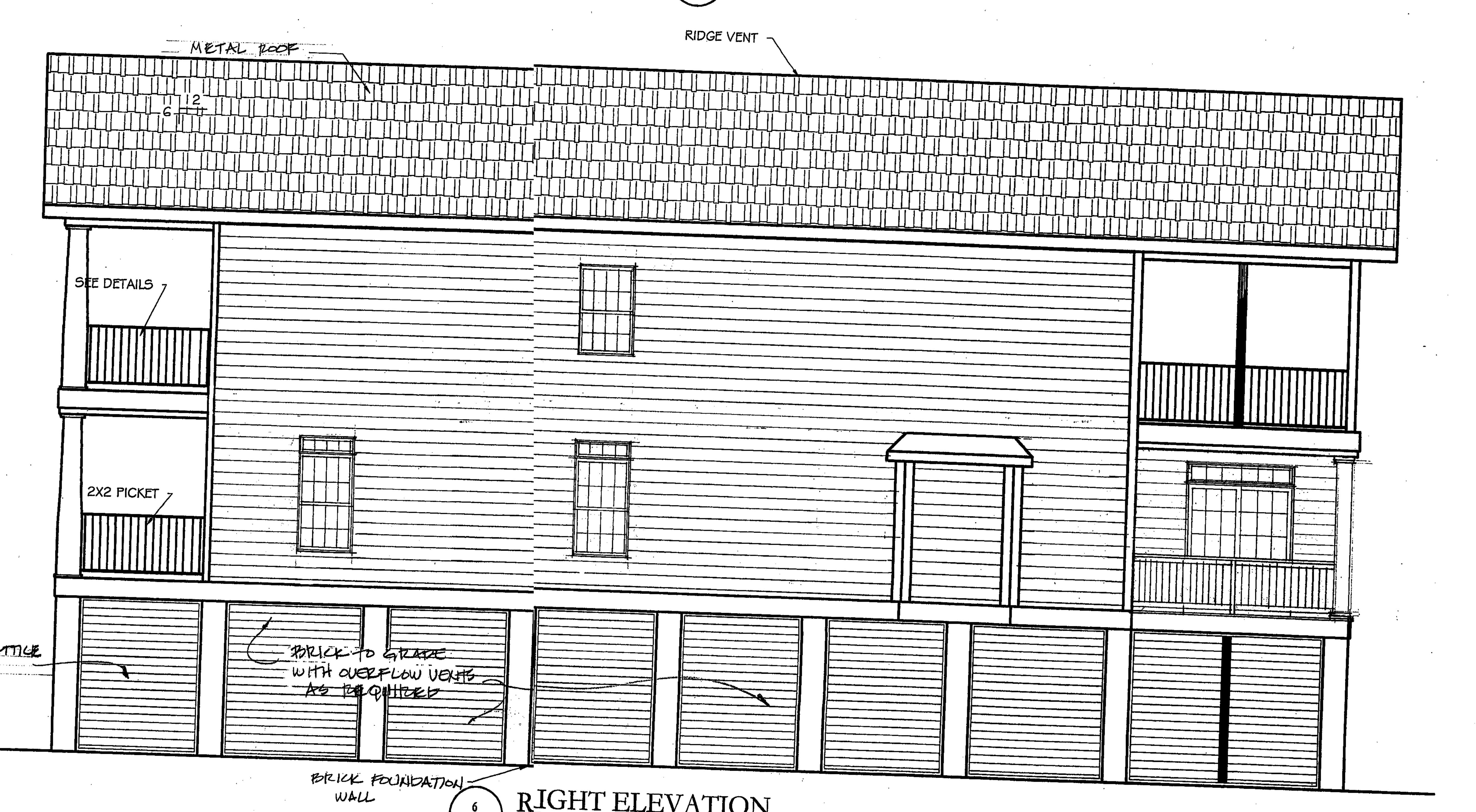


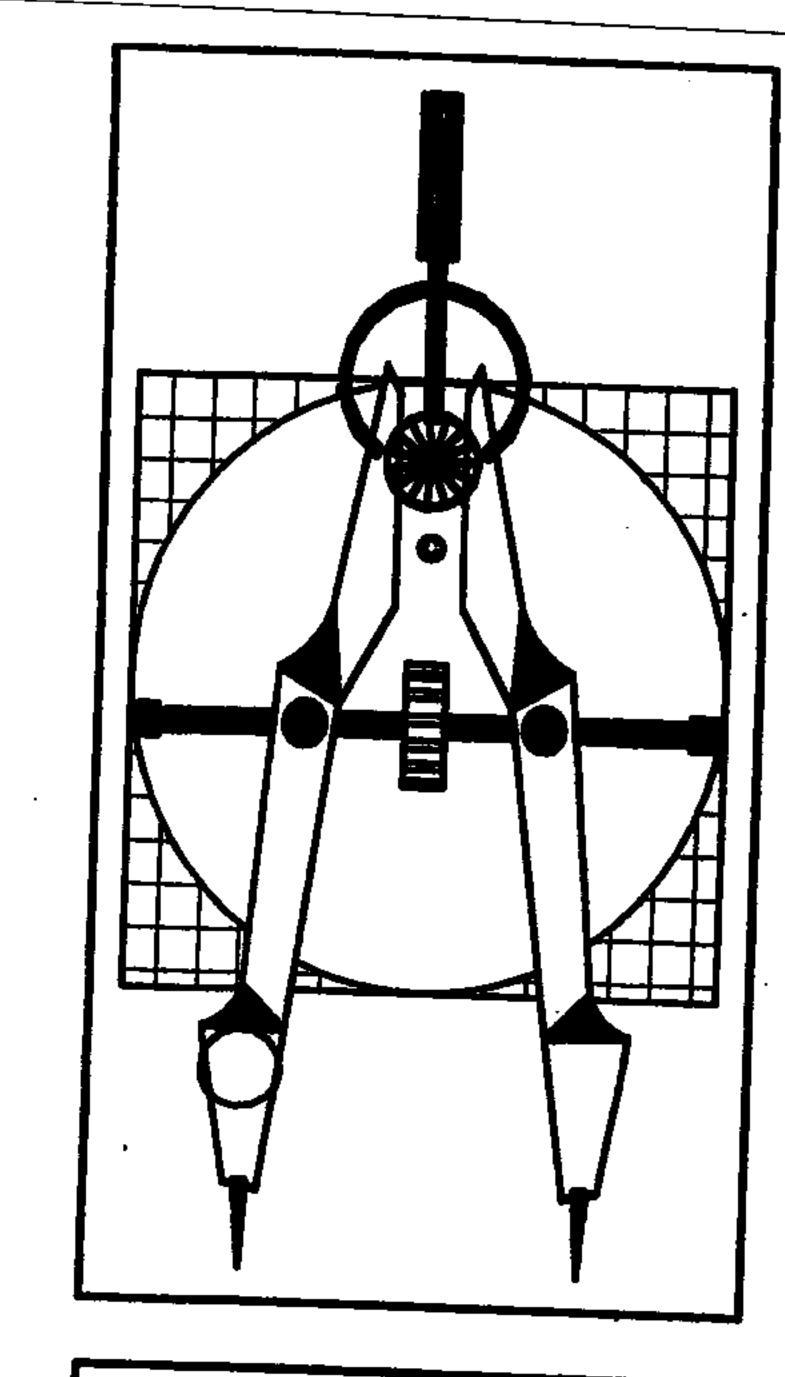


DECK JOIST BEARING @ WALL

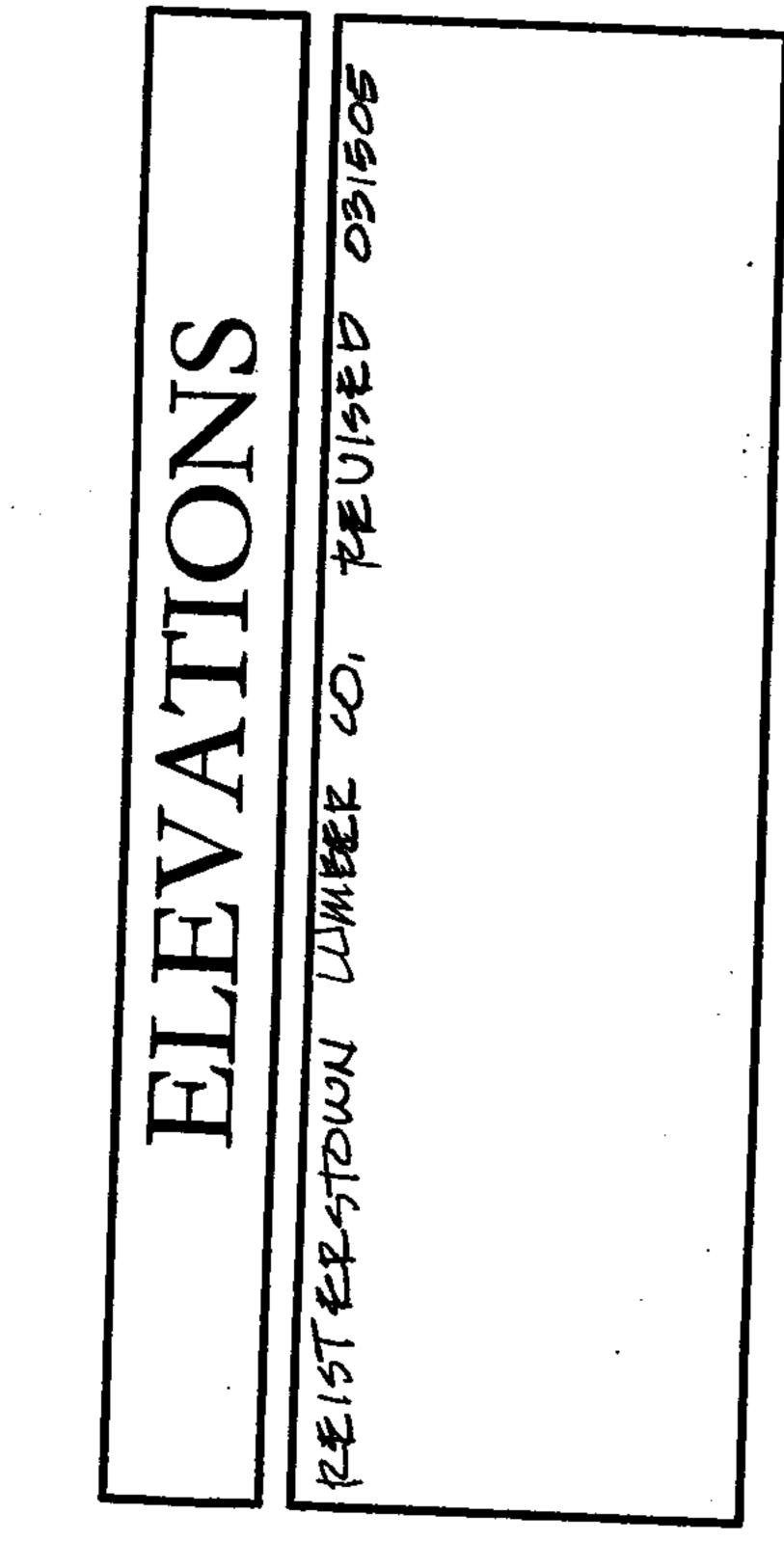


LEFT ELEVATION SCALE: 1/4"=1'-0"





CHARLES KIRKLAND IN
222 VARNFIELD DR.
SUMMERVILLE, SC 29483
843 261 6116



REVISIONS 3

DRAWN BY: CRK

CHECKED BY: CRK

DATE: 01.28.05

SCALE: AS NOTED

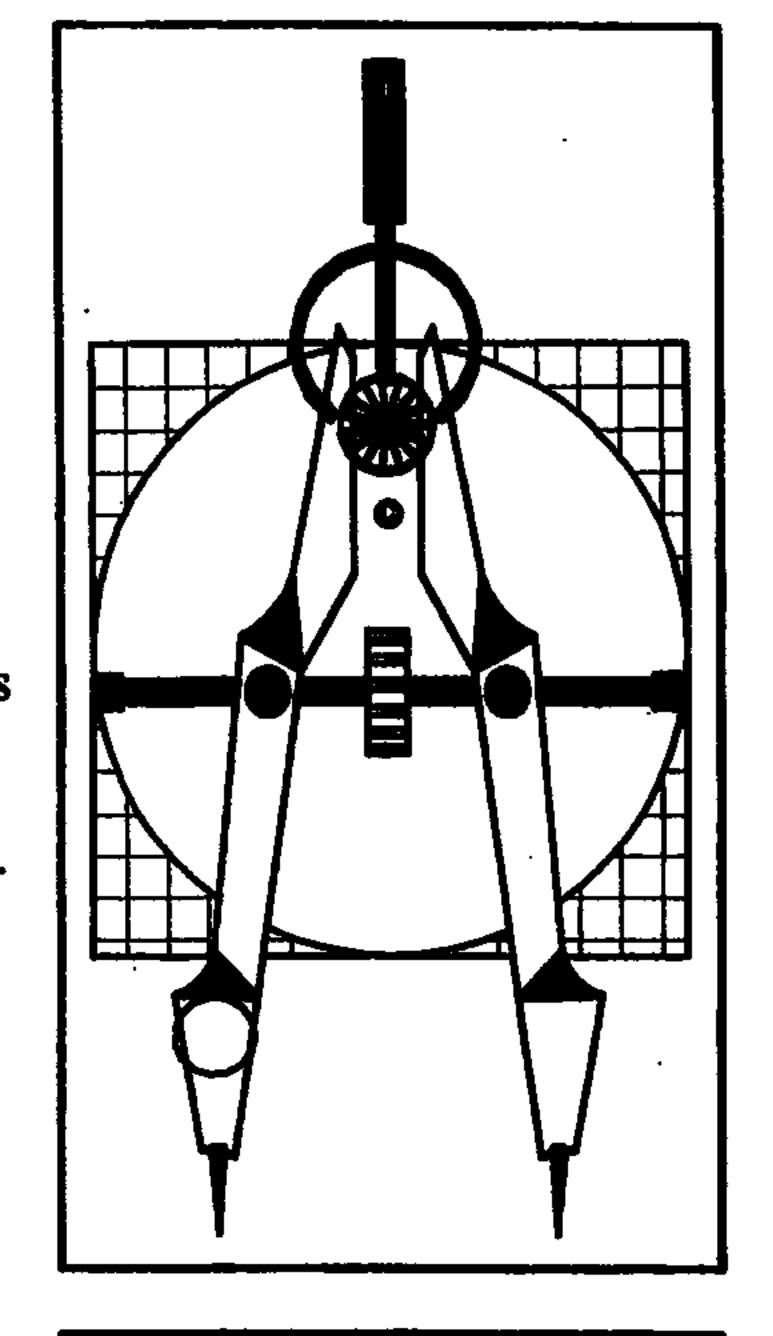
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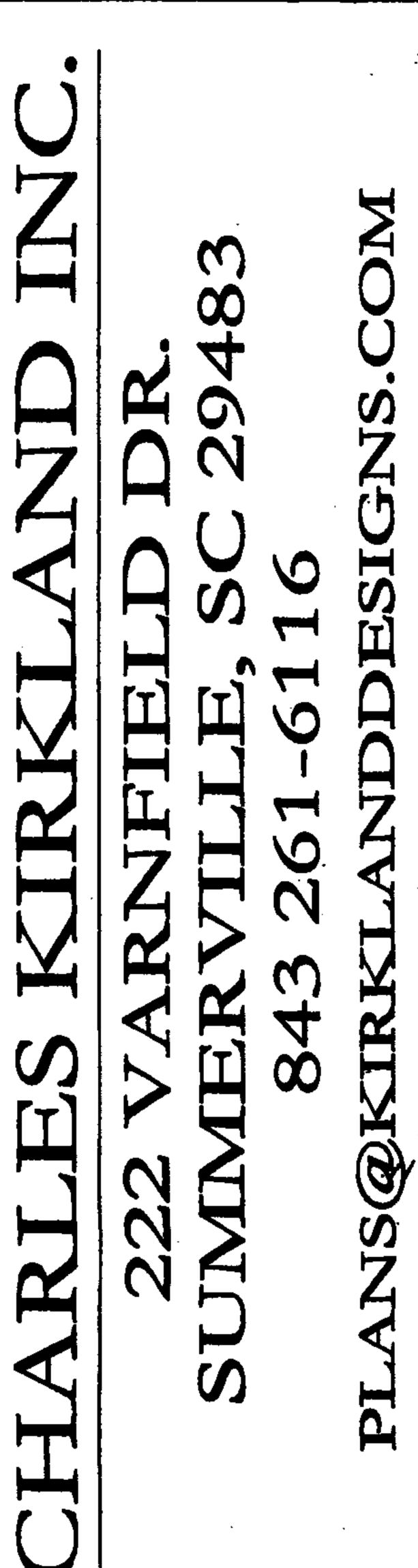
4-3

AREA	TABU	LATION	IN S	Q. FT.	•
•	HEATED	UNHEATED	TOTAL HEATED	TOTAL	TOTAL
1ST FLOOR LIVING	1545				
2ND FLOOR LIVING	1530				
GARAGE		1948			
2ND FLOOR PORCH		240	_		
1ST FLOOR PORCH		240			
REAR PORCH 1ST		213			
REAR PORCH 2ND		360			
SCREEN PORCH	-	147			
TOTAL			3075	3148	6223

ROOF FRAMING PLAN NOTES

- 1. Stud and Joist Integrity. Studs and joists shall not be cut to install plumbing and/or wiring without adding metal or wood side pieces to strengthen member back to original capacity and maintain structural integrity.
- 2. Bracing and Shoring. Contractor to provide adequate bracing and shoring during the construction process.
- 3. Roof Decking. Roof decking 1/2" exp. 1 C-D plywood with edge clips & galvanized 8d nails at 6" on center (OC) on edge, and 12" on center (OC) in field, stagger sheathing. At gable ends, nail sheathing at 4" on center (OC) on edge and 6" on center (OC) in field, 48" into roof decking.
- 4. Vaulted and Raised Ceilings. Provide ceiling treatment as shown.
- Code Compliance. Contractor to verify that size and spacing of all structural framing members meet all applicable codes before construction begins.
- 6. Attic Ventilators. Provide continuous ridge vent to be Cor-a-vent or equivalent, allowing for air circulation in attic space.





SECTION

REVISIONS 3

DRAWN BY: CRK

CHECKED BY: CRK

DATE: 01.28.05

SCALE: AS NOTED

JOB NO.: 204

4

