

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Seneca Park Road, 660 ft. SE
centerline of Nanette Lane
15th Election District
6th Councilmanic District
(808 Seneca Park Road)

Kimberly A. & Edward G. Tutin
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-061-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kimberly A. and Edward G. Tutin. The administrative variance is requested for property located at 808 Seneca Park Road in the eastern area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage) with a height of 23 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 6, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was submitted by the Office of Planning dated August 12, 2005, a copy of which is attached hereto and made a part hereof. Finally, this office is still waiting to receive a ZAC comment from the Department of Environmental Protection &

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8/31/05

Ray

Resource Management (DEPRM). Once this ZAC comment is received a copy will be attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioners have filed the supporting affidavits as required by Section 32-3-303(a)(2) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

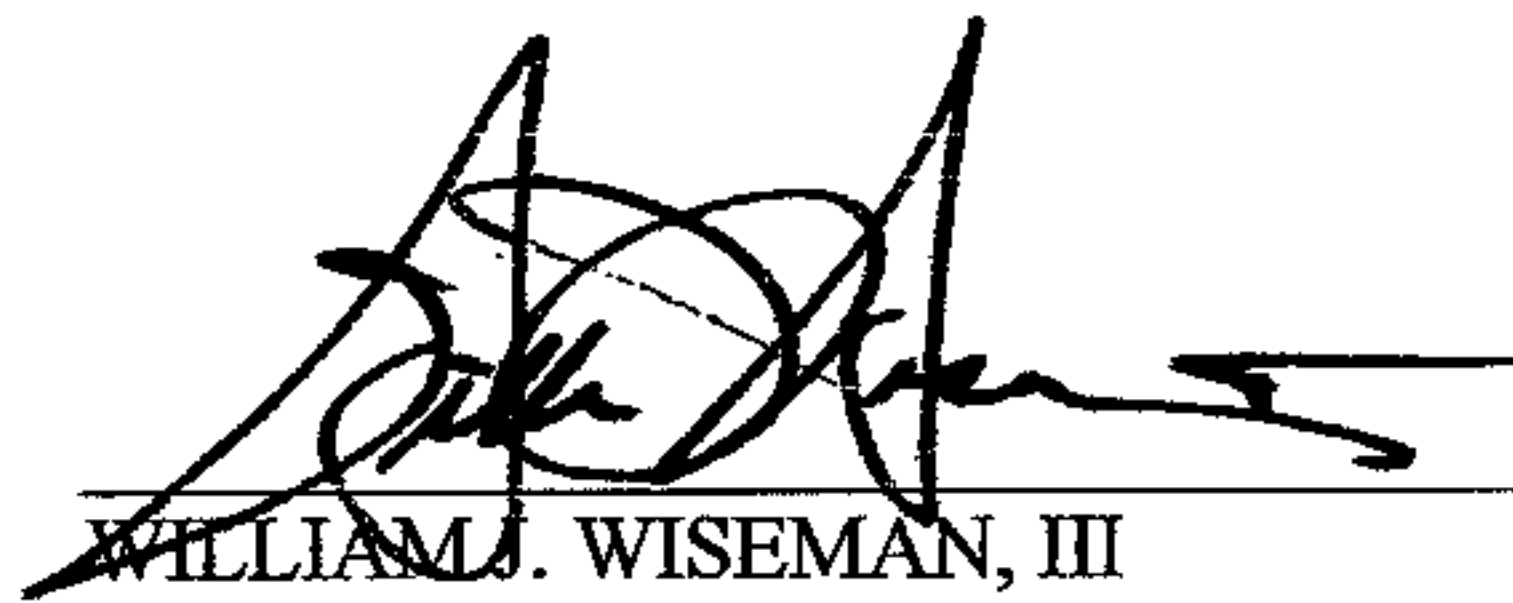
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

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Ray

THEREFORE, IT IS ORDERED, this 31st day of August, 2005, by this Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage) with a height of 23 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments received from the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments received from the Office of Planning dated August 12, 2005, a copy of which is attached hereto and made a part hereof;
4. Compliance with any recommendations, if any, made by the Department of Environmental Protection & Resource Management (DEPRM).
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

JADEA RECEIVED FOR FILING

8/31/05

raj

Zoning Commissioner



Baltimore County

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 31, 2005

Mr. & Mrs. Edward G. Tutin
808 Seneca Park Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 06-061-A
Property: 808 Seneca Park Road

Dear Mr. & Mrs. Tutin:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to be "WJW", is written over the typed name.

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

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



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 808 Seneca Park Rd.
which is presently zoned D.R.-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 BCZR, to permit a proposed accessory building (garage) with a height of 23 feet in lieu of the maximum allowed 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

808 Seneca Park Rd. 410-335-8997
Address Telephone No.

Name - Type or Print

Balto. Md. 21220
City State Zip Code

Signature

Representative to be Contacted:

Company

Name

Address Telephone No.

Address Telephone No.

City State Zip Code

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-061-A

Reviewed By JNP Date 7/28/05

Estimated Posting Date 8/7/05

EV 9/25/01

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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 808 Seneca Park Rd.
Address
Balto. Md. 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

AFTER EXPERIENCING FLOOD DAMAGE FROM TROPICAL STORM ISABEL ON 9-18-03
I HAVE REPLACED MY HOME AND DEMO 1 DETACHED GARAGE AND 1 ATTACHED
GARAGE ON OLD HOME. I HAVE BEEN LEASING 2 CONTAINERS TO HOLD
BELONGINGS. THE NEW PROPOSED GARAGE WILL BE A 12/12 PITCH ROOF AND
HEIGHT WILL EXCEED HEIGHT LIMIT. THE ADDITIONAL HEIGHT OF NEW
GARAGE IS FOR DRY SAFE STORAGE IN ATTIC, IN CASE OF FUTURE FLOODING

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edward S. Tutin
Signature
EDWARD G. TUTIN
Name - Type or Print

Kimberly A. Tutin
Signature
Kimberly A. Tutin
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of March, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward Tutin & Kimberly Tutin
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Venera A. Gmat
Notary Public

My Commission Expires 12/1/05

ZONING DESCRIPTION FOR 808 SENECA PARK ROAD

Beginning at a point on the South side of Seneca Park Road which is 30 feet wide at the distance of 660 feet southeast of the centerline of the nearest improved intersecting street Nannette Lane which is 30 feet wide. Being lots numbered all of 16 & 17 and part of lot 15 in the subdivision of Seneca Park Beach as recorded in the Baltimore County Plat Book #8, Folio #45 containing 30,650 square feet also known as 808 Seneca Park Road and located in the 15th Election District, 6th Councilmanic District.

06-061-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1440258

DATE

7/23/05

ACCOUNT

8-03-06-6130

AMOUNT

\$ 65.00

RECEIVED FROM

7/23/05

FOR

Adm. Vei - 808 Seabrook Park Road

06-061-A (Toll)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY THE
CASHIER'S VALIDATION
DATE 7/23/05
AMOUNT \$ 65.00
PAID TO (Name) Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-061-A

Petitioner/Developer: EDWARD E
KIMBERLY TUTIN

Date Of Hearing/Closing: 8/22/05

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

Attention:

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
at 808 SENECA PARK ROAD

This sign(s) were posted on August 6, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 8/6/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

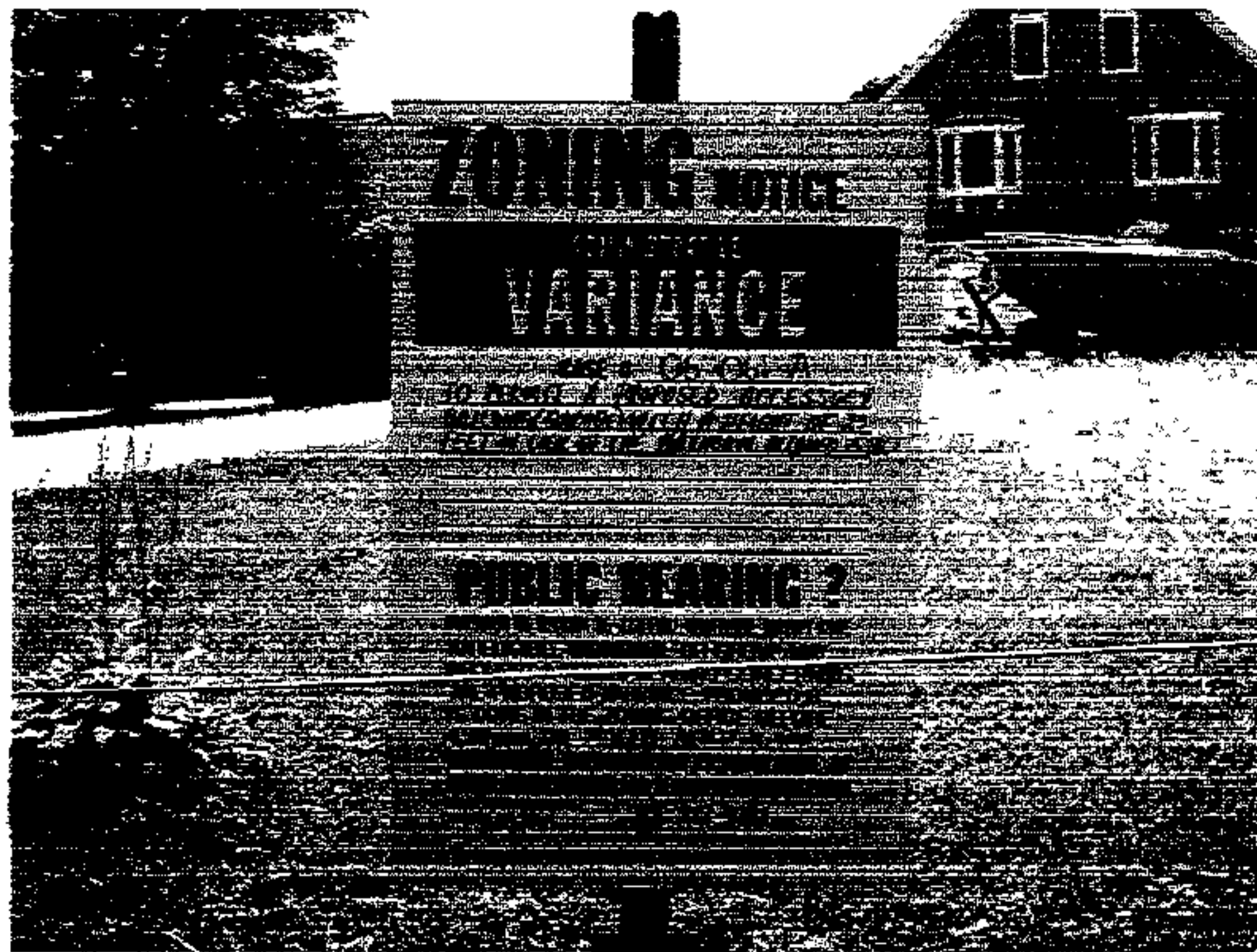
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000372 (576x432x24b jpeg)



Master of 8/6/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 061 -A Address 808 Seneca Park Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/28/05 Posting Date: 8/7/05 Closing Date: 8/22/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 061 -A Address 808 Seneca Park Road
Petitioner's Name Edward & Kimberly Tutin Telephone 410-335-8997
Posting Date: 8/7/05 Closing Date: 8/22/05
Wording for Sign: To Permit a proposed accessory building (garage) with a height of 23 feet in lieu of the maximum allowed 15 feet.

WCR - Revised 6/25/04

**Department of Permits and
Development Management**

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



Baltimore County

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

August 22, 2005

Edward D. Tutin
Kimberly A. Tutin
808 Seneca Park Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Tutin:

RE: Case Number: 06-061-A, 808 Seneca Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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Fire Department

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



Baltimore County

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

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056,
057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
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: 8.2.05

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

RE: Baltimore County
Item No. 061 JHP

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: R. Bruce Seeley *RB*

DATE: September 8, 2005

SUBJECT: Zoning Item # 06-061-A
Address 808 Seneca Park Road
Tutin Property

Zoning Advisory Committee Meeting of August 8, 2005

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

Reviewer: Martha Stauss

Date: September 8, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2005
RECEIVED

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

AUG 16 2005

SUBJECT: 6-061 – Administrative Variance

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 23 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Submit elevations (all sides) of the proposed accessory structure to this office for review and approval prior to the issuance of any building permit.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

8/31/05
Ray

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item No. 061

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show a future 5-foot wide right-of-way widening strip along the Seneca Park Road right-of-way line. Setback shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 061-08102005.doc

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8/31/05
Ray

From: Roberta Jameson
To: Seeley, Bruce
Subject: ZAC comments - Admin. Variances for 8/22/05

I know you're super busy, but when you get a chance will you get some comments on the below listed items:

06-060-A - Patricia W. Baynes, 4006 Chestnut Road

06-061-A - Kimberly & Edward Tutin, 808 Seneca Park Road

Thanks!

Robin

Baltimore County - My Neighborhood



MAP 091C3

06-061-A



FRANCES PTASZYNSKI

806 SENECA PARK RD.

YELLOW HOUSE IS ~~806~~ NEXT TO 808

SHED IN REAR OF HOUSE

RIGHT
2-1-47

06-061-A



● ROGER ●
PARRISH

812 SENECA PARK RD.

LEFT CORNER IS SHED

06-061-A

808 SENECA PARK ROAD

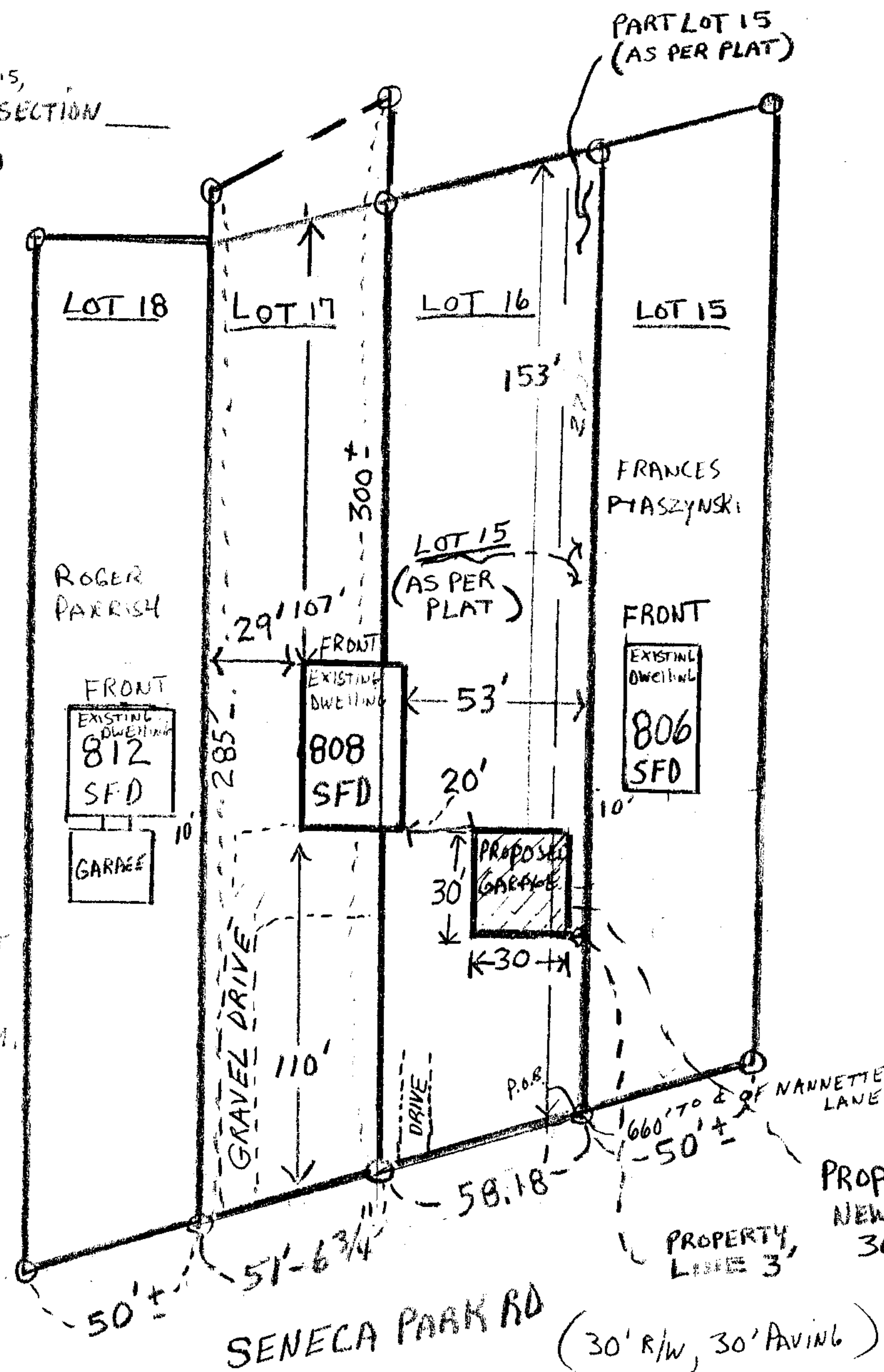
SENECA PARK BEACH

PLAT BOOK ~~44~~ WPC 8 FOLIO 45 PART OF LOT 15,
LOT 16-17 SECTION

EDWARD + KIMBERLY TUTIN

SENECA CREEK

PETITION FOR
ZONING VARIANCE



NOTE - THIS SITE FALLS
IN FLOOD PLAIN "A-10"
ELEV. 4 FT.

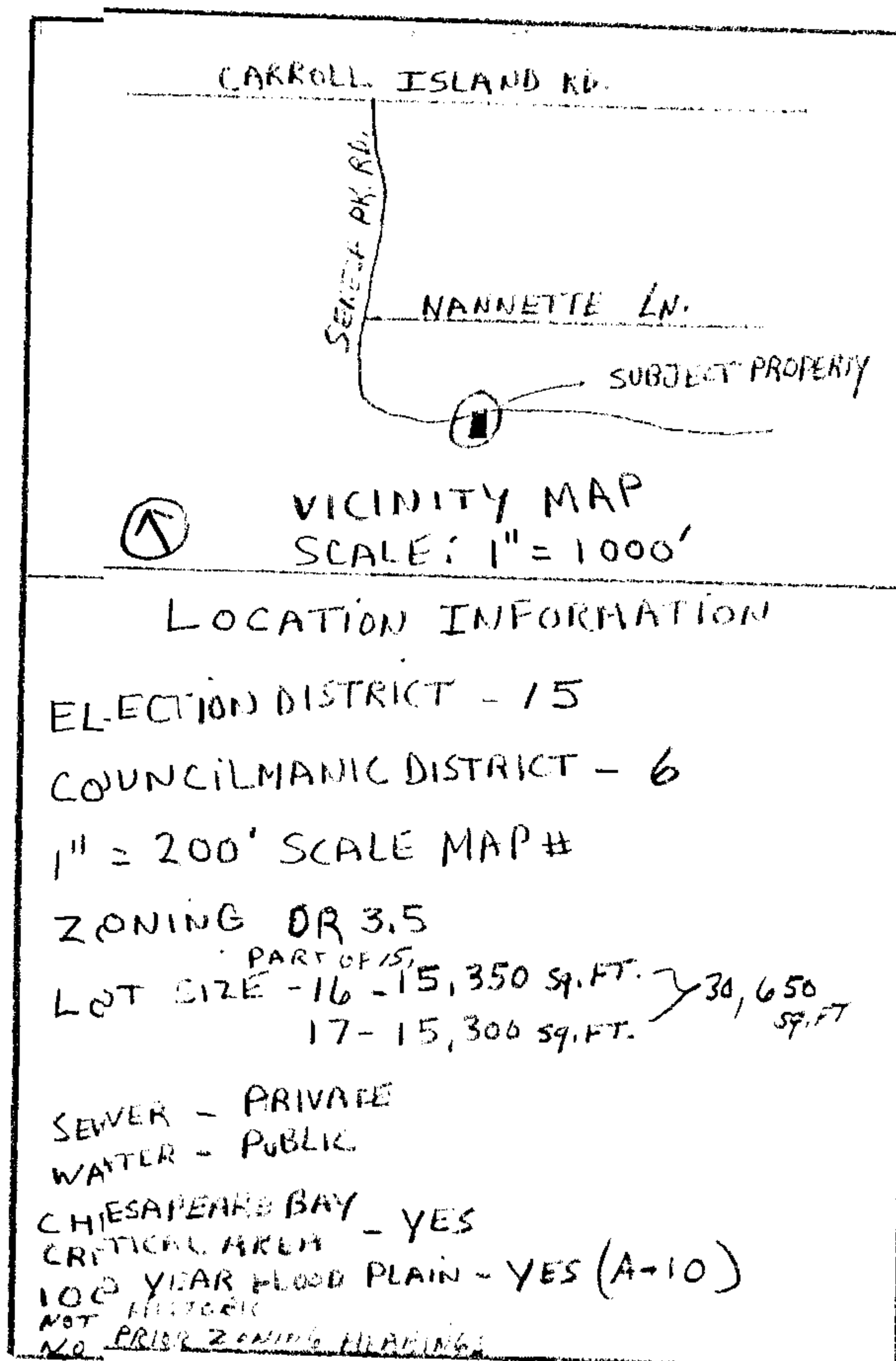
THE APPLICANT/OWNER CONFIRMS THAT
FLOOD PLAIN ISSUES HAVE BEEN RESOLVED
WITH THE PLANS REVIEW SECTION OF FIRM,
AND ALL CONSTRUCTION WILL MEET FLOOD
CODE REQUIREMENTS

NORTH

SCALE 1" = 40'

Set 4 #1

808 SENECA PARK RD.
BALTO. CO., MD.



06-061-4