

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
S/S Seneca Road, 925' W of the c/l	
New Section Road	* ZONING COMMISSIONER
(1204 Seneca Road)	
15 th Election District	* OF BALTIMORE COUNTY
6 th Council District	
	* Case No. 06-237-SPH
Jerry D. Rollyson, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Jerry D. Rollyson (deceased), and his widow, Mary Ann Rollyson, and the Contract Purchaser, Robert McIlvaine. The Petitioners request a special hearing to approve a lot area of 0.872 acres in lieu of the required 1.5 acres, and side yard setbacks of 16 feet each in lieu of the required 50 feet, pursuant to Sections 1A04.3.B.2.A and 1A04.3.B.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed dwelling. 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 Mary Ann Rollyson, property owner, her son, Joseph Rollyson, and her daughter and son-in-law, Mary and Robert McIlvaine, Contract Purchasers of the subject property. Also appearing were David Billingsley and Bob Infussi, the consultants who assisted the Petitioners in the filing process. There were no Protestants or other interested persons present. Indeed, several letters were received from immediate and nearby neighbors in support of the request.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the northwest side of Seneca Road, north of New Section Road in Bowleys Quarters. The property contains a gross area of 37,980 sq.ft., or 0.872 acres, more or less, zoned R.C.5 and is presently unimproved. The property is also known as Parcel 373 of Bowleys Quarters Plat No. 2, which was recorded in the Land Records on May 26, 1921, well

ORDER RECEIVED FOR FILING

Date 12/29/15

By [Signature]

prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with lots in older subdivisions, the subject property lacks sufficient area and width by today's standards.

The Petitioners have owned the subject property since 1973 and resided on an adjacent parcel, known as 1138 Seneca Road, since 1969. The subject parcel abuts the rear of the dwelling lot. Mrs. Rollyson would like to transfer the subject property to her daughter and son-in-law who wish to construct a single-family dwelling thereon. As shown on the site plan, the proposed dwelling will 28' x 64' in dimension, and feature setbacks of 16' on each side. In that the property's R.C.5 zoning classification requires a minimum setback of 50 feet from any side property line, and a minimum lot area of 1½ acres, the requested special hearing relief is necessary.

In support of the request, Mr. Billingsley testified that the subject property has never been used as an accessory to the dwelling lot and has been a duly recorded lot of record since 1921. Moreover, this property and the dwelling lot have separate tax accounts and deeds, and the Rollyson's activities on the dwelling lot did not create a single parcel that could not later be developed as two lots. Finally, the proposed dwelling will be compatible with other houses in the neighborhood and feature similar setbacks as other houses in the community.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that strict compliance with the regulations would result in a practical difficulty for the Petitioner and prohibit reasonable use of the property for a permitted purpose. As noted above, many of the lots in this neighborhood are similar in area and width as the subject property. Moreover, the proposed development 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). There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. However, the Office of Planning 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. Moreover, although not waterfront, the proposed development is subject to compliance with Chesapeake Bay Critical

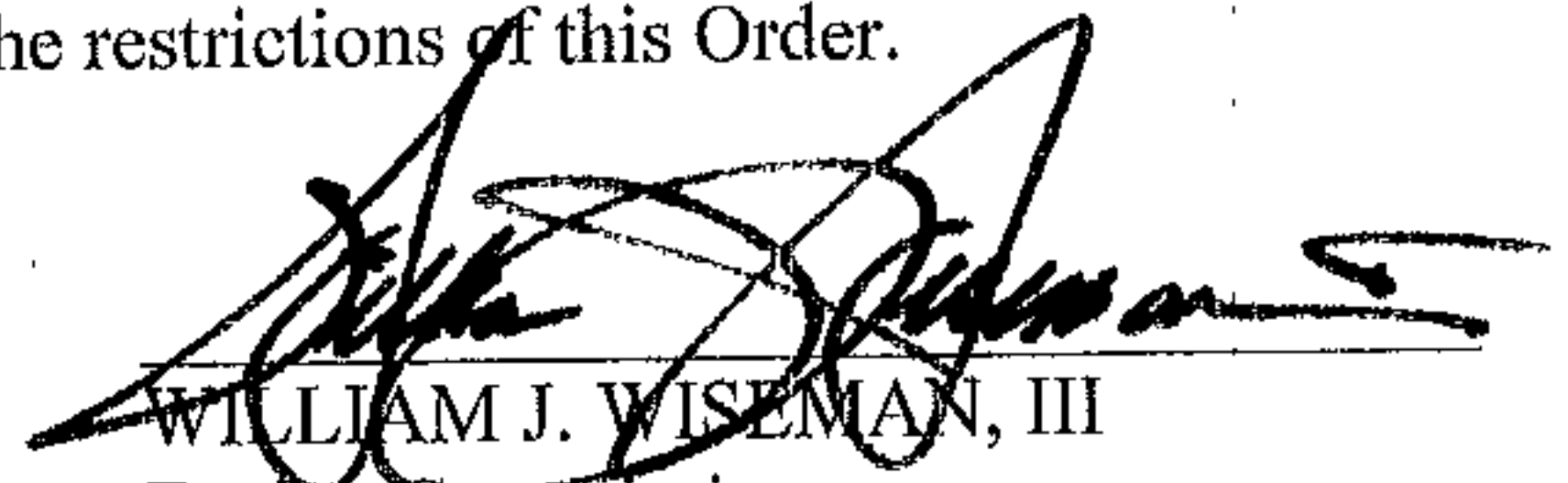
CHESAPEAKE BAY CRITICAL ZONING DISTRICT
12/20/15
Rep

Areas requirements and Federal Flood Insurance regulations, given its close proximity to Seneca Creek. With the exception of those conditions, I find that the relief requested is appropriate in this instance and should be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of December 2005 that the Petition for Special Hearing seeking relief, pursuant to Sections 1A04.3.B.2.A and 1A04.3.B.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot area of 0.872 acres in lieu of the required 1.5 acres, and side yard setbacks of 16 feet each in lieu of the required 50 feet, for a proposed 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) Prior to the issuance of any permits, the Petitioners shall submit photographs of adjacent dwellings and building elevation drawings of the proposed dwelling, including proposed building materials, color scheme, and architectural details, to the Office of Planning for review and approval to insure compatibility with existing houses in the area.
- 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 a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 27, 2005

Ms. Mary Ann Rollyson
1138 Seneca Road
Baltimore, Maryland 21220

RE: **PETITION FOR SPECIAL HEARING**
S/S Seneca Road, 925' W of the c/l New Section Road
(1204 Seneca Road)
15th Election District – 6th Council District
Jerry D. Rollyson (now deceased) and Mary Ann Rollyson - Petitioners
Case No. 06-237-SPH

Dear Ms. Rollyson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Robert McIlvaine, ⁵⁴⁵²~~5432~~ King Arthur Circle, Baltimore, Md. 21237
Mr. David Billingsley, Central Drafting & Design, Inc.
601 Charwood Court, Edgewood, Md. 21040
Chesapeake Bay Critical Areas Comm., 1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; Office of Planning
People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1204 SENECA ROAD

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A LOT WITH AN AREA OF 0.872 ACRE AND SIDE YARD SETBACKS OF 16 FEET IN LIEU OF THE REQUIRED 1.5 ACRES AND 50 FEET RESPECTIVELY FOR A PROPOSED DWELLING.

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

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

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

Contract Purchaser/Lessee:

ROBERT MCILVAINE

Name - Type or Print

x [Signature]

Signature

x 5452 KING ARTHUR Circle x 410.574 7820

Address

Telephone No.

x BALTIMORE

MD.

21237

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

JERRY D. ROLLYSON

Name - Type or Print

Signature

MARY ANN ROLLYSON

Name - Type or Print

x Mary Ann Rollyson

Signature

1138 SENECA ROAD

Address

Telephone No.

BALTIMORE

MD.

21220

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY,
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BW Date 11/1/05

ORDER RECEIVED FOR FILING

RECEIVED 9/15/08

Date

(6)

ZONING DESCRIPTION

1204 SENECA ROAD

Beginning at a point on the south side of Seneca Road (30 feet wide) said point being distant 925 feet west of it's intersection with the center of New Section Road (30 feet wide), thence (1) N 46°49' 30" W 368.54 feet, thence (2) N 19° 50' 30" E 106.20 feet, thence (3) S 46°49' 30" E 410.60 feet, thence (4) S 43° 10' 30" W 97.51 feet to the place of beginning. Containing 37,980 square feet or 0.872 acre of land, more or less.

Being known as 1204 Seneca Road. Being located in the 15TH Election District, 6TH Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1136

DATE

11/1/11

ACCOUNT

RC01-006-6150

AMOUNT

\$ 65.00

RECEIVED
FROM:

Carroll D. H. & D. H. Inc.

FOR:

Spec. Hearing

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

11/1/11

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: #06-237-SPH

1204 Seneca Road

South side of Seneca Road, 925 feet west centerline

New Section Road

13th Election District - 1st Councilmanic District

Legal Owner(s): Jerry D. and Mary Ann Rollyson

Contract Purchaser: Robert McIlvaine

Special Hearing: to permit a lot with an area of 0.672 acres and side yard setbacks of 16 feet in lieu of the required 1.6 acres and 50 feet respectively for a proposed dwelling.

Hearing: Tuesday, December 13, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bobley 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.

JT/11/716 Nov. 22

75952

CERTIFICATE OF PUBLICATION

11/23/2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/22/2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-237-SPH

Petitioner/Developer: ROBERT
McILVAINE

Date Of Hearing/Closing: 12/13/05

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 1204 SENECA ROAD

This sign(s) were posted on November 29, 2005

(Month, Day, Year)

Sincerely,

Martin Ogle 11/29/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

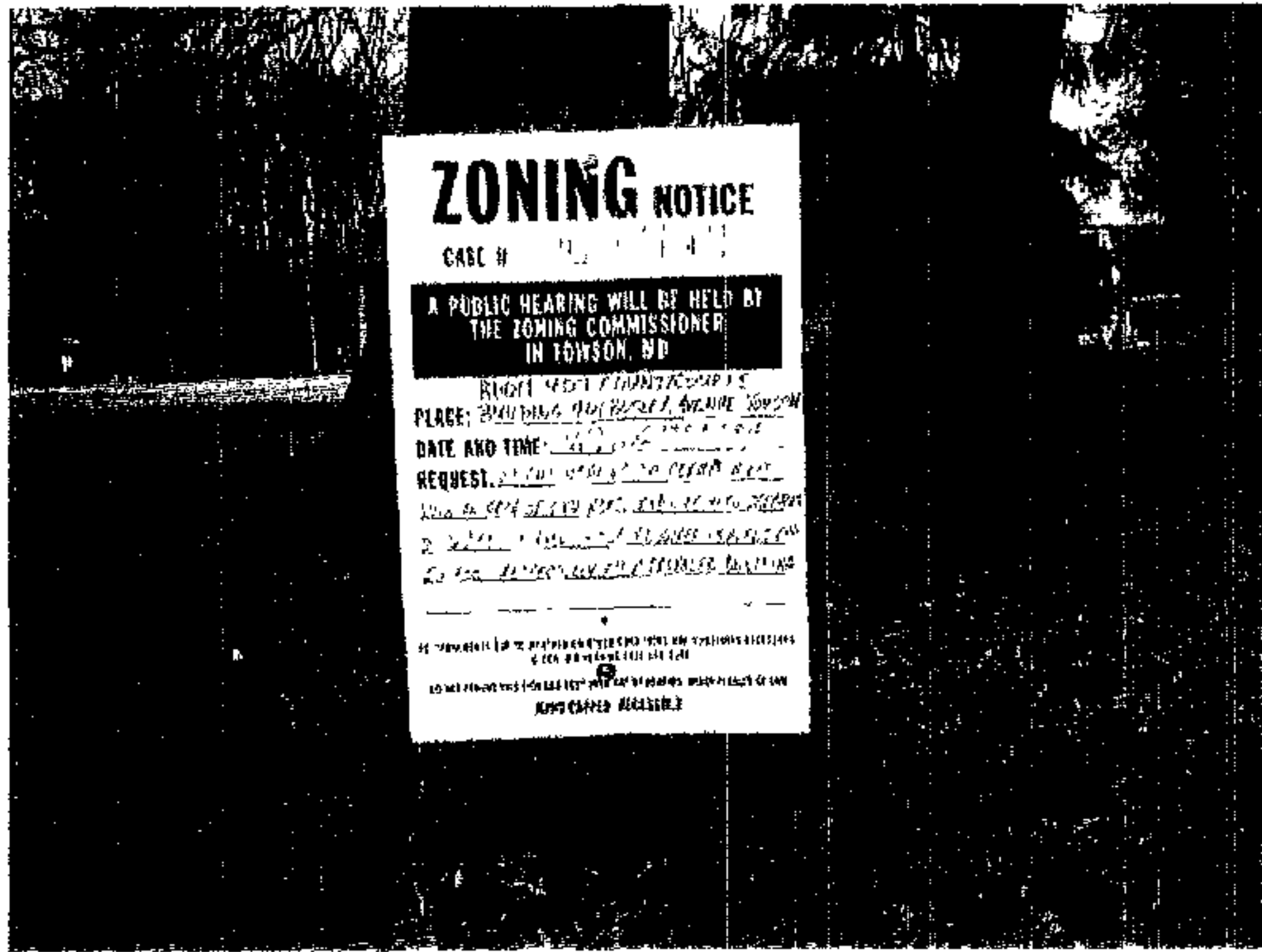
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

m00044/ (5/6x432x24b jpeg)



Walter Ogle 11/29/05

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-237-SPH
Petitioner: MARY ANN ROLLYSON
Address or Location: 1264 SENECA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT McILLYAINE
Address: 5452 KING ARTHUR CIRCLE
BALTO., MD. 21237
Telephone Number: (410) 574-7822

Revised 2/20/98 - SCJ



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

November 8, 2005

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-237-SPH

1204 Seneca Road

South side of Seneca Road, 925 feet west centerline New Section Road.

13th Election District, 1st Councilmanic District

Legal Owner: Jerry D. and Mary Ann Rollyson

Contract Purchaser: Robert McIlvaine

Special Hearing to permit a lot with an area of 0.872 acres and side yard setbacks of 16 feet in lieu of the required 1.5 acres and 50 feet respectively for a proposed dwelling.

Hearing: Tuesday, December 13, 2005 at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C: Jerry D. and Mary Ann Rollyson 1138 Seneca Road Baltimore 21220

Robert McIlvaine 5452 King Arthur Circle Baltimore 21237

David Billingsley Central Drafting & Design 601 Charwood Circle Edgewood 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 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, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

Robert McIllyaine
5452 King Arthur Circle
Baltimore, Maryland 21237

410-574-7822

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: 06-237-SPH

1204 Seneca Road

South side of Seneca Road, 925 feet west centerline New Section Road.

13th Election District, 1st Councilmanic District

Legal Owner: Jerry D. and Mary Ann Rollyson

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Special Hearing to permit a lot with an area of 0.872 acres and side yard setbacks of 16 feet in lieu of the required 1.5 acres and 50 feet respectively for a proposed dwelling.

Hearing: Tuesday, December 13, 2005 at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204



WILLIAM WUSEMAN
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**

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



Baltimore County

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

December 12, 2005

Jerry D Rollyson
Mary Ann Rollyson
1138 Seneca Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Rollyson:

RE: Case Number: 06-237-SPH, 1204 Seneca Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert McIvaine 5452 King Arthur Circle Baltimore 21237
David Billingsley Central Drafting & Design 601 Charwood Court Edgewood 21040

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



BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

DEC 19 2005

TO: Timothy M. Kotroco
FROM: R. Bruce Seeley
DATE: December 9, 2005
SUBJECT: Zoning Item # 06-237-SPH
Address 1204 Seneca Road
(Rollyson Property)

----- Zoning Advisory Committee Meeting of October 31, 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 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Property must comply with 1996 CBCA legislation. Specifically, impervious surface for this lot is limited to 15% including single family dwelling, sheds, sidewalk, driveway, pool, etc. Property must also maintain 15% tree-cover.

Reviewer: M. Stauss

Date: November 29, 2005

S:\Devcoord\ZAC06-237.com

12/29/05
RBS
12/29/05
RBS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 16, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2005
Item No. 237

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

The base flood elevation for this site is 10.2 Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 237-11162005.doc

RECEIVED
12/27/05
[Signature]

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

November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234,
235, 236, 237, 238, 239, 241 and 242

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
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: 11-15-05

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

RE: Baltimore County
Item No. 237 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
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

-BW
12/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 29, 2005

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

SUBJECT: 1204 Seneca Road

INFORMATION:

Item Number: 6-237

Petitioner: Jerry D. Rollyson

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

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

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

Prepared By: Curtis Murray

Division Chief: Lynn Farber

CM/LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1204 Seneca Road, S/S Seneca Road, 925' W *
c/line New Section Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Jerry & Mary Ann Rollyson * FOR
Contract Purchaser(s): Robert McIlvaine *
Petitioner(s) * BALTIMORE COUNTY
* 06-237-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

NOV 07 2005

Per CLB

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey
Date: 12/12/2005 8:40:52 AM
Subject: CBCA/Flood Comment for Case N. 06-237-SPH - 1204 Seneca Road

Hi Jeff,

Bill just brought to my attention that he has the above referenced case that he's hearing tomorrow afternoon at 2:00 p.m. and there appears to be no comment received from DEPRM.

Can you please supply one to our office ASAP. Thanking you in advance for your usual cooperation.

CC: Schuhmann, Bette; Seeley, Bruce

Case No.:

06-237 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	DEED OF RECORD	
No. 3	MSDAT 3-A 3-B	
No. 4	Letters OF SUPPORT - Mark Anderson 1207 - Across - Mark J. Elliot - 1212 - Adjacent	
No. 5	- 1205 - 1144 -	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

EX #2

SINGLE DEED -- INDIVIDUAL GRANTOR AND GRANTEE -- B.12

This Deed, Made this 30th *day of* October,

in the year one thousand nine hundred and seventy-three . by and between

SAMUEL B. PROPST and LUCY H. PROPST, his wife, of Franklin, West Virginia,

, of the first part, and

JERRY D. ROLLYSON and MARY ANN ROLLYSON, his wife,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other
valuable considerations, the receipt of which is hereby acknowledged, 260520d ****50.50
260520d ****16.50
260527d ****25.50
260520d ****25.50
the said Samuel B. Propst and Lucy H. Propst, his wife,

do hereby grant and convey unto the said Jerry D. Rollyson and Mary Ann Rollyson, his wife,

~~XXXXXXXX~~

as tenants by the entireties, the survivor of them, his or her

heirs and assigns,

in fee simple, all that lot of ground, situate, lying and being in

County of Baltimore, State of Maryland, and described as follows, that is to say:--

Beginning for the same at a point on the northwest side of a road 30 feet wide and at the south corner of Lot No. 181 as shown on the Plat of First Addition to Plat No. 2 Bowleys Quarter and recorded among the Land Records of Baltimore County in Plat Book No. 9, folio 12, and running thence binding on the rear of Lots 181 thru 173. (the courses herein being referred to the meridian of the Baltimore County Metropolitan District Coordinate System), North 46 degrees 49 minutes 30 seconds West 410.60 feet to the west corner of Lot 173 in said Plat, thence southwesterly parallel with the division lines between Lots 167 thru 171, South 19 degrees 50 minutes 30 seconds West 186.20 feet, thence parallel with the first line herein described and 97.51 feet southwesterly therefrom, measured at a right angle thereto, South 46 degrees 49 minutes 30 seconds East 368.34 feet to intersect the northwest side of said 30 feet road, thence binding thereon, North 43 degrees 10 minutes 30 seconds East 97.51 feet to the place of beginning. Containing 0.872 acres of land, more or less.

BEING the same lot of ground which by Deed dated December 17, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5060, folio 450 was conveyed by Andrew H. Fischer and Sunny Lee Fischer, his wife, unto Samuel B. Propst and Lucy H. Propst, his wife, the grantors herein.

NOT A 1- 71

7500 82

PETITIONER'S

EXHIBIT NO. 2

0035405 PAGE 29

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Jerry D. Rollyson and Mary Ann Rollyson, his wife, as tenants by the entireties, the survivor of them, his or her

heirs and assigns,

in fee simple

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

Test:

W. Ralph R. Rollyson

Samuel B. Propst [SEAL]
Samuel B. Propst

Lucy H. Propst [SEAL]
LUCY H. PROPST, his wife

West Virginia
State of Maryland

, to wit:

I HEREBY CERTIFY, That on this 30th day of October, 1973, before me, the subscriber, a Notary Public of the State of Maryland, in and for West Virginia, personally appeared SAMUEL B. PROPST and LUCY H. PROPST, his wife,

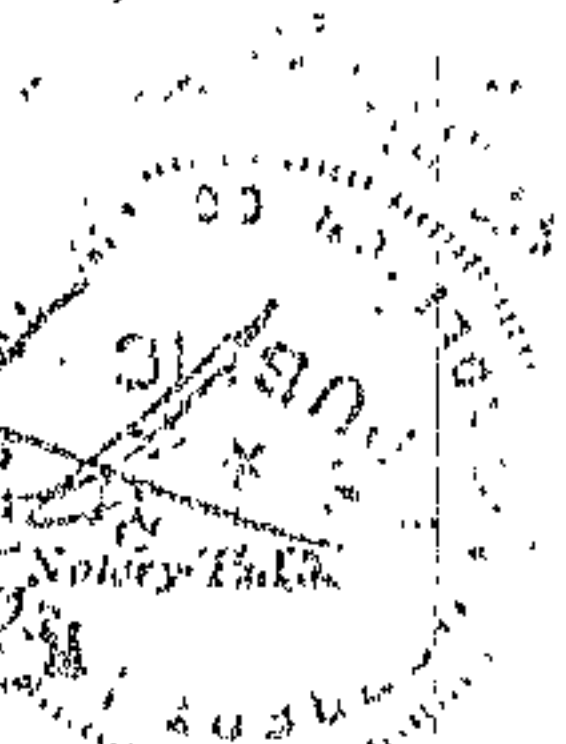
known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

My Commission expires

2-8-80

Rec'd for record OCT 31 1973 at
Per Elmer H. Kahline, Jr., Clerk
Mail to *John H. Kahline*
Receipt No. *400*



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1516751710

Owner Information

Owner Name: ROLLYSON JERRY D
ROLLYSON MARY ANN
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1138 SENECA RD
BALTIMORE MD 21220-4032
Deed Reference: 1) / 5405/ 428
2)

DEED

Location & Structure Information

Premises Address
SENECA RD

Legal Description

850 NW NEW SECTION RD
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	Plat Ref:
91	23	373						3		9/ 12

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		39,289.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	35,820	35,820		
Improvements:	0	0		
Total:	35,820	35,820	35,820	35,820
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
PROPST SAMUEL B	10/31/1973	\$5,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5405/ 428	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

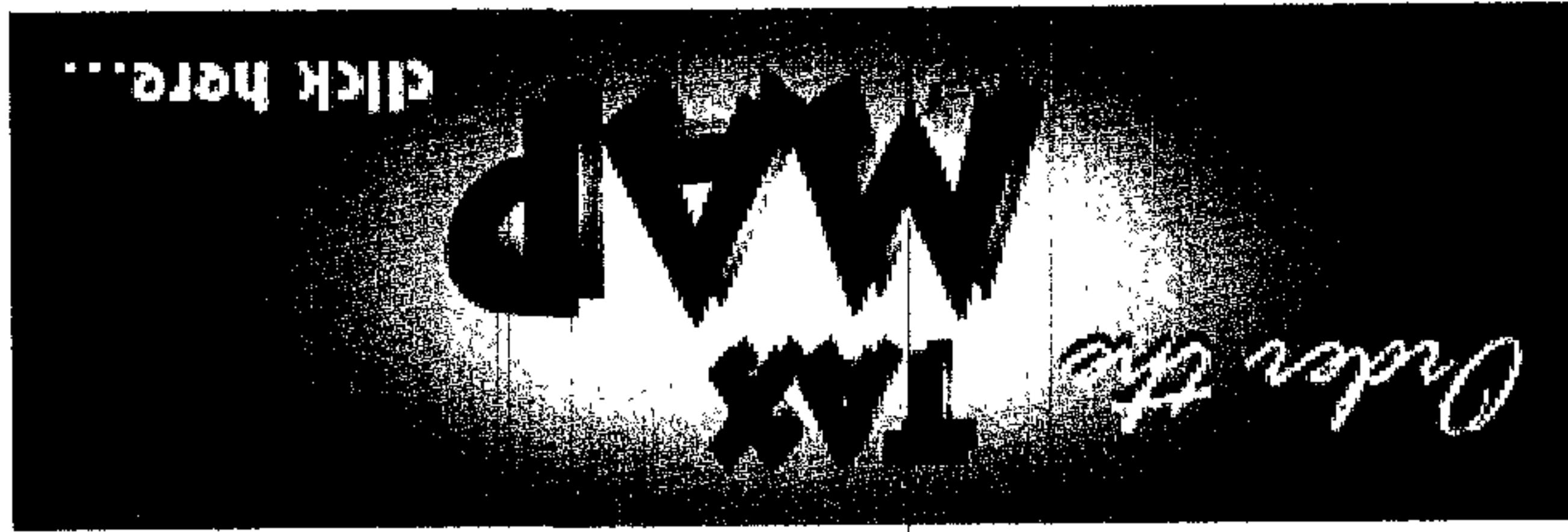
PETITIONER'S

Special Tax Recapture:

* NONE *

EXHIBIT NO.

3A



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1518475400

Owner Information

Owner Name: ROLLYSON JERRY
ROLLYSON MARY A Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1138 SENECA RD
BALTIMORE MD 21220-4032 Deed Reference: 1) / 4907/ 514
2)

Location & Structure Information

Premises Address
1138 SENECA RD

Legal Description
LT 174-175
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
91	23	133					174	3	2	9/ 12

Special Tax Areas	Town Ad Valorem Tax Class
Primary Structure Built 1957	Enclosed Area 1,672 SF

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	1,672 SF	10,000.00 SF	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	37,250	37,250		
Improvements:	107,640	107,640		
Total:	144,890	144,890	144,890	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

PETITIONER' S

EXHIBIT NO.

3 B

07-03-2005

To whom it may concern,

I, Vincent Demmele, of 1205 Seneca Rd,
Bowley's Quarters, have no objections to Robert & Mary
Mcilvaine moving into the neighborhood. By them building a
new and beautiful home, it could do nothing but increase
property value in the area. The home will be located on Mary
Ann Rollyson's back lot (approx. 1.0 acre with 100+ frontage to
Seneca Rd.) It will be situated between two adjacent properties.

I do wholeheartedly agree to allow Mr. & Mrs. Mcilvaine to
build on said site.

Vincent Demmele
1205 Seneca Rd.

PETITIONER'S A - D

EXHIBIT NO. 4

07-03-2005

To whom it may concern,

I, Mark Anderson, of 1207 Seneca Rd, Bowley's Quarters, have no objections to Robert & Mary Mcilvaine moving into the neighborhood. By them building a new and beautiful home, it could do nothing but increase property value in the area. The home will be located on Mary Ann Rollyson's back lot (approx. 1.0 acre with 100+ frontage to Seneca Rd.) It will be situated between two adjacent properties.

I do wholeheartedly agree to allow Mr. & Mrs. Mcilvaine to build on said site.

Mark Anderson
1207 Seneca Rd.

07-03-2005

To whom it may concern,

I, Mark J. Elliott, of 1212 Seneca Rd,
Bowley's Quarters, have no objections to Robert & Mary
Mcilvaine moving into the neighborhood. By them building a
new and beautiful home, it could do nothing but increase
property value in the area. The home will be located on Mary
Ann Rollyson's back lot (approx. 1.0 acre with 100+ frontage to
Seneca Rd.) It will be situated between two adjacent properties.

I do wholeheartedly agree to allow Mr. & Mrs. Mcilvaine to
build on said site.

Mark J. Elliott
1212 Seneca Rd.



