

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE – N/S Seneca Road,
 560.8' W of the c/l New Section Road * ZONING COMMISSIONER
 (1215 Seneca Road)
 15th Election District * OF BALTIMORE COUNTY
 6th Council District * Case No. 06-334-SPHA
 John Calvin Johlitz, III
 Petitioner *

* * * * *

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 owner of the subject property, John Calvin Johlitz, III. The Petitioner requests variance relief from Sections 1A04.3.B.2.b(1) and 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.158 acres in lieu of the required 1.5 acres, and setbacks of 8 feet, 10 feet and 16 feet to property lines in lieu of the required 50 feet, and a street centerline setback of 29 feet in lieu of the required 75 feet for a proposed dwelling. In addition, special hearing relief is requested seeking approval that the proposed development of an undersized lot will not affect the overall neighborhood density. 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 held in support of the request was John C. Johlitz, III, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a triangular shaped waterfront parcel located with frontage on Seneca Creek and the north side of Seneca Road, west of Chestnut Road in Bowley's Quarters. The property contains a gross area of 0.158 acres (6,909 sq.ft.), more or less, zoned R.C.5 and is presently unimproved. The property is also known as Lot No. 188 of Bowley's Quarters, as recorded in Plat Book No. 9, Pg. 12 in the 1930s, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often

COPIES RECEIVED FOR FILING

Date

By

3/16/16
 [Signature]

the case with lots in older subdivisions, the subject property lacks sufficient area for development by today's standards.

The Petitioner has owned the subject property since July 2002 and was planning to develop the site with a single family dwelling, once sewer and water facilities had been extended to the area. In the interim, the Petitioner constructed an extensive bulkhead, with an accessory dock and pier, to stabilize the property along the waterfront and accommodate a boat. Testimony indicated that public water and sewer are now available to the site and the Petitioner wishes to proceed with construction of the new home. Upon application for a building permit, he was advised that the lot was undersized and that the requested relief would be necessary in order to proceed with development.

Testimony indicated that the proposed dwelling would be compatible with other houses in the neighborhood and that many houses in the community are built on undersized lots (albeit most of which were built prior to Council Bill #55-04). Moreover, the Petitioner has the support of his neighbors, as evidenced by their letters, which are contained within the case file. However, an adverse Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, dated February 7, 2006, recommending a denial of the request. That agency further requested that building elevation drawings of the proposed dwelling and photographs of existing adjacent dwellings be submitted to ascertain whether the proposed development is consistent with the spirit and intent of the R.C.5 zoning regulations and performance standards set forth in Section 1A04.4 of the B.C.Z.R. The record of the case was held open pending a resolution of the issues raised by Planning. Subsequent to the hearing, the Petitioner met with a representative of the Office of Planning and pursuant to their revised comment of the same date, that agency now supports the Petitioner's proposal, provided that certain design elements are incorporated into the proposed dwelling. Specifically, the Office of Planning indicated that the proposed house type and its location on the property must yet be resolved and requested that architectural elevation drawings be submitted for their review and approval prior to the issuance of any building permits.

RECEIVED FOR FILING
3/16/06
RSP

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, it is clear that the subject lot is undersized by today's standards and that relief, pursuant to Section 1A04.3.B of the B.C.Z.R. is appropriate given the unique configuration and small area of the lot. Moreover, the proposed development will be consistent with the pattern of development in the neighborhood and meets the spirit and intent of the R.C.5 regulations. I further find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995) for relief to be granted. It has been established that the subject property is a buildable lot of record and that the overall density of this neighborhood will not be affected by the proposed development. The subject property is located in an older subdivision that was platted and recorded in the Land Records prior to the adoption of the R.C.5 zoning regulations in 1975. Thus, it is clear 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. It is also to be noted that many other houses in this community were built on similar sized lots. While the property is technically in a "subdivision" this Office has traditionally treated these old Land Record subdivisions as simply "Lots of Record." Development in these subdivisions usually consists of "in-fill" lots in existing neighborhoods.

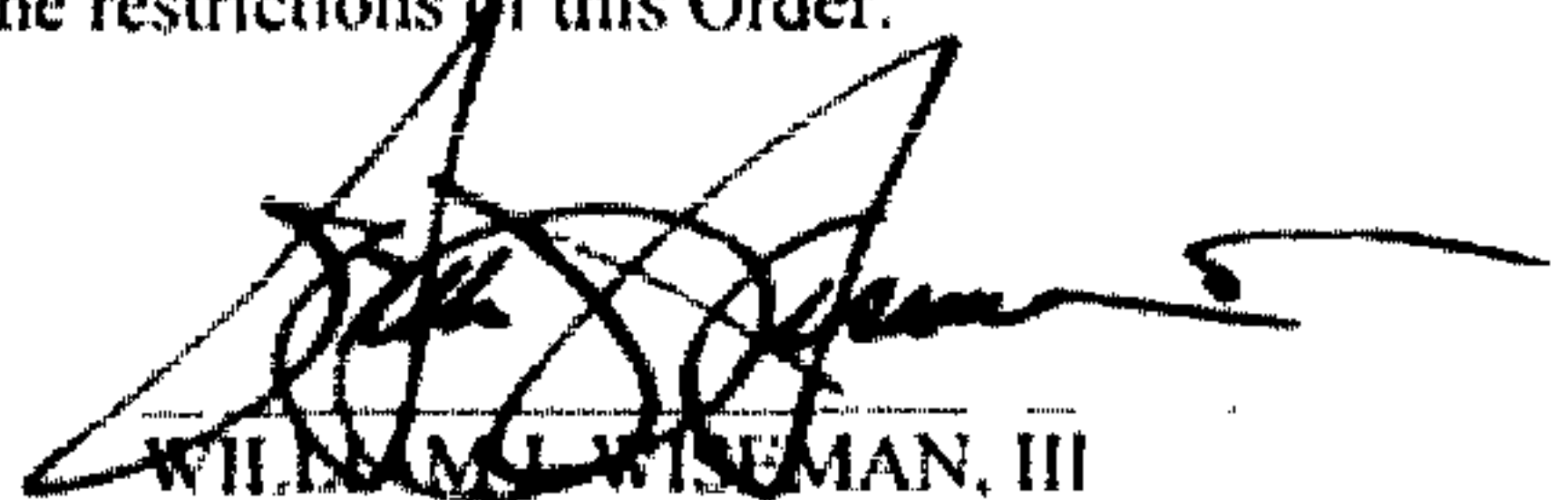
However, as a condition to the relief granted, the Petitioner shall comply with the recommendations made by the Office of Planning in their revised comment. Moreover, given the property's waterfront location, the proposed development is subject to compliance with Chesapeake Bay Critical Areas requirements and Federal Flood Insurance regulations in accordance with the attached comments submitted by the Department of Environmental Protection and Resource Management and Development Plans Review. 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

COPIES RECEIVED FOR FILING
Date 3/16/06
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of March 2006 that the Petitions for Special Hearing and Variance seeking relief from Sections 1A04.3.B.2.b(1) and 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.158 acres in lieu of the required 1.5 acres, and property line setbacks of 8 feet, 10 feet and 16 feet in lieu of the required 50 feet, and a street centerline setback of 29 feet in lieu of the required 75 feet for a proposed dwelling, and approval that the overall neighborhood density will not be affected, 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) Pursuant to the revised comments submitted by the Office of Planning, the Petitioner shall continue to work with that agency to reach a resolution on the house type and location for the proposed dwelling in keeping with the relief granted herein. Moreover, architectural elevation drawings of the proposed dwelling shall be submitted to that agency for their review and approval, prior to the issuance of any building permits.
- 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 M. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:hjs



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 16, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. John C. Johlitz, III
3812 Chestnut Road
Baltimore, Maryland 21220

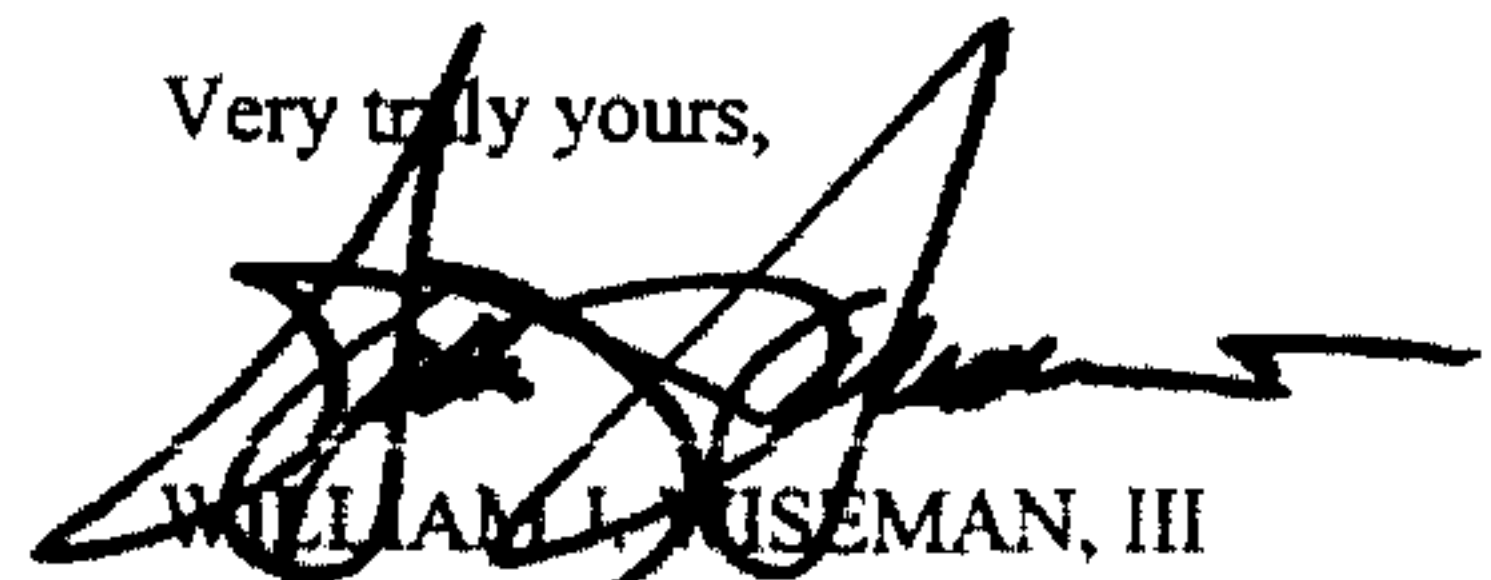
RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Seneca Road, 560.8' W of the c/l Chestnut Avenue
(1215 Seneca Road)
15th Election District – 6th Council District
John C. Johlitz, III - Petitioner
Case No. 06-334-SPHA

Dear Mr. Johlitz:

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



CBCA / FLOOD Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1215 Seneca Rd.
which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve **THAT AN UNDERSIZED LOT OF 6,909 SQ FT ~~BE~~ TO BE IMPROVED WITH A NEW RESIDENCE DOES NOT AFFECT THE DENSITY OF THE SURROUNDING NEIGHBORHOOD**

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

3812 Chestnut Rd. 410-335-2138
Address Telephone No.

Middle River MD 21220
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING NA

Reviewed By JL Date 1/09/06

ORDER RECEIVED FOR FILING

Case No. 06 334 SPJA

9/15/99

1/8



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1215 Seneca Rd.

which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.1.b(1) and 1A04.3.B.2 to permit a proposed dwelling on a lot with an area of 0.158 acres in lieu of 1.5 acres with setbacks as close as 8ft, 10ft and 16ft. to property lines all in lieu of 50ft. and a setback of 29ft. to a centerline in lieu of the required 75ft. STREET.

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

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Telephone No.

State

Zip Code

Legal Owner(s):

John Calvin Johlitz III

Name - Type or Print

Signature

Name - Type or Print

Signature

3812 Chestnut Rd. 410-335-2138

Address

Telephone No.

Middle River

MD

21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING NA

Reviewed By [Signature] Date 11/09/06

FILED
RECEIVED
NOV 15 2006
BALTIMORE COUNTY
CLERK OF THE COURT
JULIE A. BROWN
11/15/06

06 334 SPHA

Zoning Description for 1215 Seneca Rd.

Beginning at a point North side of Seneca Road which is 30ft. wide at the distance of 560.8 ft. ~~North~~^{WEST 30} of the centerline of the nearest improved intersecting Street that is New Section Road which is 30ft. wide. Being lot # 188, in the subdivision Bowleys Quarters as recorded in Baltimore County Plat Book # 9, containing 6,909 square feet. Also known as 1215 Seneca Road and located in the 15th Election District.

334

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2836

DATE 10/9/06

ACCOUNT

001 006 6150

AMOUNT

\$ 130.00

RECEIVED
FROM

SPHA RES

FOR SPHA RES

1215 Symeca Rd

RECEIVED
BY: CASHIER

DATE - RECEIPT

YELLOW - CUSTOMER

PAID RECEIPT

PAID TO: SPHA RES

DATE: 10/9/06

AMOUNT: \$ 130.00

RECEIVED BY: SPHA RES

DATE: 10/9/06

AMOUNT: \$ 130.00

RECEIVED BY: SPHA RES

DATE: 10/9/06

AMOUNT: \$ 130.00

CASHIER'S VALIDATION

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: #06-334-SPHA

1215 Seneca Road

North side of Seneca Road, 560 feet west of New Section Road

15th Election District — 6th Councilmanic District

Legal Owner(s): John Cavlin Johlitz, III

Special Hearing to approve an undersized lot of 6,909 sq. ft. to be improved with a new residence does not affect the density of the surrounding neighborhood.

Variance: to permit a proposed dwelling on a lot with an area of 0.158 acres in lieu of the 1.5 acres with setbacks as close as 8 feet, 10 feet and 16 feet to property lines, all in lieu of 50 feet and a setback of 29 feet to a street centerline in lieu of the required 75 feet.

Hearing: Wednesday, February 8, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 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) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/780 Jan. 24

82210

CERTIFICATE OF PUBLICATION

1/27/2006

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 1/24/2006.

- ☒ 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: 06-334-SPHA

Petitioner/Developer: JOHN CALVIN JOHLITZ III

Date Of Hearing/Closing: 2/8/06

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 1215 SENECA ROAD

This sign(s) were posted on January 24, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 1/24/06
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

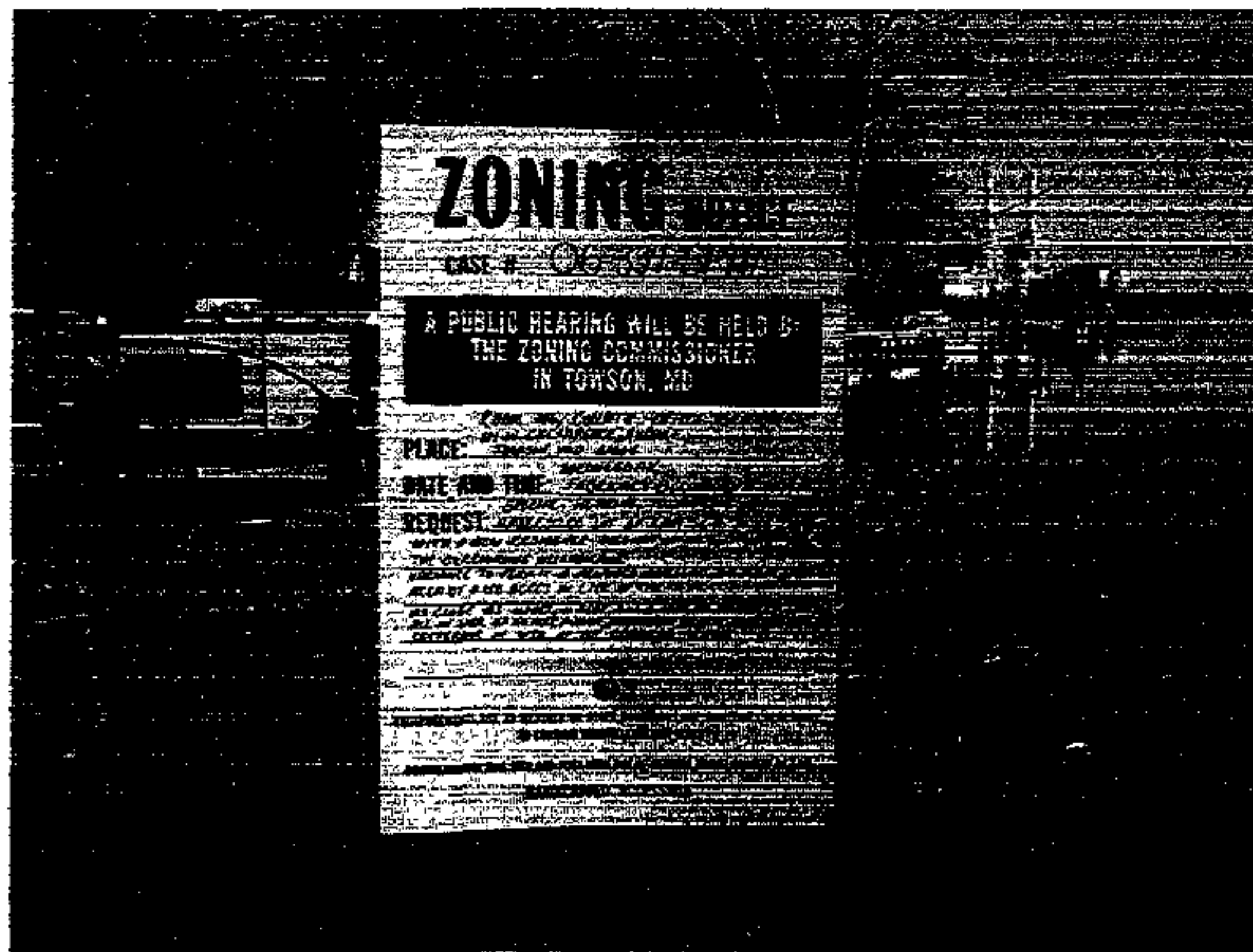
16 Salix Court

Address

Balto, Md 21220

(443-629-3411)

im000559 (1152x864x24b jpeg)



Myra J. 1/24/06



January 17, 2006

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: 06-334-SPHA

1215 Seneca Road

North side of Seneca Road, 560 feet west of New Section Road

15th Election District, 6th Councilmanic District

Legal Owner: John Calvin Johlitz, III

Special Hearing to approve an undersized lot of 6,909 sq. ft. to be improved with a new residence does not affect the density of the surrounding neighborhood.

Variance to permit a proposed dwelling on a lot with an area of 0.158 acres in lieu of the 1.5 acres with setbacks as close as 8 feet, 10 feet and 16 feet to property lines all in lieu of 50 feet and a setback of 29 feet to a street centerline in lieu of the required 75 feet.

Hearing: Wednesday, February 8, 2006 @ 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

C: John Calvin Johlitz, III, 3812 Chestnut Road, Middle River, MD 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 24, 2006.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.**
- (3) **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 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: 06-334-SPHA
Petitioner: JOHLITZ
Address or Location: 1215 SENECA RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Calvin Johlitz JR
Address: 3812 Chestnut Rd.
Middle River, MD 21220
Telephone Number: 410-335-2138

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 24, 2006 Issue - Jeffersonian

Please forward billing to:
John Calvin Johlitz, III (410-335-2138)
3812 Chestnut Road
Middle River, MD 21220

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:

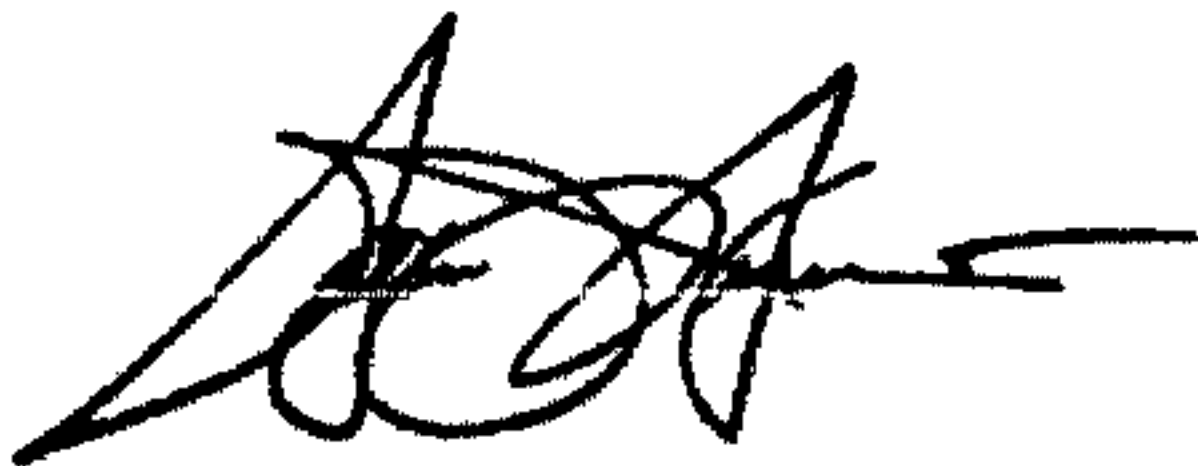
CASE NUMBER: 06-334-SPHA

1215 Seneca Road
North side of Seneca Road, 560 feet west of New Section Road
15th Election District, 6th Councilmanic District
Legal Owner: John Calvin Johlitz, III

Special Hearing to approve an undersized lot of 6,909 sq. ft. to be improved with a new residence does not affect the density of the surrounding neighborhood.

Variance to permit a proposed dwelling on a lot with an area of 0.158 acres in lieu of the 1.5 acres with setbacks as close as 8 feet, 10 feet and 16 feet to property lines all in lieu of 50 feet and a setback of 29 feet to a street centerline in lieu of the required 75 feet.

Hearing: Wednesday, February 8, 2006 @ 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 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 410-887-3868.
(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*

February 6, 2006

John Calvin Johlitz III
3812 Chestnut Road
Middle River, Maryland 21220

Dear Mr. Johlitz:

RE: Case Number: 06-334-SPHA, 1215 Seneca Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2006.

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, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: R. Bruce Seeley, DEPRM
DATE: January 25, 2006
SUBJECT: Zoning Item # 06-334
Address 1215 Seneca Road
(Johlitz Property)

Zoning Advisory Committee Meeting of January 16, 2006

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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:

This variance is being sought at the recommendation of DEPRM as a result of a Critical Area Administrative Variance application. Additional mitigation may be required as a result of that variance.

A building permit will not be issued until public water and sewer is available to the property

Reviewer: M. Stauss, S. Farinetti

Date: 1/25/2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 31, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 23, 2006
Item No. ~~334~~

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-foot. Show the right-of-way for Seneca Road centered on existing 30-foot right-of-way. Set back shall be adjusted accordingly.

The base flood elevation for this site is 9.4 feet (Baltimore County Datum).

The flood protection elevation for this site is 10.4 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 334-01302006.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

JANUARY 20, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 16, 2006

Item No.: 328, 329, 330, 331, 333, 334, 335

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

Acting Lt. David Heath
Fire Marshal's Office
(O) 410-887-4391
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: 1. 17. 06

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

RE: Baltimore County
Item No. 334 JLL

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

BW
2/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2006

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

RECEIVED

MAR 6 2006

SUBJECT: 1215 Seneca Road

INFORMATION:

Item Number: 06-334 (*revised comment*)

Petitioner: John Calvin Johlitz III

Zoning: RC 5

Requested Action: Special Hearing

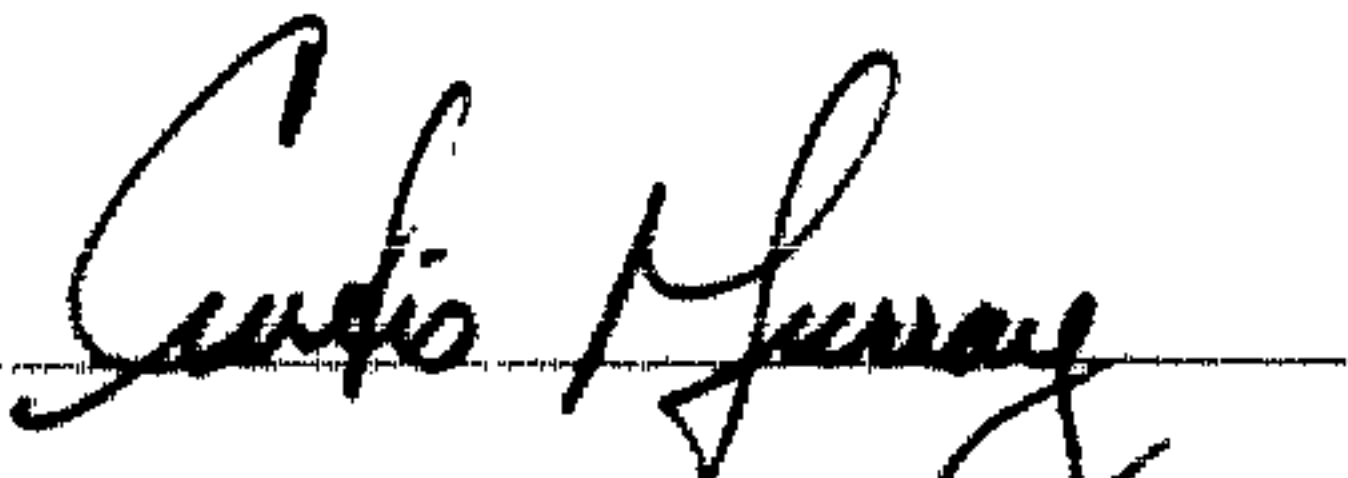
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

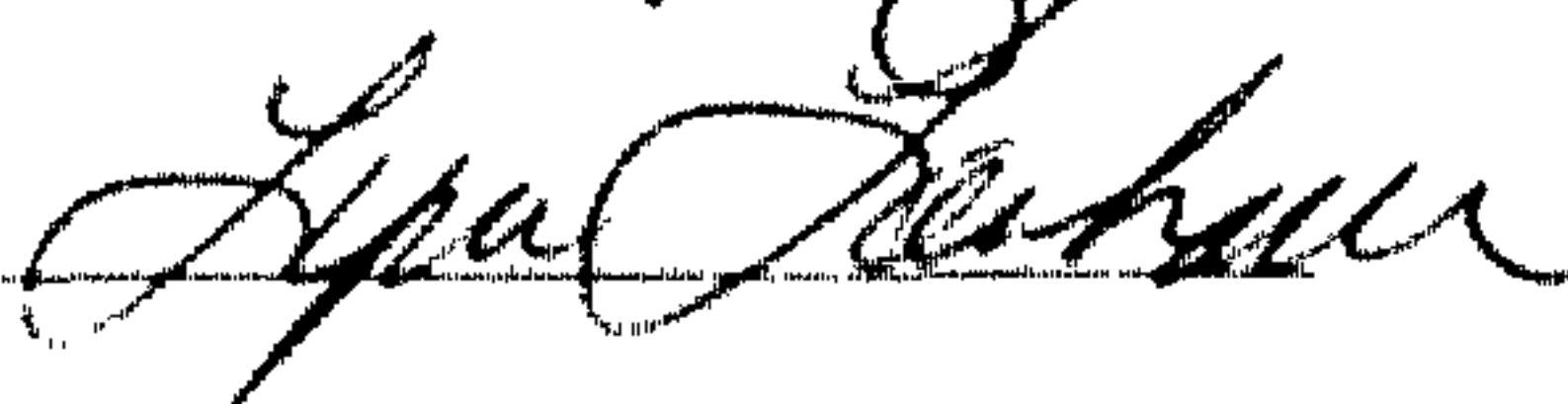
The Office of Planning has met with the petitioner and involved community association(s) regarding the subject request. The petitioner has provided to the Office of Planning information needed to properly evaluate the subject property. The petitioner has agreed to work with the Office of Planning to develop a favorable project. As such, the Office of Planning does not oppose the petitioner's request provided the petitioner continues to work with this office to reach a resolution on house type and location. Additionally, prior to the issuance of any building permits architectural elevations shall be submitted to the Office of Planning for review and approval.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CJM/LL

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
1215 Seneca Road; N/S Seneca Road,
560' W New Section Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): John Calvin Johlitz, III
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-334-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

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 18th day of January, 2006, a copy of the foregoing Entry of Appearance was mailed John Calvin Johlitz, III, 3812 Chestnut Road, Middle River, MD 21220, Petitioner(s).

RECEIVED

JAN 18 2006

Per...*CLD*...

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**Department of Environmental Protection
and Resource Management**

401 Bosley Avenue, Suite 416
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
David A.C. Carroll, Director

CERTIFIED MAIL
October 5, 2005

Mr. John Calvin Johlitz
3812 Chestnut Road
Baltimore, MD 21220

Re: Johlitz Property
1215 Seneca Road
Critical Area Administrative Variance

Dear Mr. Johlitz:

The Department of Environmental Protection and Resource Management (DEPRM) has received your request to continue processing your variance to construct a single family home on an existing lot of record within the Chesapeake Bay Critical Area buffer. On July 20, 2005 Environmental Impact Review (EIR) staff inspected your lot to confirm compliance with the buffer restoration requirements, per our letter dated June 13, 2005. This restoration is hereby approved.

However, upon review of your variance application, it appears that the house could be relocated or redesigned to be further from mean high tide. As mentioned in our June 13, 2005 letter, zoning setback variances should be sought. EIR and the Chesapeake Bay Critical Area Commission prefer a minimum setback of 25 feet from mean high tide. Please provide an addendum to this variance request at which point this office will render a decision on the Critical Area Administrative Variance. In addition to redesign, your addendum should include mitigation for buffer impacts such as raingardens, additional plantings, or a fee-in-lieu of mitigation requirements may be paid.

If you have questions regarding this project, please contact Martha Stauss at 410-887-3980.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn E. Shaffer".

Glenn E. Shaffer
Supervisor, Environmental Impact Review

C: Lisa Hoerger, CBCA Commission

Mlt/1215 Seneca Rd CAAV-4.TR2

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2006

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

SUBJECT: 1215 Seneca Road

INFORMATION:

Item Number: 06-334

Petitioner: John Calvin Johlitz III

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request and recommends **denial**. The lot and building area appear too constrained to support the requested use. The plan does not show parking, driveway or right-of-way. The setback relief is shown from the road paving and not the center line of the road. It appears that parking and driveway could not be setback adequately from the right-of-way. In addition, the Office of Planning requests a minimum 10 foot side yard setback on waterfront lots.

The Office of Planning is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. However, this does not suggest approval of the requested relief.

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. Orient the front of the proposed dwelling towards Riverview Road and incorporate prominent entries and porches or stoops in the front building façade.
4. 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.
5. 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.
6. Provide landscaping along the public road.

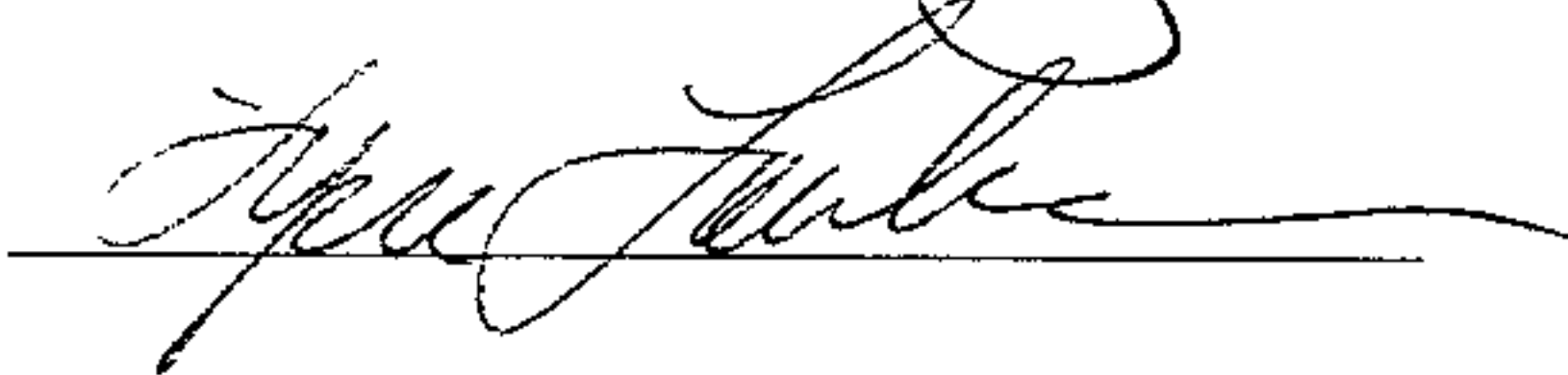
As such, the Office of Planning can not support a finding for conformance with the RC 5 performance standards.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CJM/LL

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. Orient the front of the proposed dwelling towards Riverview Road and incorporate prominent entries and porches or stoops in the front building façade.
4. 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.
5. 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.
6. Provide landscaping along the public road.

As such, the Office of Planning can not support a finding for conformance with the RC 5 performance standards.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CJM/LL

Bill Wiseman - RE: Bowley's Quarters Waterfront

From: "Johlitz, John C." <jjohlitz@bcps.org>
To: "Bill Wiseman" <wwiseman@co.ba.md.us>
Date: 03/03/06 7:18 AM
Subject: RE: Bowley's Quarters Waterfront

Mr. Wiseman I met with Laurie Hay on 2/15/06 and called her several times after, but she was not in. She returned my call on Monday 2/27/06 and told me that the planning office was going to review my case that afternoon. She said she would call me and let me know what the out come was. It's now Friday and I haven't heard from her. I will try to call her again today. I'll e-mail you as soon as I know something.

Did you get a chance to look at the house on Chestnut?

Thanks,

Calvin Johlitz

From: Bill Wiseman [mailto:wwiseman@co.ba.md.us]
Sent: Thursday, March 02, 2006 3:35 PM
To: Johlitz, John C.
Subject: Re: Bowley's Quarters Waterfront

John-

Where are you with regard to your zoning petition? I haven't heard or received anything in this regard to date.

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Jane Jonhite

3812 Chestnut Rd.

Balto, MD. 21220

of Shingledale His mother

Case No.:

06-334 SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan Accompanying Petition	
No. 2	NEIGHBORS SUPPORT PROPOSAL	
No. 3	PHOTOS OF PROPERTY 2A thru 2F	
No. 4	SEWER PLAN	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

To Whom It May Concern,

I proposed to build a dwelling at 1215 Seneca Rd. I filed a variance in requiremnet that the lot is undersized. The property is 0.158 acre in lieu of the required 1.5 acre. The following is a list of neighbors in proximity of 1215 Seneca Rd. which do not protest the building of a dwelling at 1215 Seneca Rd.

Name: STEPHEN M CLAY JR

Address: 1219 Seneca Rd Balto md 21220

Name: MARK ANDERSON

Address: 1207 SENECA RD BALT 21220

Name: Michael Belter

Address: 1155 Seneca Rd Balto, 21220

Name: Kathryn Kemp

Address: 1116 Seneca Rd Balto 21220

Name: Joseph Rollison

Address: 1138 Seneca Rd 21220

Name: Mary MacIlwaine

Address: 1204 Seneca Rd 21220

Name: MILTON REHBEIN

Address: 1157 Seneca Rd 21220

Name: David Smith

Address: 1205 Seneca Rd Balto md. 21220

Name: KEN WARNEORA

Address: 1225 SENECA 21220

Name: Chris M Johnson

Address: 1220 SENECA RD

PETITIONER'S

EXHIBIT NO.

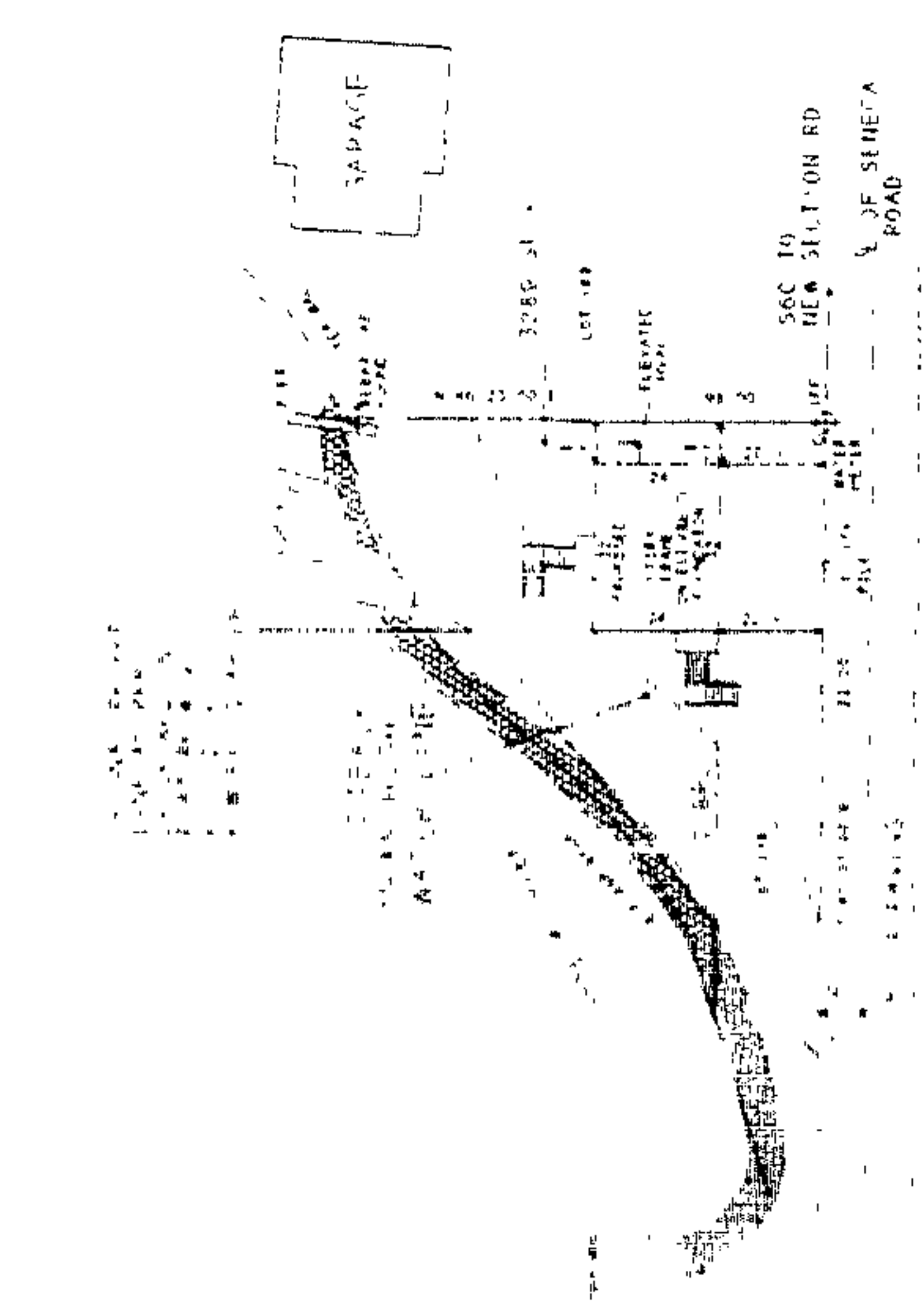
2

10/2/20

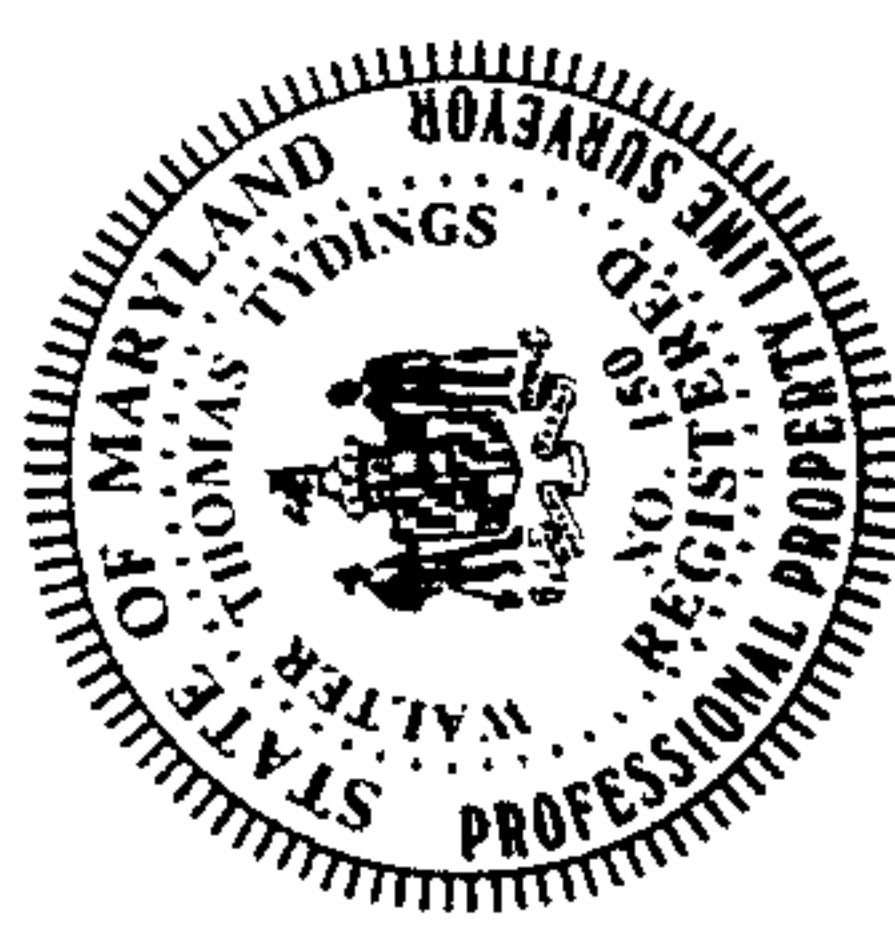
(EXHIBIT)

10F 3 COPIES FOR ZONING FILE SEE REVISED PLANS WITH OWNERS SIGNATURE

ZONING VARIANCE [] SPECIAL HEARING []
 SEE PAGES 5, 6 OF THE PLAT FOR ADDITIONAL REQUIREMENT INFORMATION



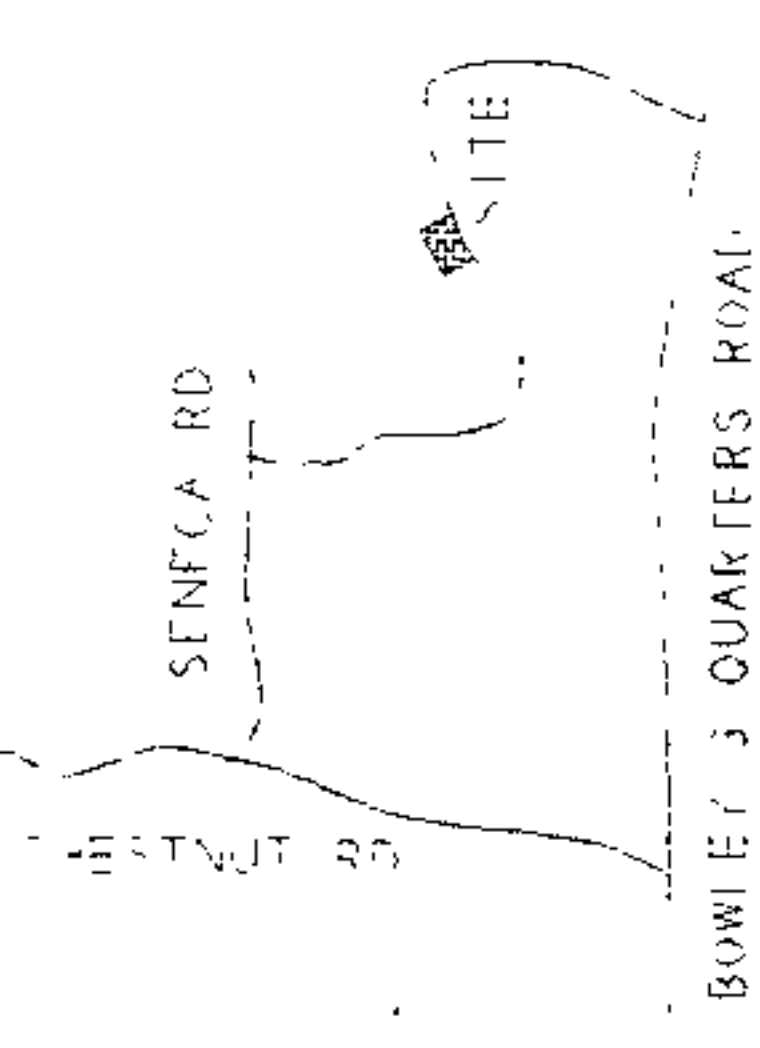
NOTE: LOT WAS NOT HAD ADJACENT OWNERSHIP BEFORE BEING LOTS FOR MORE THAN 10 YEARS



MOUNTAIN ROAD
 SURVEYS
 Phone: (410) 360-9404
 Fax: (410) 360-0247

Water Thomas Tydings
 SURVEYOR

SCALE OF DRAWING 1"=60'



(1)
 VICINITY MAP
 SCALE 1"=1000'

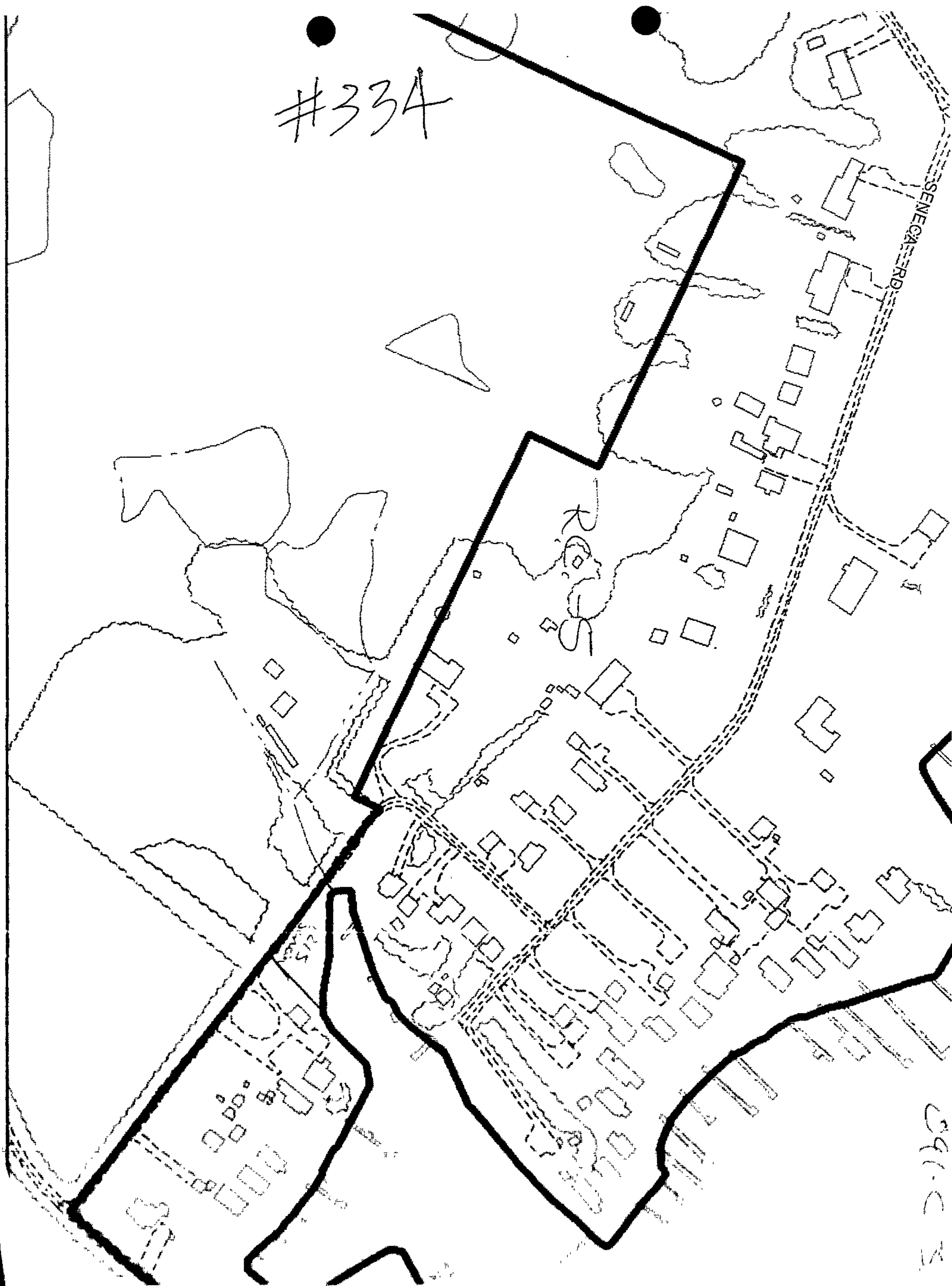
LOCATION INFORMATION

ELECTION DISTRICT 15TH
 COUNCILMANIC DISTRICT 6TH
 1"=200' SCALE MAP #
 ZONING RC 5
 LOT SIZE 6 909 S F

SEWER 18" SEWER AT THE TIME PUBLIC PRIVATE
 WATER [X] []
 CHESTER BAY CRITICAL AREA [X] []
 100 YEAR FLOOD PLAIN [X] []
 HISTORIC PROPERTY/BUILDING [X] []
 PRIOR ZONING HEARING [X] []

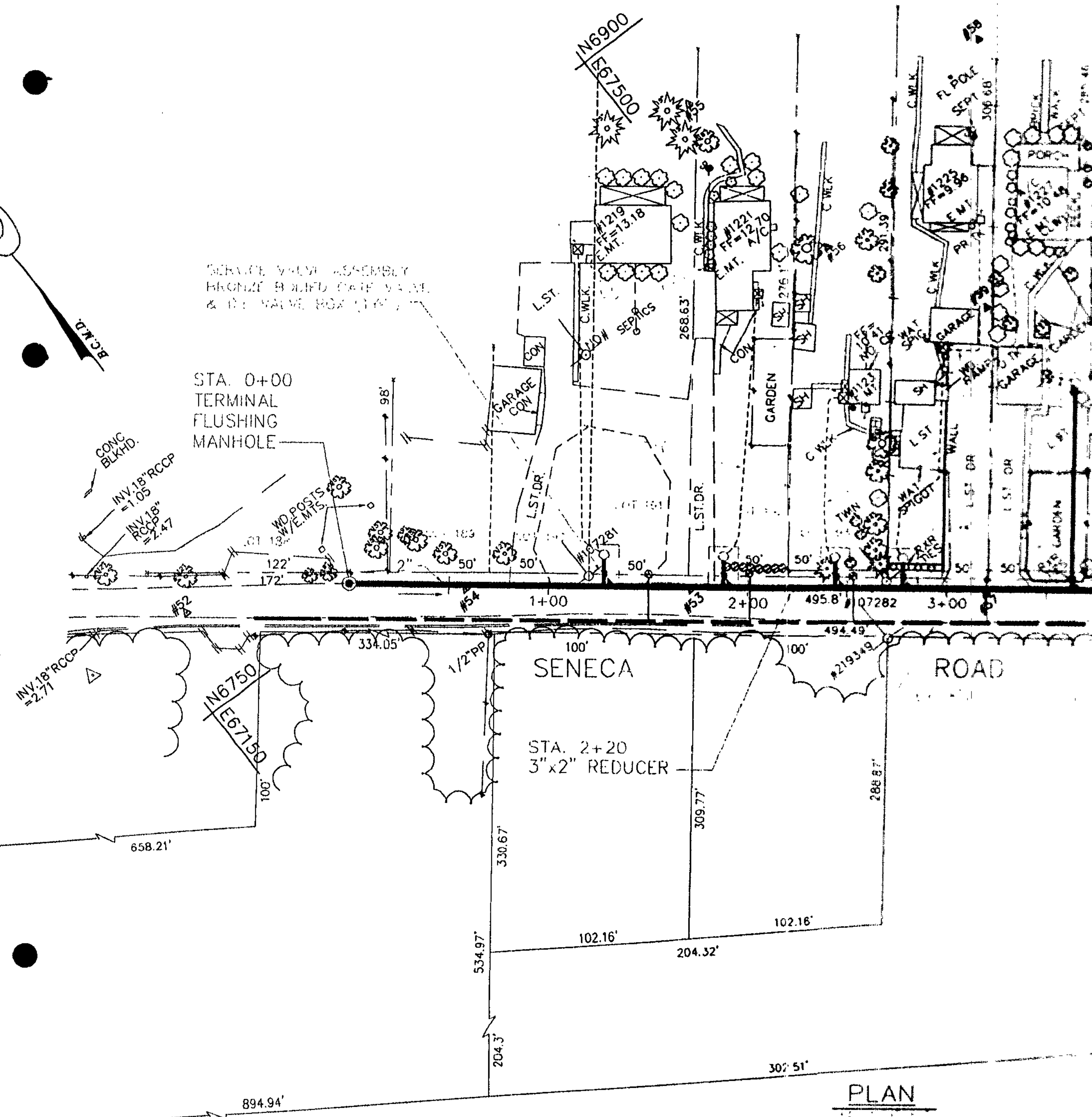
ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

#334



291-C 2

SENECA



TERMINAL FLUSHING
MANHOLE

PETITIONER' S

EXHIBIT NO.

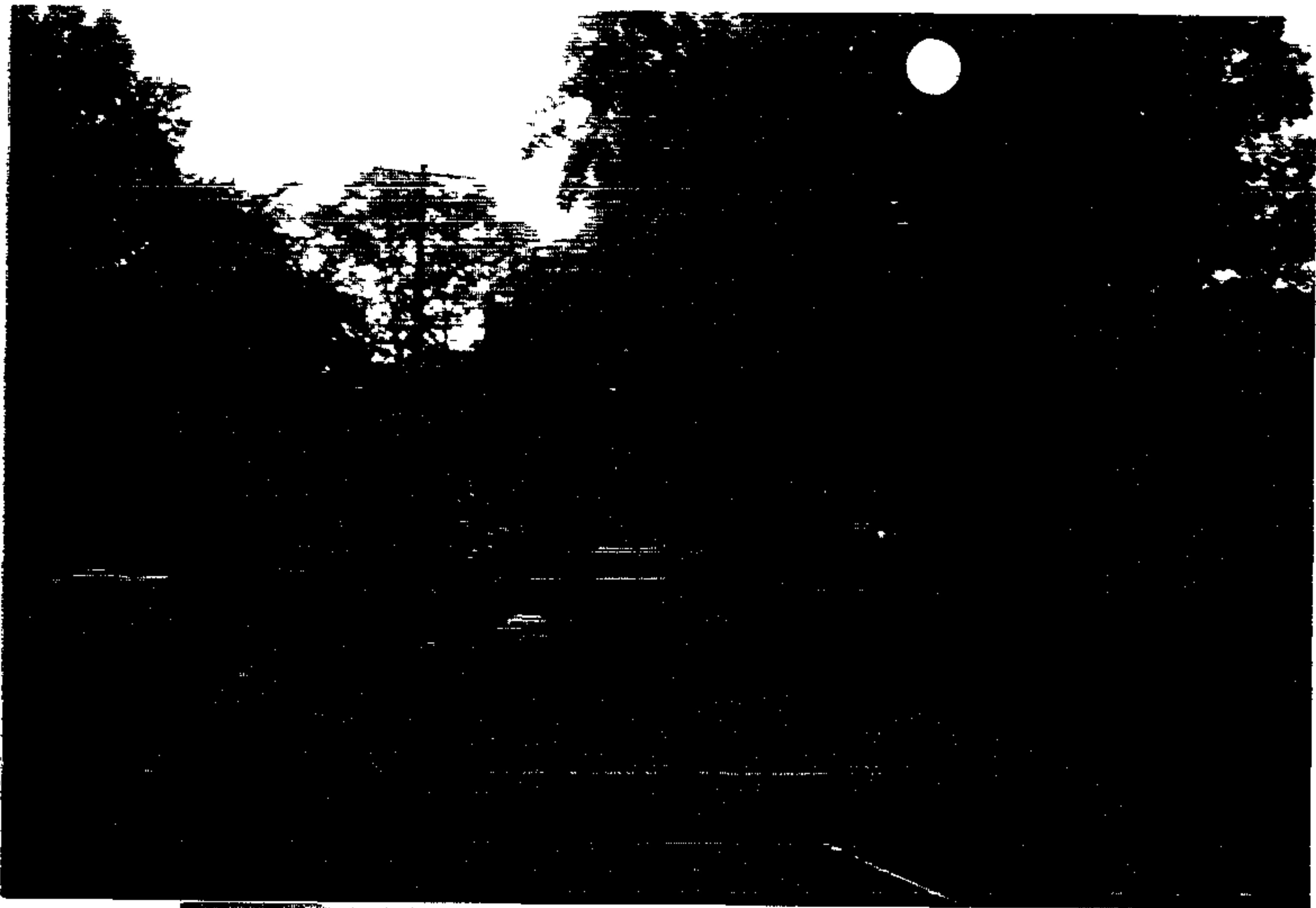
4

RECORDED
INDEXED

PLAN

①

2A-2F



2



3

