IN RE: PETITION FOR VARIANCE N side of New Section Road, 237.9 feet NE side from c/l of Seneca Road 15th Election District 6th Councilmanic District **(3804 New Section Road)**	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Anthony and Lillian Sersen *Petitioner*	*	CASE NO. 07-450-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Anthony and Lillian Sersen. The Petitioners are requesting variance relief for property located at 3804 New Section Road. The variance request is from Sections 1A04.3.A, 1A04.3.B.2.b and !a04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record.

The property was posted with Notice of Hearing on June 11, 2007 for 15 days prior to the hearing in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 12, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

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

07-450

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated February 7, 2007 which requested information in order to make findings regarding performance standards in this RC 5 zone. On June 26, the Petitioner supplied this information resulting in a revised comment dated June 26, 2007 in which the Planning Office finds the proposed house meets the RC 5 standards. ZAC comments were received from the Bureau of Development Plans Review dated April 16, 2007 which contains restrictions. ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 31, 2007 which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Anthony and Lillian Sersen, legal owners and Petitioners. David Billinglsey, with Central Drafting & Design, Inc., prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 5,740 square feet or 0.132 acres zoned RC 5 and is unimproved. Mr. Billingsley indicated that the subject property is lot 198 in the First Addition to Bowley's Quarters which was recorded in the land records of the County in 1926. See Exhibit 3. This is a 50 foot wide waterfront lot similar to most other lots in the area as shown in Exhibit 7.

He noted that the Petitioners also own lot 197 next door and would like to build a home on the subject lot for additional rental income or for family members' use. The new house would be 28 feet wide and therefore have 11 foot side yard setbacks as shown on Exhibit 1. Mr. Billingsley indicated that he first attempted to adjust the lot line between lots 198 and 197 to provide larger side yard setbacks. However lot 197 is approximately 0.8 acres and therefore would require a lot size variance since 1.5 acres is required in this RC zone. As important he noted that the side yard setback requirement in RC 5 is 50 feet and therefore there would never be any lot line adjustment which would eliminate the need for side yard setback variances. Finally he observed that as a rule each 50 foot lot in the area is improved with one house and sometimes more as shown on Exhibit 7. So that a house on this 50 foot lot would not change the pattern of development on the neighborhood. Lot 197 is the exception to the rule.

In regard to the other variances, Mr. Billingsley indicated that the proposed house was the minimum size which would be practical and because of the size of the lot the Petitioners required front yard, rear yard and coverage variances as given.

Regarding possible zoning merger, Mr. Billingsley presented SDAT and deed information in Exhibits 4 and 5 which show the Petitioners purchased lot 197 in 1964 and lot 198 (the subject lot) in 2000. He noted these were conveyed in separate deeds and that each lot has

separate tax assessment accounts. He indicated that the only use made of lot 198 by the Petitioners was to cut the grass. Consequently he opined the lots had not merged.

Findings of Fact and Conclusions of Law

Considering all the testimony and evidence presented, I find the lots have not merged under the doctrine of zoning merger. These are separate lots, conveyed separately with separate tax assessment accounts. There has been no overt act on the part of these owners or previous owners which show an intent to merge the lots.

I further find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created before zoning was imposed on these properties. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner explored lot line adjustments which could reduce the side yard variance requests but would never meet the RC 5 regulations. Also reducing the size of the adjacent lot would trigger the need for even more variances. The proposed house is the smallest practical but even so the Petitioner still needs front, rear and coverage variances.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Exhibit 7 shows the great majority of the neighborhood has been developed with one house on each 50 foot lot and so this house will not change the pattern of development

of the community. In addition the Petitioner submitted sufficient information for the Planning Office to find the proposed house meets the performance standards of RC 5.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 27th day of June, 2007 by this Deputy Zoning Commissioner, that the Petitioners' variance request from Sections 1A04.3.A, 1A04.3.B.2.b and !a04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6 % in lieu of the required 35 feet, 50 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record is hereby GRANTED subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
3. The flood protection elevation for this site is 11.2 feet.
4. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. 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.
6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. Provide landscaping along the public road, if it is consistent with the existing streetscape;
10. Need DEPRM comments here.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

CBCA Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3804 NEW SECTION 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 Variance from Section(s) 1A04.3.A, 1A04.3.B2.b AND 1A04.3.B.3

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

Address Telephone No.

City State Zip Code

Legal Owner(s):

ANTHONY SERSEN
Name - Type or Print

Anthony Sersen
Signature

LILLIAN SERSEN
Name - Type or Print

Lillian Sersen
Signature

3800 NEW SECTION ROAD (410)335-4487
Address Telephone No.

BALTO. MD. 21220
City State Zip Code

Representative to be Contacted:

DAVID BILUNGSLEY, 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

Case No. 07-450-A

Reviewed By A.K. Tsui Date 4/4/07

SFW: 0260 9

FILING RECEIVED FOR FILING
Date 6-27-07
By pb

SECTIONS 1A04.3.A, 1A04.3.B.2.b AND 1A04.3.B.3 TO PERMIT A HEIGHT OF ~~35~~ 40 FEET, SIDE YARDS OF 11 FEET, A FRONT YARD OF 40 FEET, A REAR YARD OF 40 FEET AND BUILDING COVERAGE OF 17.6 % IN LIEU OF THE REQUIRED 35 FEET, 50 FEET, 50 FEET, 100 FEET AND 15 % RESPECTIVELY FOR A NEW DWELLING ON AN EXISTING LOT OF RECORD

#450

ZONING DESCRIPTION

3804 NEW SECTION ROAD

Beginning at a point on the north side of New Section Road (30 feet wide) distant 237.9 feet northeasterly from it's intersection with the center of Seneca Road (30 feet wide), thence being all of Lot 198 as shown on the plat entitled Plat 2, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 9 Folio 12.

Containing 5,740 square feet or 0.132 acre of land, more or less.

Being known as 3804 New Section Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md

07-450-A

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: # 07-450-A
3804 New Section Road
N/side of New Section Road, 237.9 feet northeast side from centerline of Seneca Road
15th Election District-6th Councilmanic District
Legal Owner(s): Anthony and Lillian Sersen
Variance: to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record.
Hearing: Tuesday, June 26, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/674 June 12 138457

CERTIFICATE OF PUBLICATION

6/14/, 2007

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 6/12/, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 26604

DATE 4/4/07 ACCOUNT 001-00-66150

AMOUNT $ 65 —

RECEIVED FROM: David Billingsley

FOR: Zoning Variance 07-450-A
@ 3804 New Section Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACCT	TIME	QTY
4/05/2007	[illegible]	10:16:52	4

[illegible] BALTIMORE [illegible]
[illegible] 4/04/2007 OPEN
Dept 5 [illegible] VERIFICATION
CS NO. 026604
Recpt Tot [illegible]
[illegible] CK [illegible] CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-450-A

Petitioner/Developer:
DAVE BILLINGSLEY

Date Of Hearing/Closing: 6/26/07

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

Attention:

Ladies and Gentlemen:

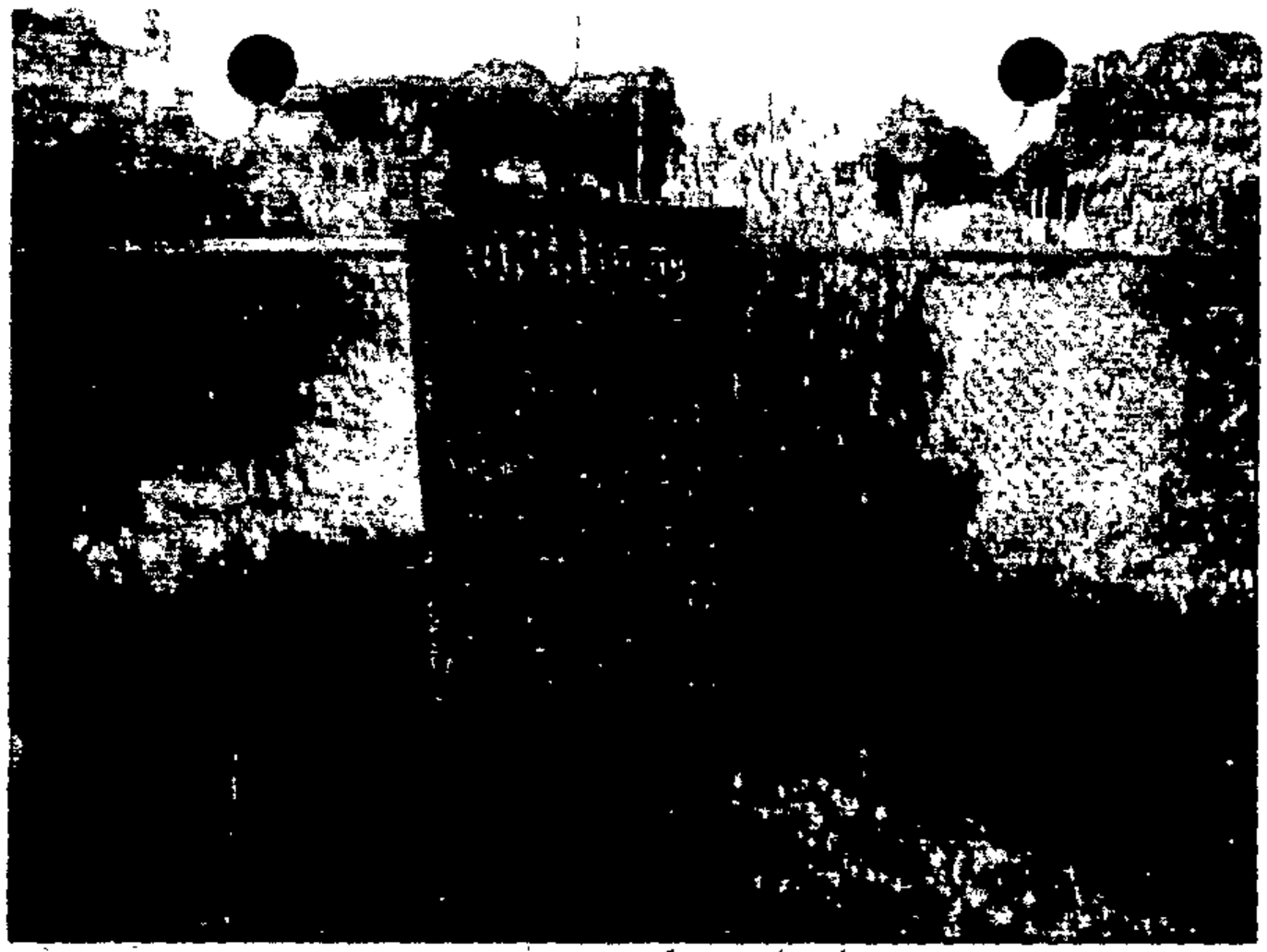
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 3804 NEW SECTION RD.

This sign(s) were posted on June 11, 2007.
(Month, Day, Year)

Sincerely,

Martin Ogle 6/11/07
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)



Martinez 6/11/07

CASE 07-450-A

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2007 Issue - Jeffersonian

Please forward billing to:
Anthony Sersen
3800 New Section Road
Baltimore, MD 21220

410-335-4487

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: 07-450-A
3804 New Section Road
N/side of New Section Road, 237.9 feet northeast side from centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Anthony and Lillian Sersen

Variance to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record.

Hearing: Tuesday, June 26, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 07-450-A

Petitioner: ANTHONY SERSEN

Address or Location: 3804 NEW SECTION ROAD

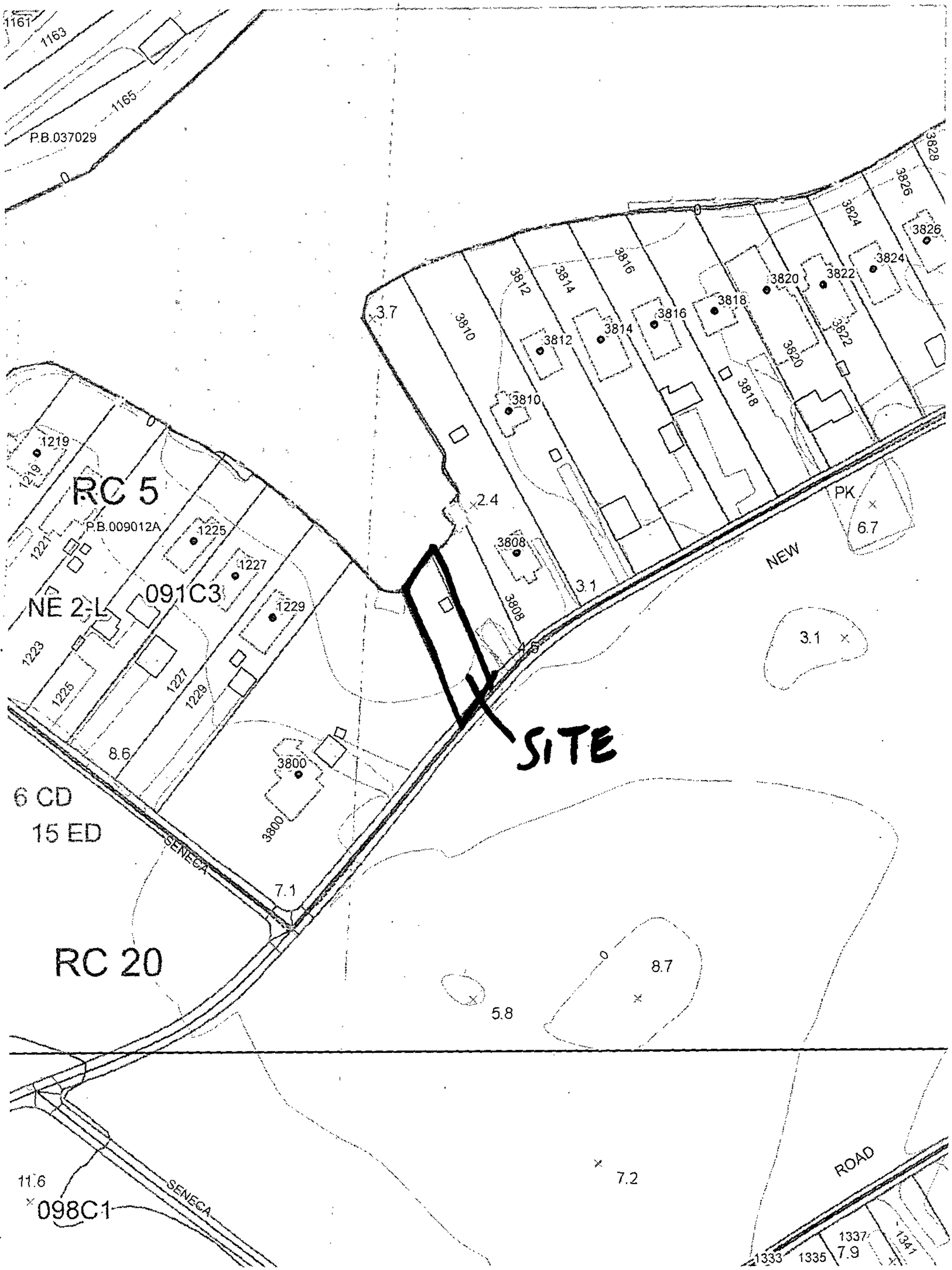
PLEASE FORWARD ADVERTISING BILL TO:

Name: ANTHONY SERSEN

Address: 3800 NEW SECTION ROAD
BALTO MD. 21220

Telephone Number: (410) 335-4487

Revised 2/20/98 - SCJ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RC 20
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NEW SECTION
Copyright (C) 2005 Baltimore County, Maryland

#07-450-A

Anna

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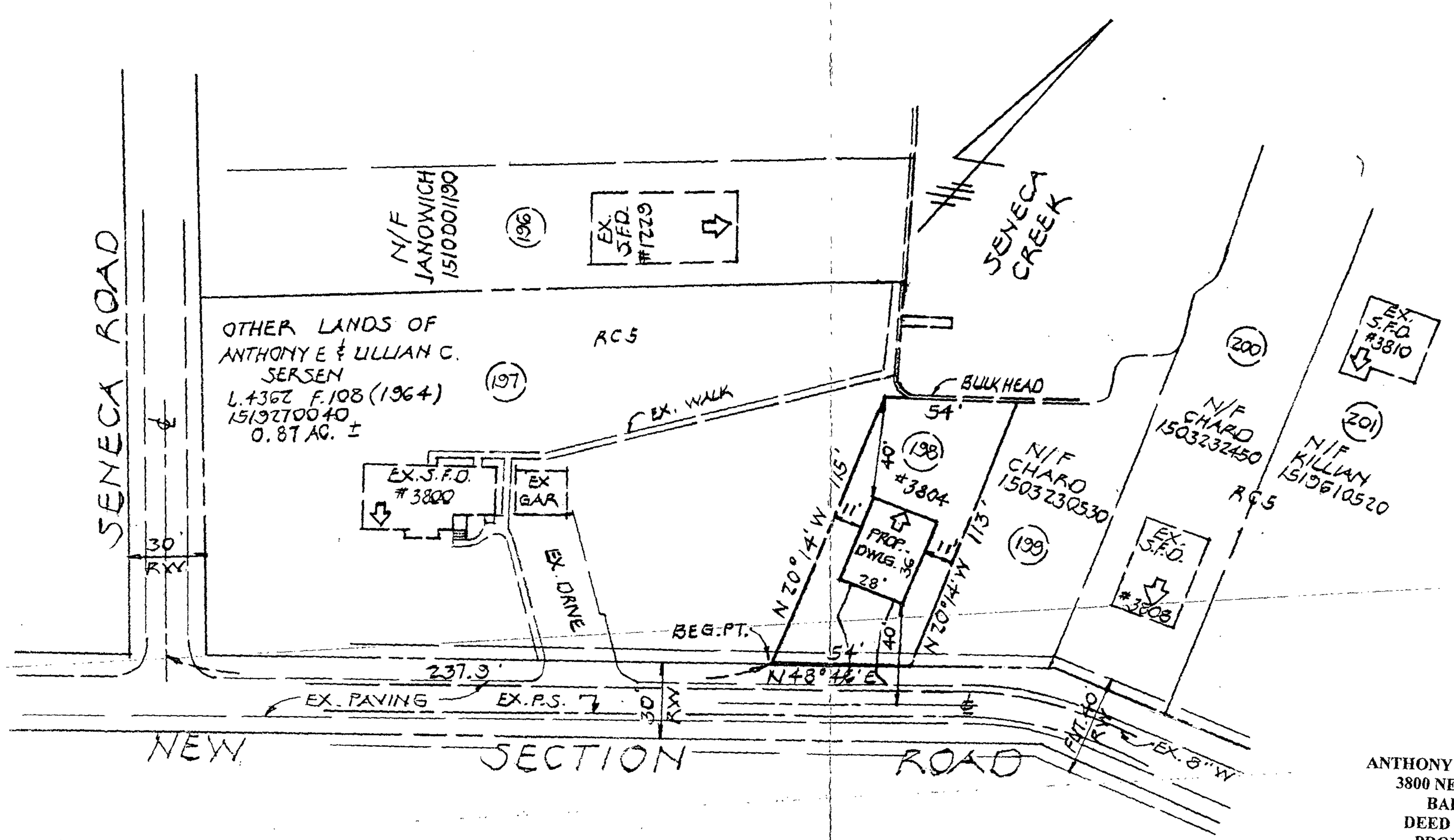
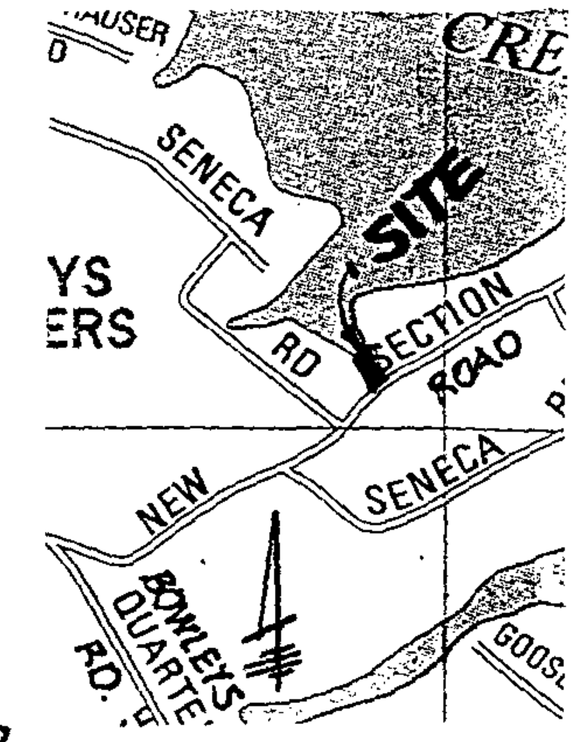
Omscat





LOCATION PLAN
SCALE: 1" = 1000'

07-450-A

OWNER
ANTHONY AND LILLIAN SERSEN
3800 NEW SECTION ROAD
BALTO., MD. 21220
DEED REF. L.14635 F.471
PROP. NO. 1511351760

NOTES
1. ZONING.....RC 5 (MAP091C3)
2. AREA.....5,740 S.F. = 0.132 ACRE
3. SITE IS LOCATED IN CBCA AND FLOOD ZONE A
4. PUBLIC WATER AND SEWER IS EXISTING
5. NO HISTORIC STRUCTURES EXIST
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

ZONING PLAT FOR VARIANCE
3804 NEW SECTION ROAD
LOT 198 PLAT 2, BOWLEYS QUARTERS
P.B. 9 F. 12
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 3, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT.
EDGEWOOD, MD 21040
(410) 679-8719

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

June 19, 2007

Anthony Sersen
Lillian Sersen
3800 New Section Road
Baltimore, MD 21220

Dear Mr. and Mrs. Sersen:

RE: Case Number: 07-450-A, 3804 New Section Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 4, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood 21040

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: April 9, 2007

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

RE: Baltimore County
Item No. 7-450A
3804 New Section Road
Seken Property
Variance -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-450A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 451, 452, and 453.

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
(O)410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2007
Item No. 07-450

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 feet 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-450-04132007.doc

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: 3804 New Section road

INFORMATION:

Item Number: 7-450

Petitioner: Anthony Sersen

Zoning: RC 5

Requested Action: Variance

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.

5. Provide landscaping along the public road.

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

Prepared By: Candis Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-450.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 25 2007
BY: PZ 3:30pm

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination DWL

DATE: May 31, 2007

SUBJECT: Zoning Item # 07-450-A
Address 3804 New Section Road
(Sersen Property)

Zoning Advisory Committee Meeting of March 19, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 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 property must comply with Limited Development Area and Buffer Management Area regulations. Impervious surfaces are limited to 25% and and impervious surface within the 100 foot buffer will require mitigation or a fee-in-lieu. 15% tree cover must be provided.

Reviewer: Regina Esslinger Date: May 14, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-450-A.doc

JM
6-26-07
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-450**

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

CM/LL

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

September 5, 2007

Anthony & Lillian Sersen
3804 New Section Road
Baltimore, MD 21220

Dear Mr. & Mrs. Sersen:

RE: Case: 07-450-A, 3804 New Section Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 19, 2007 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
David Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood 21040

Patricia Zook - Case 07-450-A – hearing is Tuesday June 26 @ 10 am

From: Patricia Zook
To: Livingston, Jeffrey
Date: 6/25/2007 1:28 PM
Subject: Case 07-450-A – hearing is Tuesday June 26 @ 10 am

Hi Jeff -

The above case is scheduled for a hearing tomorrow, Tuesday, June 26 at 10:00 am. We just got the file from PDM and I noticed that DEPRM comments are missing. The property is located at 3804 New Section Road.

Please help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

RE: PETITION FOR VARIANCE 3804 New Section Road; N/S New Section Road, 23.9' NE/S c/line Seneca Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Anthony & Lillian Sersen Petitioner(s)	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
	*	07-450-A

* * * * * * * * * * * * *

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 and 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

RECEIVED
APR 16 2007
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

CASE NAME 3804 NEW SECTION R
CASE NUMBER 07-450-A
DATE 06/28/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ANTHONY SERSEN	3800 NEW SECTION RD.	BALTO. MD. 21220	UNTEK@COMCAST.NET
LILLIAN SERSEN	3800 NEW SECTION RD.	BALTO. MD. 21220	UNTEK@COMCAST.NET
DAVID BILLINGSLEY	601 CHARWOOD CT.	EDGEWOOD, MD 21040	dwb0209@yahoo.com

EXHIBITS

3804 NEW SECTION ROAD
CASE NO. 07-450-A

1. SITE PLAN FILED WITH PETITION (NO CHANGES)

2. COPY OF ZONING MAP 091C3 SHOWING RC5 ZONING

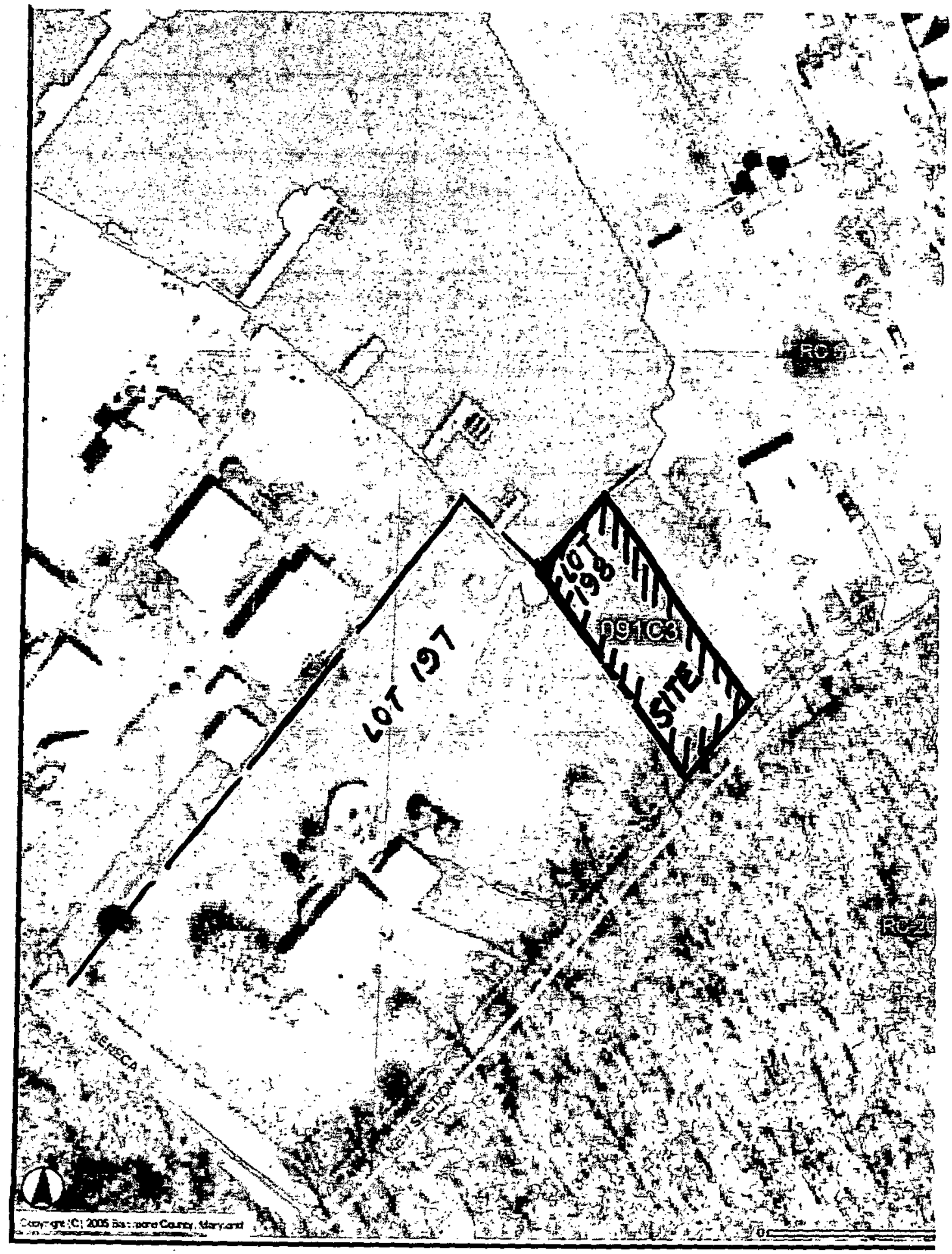
3. COPY OF PORTION OF PLAT OF FIRST ADDITION TO SECTION TWO, BOWLEYS QUARTERS P.B. 9 F. 12 SHOWING LOCATION OF SITE

4. COPY OF SDAT REPORT AND DEED OF RECORD FOR LOT 197 DATED SEPT. 17, 1964, LIBER 4362 FOLIO 108 SHOWING ANTHONY AND LILLIAN SERSEN AS OWNERS OF RECORD

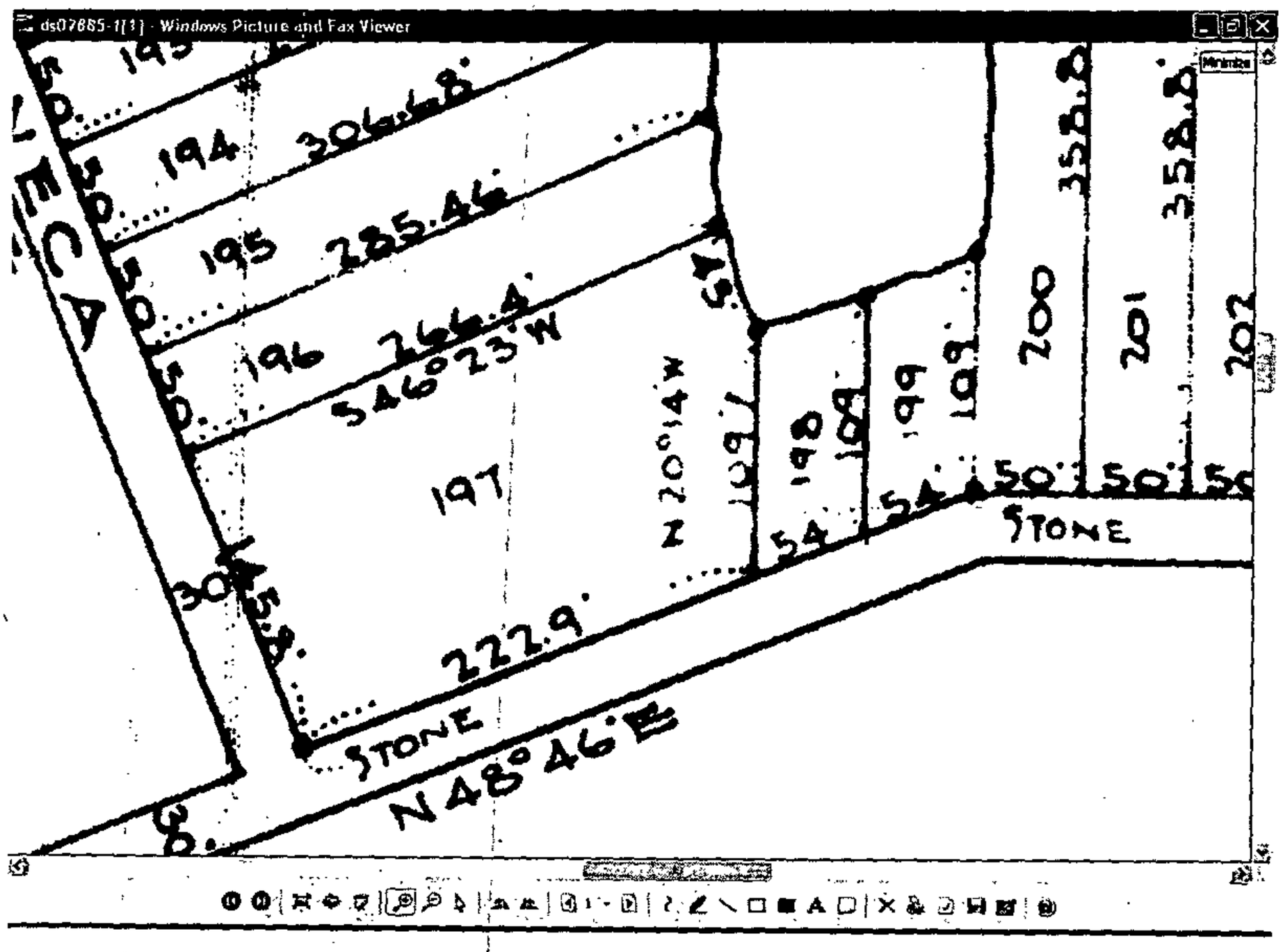
5. COPY OF SDAT REPORT AND DEEDS OF RECORD FROM OCTOBER 14, 1965 THR0UGH PRESENT SHOWING THAT LOT 198 HAS BEEN TITLED SEPARATELY AND MOST RECENTLY CONVEYED TOANTHONY AND LILLIAN SERSEN ON AUGUST 4, 2004, LIBER 14635 FOLIO 471

6. PHOTOS

7. COPY OF BALTIMORE COUNTY TOPOGRAPHY MAP SHOWING SITE AND CLEARLY DEMONSTRATING THAT THE MAJORITY OF THE DWELLINGS IN THE IMMEDIATE VICINITY ARE CONSTRUCTED ON LOTS 50 FEET WIDE WITH SIMILAR YARDS.


RC5
LOT 198
DR1 C3
SITE
LOT 197
RC2
SENECA
Copyright (C) 2005 Baltimore County, Maryland

2



PORTION OF PLAT OF
FIRST ADDITION TO BOWLEY'S
QUARTERS P.B. 9 F. 12

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1519270040

Owner Information

Owner Name:	SERSEN ANTHONY E SERSEN LILLIAN C	**Use:**	RESIDENTIAL
Mailing Address:	3800 NEW SECTION RD BALTIMORE MD 21220-4028	**Principal Residence:**	YES
		Deed Reference:	1) / 4362/ 108 2)

Location & Structure Information

Premises Address
3800 NEW SECTION RD

Legal Description
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	23	133		WATERFRONT			197	3	2

Plat Ref: 9/ 12

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,097 SF	36,356.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	Phase-in Assessments As Of 07/01/2006
Land:	129,580	296,080		
Improvements:	38,250	108,490		
Total:	167,830	404,570	167,830	246,743
Preferential Land:	0	0	0	0

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 *

4

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: District - 15 Account Number - 1511351760

Owner Information

Owner Name: SERSEN ANTHONY
SERSEN LILLIAN

Use: RESIDENTIAL

Mailing Address: 3800 NEW SECTION RD
BALTIMORE MD 21220-4028

Principal Residence: NO

Deed Reference: 1) /14635/ 471
2)

Location & Structure Information

Premises Address
NEW SECTION RD

Legal Description
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	23	133		WATERFRONT			198	3	2

Plat Ref: 9/ 12

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built 0000

Enclosed Area

Property Land Area 5,886.00 SF

County Use 34

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	18,880	79,800		
Improvements:	0	0		
Total:	18,880	79,800	18,880	39,186
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Type:	Date:	Deed1:	Price:	Deed2:
HAMBURG MICHAEL B	UNIMPROVED ARMS-LENGTH	08/14/2000	/14635/ 471	$19,000	
DIVENTI VINCENT J	UNIMPROVED ARMS-LENGTH	06/22/2000	/14544/ 461	$15,000	
KILLIAN MICHAEL J	IMPROVED ARMS-LENGTH	03/16/1989	/ 8126/ 89	$15,000	

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 *

5

FEE-SIMPLE DEED—Corp. Grantor—Ind.

WJR 4362 PG 108

This Deed, Made this 5th day of September

in the year nineteen hundred and Sixty-four by and between

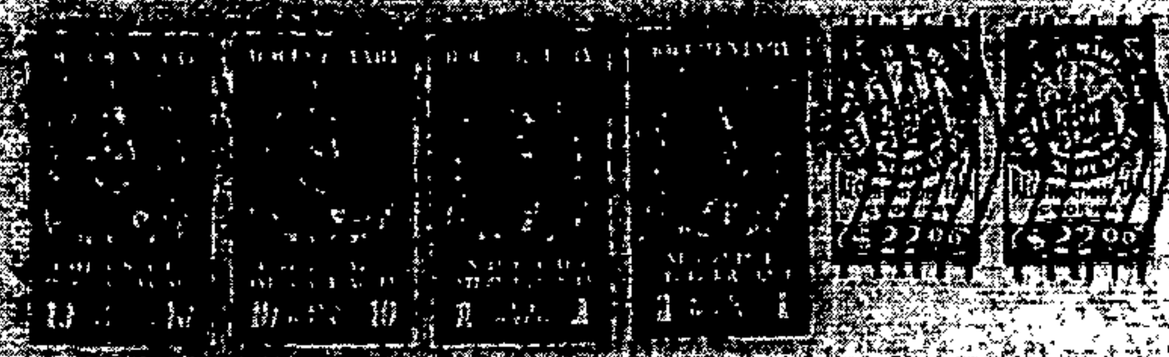
CLARENCE JAMES KREINER and ALICE ELVINA KREINER, his wife

of Baltimore County in the State of Maryland, of the first part, and

ANTHONY E. SERSEN and LILLIAN C. SERSEN, his wife, of Baltimore County,

State of Maryland

of the second part.



WITNESSETH, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs

and assigns, in fee simple, all that lot of ground

situate, lying and being

in Baltimore County State aforesaid, and described as follows, that is to say:—

BEING known and designated as Lot No. 197 as shown on the First Addition to Plat 2, Bowleys Quarters, which Plat is recorded among the Plat Records of Baltimore County in Plat Book EHK,Jr. 9 folio 12. The improvements thereon being known as No. 671 New Section Road.

BEING the same lot of ground which by Deed dated December 21, 1961 and recorded among the Land Records of Baltimore County in Liber WJR 3939 folio 327 was granted and conveyed by Milton D. Britton and Margaret S. Britton, his wife unto the within named Grantors.

PAID — Baltimore County, Md. — Office of Finance

9-21-64 9658 • 52361 APD— 100.00
9-21-64 9658 • 52361 APD— 100.00

RE COUNTY CIRCUIT COURT (Land Records) (MSA CE 62-4217) Book RRG 4362, p. 0108. Printed 03/17/2007, Online

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; unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns and unto 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:

Clarence James Kreiner (SEAL)

Alice Edwina Kreiner (SEAL)

COUNTY

STATE OF MARYLAND, ~~CITY~~ OF BALTIMORE, TO WIT:

On this 17th day of September 1964, before me, a Notary Public of said State, personally appeared Clarence James Kreiner and Alice Edwina Kreiner, his wife, known to me, (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that they executed the same for the purpose therein contained, ~~except~~ ~~[illegible]~~

AS WITNESS my hand and Notarial Seal.

Notary Public

My commission expires May 3, 1965.

Recorded for Record SEP 21 1964 at 1:32 P.M.

Per Robert R. Gill Clerk

Mail to CALLAHAN & CALWELL

Receipt No. 135076 $6

ecords) [MSA CE 62-4217] Book RRG 4362, p. 0109. Printed 03/17/2007. Online

60000-75753

DEED

THIS DEED is made this 4th day of August, 2000 by and between **MICHAEL B. HAMBURG** and **MICHAEL A. ZWAIG**, parties of the first part; and **ANTHONY SERSEN** and **LILLIAN SERSEN**, his wife, parties of the second part.

WITNESSETH, That for an in consideration of the sum of Five Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the actual monetary consideration as certified by the parties hereto being $19,000.00, the said parties of the first part do grant and convey unto the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all those lots of ground situate, lying, and being in the County of Baltimore, State of Maryland, and being more particularly described as follows, that is to say:

> **BEING KNOWN AND DESIGNATED** as Lot No. **198** as shown on that certain subdivision plat entitled, "**First Addition to Plat No. 2, BOWLEY'S QUARTER**" which said Plat is duly recorded among the Land Records of Baltimore County in Plat Book WHM No. **9**, folio **12**.

BEING the same lot of ground which by Deed dated April 22, 2000 and recorded among the Land Records of Baltimore County in Liber SM no. 14544, folio 461 was granted and conveyed by Vincent DiVenti, Norma DiVenti, and James Thomas DiVenti, Sr. unto the said parties of the first part, grantors herein.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantage thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives 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 hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the said parties of the first part, grantors herein.

WITNESS:

Jacqueline Lorden

Jacqueline Lorden

MICHAEL B. HAMBURG

MICHAEL A. ZWAIG

STATE OF Maryland)
COUNTY OF Harford) SS:

I HEREBY CERTIFY, that on this 4th day of August, 2000, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared MICHAEL B. HAMBURG and MICHAEL A. ZWAIG, personally known to me or satisfactorily proved to be the persons who signed the within instrument, who acknowledged the within instrument to be their deed and act, and further acknowledged they delivered the same for the purposes as stated therein.

AS WITNESS my hand and Notarial Seal.

Jacqueline Lorden
Notary Public

My Commission Expires: June 29, 2002

JACQUELINE A. LORDEN
NOTARY
PUBLIC
HARFORD COUNTY, MD.

The undersigned, a duly licensed attorney in the State of Maryland, hereby certifies that the within instrument was prepared under his supervision.

Nicholas P. DeLuca, Esquire

DEED

Tax Account No. 12-03-3637-016
BR File: 00BR017

THIS DEED made this 22ND day ~~of March~~ APRIL, 2000, by and between the Grantors, Vincent J. DiVenti, Norma Diventi and James Thomas DiVenti, Sr. and the Grantees, Michael B. Hamburg and Michael A. Zwaig, as tenants in common.

WITNESSETH, that for FIFTEEN THOUSAND ($15,000.00) DOLLARS, the Grantors, do grant and convey unto the Grantees, and to their respective personal representatives, heirs and assigns, as tenants in common, in the proportions set forth below, the fee simple interest in all that property situate in Baltimore County, State of Maryland, as described as follows:

BEING known as Lot Number One Hundred Ninety-Eight (#198), First Addition to Plat Number Two (#2) as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12.

BEING the same lot of ground described in the deed from Michael J. Killian to the Grantors and recorded among the Land Records of Baltimore County on March 16, 1989, at Liber No. 8126, folio 89.

SUBJECT to any and all covenants, conditions and restrictions which may be of legal force and effect.

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

TO HAVE AND TO HOLD the property unto the Grantees, their respective personal representatives, heirs and assigns, in fee simple, forever, as tenants in common in the following shares and proportions:

As to Michael B. Hamburg: A Fifty Percent (50.00%) undivided interest.
As to Michael A. Zwaig: A Fifty Percent (50.00%) undivided interest.

AND the Grantors 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 hereby conveyed; and that they will execute such further assurances of the same as may be requisite or necessary.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-14399] Book SM 14544, p. 0461. Printed 06/25/2007. Online 03/08/2005.

LIBER 8126 PAGE 089

THIS DEED, Made this 24th day of September, 1988, by and between MICHAEL J. KILIAN, party of the first part, (GRANTOR) and VINNCENT J. DiVENTI and NORMA DiVENTI, his wife, parties of the second part, (GRANTEES).

WITNESSETH, that in consideration of the sum of Fifteen Thousand and no/100 Dollars, ($15,000.00), the said MICHAEL J. KILIAN, does grant and convey unto the said VINCENT J. DiVENTI and NORMA DiVENTI, his wife as tenants by the entireties, their personal representatives and assigns, subject to the reservation of a life estate, with power of disposition as hereinafter recited, in fee simple, the lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

> BEING known as Lot Number One Hundred Ninety-Eight (#198), First Addition to Plat Number Two (#2) as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12.
> BEING the same lot of ground described in a deed dated April 13th, 1987 from MICHAEL J. KILLIAN, Personal Representative of John T. Killian, Jr., deceased to MICHAEL J. KILLIAN and recorded among the Land Records of Baltimore County, in Liber 7524, page 671. The said MICHAEL J. KILLIAN being the Grantor herein.

Together with the buildings and improvements thereon and the rights, alleys, ways, water, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

To Have and To Hold the same described property unto and to the use of the Grantees, VINCENT J. DiVENTI and NORMA DiVENTI reserving unto the survivor of them a life estate in and to the above described property for the term of his/her natural life with full power to the survivor to sell, mortgage, rent or in any way convey or dispose of the property hereinbefore mentioned, except by testamentary disposition, it being the intention hereof

— Title Search Requested — None Conducted —

	13.00
A LTX	15.00
A DOCS	15.00
DEED	0
SM CLERK	163.00
#06803 C003 R01 T15:0	
	03/15/8

JR 3-16-89

JR 3-16-89

C74******24000:a b10aA

BALTIMORE COUNTY CIRCUIT COURT (Land Records) (MSA CE 62-7981) Book SM 8126, p. 0089 Printed 06/25/2007. Online 03/09/2005.

that the said survivor shall have the right to exercise any of the powers hereinbefore enumerated and that without the consent of person or persons whatsoever not only over and upon the life estate herein reserved in the survivor's favor, but also over and upon the remainder, after survivor's life estate herein reserved, in fee simple and immediately upon the death of the survivor then the remainder, shall pass directly to JAMES THOMAS DIVENTI, SR., in fee simple.

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

WITNESS the hand and seal of the said GRANTOR

TEST: Nancy L. Killian Michael J. Killian (SEAL)
MICHAEL J. KILLIAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 24th day, of September, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for the county aforesaid, personally appeared, MICHAEL J. KILLIAN known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he 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.

Carolyn S. Brooks
Notary Public

My Commission Expires My Commission Expires July 1, 1989

MAIL TO:
Andrew Jackson
7310 Ritchie Hwy. #803
Glen Burnie, Md. 21061

BALTIMORE COUNTY CIRCUIT COURT (Land Records) (MSA CE 62-7981) Book SM 8126, p. 0090. Printed 06/25/2007. Online 03/09/2005.

THIS DEED, Made this 14th day of October, in the year one thousand nine hundred and sixty-five, by and between CLARENCE J. KREINER and ALICE E. KREINER, his wife, of the first part, and JOHN T. KILLIAN and BARBARA M. KILLIAN, his Mother, of the second part.

WITNESSETH, That in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said CLARENCE J. KREINER and ALICE E. KREINER, his wife, does grant and convey unto the said parties of the second part as tenants in common and not as joint tenants, their heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, Maryland, aforesaid, and described as follows, that is to say -

BEING known as Lot number One Hundred Ninety-eight (#198), First Addition to Plat number Two (#2), as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12

BEING one of the lots in a deed dated December 28th, 1959 from Wilbur G. Corsby, Jr. and wife to the within named grantor, recorded among the Land Records of Baltimore County in Liber W.J.R. #3647, folio 529.

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;

LAW OFFICES
LEONARD A. VADALA
1740 EASTERN BOULEVARD
BALTIMORE, MD. 21221

Records) [MSA CE 62-4387] Book OTG 4532, p. 0349. Printed 03/17/2007. Online

DEED

THIS DEED, Made this 13th day of April, 1987, by and between MICHAEL J. KILIAN, Personal Representative of the Estate of JOHN T. KILLIAN, JR. (deceased March 10, 1985), party of the first part (Grantor), and MICHAEL J. KILLIAN, party of the second part (Grantee).

WITNESSETH:

WHEREAS, JOHN T. KILLIAN, JR. (the decedent) died intestate on March 10, 1985, being vested with, in fee simple, the title in and to the lot of ground and improvements thereon, hereinafter described; and

WHEREAS, the deceent's brother, MICHAEL J. KILLIAN, on April 26, 1986, was appointed by the Orphans' Court of Baltimore City as Personal Representative of the Estate of the decedent, and he is currently serving in such capacity; and

WHEREAS, pursuant ot the intestacy laws of the State of Maryland, one-half of the decedent's entire net residuary estate is distributable to his brother, MICHAEL J. KILLIAN, absolutely; and

WHEREAS, the Estate of JOHN T. KILLIAN, JR. is solvent and adequate provisions have been made for the payment of all of the decedent's debts and taxes, all administrative expenses that may be incurred in the administration of his estate, an all other expenses and costs for which the decedent's estate may be responsible; and, accordingly, the Grantor is desirous of conveying the hereinafter described property as soon as possible in partial satisfaction of the Grantee's aforementioned one-half interest in the decedent's estate.

C RC/F 13.00
DEED 0 N
SA CLERK 13.00
#39158 C001 R02 T12:05
05/12/87

NOW, THEREFORE, this DEED witnesseth:

That pursuant to and in satisfaction of the intestacy laws of the State of Maryland, for no consideration, the party of the first part doth grant and convey unto MICHAEL J. KILLIAN, said party of the second party, his heirs and assigns, in fee simple, the lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
JR 5-1-87
CLERK DATE

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE JR DATE 5-1-87

TRANSFER TAX NOT REQUIRED
DIRECTOR OF FINANCE
BALTIMORE CITY
For Hans J. Cohen
Authorized Signature
Date 5-12 Sec. 11-96 H

is to say:

BEING known as Lot Numer One Hundred Ninety-Eight (#198), First Addition to Plat Numer Two (#2) as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12.

BEING the same lot of ground described in a deed dated October 14, 1965 from Clarence J. Kreiner and Alice E. Kreiner to John T. Killian and Barbara M. Killian, his Mother, and recorded among the Land Records of Baltimore County in Liber OTG No. 4532, folio 349. (The said Barbara M. Killian having predeceased her son.)

Together with the buildings and improvements thereon and the rights, alleys, ways, water, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

To Have and To Hold the same described property unto and to the use of the Grantee, party of the second part, and his heirs and assigns, forever, in fee simple.

WITNESS, the hand and seal of the Grantor, the year and date first above written.

WITNESS:

Nancy L. Killian

(SEAL)
MICHAEL J. KILLIAN, Personal Representative of the Estate of John T. Killian, Jr., deceased

STATE OF MARYLAND, CITY/COUNTY OF , TO WIT:

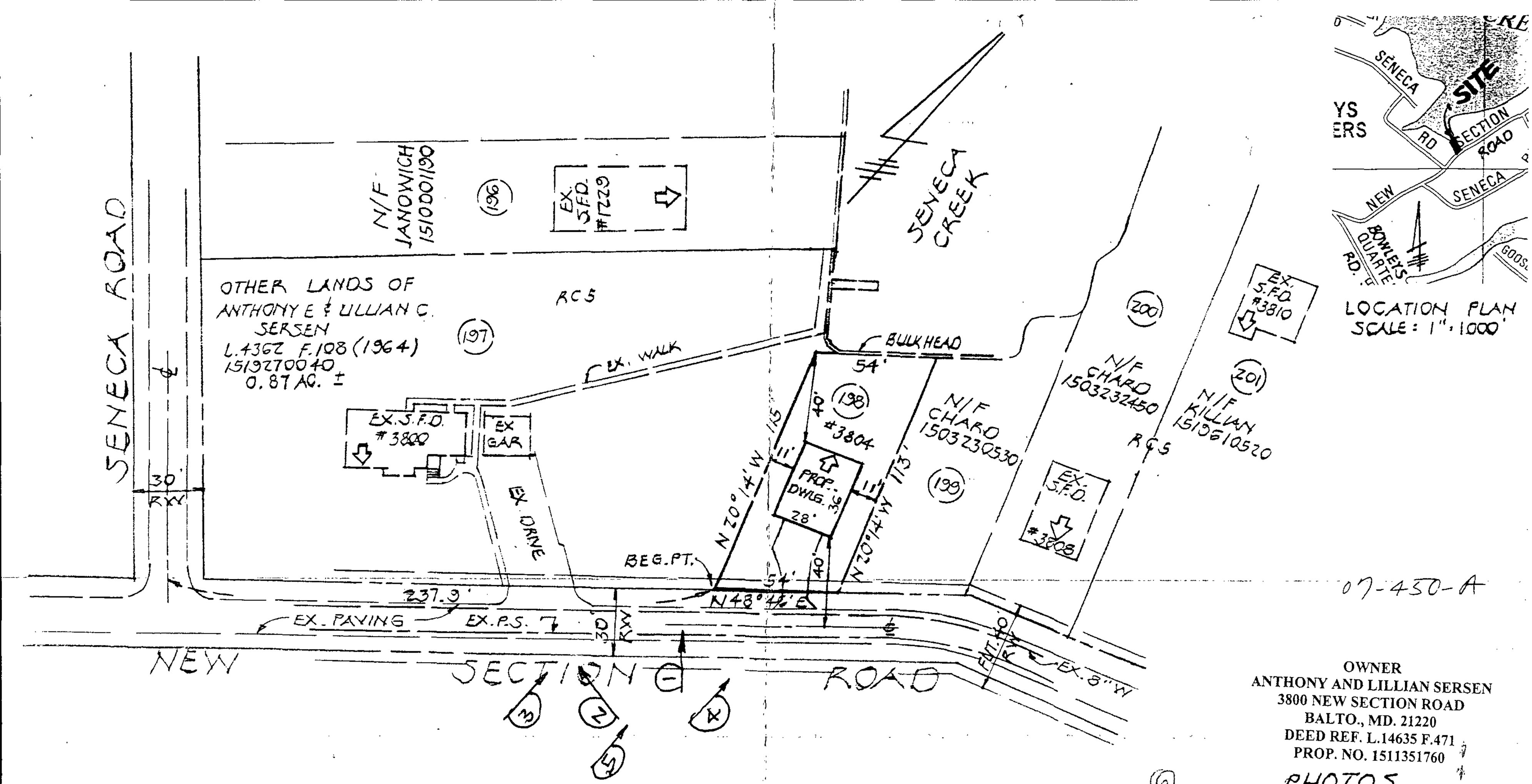
I HEREBY CERTIFY, that on this 13th day of April, 1987, before me, the Subscriber, a Notary Public of the State aforesaid, personally appeared MICHAEL J. KILLIAN, known to me to be the person whose name is subscribed to the within Deed and he acknowledges that he is the Personal Representative of the Estate of JOHN T. KILLIAN, JR., deceased, and as such has authority to execute the foregoing Deed, and the said MICHAEL J. KILLIAN acknowledges that he executed the foregoing Deed for the purposes therein contained as such Personal Representative of the Estate of JOHN T. KILLIAN, JR.

AS WITNESS, my hand and Notarial Seal.

Carolyn J. Brooks
NOTARY PUBLIC

My Commission Expires: My Commission Expires July 1, 1990

Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.
Sun Life Bldg., Charles + Redwood Sts.
21201



07-450-A

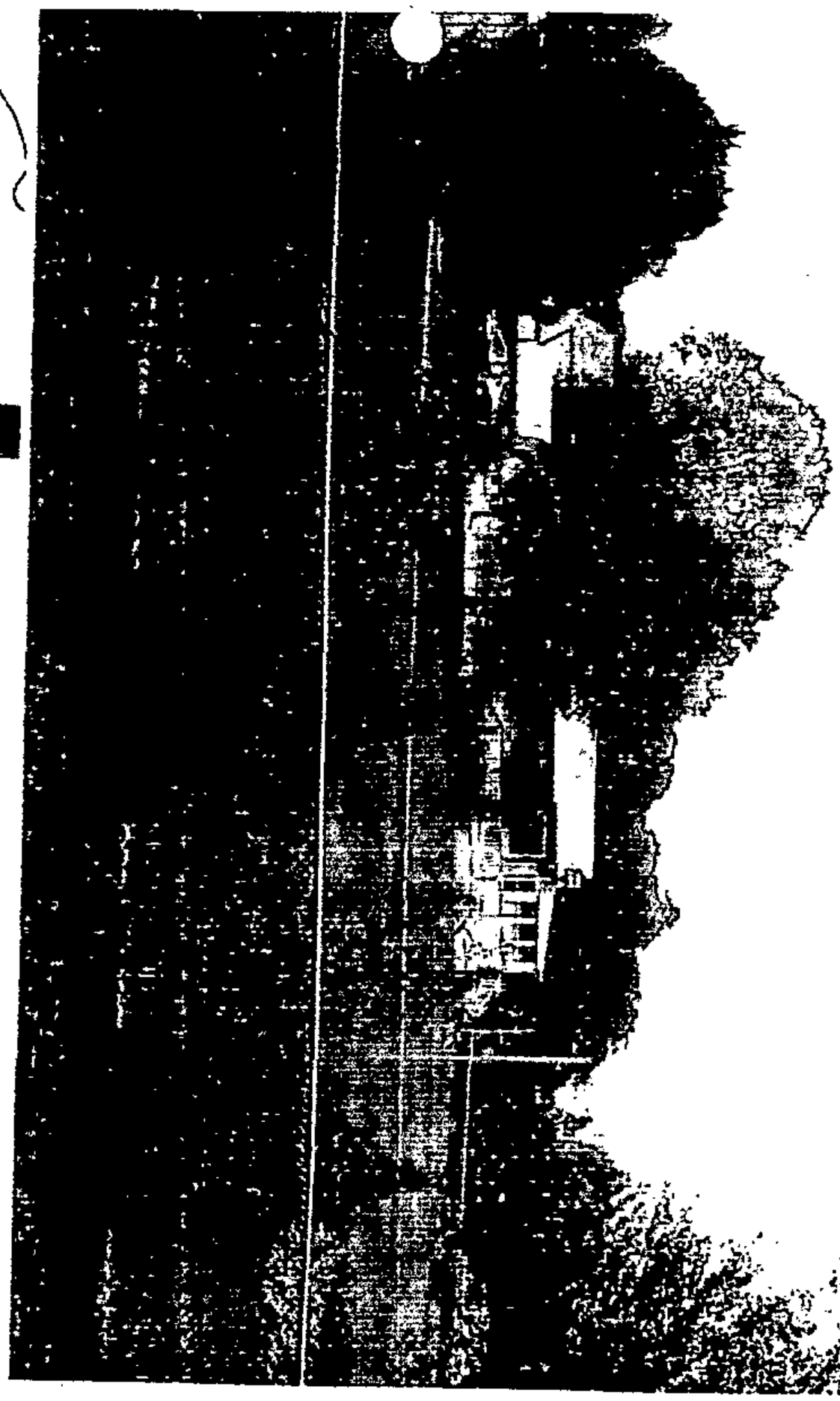
OWNER
ANTHONY AND LILLIAN SERSEN
3800 NEW SECTION ROAD
BALTO., MD. 21220
DEED REF. L.14635 F.471
PROP. NO. 1511351760

PHOTOS

NOTES
1. ZONING.....RC 5 (MAP091C3)
2. AREA.....5,740 S.F. = 0.132 ACRE
3. SITE IS LOCATED IN CBCA AND FLOOD ZONE A
4. PUBLIC WATER AND SEWER IS EXISTING
5. NO HISTORIC STRUCTURES EXIST
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

ZONING PLAT FOR VARIANCE
3804 NEW SECTION ROAD
LOT 198 PLAT 2, BOWLEYS QUARTERS
P.B. 9 F. 12
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 3, 2006



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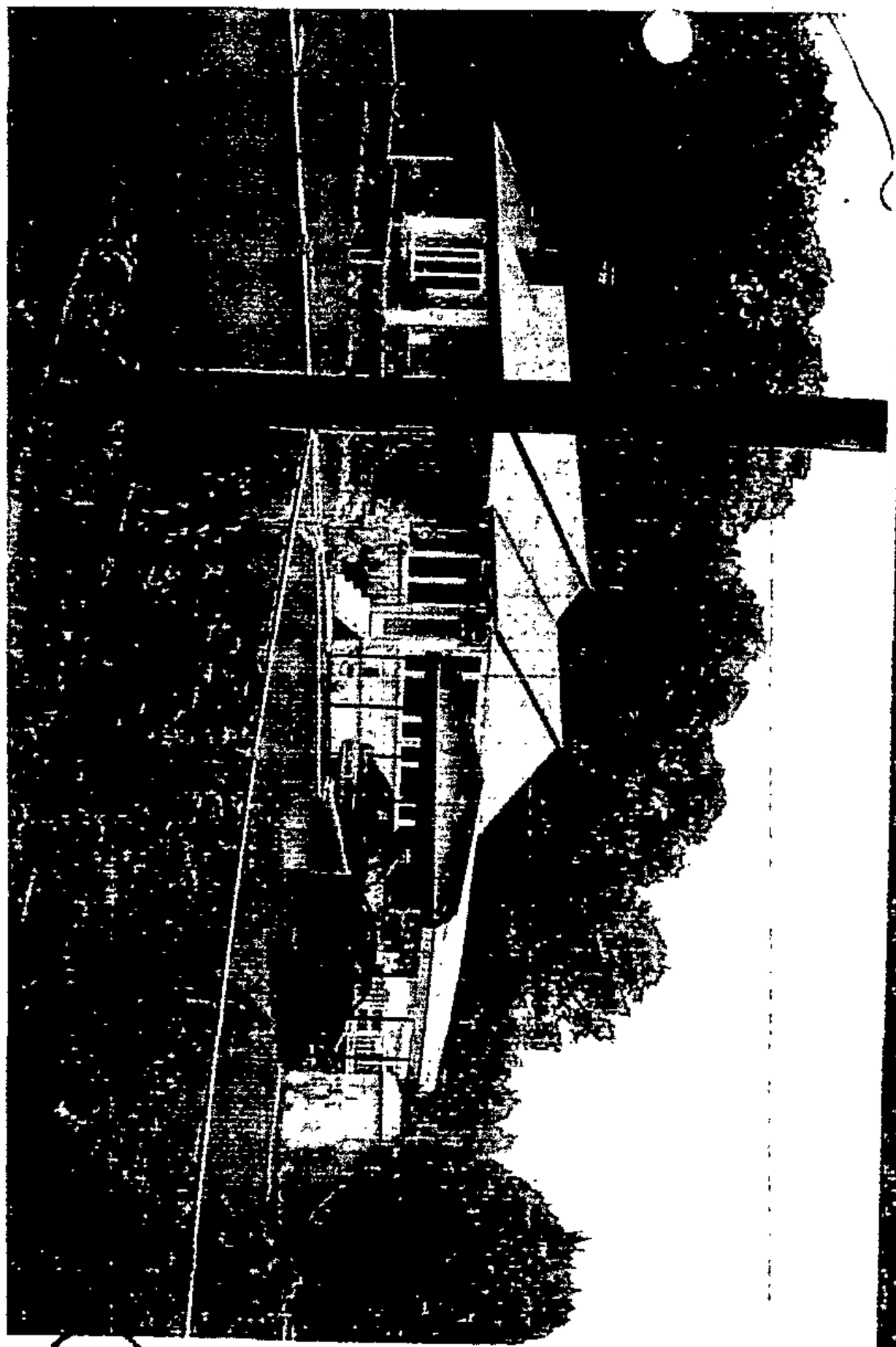

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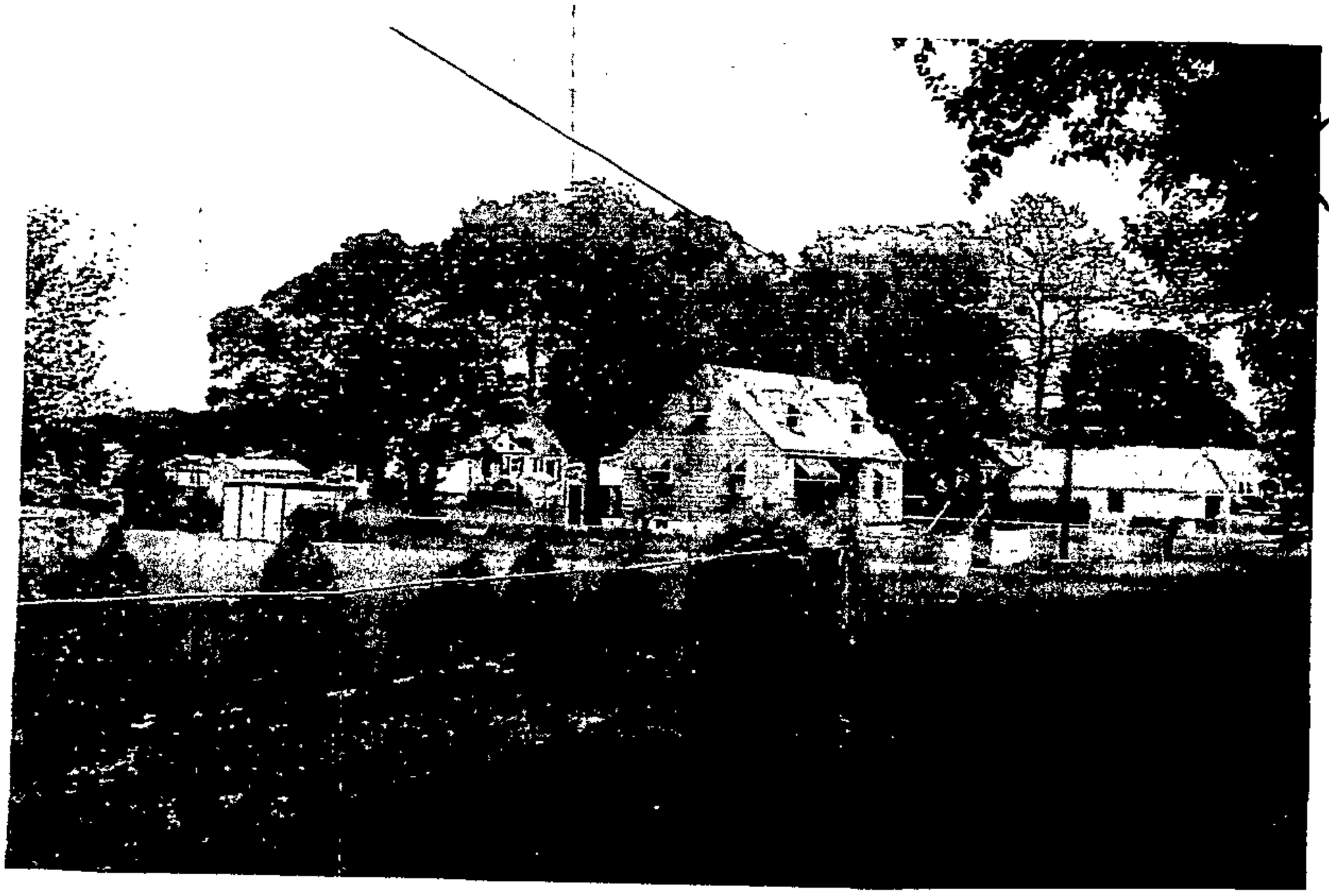

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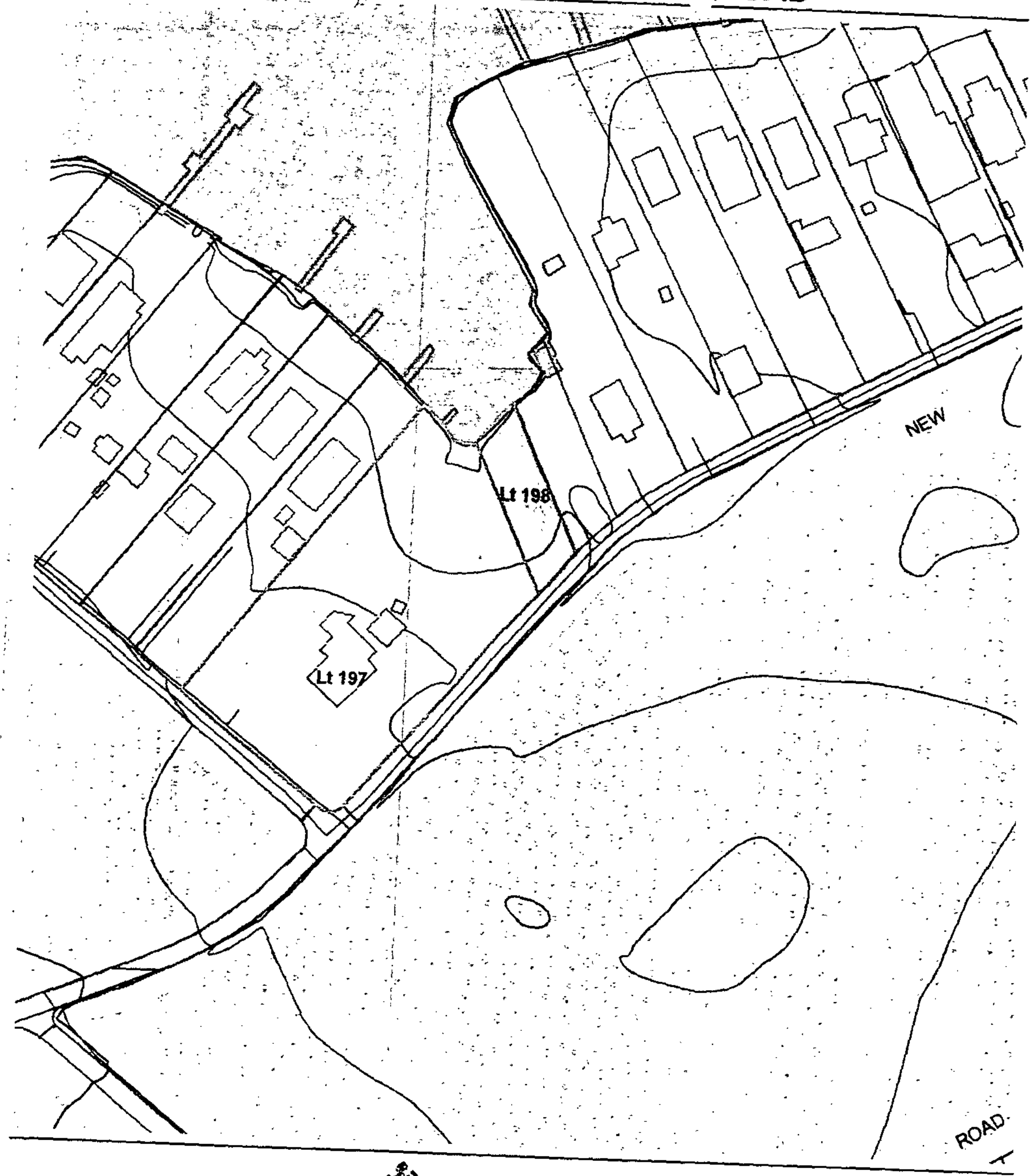
TOPO MAP FOR 3800 NEW SECTION ROAD



was compiled

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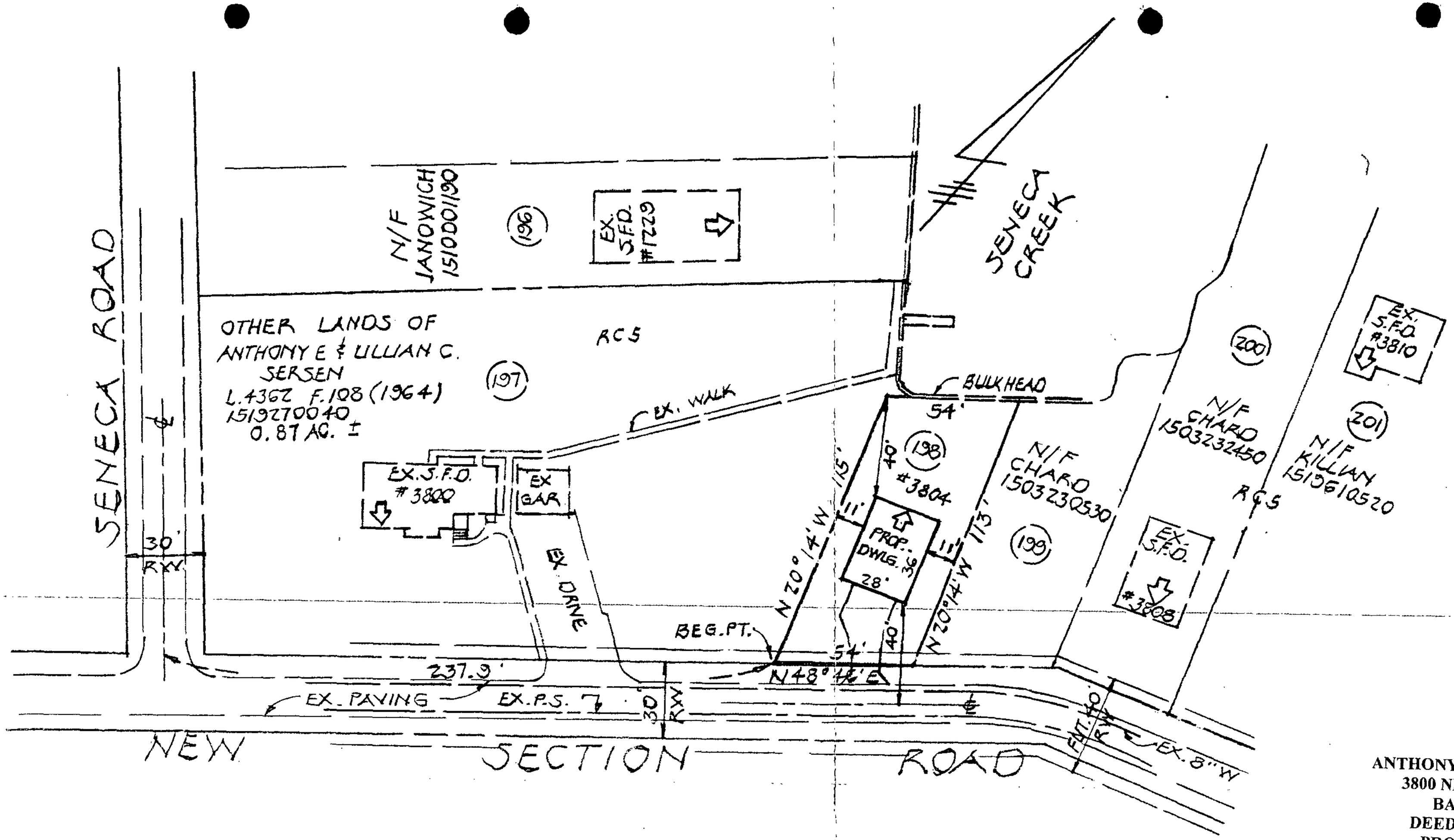
/or.

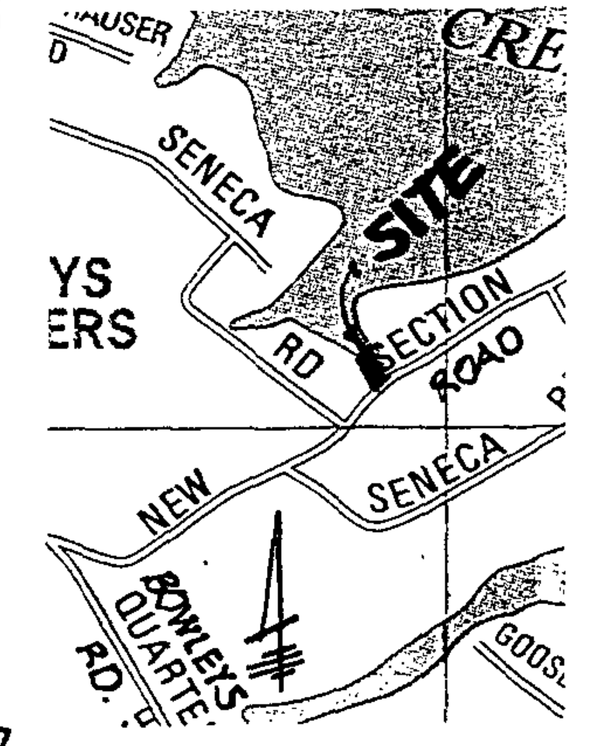
BALTIMORE COUNTY
MARYLAND

Baltimore County, MD
Department of Public Works
GIS Services

7

100 50





LOCATION PLAN
SCALE: 1" = 1000'

07-450-A

OWNER
ANTHONY AND LILLIAN SERSEN
3800 NEW SECTION ROAD
BALTO., MD. 21220
DEED REF. L.14635 F.471
PROP. NO. 1511351760

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ZONING PLAT FOR VARIANCE
3804 NEW SECTION ROAD
LOT 198 PLAT 2, BOWLEYS QUARTERS
P.B. 9 F. 12
ELECTION DISTRICT 15C6 (1)
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 3, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT.
EDGEWOOD, MD 21040
(410) 679-8719

IN RE: PETITION FOR VARIANCE N side of New Section Road, 237.9 feet NE side from c/l of Seneca Road 15th Election District 6th Councilmanic District **(3804 New Section Road)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Anthony and Lillian Sersen *Petitioner*	* *	CASE NO. 07-450-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Anthony and Lillian Sersen. The Petitioners are requesting variance relief for property located at 3804 New Section Road. The variance request is from Sections 1A04.3.A, 1A04.3.B.2.b and 1a04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record.

The property was posted with Notice of Hearing on June 11, 2007 for 15 days prior to the hearing in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 12, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

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

ORDER RECEIVED FOR FILING
Date 6-27-07
By BB

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated February 7, 2007 which requested information in order to make findings regarding performance standards in this RC 5 zone. On June 26, the Petitioner supplied this information resulting in a revised comment dated June 26, 2007 in which the Planning Office finds the proposed house meets the RC 5 standards. ZAC comments were received from the Bureau of Development Plans Review dated April 16, 2007 which contains restrictions. ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 31, 2007 which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Anthony and Lillian Sersen, legal owners and Petitioners. David Billinglsey, with Central Drafting & Design, Inc., prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

6-27-07

Testimony and Evidence

The subject property contains 5,740 square feet or 0.132 acres zoned RC 5 and is unimproved. Mr. Billingsley indicated that the subject property is lot 198 in the First Addition to Bowley's Quarters which was recorded in the land records of the County in 1926. See Exhibit 3. This is a 50 foot wide waterfront lot similar to most other lots in the area as shown in Exhibit 7.

He noted that the Petitioners also own lot 197 next door and would like to build a home on the subject lot for additional rental income or for family members' use. The new house would be 28 feet wide and therefore have 11 foot side yard setbacks as shown on Exhibit 1. Mr. Billingsley indicated that he first attempted to adjust the lot line between lots 198 and 197 to provide larger side yard setbacks. However lot 197 is approximately 0.8 acres and therefore would require a lot size variance since 1.5 acres is required in this RC zone. As important he noted that the side yard setback requirement in RC 5 is 50 feet and therefore there would never be any lot line adjustment which would eliminate the need for side yard setback variances. Finally he observed that as a rule each 50 foot lot in the area is improved with one house and sometimes more as shown on Exhibit 7. So that a house on this 50 foot lot would not change the pattern of development on the neighborhood. Lot 197 is the exception to the rule.

In regard to the other variances, Mr. Billingsley indicated that the proposed house was the minimum size which would be practical and because of the size of the lot the Petitioners required front yard, rear yard and coverage variances as given.

Regarding possible zoning merger, Mr. Billingsley presented SDAT and deed information in Exhibits 4 and 5 which show the Petitioners purchased lot 197 in 1964 and lot 198 (the subject lot) in 2000. He noted these were conveyed in separate deeds and that each lot has

RECEIVED FOR PLAT
6-27-07

separate tax assessment accounts. He indicated that the only use made of lot 198 by the Petitioners was to cut the grass. Consequently he opined the lots had not merged.

Findings of Fact and Conclusions of Law

Considering all the testimony and evidence presented, I find the lots have not merged under the doctrine of zoning merger. These are separate lots, conveyed separately with separate tax assessment accounts. There has been no overt act on the part of these owners or previous owners which show an intent to merge the lots.

I further find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created before zoning was imposed on these properties. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner explored lot line adjustments which could reduce the side yard variance requests but would never meet the RC 5 regulations. Also reducing the size of the adjacent lot would trigger the need for even more variances. The proposed house is the smallest practical but even so the Petitioner still needs front, rear and coverage variances.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Exhibit 7 shows the great majority of the neighborhood has been developed with one house on each 50 foot lot and so this house will not change the pattern of development

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Date 6-9-07
By

of the community. In addition the Petitioner submitted sufficient information for the Planning Office to find the proposed house meets the performance standards of RC 5.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 27th day of June, 2007 by this Deputy Zoning Commissioner, that the Petitioners' variance request from Sections 1A04.3.A, 1A04.3.B.2.b and 1a04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6 % in lieu of the required 35 feet, 50 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record is hereby GRANTED subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
3. The flood protection elevation for this site is 11.2 feet.
4. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. 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.
6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. Provide landscaping along the public road, if it is consistent with the existing streetscape;
10. Need DEPRM comments here.

RECEIVED FOR FILING
Date 6-27-07
By

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

CBCA Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3804 NEW SECTION 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 Variance from Section(s) 1A04.3-A, 1A04.3.B2.b AND 1A04.3.B.3

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

ANTHONY SERSEN
Name - Type or Print

Anthony Sersen
Signature

LILLIAN SERSEN
Name - Type or Print

Lillian Sersen
Signature

3800 NEW SECTION ROAD (410)335-4487
Address — Telephone No.

BALTO. 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

Case No. 07-450-A

Reviewed By A.K. Tsui Date 4/4/07

SFW: 0260 9

FILING RECEIVED FOR FILING
Date 6-27-07
By

SECTIONS 1A04.3.A, 1A04.3.B.2.b AND 1A04.3.B.3 TO PERMIT A HEIGHT OF ~~35~~ 40 FEET, SIDE YARDS OF 11 FEET, A FRONT YARD OF 40 FEET, A REAR YARD OF 40 FEET AND BUILDING COVERAGE OF 17.6 % IN LIEU OF THE REQUIRED 35 FEET, 50 FEET, 50 FEET, 100 FEET AND 15 % RESPECTIVELY FOR A NEW DWELLING ON AN EXISTING LOT OF RECORD

#450

ZONING DESCRIPTION

3804 NEW SECTION ROAD

Beginning at a point on the north side of New Section Road (30 feet wide) distant 237.9 feet northeasterly from it's intersection with the center of Seneca Road (30 feet wide), thence being all of Lot 198 as shown on the plat entitled Plat 2, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 9 Folio 12.

Containing 5,740 square feet or 0.132 acre of land, more or less.

Being known as 3804 New Section Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md

07-450-A

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: # 07-450-A
3804 New Section Road
N/side of New Section Road, 237.9 feet northeast side from centerline of Seneca Road
15th Election District-6th Councilmanic District
Legal Owner(s): Anthony and Lillian Sersen

Variance: to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6% in lieu of the required 35 feet, *50 feet, 100 feet and 15% respectively for a new dwelling* on an existing lot of record.

Hearing: Tuesday, June 26, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/674 June 12 *138457*

CERTIFICATE OF PUBLICATION

6/14/, 2007

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 6/12/, 2007.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-450-A

Petitioner/Developer:
DAVE BILLINGSLEY

Date Of Hearing/Closing: 6/26/07

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 3804 NEW SECTION RD.

This sign(s) were posted on June 11, 2007.
(Month, Day, Year)

Sincerely,
Martin Ogle 6/11/07
(Signature of sign Poster and Date)
Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

Martin Ogle 6/11/07

CASE 07-450-A

3869

Requested: Nov. 7, 2007

APPEAL SIGN POSTING REQUEST

CASE NO. 07-450-A

3804 NEW SECTION ROAD

N/side of New Section Road., 237.9' NE s/from c/l of Seneca Road

15TH ELECTION DISTRICT APPEALED: 7/19/2007

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-450-A

LEGAL OWNER: **ANTHONY & LILLIAN SERSEN**

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

3804 NEW SECTION ROAD

N/s of New Section Rd., 237.9' NE s/from c/l of Seneca Road

The sign was posted on 6-3-08 ~~, 2007.~~

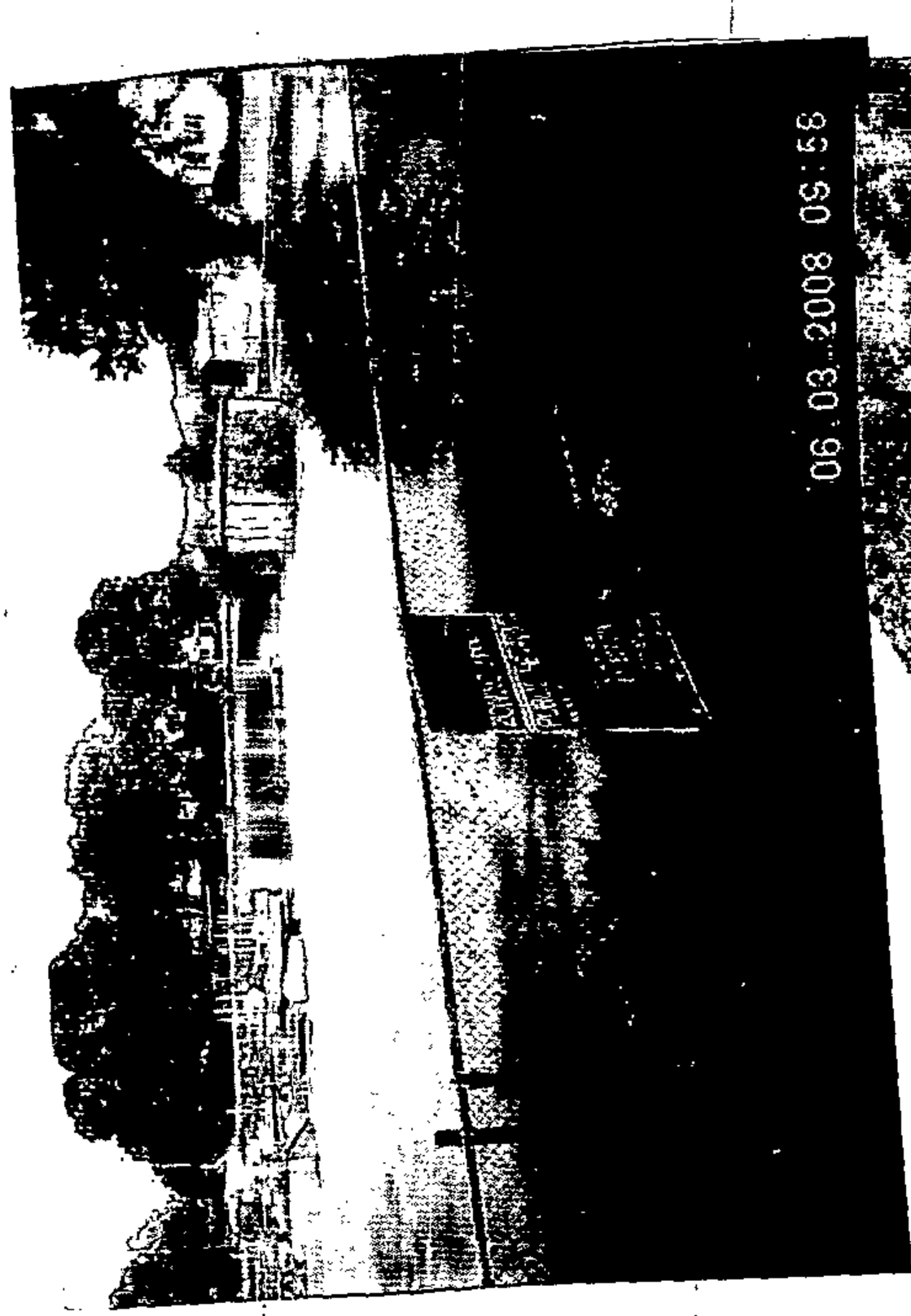
By: N Stuart Kelly
(Signature of Sign Poster)

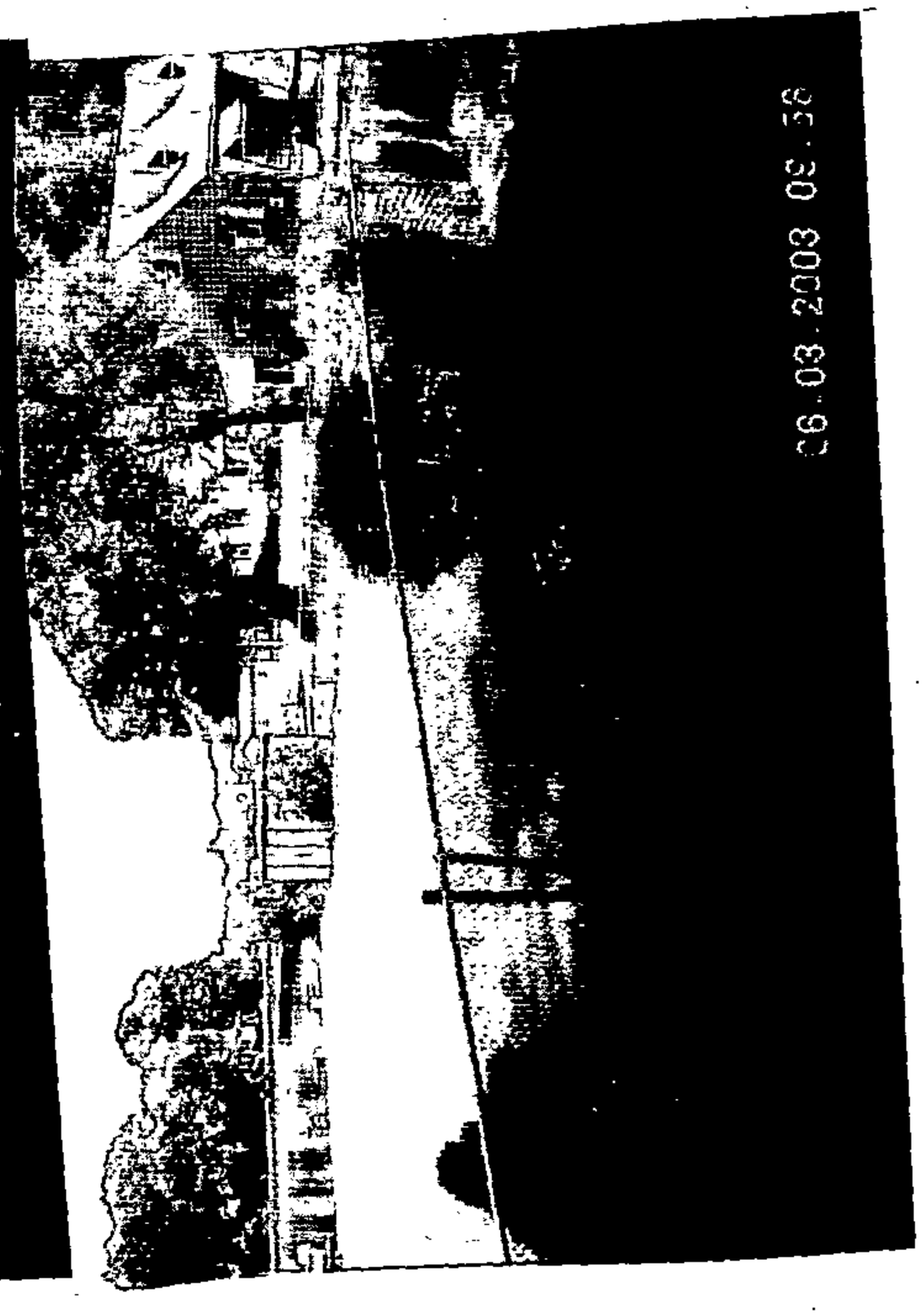
N Stuart Kelly
(Print Name)

PHOTOGRAPHIC RECORD

Citation/Case No.: D7-450-A 3804 New Section RD

Date of Photographs: 6-3-08





I HEREBY CERTIFY that I took the 2 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

M Stuart Kelly
Enforcement Officer

11/14/00

Department of Permits and Development Management

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

Baltimore County

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

May 7, 2007

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: 07-450-A
3804 New Section Road
N/side of New Section Road, 237.9 feet northeast side from centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Anthony and Lillian Sersen

Variance to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 100 feet and 15% respectively for a new dwelling on an existing lot of record.

Hearing: Tuesday, June 26, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Anthony & Lillian Sersen, 3800 New Section Road, Baltimore 21220
David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood 21040

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 11, 2007.**
(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.

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
ANTHONY & LILLIAN SERSEN –LO	*	BOARD OF APPEALS
FOR VARIANCE ON PROPERTY LOCATED		
ON THE N/S OF NEW SECTION ROAD, 237.9'	*	OF
NE S/FROM C/L OF SENECA ROAD		
(3804 NEW SECTION ROAD)	*	BALTIMORE COUNTY
15TH ELECTION DISTRICT	*	CASE NO. 07-450-A
6TH COUNCILMANIC DISTRICT		
	*	

* * * * * * * * *

OPINION

Background

This matter comes before the Baltimore County Board of Appeals on an appeal filed by the Office of People's Counsel from the decision of the Deputy Zoning Commissioner dated June 27, 2007. The Legal Owners are Anthony and Lillian Sersen, who appeared pro se. They reside at 3800 New Section Road. The property in question is an adjoining piece of land that is also a waterfront property located in the Bowley's Quarters area of Baltimore County. The Petitioners are requesting variance relief for the property located at 3804 New Section Road. The variance request is from §§ 1A04.3.A, 1A04.3.B.2.b, and 1A04.3.B.3 of the *Baltimore County Zoning Regulations* (BCZR) to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a rear yard of 40 feet, and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 50 feet, 100 feet, and 15% respectively, for a new dwelling on an existing lot of record in an R.C. 5 zone.

Testimony and Evidence

Through testimony and evidence given by both parties, we learned the dynamics of the subject property. Anthony Sersen, Petitioner, gave testimony that he and his wife, Lillian

Sersen, own an undersized lot that borders the lot on which they live. Mr. Sersen testified that he has been married to Lillian for 56 years and has been a law-abiding and taxpaying property owner in Baltimore County for the entire time. He further stated that he and his wife have lived at the property since 1964; they are both in their 70's; and they need help maintaining their property. They would like to have their son build a home on the undersized lot. Petitioner's Exhibit No. 1 is a site plan of the proposed dwelling. Petitioner's Exhibit No. 3 shows the style of home they wish to build on said lot, which is a small, modern cape cod. Mr. Sersen stated that he would comply with the zoning regulations as to the height requirement, and would therefore not need the variance for such.

Mr. Sersen also testified that they pay taxes on the proposed lot as If it was a buildable lot, and that the tax assessment on the lot went from $18,000 when purchased in the year 2000 to $80,000 in 2006. Petitioner's Exhibit No. 2 was presented as the reasons why they feel they should be able to build on the undersized lot. Although this Board is sympathetic to the Sersens, it is bound by the BCZR as to what it can grant or deny.

Ms. Demilio appeared at the hearing on behalf of the Office of People's Counsel. Ms. Demilio was quick to point out that the undersized lot would need a great deal of relief for the Sersens to build. She also pointed out that the property already has a use, being utilized as a part of the Sersens' yard with a shed (People's Counsel's Exhibit No. 1). She also pointed that that the property was no different in any manner to qualify for uniqueness under the test of *Cromwell v. Ward,* 102 Md.App. 691, 651 A.2d 424 (1995), wherein the Court of Special Appeals wrote:

> ...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity

> and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

In fact, the subject property is identical to the property located due east of it.

Decision

Again, the Board did understand the Petitioners' request and felt their pain as to getting older and wanting to stay in their home, going so far as to discuss in public deliberations that Petitioners may have options, such as in-law quarters or other relief. This Board finds unanimously that the Petition for Variance on an undersized lot must be denied because Petitioners have failed to meet the burden of proof for a variance. There was no uniqueness or practical difficulty proven by the Petitioners; therefore, all requested relief from §§ 1A04.3.A, 1A04.3.B.2.b, and 1A04.3.B.3 of the *Baltimore County Zoning Regulations* (BCZR) shall be denied.

ORDER

THEREFORE, IT IS, this 2nd day of October, 2008 by the County Board of Appeals of Baltimore County

ORDERED that the request for a Variance from the *Baltimore County Zoning Regulations* (BCZR) to permit a height of 40 feet, side yards of 11 feet, a front yard of 40 feet, a

rear yard of 40 feet, and building coverage of 17.6% in lieu of the required 35 feet, 50 feet, 50 feet, 100 feet, and 15% respectively, for a new dwelling on an existing lot of record in an R.C. 5 zone be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Wendell H. Grier

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 10, 2008

Sent via facsimile (410) 760-0630

Hunt Reporting Company
12 Crain Highway, NW
Glen Burnie, MD 21061

Attention: Louise

Re: *In the Matter of:* *Anthony and Lillian Sersen-Legal Owners*
Case No.: 07-450-A
Court Reporter Services/Contract No: 43148
Thursday July 17, 2008 at 10:00 a.m.

Dear Louise:

Per our conversation today, this letter is to confirm that your agency will provide court reporter services for the subject hearing scheduled before the Board of Appeals on Thursday, July 17, 2008, beginning at 10:00 a.m., at the rate of $50.00 per hour. As indicated to you previously, this hearing is expected to last into the afternoon.

I've also enclosed a copy of the Notice of Assignment for the subject hearing. The Board's **hearing room is located in The Jefferson Building, 105 W. Chesapeake Avenue, Hearing Room #2 (next to Suite 203/Second floor), Towson, MD 21204.**

Services are to be billed to Baltimore County Office of Budget and Finance – Disbursements, 400 Washington Avenue, Room 148, Towson, MD 21204, in accordance with Contract # 43148. PLEASE SEND THE INVOICE FOR THESE SERVICES TO THE OFFICE OF BUDGET AND FINANCE DIRECTLY.

Should you have any questions, please feel free to contact me. In addition, it is my understanding that you will contact this office at the above number the day before the hearing, and that your court reporter will check in at Suite 203 prior to the scheduled hearing on that day.

Very truly yours,

Kathleen Bianco/KC

Kathleen C. Bianco

Enclosure

KCB/klc

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

March 27, 2008

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 07-450-A

IN THE MATTER OF: ANTHONY AND LILLIAN SERSEN –Legal Owners/Petitioners 3804 New Section Road 15th E; 6th C

6/27/07 – D.Z.C.'s Decision in which requested zoning relief was GRANTED with restrictions.

which was scheduled to be heard on 3/27/08 has been POSTPONED by the Board at Petitioners' request (did not appear; stated by telephone they did not receive notice sent to 3804 New Section Road); **NO FURTHER POSTPONEMENTS WILL BE GRANTED TO PETITIONERS IN THIS MATTER**; the hearing has been rescheduled and has been

REASSIGNED FOR: THURSDAY, JULY 17, 2008 at 10:00 a.m.

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Legal Owners /Petitioners : Anthony and Lillian Sersen

David Billingsley /Central Drafting & Design, Inc.

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 17, 2008

NOTICE OF DELIBERATION

IN THE MATTER OF:
ANTHONY AND LILLIAN SERSEN – LEGAL OWNERS /PETITIONERS
Case No. 07-450-A

Having heard this matter on 7/17/08, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, SEPTEMBER 10, 2008, at 9:30 a.m.

LOCATION : Hearing Room #2, Second Floor (next to Suite 203)
Jefferson Building, 105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Legal Owners /Petitioners : Anthony and Lillian Sersen

David Billingsley /Central Drafting & Design, Inc.

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 7-3-4

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: ANTHONY AND LILLIAN SERSEN 07-450-A

DATE: September 10, 2008

BOARD/PANEL: Edward Crizer, Jr.
Lawrence Wescott
Wendell Grier

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate an appeal of the following:

1. Variance request for all four sides of the property to build a dwelling for their son.
2. Does the property fit the requirements of Cromwell v. Ward to be allowed a Variance?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The subject property is an undersized lot in an RC5 Zone, which requires a minimum of 1 acre to build a dwelling on the property.
- The property owners are not represented by Counsel.
- The property is not unique, by the standards set forth in Cromwell because the lot next door is almost identical, the only difference is that the subject property has not been previously built on and is smaller than the neighboring property.

DECISION BY BOARD MEMBERS: The Board finds that the property does not meet the requirements of Cromwell v. Ward and therefore does not qualify for a Variance. The Board also recommends that the property owners consult an attorney to find out what relief they may be entitled to.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to Deny the Variance relief requested because the property does not fit the requirements of Cromwell v. Ward.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

CASE #: 07-450-A

IN THE MATTER OF: ANTHONY AND LILLIAN –Legal Owners /Petitioners 2804 New Section Road 15th E; 6th C

VAR – To permit height of 40', side yards of 11', front yard of 40', rear yard of 40' and building coverage of 17.6% ilo required 35', 50', 50', 100', and 15% respectively for new dwelling on an existing lot of record.

6/27/07 – D.Z.C.'s Decision in which requested zoning relief was GRANTED with restrictions.

1/04/2008 - Notice of Assignment sent to following; assigned for hearing on Thursday, March 27, 2008 at 10 a.m.:

Office of People's Counsel
Anthony and Lillian Sersen
David Billingsley /Central Drafting & Design, Inc.
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

3/2708 – Board appeared for hearing (Crizer, Grier, Belt); at 10:20 a.m., Petitioner had not arrived nor were there any telephone calls. Carole Demilio was present on behalf of the Office of People's Counsel. A call was placed to Mr. and Mrs. Sersen, who indicated that they were not aware of the hearing; that the notice had been sent to 3804 New Section Rd (the subject of the Petition) but their residence was located at 3800 New Section Road.
-- A review of the file indicated that early correspondence in this matter was sent to the Petitioners at 3800 New Section Road. However, beginning with the decision of the D.Z.C. and including the letter from Mr. Kotroco advising the Petitioners that the appeal had been filed by People's Counsel, the address of 3804 New Section Road was used; 3804 being the address used by the Board for mailing of notice.
-- Without objection by Ms. Demilio, the hearing was postponed and rescheduled to the next date on the Board's schedule. The Board did not convene in this matter; the court reporter sent by Hunt Reporting was advised that there would be no hearing.
-- Notice of PP and Reassignment sent to parties this date; reassigned to Thursday, July 17, 2008, at 10:00 a.m. with a notation that no further postponements will be granted to the Petitioners in this matter.

7/17/08 – Board convened for hearing (Crizer, Wescott, Grier); C. Demilio appeared for People's Counsel; Petitioners appeared pro se. Concluded this date; no memos to be filed. Notice of Deliberation sent to parties; public deliberation assigned for Wednesday, September 10, 2008, at 9:30 a.m.

7/24/08 – Copy of FAX from David Billingsley, Central Drafting and Design, to Mr. and Mrs. Sersen – he is no longer associated with this matter for reasons as stated in letter. To be pulled from file /notice.

9/10/08 – Board convened for public deliberation (7-3-4). Unanimous decision of the Board that variance request is denied; written opinion and order to be issued; appellate period to run from date of written Order. (7)

PLEASE PRINT CLEARLY

CASE NAME 3804 NEW SECTION RD.
CASE NUMBER 07-450-A
DATE 06/26/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ANTHONY SERSEN	3800 NEW SECTION RD.	BALTO. MD. 21220	UNTEK@COMCAST.NET
LILLIAN SERSEN	3800 NEW SECTION RD.	BALTO. MD. 21220	UNTEK@COMCAST.NET
DAVID BILLINGSLEY	601 CHARWOOD CT.	EDGEWOOD, MD 21040	dwb0209@yahoo.com

RE: PETITION FOR VARIANCE 3804 New Section Road; N/S New Section Road, 23.9' NE/S c/line Seneca Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Anthony & Lillian Sersen Petitioner(s)	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
	*	07-450-A

* * * * * * * * * * * * *

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 and 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

RECEIVED
APR 16 2007
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

June 19, 2007

Anthony Sersen
Lillian Sersen
3800 New Section Road
Baltimore, MD 21220

Dear Mr. and Mrs. Sersen:

RE: Case Number: 07-450-A, 3804 New Section Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 4, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures
c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood 21040

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 25 2007
BY: 3:30 pm

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 31, 2007

SUBJECT: Zoning Item # 07-450-A
Address 3804 New Section Road
(Sersen Property)

Zoning Advisory Committee Meeting of March 19, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 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 property must comply with Limited Development Area and Buffer Management Area regulations. Impervious surfaces are limited to 25% and and impervious surface within the 100 foot buffer will require mitigation or a fee-in-lieu. 15% tree cover must be provided.

Reviewer: Regina Esslinger Date: May 14, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-450-A.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2007
Item No. 07-450

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 feet 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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-450-04132007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: April 9, 2007

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

RE: Baltimore County
Item No. 7-450A
3804 New Section Road
Seren Property
Variance -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-450A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 451, 452, and 453.

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
(O)410-887-4880
MS-1102F

cc: File

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: 3804 New Section road

INFORMATION:

Item Number: 7-450

Petitioner: Anthony Sersen

Zoning: RC 5

Requested Action: Variance

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.

5. Provide landscaping along the public road.

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

Prepared By: Cindy Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-450.doc

EXHIBITS

3804 NEW SECTION ROAD
CASE NO. 07-450-A

1. SITE PLAN FILED WITH PETITION (NO CHANGES)

2. COPY OF ZONING MAP 091C3 SHOWING RC5 ZONING

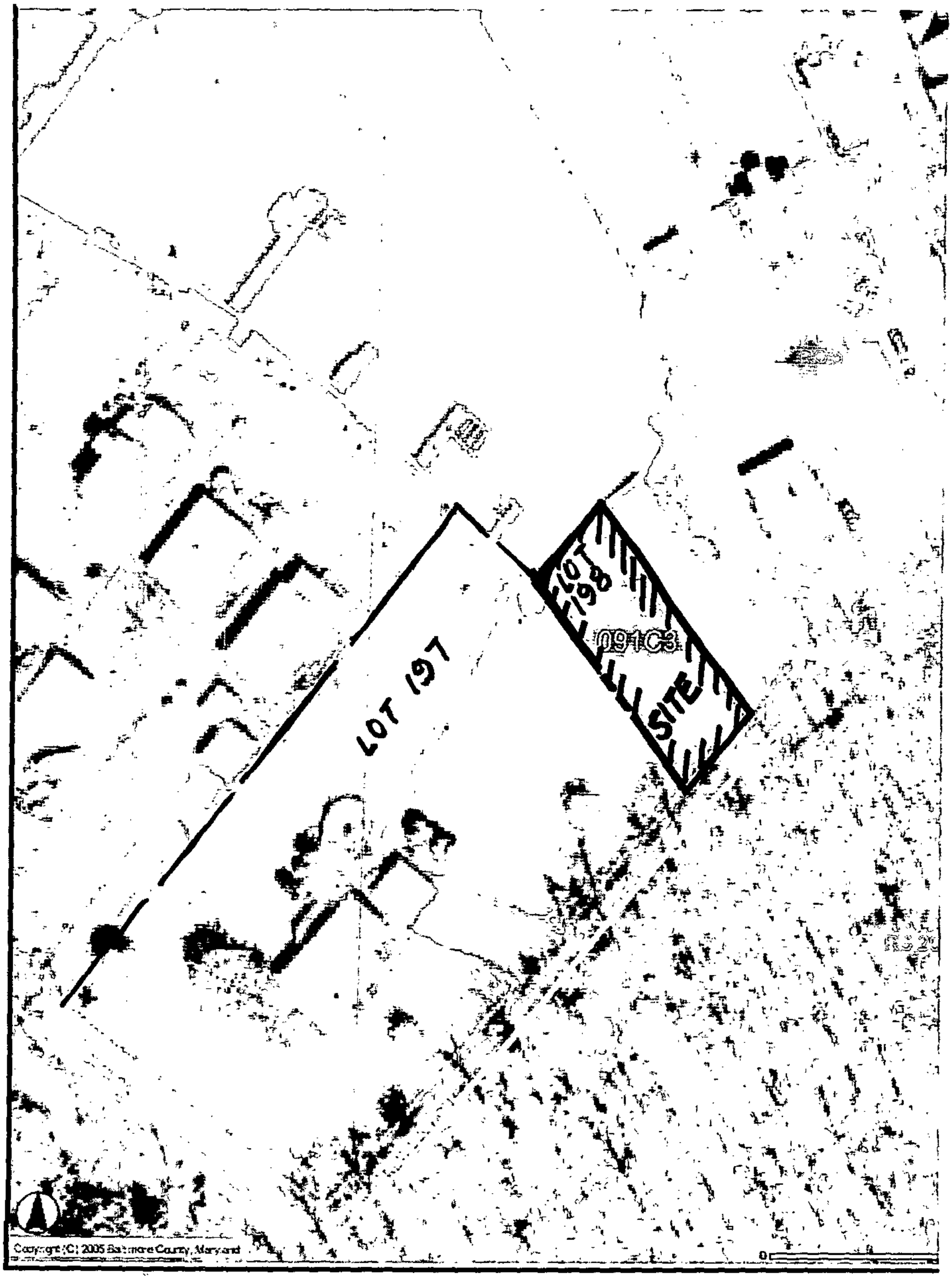
3. COPY OF PORTION OF PLAT OF FIRST ADDITION TO SECTION TWO, BOWLEYS QUARTERS P.B. 9 F. 12 SHOWING LOCATION OF SITE

4. COPY OF SDAT REPORT AND DEED OF RECORD FOR LOT 197 DATED SEPT. 17, 1964, LIBER 4362 FOLIO 108 SHOWING ANTHONY AND LILLIAN SERSEN AS OWNERS OF RECORD

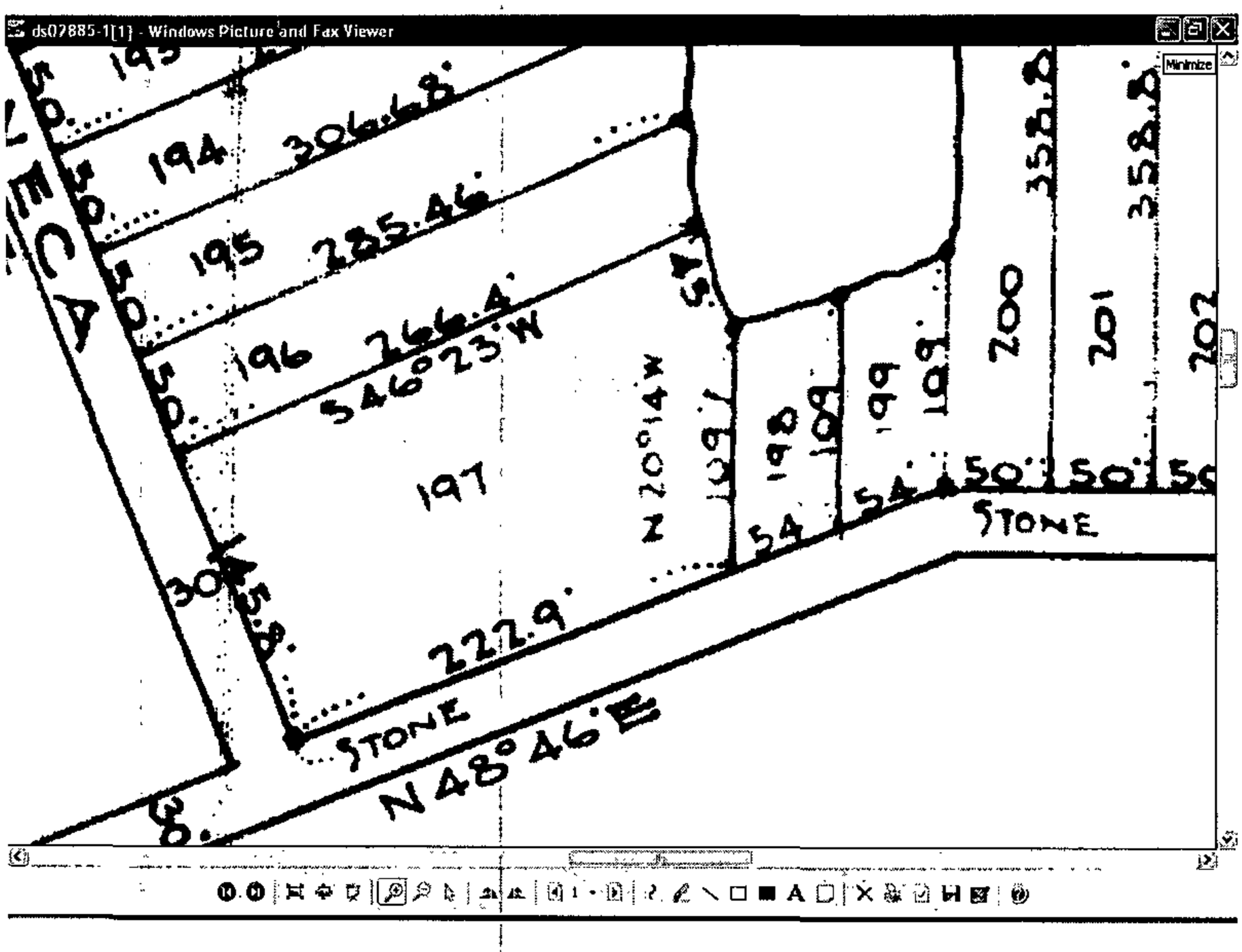
5. COPY OF SDAT REPORT AND DEEDS OF RECORD FROM OCTOBER 14, 1965 THR0UGH PRESENT SHOWING THAT LOT 198 HAS BEEN TITLED SEPARATELY AND MOST RECENTLY CONVEYED TOANTHONY AND LILLIAN SERSEN ON AUGUST 4, 2004, LIBER 14635 FOLIO 471

6. PHOTOS

7. COPY OF BALTIMORE COUNTY TOPOGRAPHY MAP SHOWING SITE AND CLEARLY DEMONSTRATING THAT THE MAJORITY OF THE DWELLINGS IN THE IMMEDIATE VICINITY ARE CONSTRUCTED ON LOTS 50 FEET WIDE WITH SIMILAR YARDS.


LOT 197
LOT 198
091C3
SITE
Copyright (C) 2005 Baltimore County, Maryland

2



PORTION OF PLAT OF
FIRST ADDITION TO BOWLEY'S
QUARTERS P.B. 9 F. 12

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1519270040

Owner Information

Owner Name: SERSEN ANTHONY E
SERSEN LILLIAN C

Use: RESIDENTIAL

Principal Residence: YES

Mailing Address: 3800 NEW SECTION RD
BALTIMORE MD 21220-4028

Deed Reference: 1) / 4362/ 108
2)

Location & Structure Information

Premises Address
3800 NEW SECTION RD

Legal Description
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	23	133		WATERFRONT			197	3	2

Plat Ref: 9/ 12

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,097 SF	36,356.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	129,580	296,080		
Improvements:	38,250	108,490		
Total:	167,830	404,570	167,830	246,743
Preferential Land:	0	0	0	0

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 *

4

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: District - 15 Account Number - 1511351760

Owner Information

Owner Name: SERSEN ANTHONY
SERSEN LILLIAN

Use: RESIDENTIAL

Principal Residence: NO

Mailing Address: 3800 NEW SECTION RD
BALTIMORE MD 21220-4028

Deed Reference: 1) /14635/ 471
2)

Location & Structure Information

Premises Address
NEW SECTION RD

Legal Description
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
91	23	133		WATERFRONT			198	3	Plat Ref:	2 9/ 12

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,886.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	18,880	79,800		
Improvements:	0	0		
Total:	18,880	79,800	18,880	39,186
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
HAMBURG MICHAEL B	08/14/2000	$19,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /14635/ 471	Deed2:
DIVENTI VINCENT J	06/22/2000	$15,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /14544/ 461	Deed2:
KILLIAN MICHAEL J	03/16/1989	$15,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8126/ 89	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 *

5

FEE-SIMPLE DEED—Code—County or City

LIBER 4362 PAGE 108

This Deed, Made this 17th day of September

in the year nineteen hundred and sixty-four, by and between

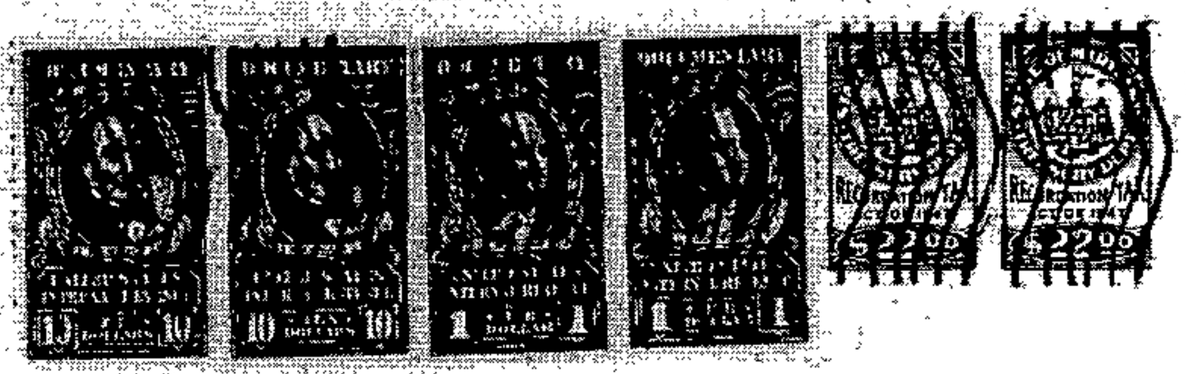
CLARENCE JAMES KREINER and ALICE EDWINA KREINER, his wife

of Baltimore County in the State of Maryland, of the first part, and

ANTHONY E. SERSEN and LILLIAN C. SERSEN, his wife of Baltimore County,

State of Maryland

of the second part.



WITNESSETH, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs

and assigns, in fee simple, all that lot of ground

, situate, lying and being

in Baltimore County, State aforesaid, and described as follows, that is to say:—

BEING known and designated as Lot No. 197 as shown on the First Addition to Plat 2, Bowleys Quarters, which Plat is recorded among the Plat Records of Baltimore County in Plat Book LMcLM 9 folio 12. The improvements thereon being known as No. 671 New Section Road.

BEING the same lot of ground which by Deed dated December 21, 1961 and recorded among the Land Records of Baltimore County in Liber WJR 3939 folio 327 was granted and conveyed by Milton D. Britton and Margaret S. Britton, his wife unto the within named Grantors.

PAID — Baltimore County, Md. — Office of Finance

9-21-64 9658 • 52361 APD— 100.00
9-21-64 9658 • 52361 APD— 100.00

RE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-4217] Book RRG 4362, p. 0108. Printed 03/17/2007. Online
6...

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; unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns and unto 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.

Clarence James Kreiner (SEAL)

Alice Edwina Kreiner (SEAL)

COUNTY

STATE OF MARYLAND, ~~CITY~~ OF BALTIMORE, TO WIT:

On this 17th day of September 19 64, before me, a Notary Public of said State, personally appeared Clarence James Kreiner and Alice Edwina Kreiner, his wife known to me, (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that they executed the same for the purpose therein contained, ~~and in the capacity therein stated, and that the said President of said corporation, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.~~

AS WITNESS my hand and Notarial Seal.

Notary Public

My commission expires May 3, 1965

Rec'd for Record SEP 21 1964 at 1031 M

Per Robert R. Gill, Clerk

Mail to CALLAHAN & CALWELL

Receipt No. 135076 $6.-

ecords) [MSA CE 62-4217] Book RRG 4362, p. 0109. Printed 03/17/2007. Online

60000-75753

DEED

THIS DEED is made this 4th day of August, 2000 by and between **MICHAEL B. HAMBURG** and **MICHAEL A. ZWAIG**, parties of the first part; and **ANTHONY SERSEN** and **LILLIAN SERSEN**, his wife, parties of the second part.

WITNESSETH, That for an in consideration of the sum of Five Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the actual monetary consideration as certified by the parties hereto being $19,000.00, the said parties of the first part do grant and convey unto the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all those lots of ground situate, lying, and being in the County of Baltimore, State of Maryland, and being more particularly described as follows, that is to say:

> **BEING KNOWN AND DESIGNATED** as Lot No. 198 as shown on that certain subdivision plat entitled, "**First Addition to Plat No. 2, BOWLEY'S QUARTER**" which said Plat is duly recorded among the Land Records of Baltimore County in Plat Book WHM No. 9, folio 12.

BEING the same lot of ground which by Deed dated April 22, 2000 and recorded among the Land Records of Baltimore County in Liber SM no. 14544, folio 461 was granted and conveyed by Vincent DiVenti, Norma DiVenti, and James Thomas DiVenti, Sr. unto the said parties of the first part, grantors herein.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantage thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives 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 hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the said parties of the first part, grantors herein.

WITNESS:

Jacqueline Lorden

Jacqueline Lorden

MICHAEL B. HAMBURG

MICHAEL A. ZWAIG

STATE OF Maryland)
COUNTY OF Harford) SS:

I HEREBY CERTIFY, that on this 4th day of August, 2000, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared MICHAEL B. HAMBURG and MICHAEL A. ZWAIG, personally known to me or satisfactorily proved to be the persons who signed the within instrument, who acknowledged the within instrument to be their deed and act, and further acknowledged they delivered the same for the purposes as stated therein.

AS WITNESS my hand and Notarial Seal.

Jacqueline Lorden
Notary Public

My Commission Expires: June 29, 2002

JACQUELINE A. LORDEN
NOTARY
PUBLIC
HARFORD COUNTY, MD.

The undersigned, a duly licensed attorney in the State of Maryland, hereby certifies that the within instrument was prepared under his supervision.

Nicholas P. DeLuca, Esquire

DEED

Tax Account No. 12-03-3637-016
BR File: 00BR017

THIS DEED made this 22ND day ~~of March~~ APRIL, 2000, by and between the Grantors, Vincent J. DiVenti, Norma Diventi and James Thomas DiVenti, Sr. and the Grantees, Michael B. Hamburg and Michael A. Zwaig, as tenants in common.

WITNESSETH, that for FIFTEEN THOUSAND ($15,000.00) DOLLARS, the Grantors, do grant and convey unto the Grantees, and to their respective personal representatives, heirs and assigns, as tenants in common, in the proportions set forth below, the fee simple interest in all that property situate in Baltimore County, State of Maryland, as described as follows:

BEING known as Lot Number One Hundred Ninety-Eight (#198), First Addition to Plat Number Two (#2) as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12.

BEING the same lot of ground described in the deed from Michael J. Killian to the Grantors and recorded among the Land Records of Baltimore County on March 16, 1989, at Liber No. 8126, folio 89.

SUBJECT to any and all covenants, conditions and restrictions which may be of legal force and effect.

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

TO HAVE AND TO HOLD the property unto the Grantees, their respective personal representatives, heirs and assigns, in fee simple, forever, as tenants in common in the following shares and proportions:

As to Michael B. Hamburg:	A Fifty Percent (50.00%) undivided interest.
As to Michael A. Zwaig:	A Fifty Percent (50.00%) undivided interest.

AND the Grantors 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 hereby conveyed; and that they will execute such further assurances of the same as may be requisite or necessary.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-14399] Book SM 14544, p. 0461. Printed 06/25/2007. Online 03/08/2005.

LIBER 8126 PAGE 089

THIS DEED, Made this 24th day of September, 1988, by and between MICHAEL J. KILIAN, party of the first part, (GRANTOR) and VINNCENT J. DiVENTI and NORMA DiVENTI, his wife, parties of the second part, (GRANTEES).

WITNESSETH, that in consideration of the sum of Fifteen Thousand and no/100 Dollars, ($15,000.00), the said MICHAEL J. KILIAN, does grant and convey unto the said VINCENT J. DiVENTI and NORMA DiVENTI, his wife as tenants by the entireties, their personal representatives and assigns, subject to the reservation of a life estate, with power of disposition as hereinafter recited, in fee simple, the lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

> BEING known as Lot Number One Hundred Ninety-Eight (#198), First Addition to Plat Number Two (#2) as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12.
>
> BEING the same lot of ground described in a deed dated April 13th, 1987 from MICHAEL J. KILLIAN, Personal Representative of John T. Killian, Jr., deceased to MICHAEL J. KILLIAN and recorded among the Land Records of Baltimore County, in Liber 7524, page 671. The said MICHAEL J. KILLIAN being the Grantor herein.

— TITLE SEARCH LEGUESKOB — NONE CONDUCTED —

Together with the buildings and improvements thereon and the rights, alleys, ways, water, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

To Have and To Hold the same described property unto and to the use of the Grantees, VINCENT J. DiVENTI and NORMA DiVENTI reserving unto the survivor of them a life estate in and to the above described property for the term of his/her natural life with full power to the survivor to sell, mortgage, rent or in any way convey or dispose of the property hereinbefore mentioned, except by testamentary disposition, it being the intention hereof

A TRSF	13.00
A TX	75.00
A DOCS	75.00
DEED	0
SM CLERK	163.00

#06803 C003 R01 T15:0

03/16/8

JR 3-16-89

JR 3-16-89

C74*****2400G:a 6106A

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-7981] Book SM 8126. p. 0089. Printed 06/25/2007. Online 03/09/2005.

that the said survivor shall have the right to exercise any of the powers hereinbefore enumerated and that without the consent of person or persons whatsoever not only over and upon the life estate herein reserved in the survivor's favor, but also over and upon the remainder, after survivor's life estate herein reserved, in fee simple and immediately upon the death of the survivor then the remainder, shall pass directly to JAMES THOMAS DIVENTI, SR., in fee simple.

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

WITNESS the hand and seal of the said GRANTOR

TEST: Nancy L. Killian (SEAL)
MICHAEL J. KILLIAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 24th day, of September, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for the county aforesaid, personally appeared, MICHAEL J. KILLIAN known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he 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.

Carolyn S. Brooks
Notary Public

My Commission Expires My Commission Expires July 1, 1990.

MAIL TO:
Andrew Jackson
7310 Ritchie Hwy. #803
Glen Burnie, Md. 21061

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-7981] Book SM 8126, p. 0090. Printed 06/25/2007. Online 03/09/2005.

THIS DEED, Made this 14th day of October, in the year one thousand nine hundred and sixty-five, by and between CLARENCE J. KREINER and ALICE E. KREINER, his wife, of the first part, and JOHN T. KILLIAN and BARBARA M. KILLIAN, his Mother, of the second part.

WITNESSETH, That in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said CLARENCE J. KREINER and ALICE E. KREINER, his wife, does grant and convey unto the said parties of the second part as tenants in common and not as joint tenants, their heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, Maryland, aforesaid, and described as follows, that is to say:-

BEING known as Lot number One Hundred Ninety-eight (#198), First Addition to Plat number Two (#2), as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12

BEING one of the lots in a deed dated December 28th, 1959 from Wilbur C. Corsby, Jr. and wife to the within named grantor, recorded among the Land Records of Baltimore County in Liber W.J.R. #3647, folio 525.

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;

LAW OFFICES
LEONARD A. VADALA
1740 EASTERN BOULEVARD
BALTIMORE, MD. 21221

5.00

Records) [MSA CE 62-4387] Book OTG 4532, p. 0349. Printed 03/17/2007. Online

DEED

THIS DEED, Made this 13th day of April, 1987, by and between MICHAEL J. KILIAN, Personal Representative of the Estate of JOHN T. KILLIAN, JR. (deceased March 10, 1985), party of the first part (Grantor), and MICHAEL J. KILLIAN, party of the second part (Grantee).

WITNESSETH:

WHEREAS, JOHN T. KILLIAN, JR. (the decedent) died intestate on March 10, 1985, being vested with, in fee simple, the title in and to the lot of ground and improvements thereon, hereinafter described: and

WHEREAS, the deceent's brother, MICHAEL J. KILLIAN, on April 26, 1986, was appointed by the Orphans' Court of Baltimore City as Personal Representative of the Estate of the decedent, and he is currently serving in such capacity; and

WHEREAS, pursuant ot the intestacy laws of the State of Maryland, one-half of the decedent's entire net residuary estate is distributable to his brother, MICHAEL J. KILLIAN, absolutely; and

WHEREAS, the Estate of JOHN T. KILLIAN, JR. is solvent and adequate provisions have been made for the payment of all of the decedent's debts and taxes, all administrative expenses that may be incurred in the administration of his estate, an all other expenses and costs for which the decedent's estate may be responsible; and, accordingly, the Grantor is desirous of conveying the hereinafter described property as soon as possible in partial satisfaction of the Grantee's aforementioned one-half interest in the decedent's estate.

C RC/F 13.00
DEED 0 H
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#39158 C001 R02 T12:05
05/12/87

NOW, THEREFORE, this DEED witnesseth:

That pursuant to and in satisfaction of the intestacy laws of the State of Maryland, for no consideration, the party of the first part doth grant and convey unto MICHAEL J. KILLIAN, said party of the second party, his heirs and assigns, in fee simple, the lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
JR 5-1-87
CLERK DATE

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE JR DATE 5-1-87

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE CITY, MARYLAND
For Alan J. Culver
Authorized Signature
Date 5-1-87 Sec. 11-96 H

is to say:

BEING known as Lot Numer One Hundred Ninety-Eight (#198), First Addition to Plat Numer Two (#2) as shown on the plat of Bowley's Quarter, which plat is duly filed among the Land Records of Baltimore County in Plat Book W.H.M. #9, folio 12.

BEING the same lot of ground described in a deed dated October 14, 1965 from Clarence J. Kreiner and Alice E. Kreiner to John T. Killian and Barbara M. Killian, his Mother, and recorded among the Land Records of Baltimore County in Liber OTG No. 4532, folio 349. (The said Barbara M. Killian having predeceased her son.)

Together with the buildings and improvements thereon and the rights, alleys, ways, water, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

To Have and To Hold the same described property unto and to the use of the Grantee, party of the second part, and his heirs and assigns, forever, in fee simple.

WITNESS, the hand and seal of the Grantor, the year and date first above written.

WITNESS:

Nancy L. Killian

(SEAL)
MICHAEL J. KILLIAN, Personal Representative of the Estate of John T. Killian, Jr., deceased

STATE OF MARYLAND, CITY/COUNTY OF , TO WIT:

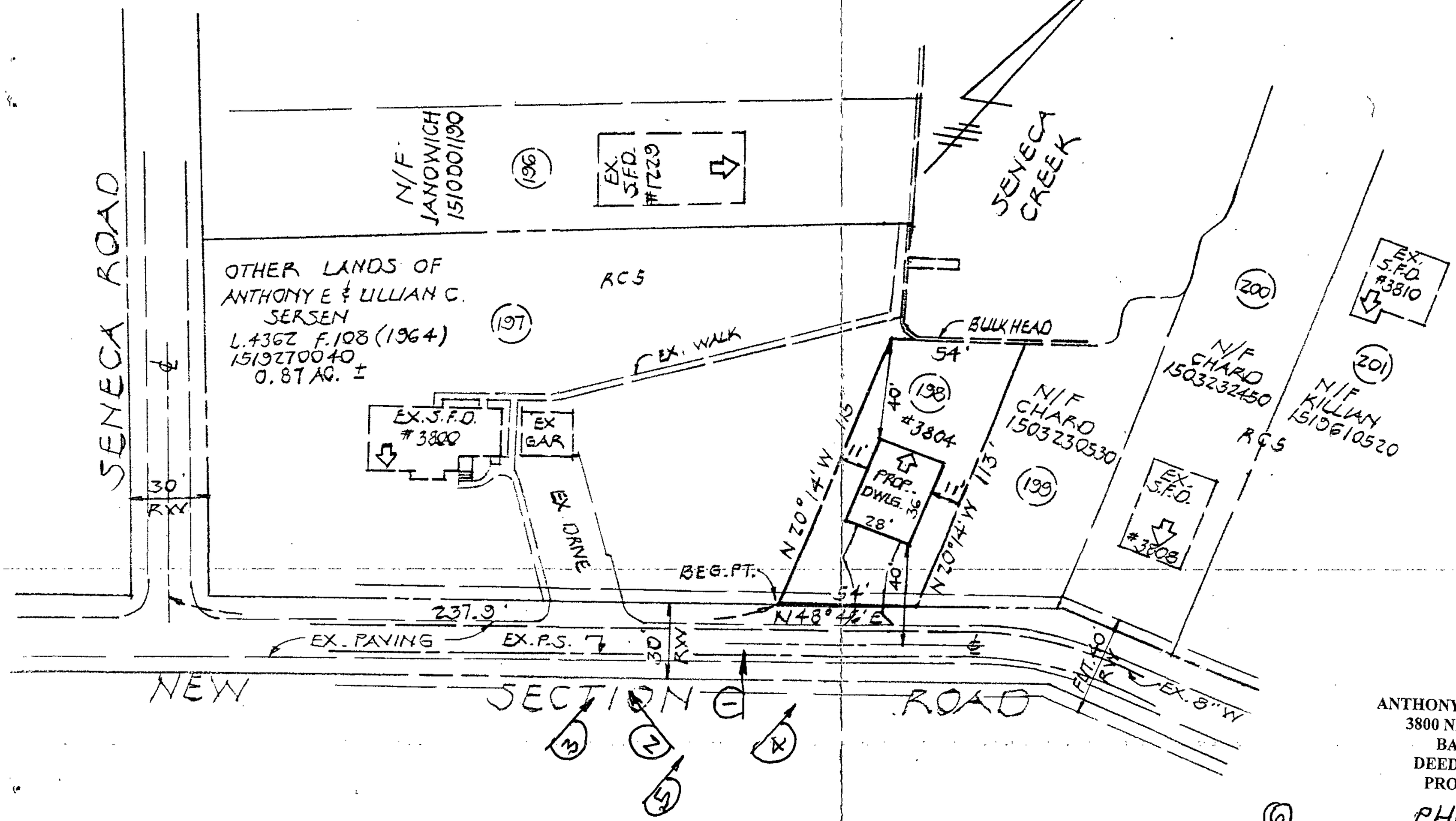
I HEREBY CERTIFY, that on this 13th day of March, 1987, before me, the Subscriber, a Notary Public of the State aforesaid, personally appeared MICHAEL J. KILLIAN, known to me to be the person whose name is subscribed to the within Deed and he acknowledges that he is the Personal Representative of the Estate of JOHN T. KILLIAN, JR., deceased, and as such has authority to execute the foregoing Deed, and the said MICHAEL J. KILLIAN acknowledges that he executed the foregoing Deed for the purposes therein contained as such Personal Representative of the Estate of JOHN T. KILLIAN, JR.

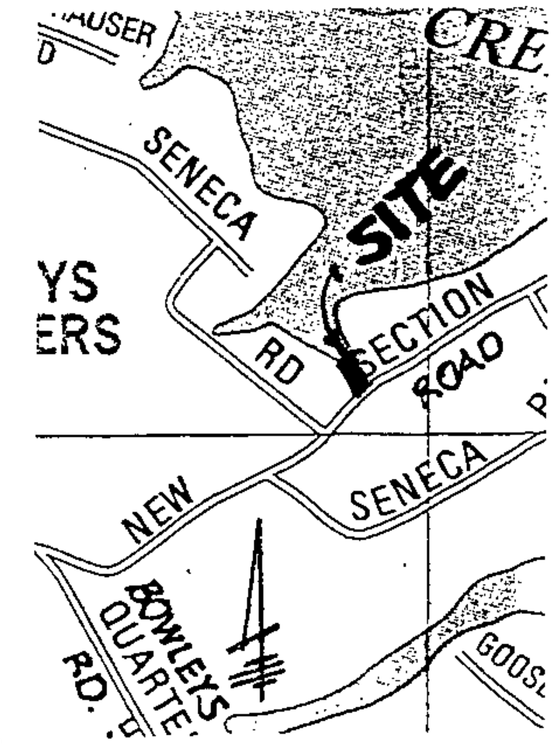
AS WITNESS, my hand and Notarial Seal.

Carolyn J. Brooks
NOTARY PUBLIC

My Commission Expires: My Commission Expires July 1, 1990

Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.
Sun Life Bldg., Charles & Redwood Sts.
21201





LOCATION PLAN
SCALE: 1" = 1000'

07-450-A

OWNER
ANTHONY AND LILLIAN SERSEN
3800 NEW SECTION ROAD
BALTO., MD. 21220
DEED REF. L.14635 F.471
PROP. NO. 1511351760

6

PHOTOS

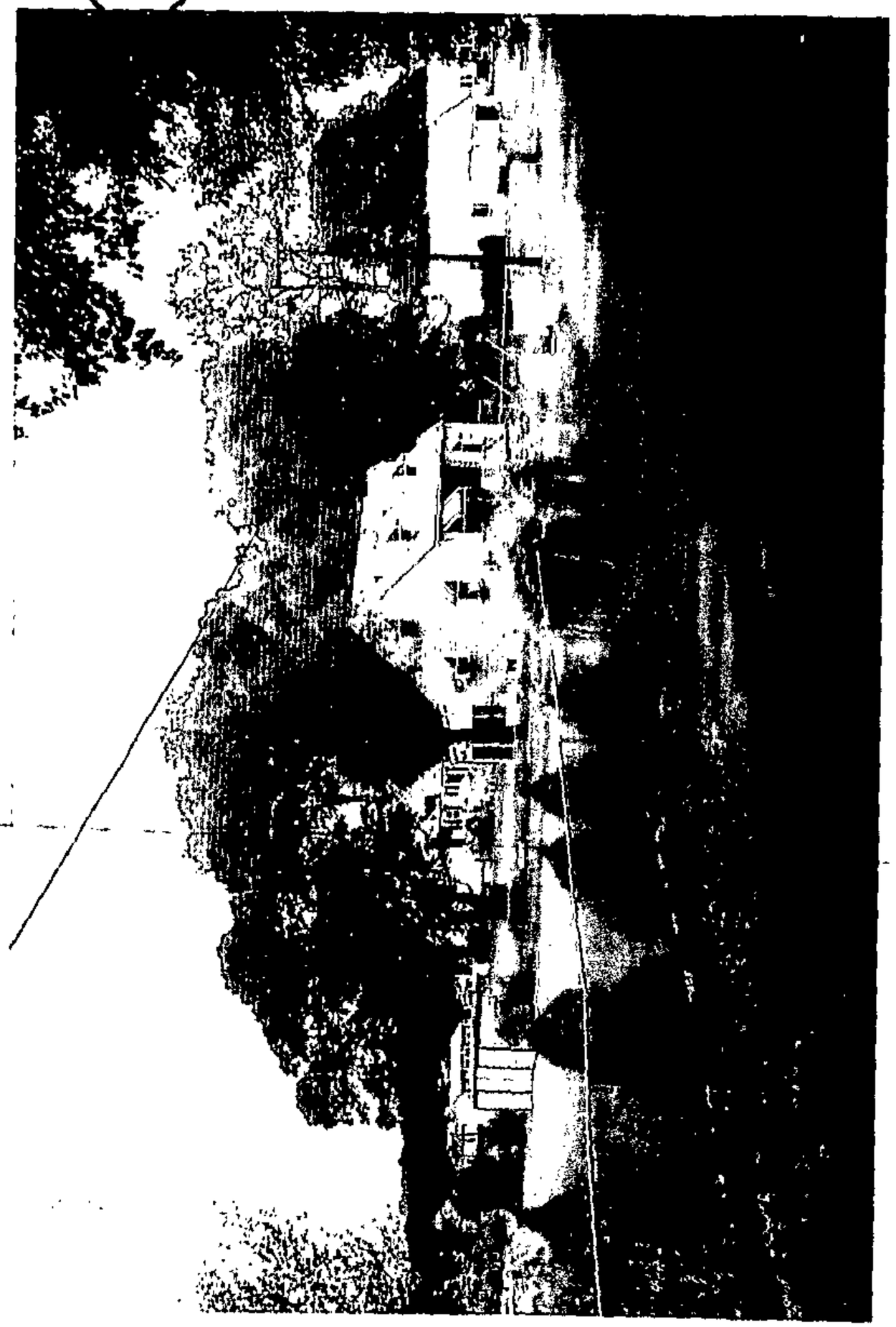
NOTES
1. ZONING.....RC 5 (MAP091C3)
2. AREA.....5,740 S.F. = 0.132 ACRE
3. SITE IS LOCATED IN CBCA AND FLOOD ZONE A
4. PUBLIC WATER AND SEWER IS EXISTING
5. NO HISTORIC STRUCTURES EXIST
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

ZONING PLAT FOR VARIANCE
3804 NEW SECTION ROAD
LOT 198 PLAT 2, BOWLEYS QUARTERS
P.B. 9 F. 12
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 3, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT.
EDGEWOOD, MD 21040
(410) 679-8719

1

2



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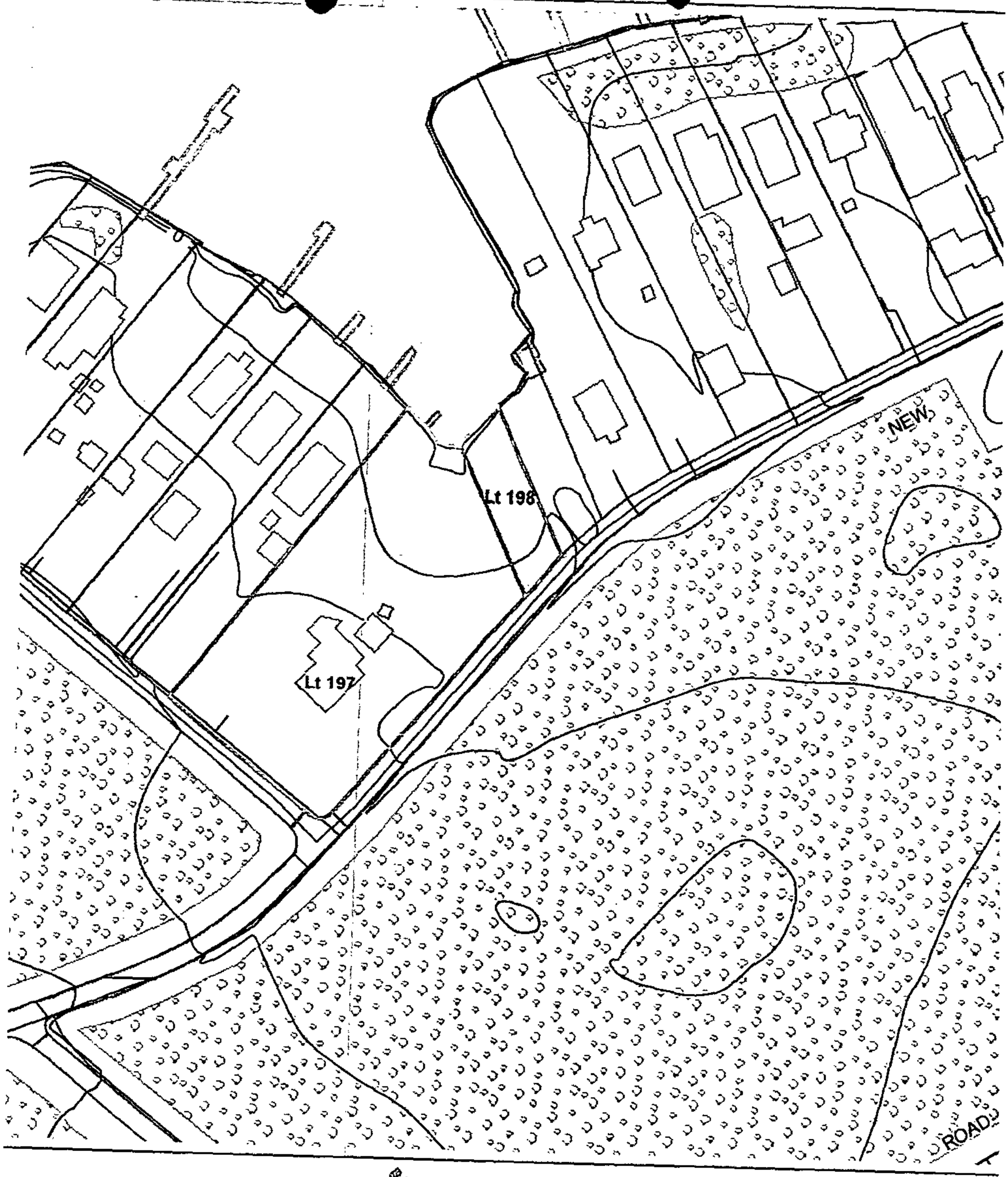
TOPO MAP FOR 3800 NEW SECTION ROAD



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BALTIMORE COUNTY

Baltimore County, MD
Department of Public Works
GIS Services

7

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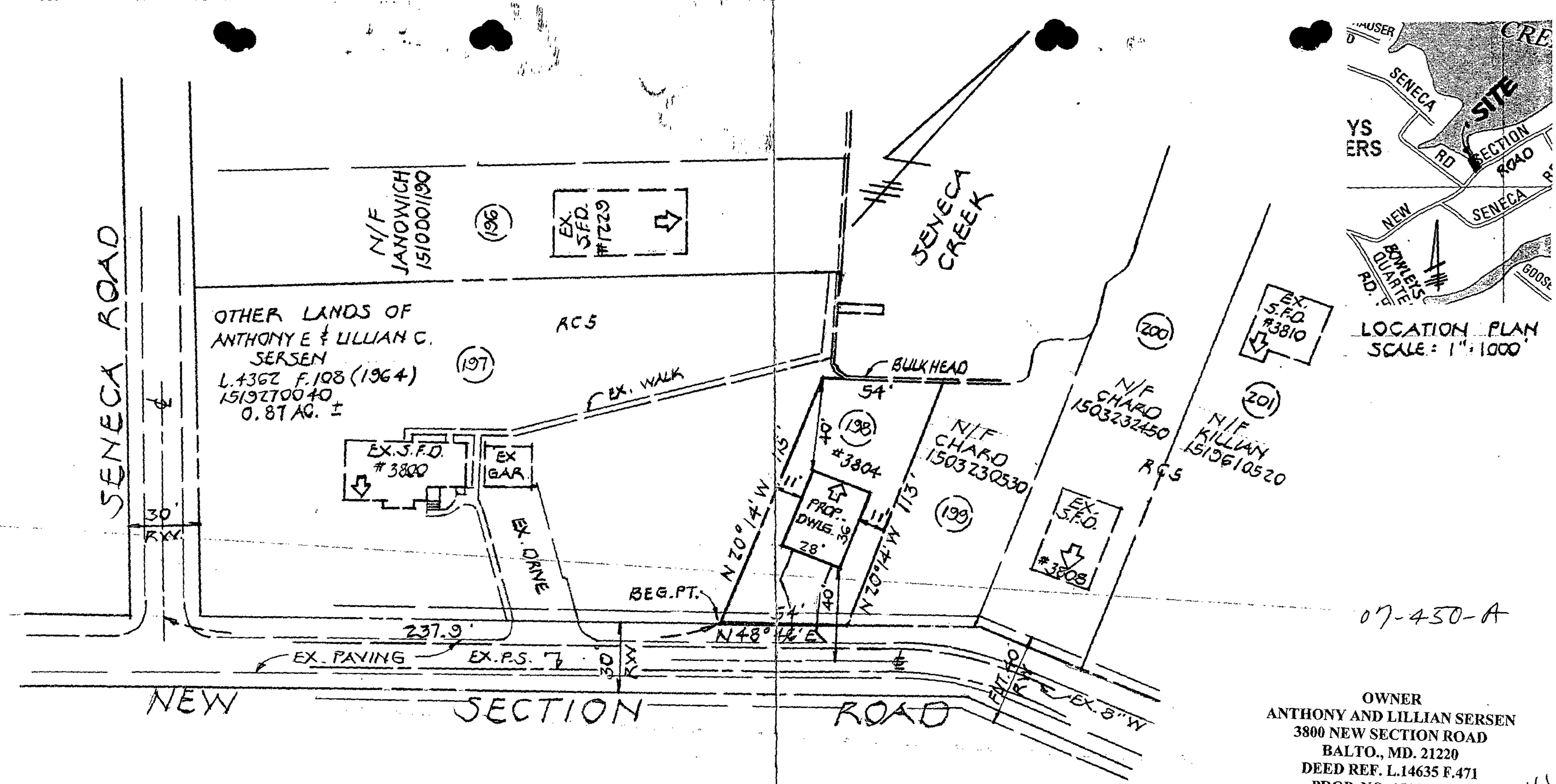


LOCATION PLAN
SCALE: 1" = 1000'

07-450-A

OWNER
ANTHONY AND LILLIAN SERSEN
3800 NEW SECTION ROAD
BALTO., MD. 21220
DEED REF. L.14635 F.471
PROP. NO. 1511351760

Pet #1

NOTES
1. ZONING.....RC 5 (MAP091C3)
2. AREA.....5,740 S.F. = 0.132 ACRE
3. SITE IS LOCATED IN CBCA AND FLOOD ZONE A
4. PUBLIC WATER AND SEWER IS EXISTING
5. NO HISTORIC STRUCTURES EXIST
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS

ZONING PLAT FOR VARIANCE
3804 NEW SECTION ROAD
LOT 198 PLAT 2, BOWLEYS QUARTERS
P.B. 9 F. 12
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 3, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

Petitioners' Exhibit 2

Notes on Variance Hearing July 17,2008

Motivation for Variance request

1. Tax assessment of the lot went from $ 18,000 when purchased in the year 2000 to $80,000 in 2006.
2. Our Son is living in a Condo in Edgewood which is a very declining neighborhood.
3. We wish to build a small house for him on this lot and get more benefit and use of the property and provide more safety for our Son
4. At our age (mid to upper 70's) we need assistance with yard work and maintenance, which having our son nearby would provide.
5. We have been unable to add an addition to our house (one bath) due to required variances and elevation of the proposed addition.
6. The proposed new house would comply with the building code

Some information that may not be relevant but should be considered.

We have been married for 56 years and have been law abiding, tax paying property owners in Baltimore county for that entire time. Our first home in Essex was a new row-home purchased in 1952.

We believe that some consideration should be given to us compared to a developer that has no ties to this community.

Thank You, Mr. and Mrs. Anthony Sersen

Anthony S. Sersen

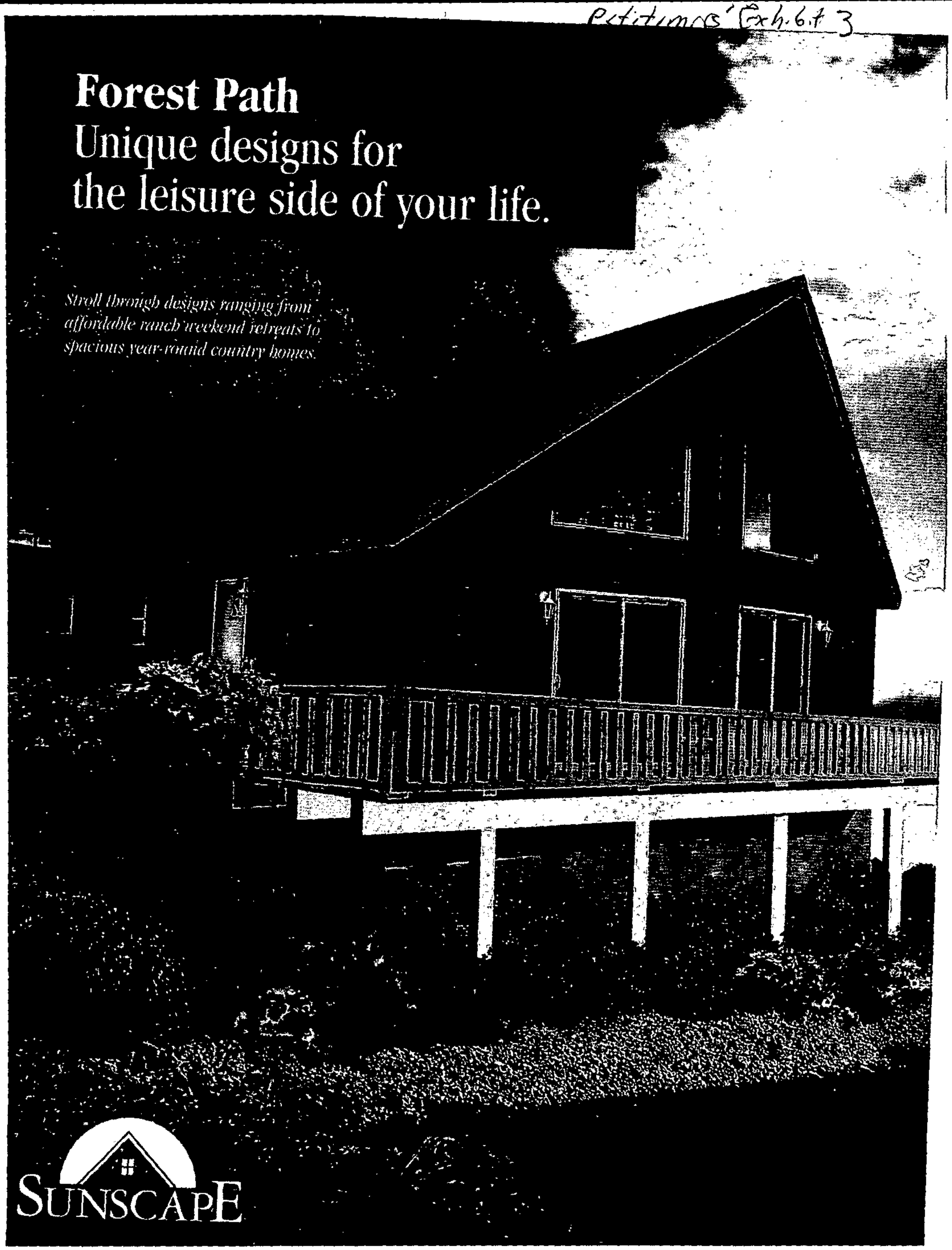
Lillian C. Sersen

Petitioners' Exh. 6.# 3

Forest Path

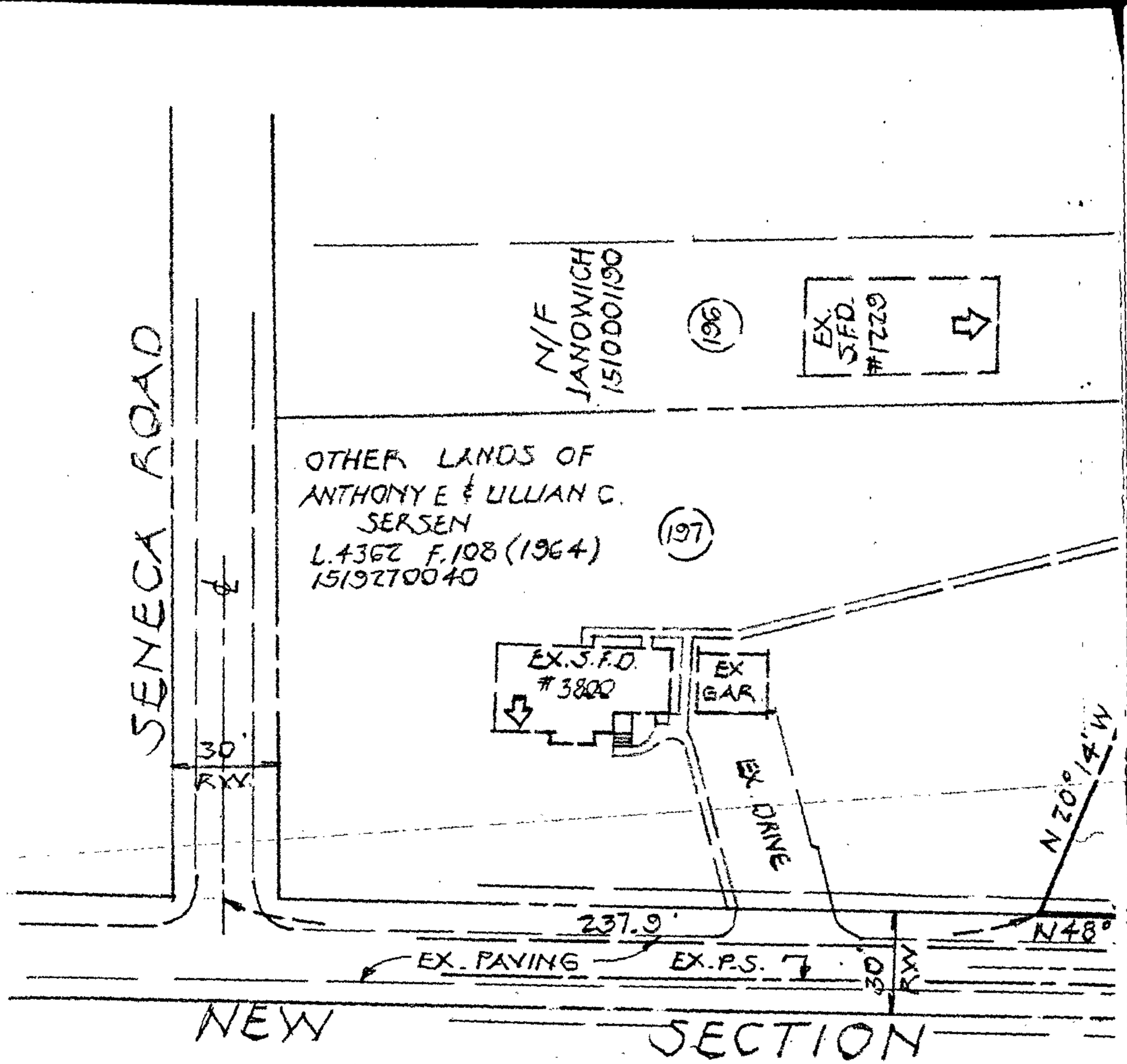
Unique designs for the leisure side of your life.

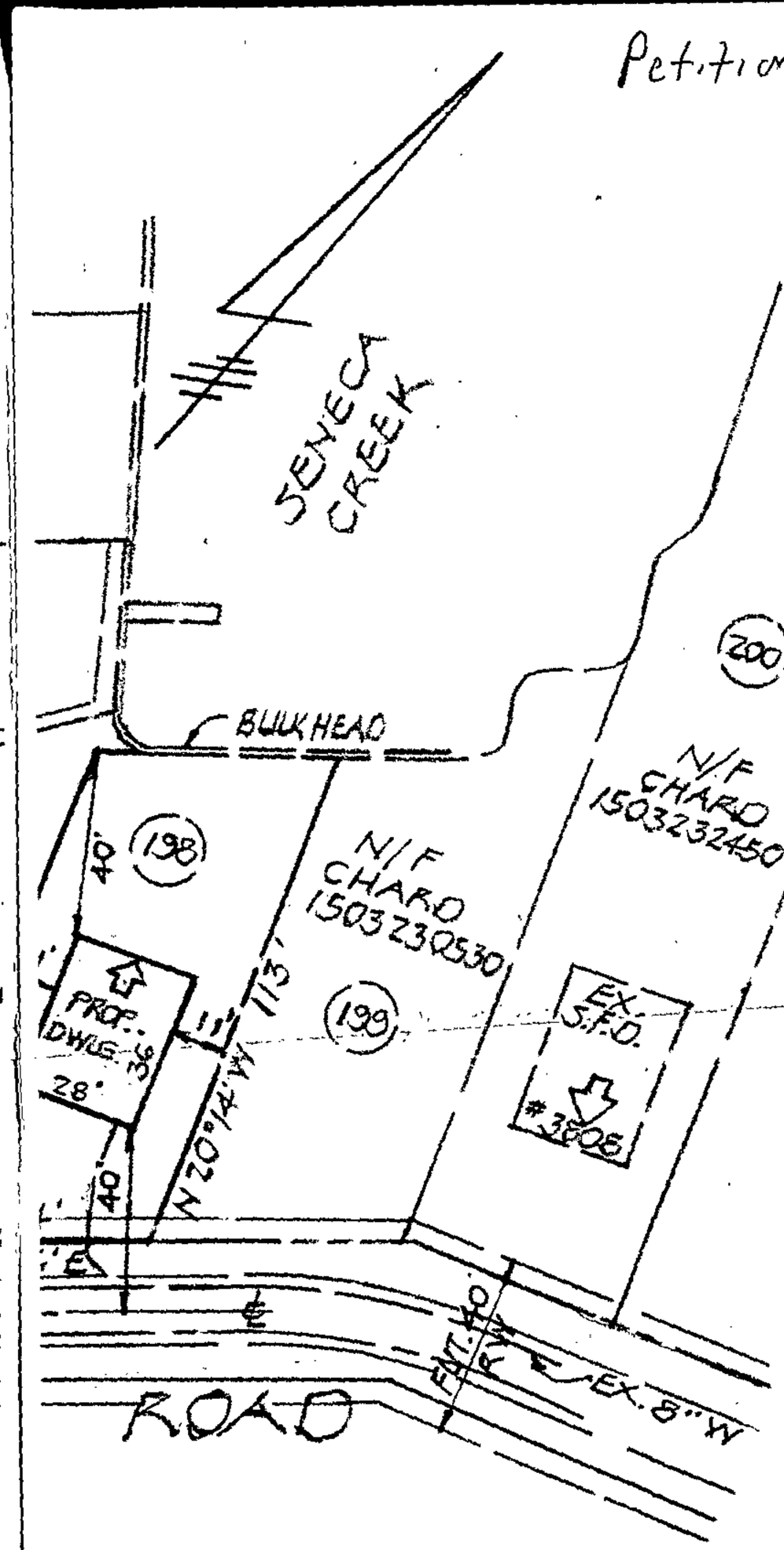
Stroll through designs ranging from affordable ranch weekend retreats to spacious year-round country homes.

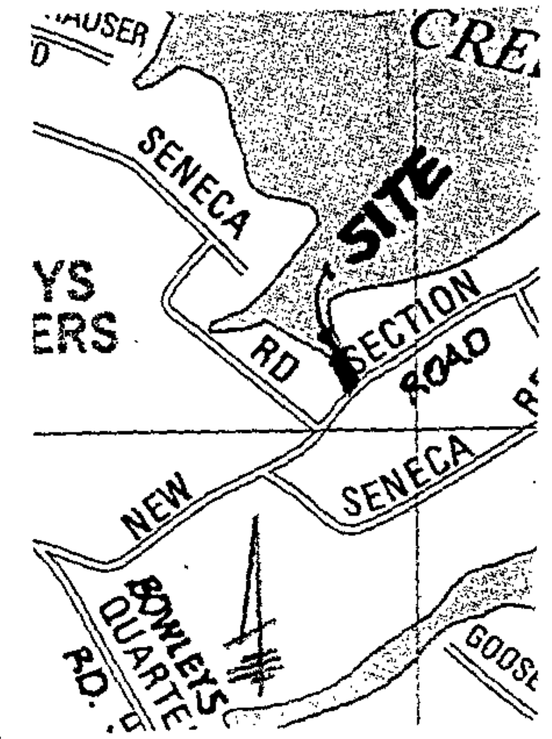


SUNSCAPE

Petitioners Exhibit #1







LOCATION PLAN
SCALE: 1" = 1000'

PC #1
Petitioners #
1, 2 & 3
CBA- 7/17/08
Sersen

exhibit sheet from Board ???

OWNER
ANTHONY AND LILLIAN SERSEN
3800 NEW SECTION ROAD
BALTO., MD. 21220
DEED REF. L.14635 F.471
PROP. NO. 1511351760

NOTES
1. ZONING... C 5 (MAP091C3)
2. AREA..... 40 S.F. = 0.132 ACRE
3. SITE IS LO TED IN CBCA AND FLOOD ZONE A
4. PUBLIC W. ER AND SEWER IS EXISTING
5. NO HISTOI STRUCTURES EXIST
6. NO PREVIC S ZONING HISTORY OR VIOLATIONS

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

ZONING PLAT
3804 NEW SECTION ROAD
LOT 198 PLAT 2, BOWLEYS QUARTERS
P.B. 9 F. 12
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET DECEMBER 3, 2006

APPEAL

Petition for Variance
3804 New Section Road
N/side of New Section Rd., 237.9' NE s/from c/l of Seneca Rd.
15th Election District – 6th Councilmanic District
Legal Owners: Anthony & Lillian Sersen

Case No.: 07-450-A

✓ Petition for Variance (April 4, 2007)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (May 7, 2007)

✓ Certification of Publication (The Jeffersonian – June 12, 2007)

✓ Certificate of Posting (June 11, 2007) by Martin Ogle

✓ Entry of Appearance by People's Counsel (April 16, 2007)

✓ Petitioner(s) Sign-In Sheet – One Sheet

- Protestant(s) Sign-In Sheet – None

- Citizen(s) Sign-In Sheet - None

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibit
See Attached Exhibits Sheet

✓ Protestants' Exhibits:
- None Listed

- Miscellaneous (Not Marked as Exhibit)
None Available

✓ Deputy Zoning Commissioner's Order (GRANTED w/restrictions)

✓ Notice of Appeal received on July 19, 2007 by People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Anthony & Lillian Sersen
David Billingsley

date sent September 6, 2007, klm

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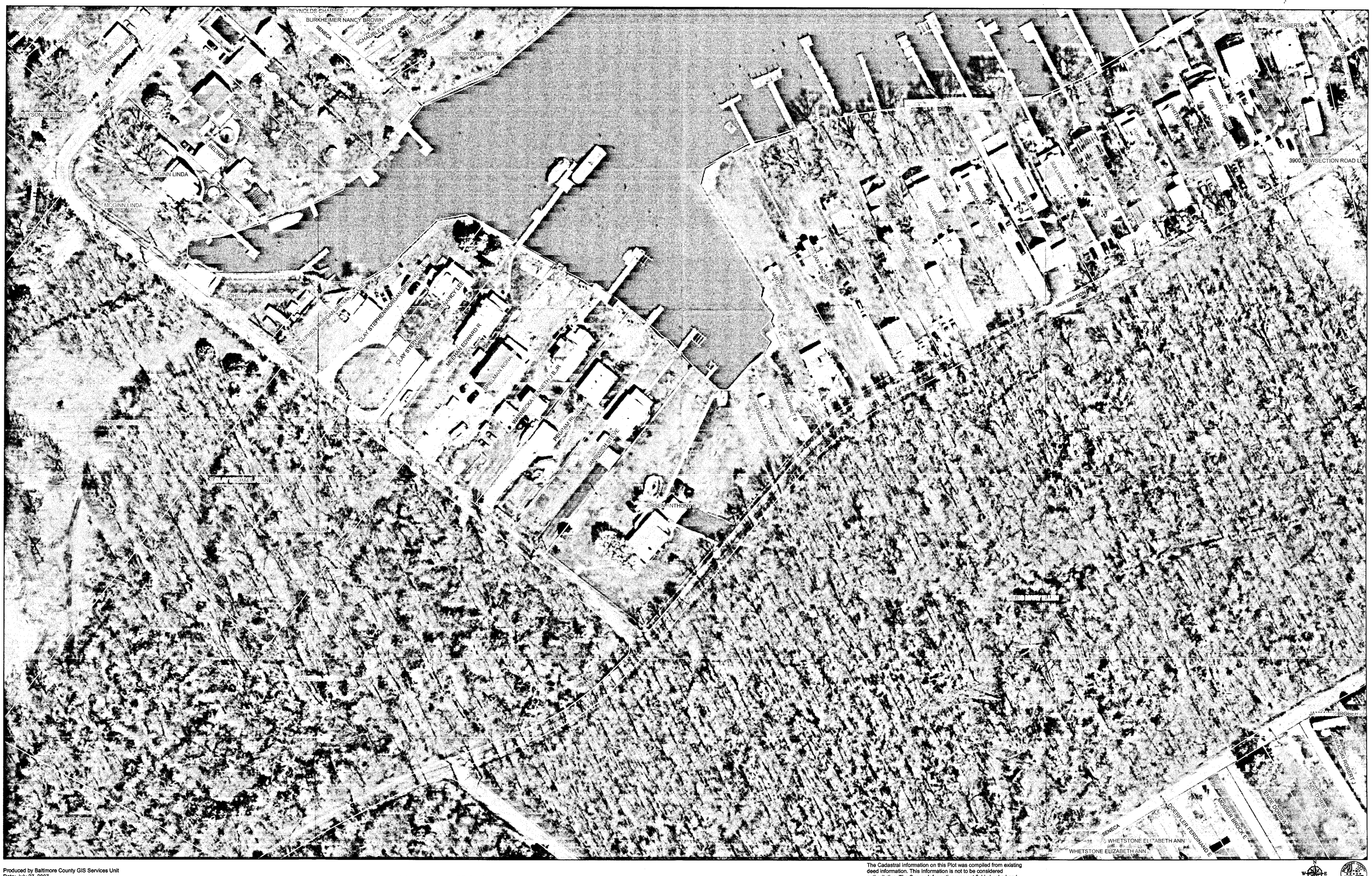

Produced by Baltimore County GIS Services Unit
Date: July 27, 2007
Date of Imagery: April 2005

1 inch equals 50 feet

The Cadastral information on this Plot was compiled from existing deed information. This Information is not to be considered authoritative. The Survey Information was not field checked and Certified by a licensed land surveyor.

PC #1

07-450-A