

IN RE: PETITION FOR VARIANCE

S side Seneca Park Road at
intersection with Beach Road
15th Election District
6th Councilmanic District
(900 Seneca Park Road)

Edward B. Boyle, Jr.
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-224-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Edward B. Boyle, Jr. requesting relief as follows:

- From Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a minimum lot size of 0.5 acre in a R.C.5 zone in lieu of 1.5 acres; and
- From Section 1A04.3.B.2 of the B.C.Z.R. to allow building setbacks of 10 feet rear and 36 feet front from lot lines other than a street centerline, and a setback of 90 feet in lieu of 100 feet to road centerline that leads to a collector road; and
- From Section 400.1 of the B.C.Z.R. to allow two accessory structures to remain in a front in lieu of rear yard; and
- To permit erection of new single family dwelling on site of an existing single-family summer dwelling to be razed.

The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were Petitioners Alice Marschner and Alex Marschner, on behalf of the property owner, Edward B. Boyle, Jr. Alice Marschner is the daughter of Mr. Boyle. Alex Marschner is Ms. Marschner's son. There were no Protestants or other interested persons in attendance at the hearing.

COPIES RECEIVED FOR FILING
2-25-08
m

Testimony and evidence offered revealed that the subject property is an irregular, pie-shaped parcel containing 22,265 square feet or .51 acre, more or less, zoned R.C.5. The property is located on Seneca Creek, south of Carroll Island Road, and on the south side of Seneca Park Road in the Chase area of Baltimore County. The property also borders Beach Road to the west. It is currently improved with several structures. The main structure is a 1½-story framed summerhouse located on the east side of the property. This structure is not currently a full time residence. Located on the west side of the property are two accessory structures -- a garage-like structure for storage of boats and canoes, and an additional three-door bathhouse, which was converted to a shed-like structure for storage. Photographs of the property and the aforementioned structures were marked and accepted into evidence as Petitioners' Exhibits 2A through 2F. The photographs show the entrance into the property at the southeast corner of Seneca Park Road and Beach Road. Upon entering the property, the summerhouse is located to the left and the accessory structures are located to the right. Beyond these structures to the south is the Seneca Creek shoreline.

Ms. Marschner's parents purchased the property in 1969. The house was built in 1929, several years after the original subdivision plat was recorded. The plat, which was marked and accepted into evidence as Petitioners' Exhibit 6, shows the subject property was recorded as a lot of record in April 1926. The dwelling has served as a summerhouse for the family throughout the years, with running water, but with no bathroom. The only toilet facility had been located in an outbuilding on the property, which has since been removed. In addition, the house does not currently have running water -- due to corrosion of the original pipes, the water has been turned off. The house has survived the rain and wind of many storms, including Hurricane Isabel in September 2003, however shortly after Isabel, a tree fell and struck the house. As a result, the

COPIES RECEIVED FOR FILING
2.25.08
pm

current condition of the house makes it virtually uninhabitable. In light of the above, Petitioners desire raze the existing summerhouse and replace it with a more suitable, permanent structure. The new structure would not be much larger than the existing structure, with plans for a 1½-story dwelling approximately 27 feet wide by 40 feet deep, with a deck 12 feet deep off the back of the new home. In order to proceed with their plans, Petitioners require variance relief from the zoning regulations, including relief from the minimum lot size requirement, from front and rear lot line setbacks and the road centerline setback, as well as to allow the two existing accessory structures to remain in the front in lieu of the rear yard.

In support of the variance requests, Petitioners point to the unique size and shape of the property. It is the only property situated directly at the corner of Seneca Creek and Beach Roads. It is also the only pie-shaped lot in that area of Seneca Park Beach. As a result of the pie shape, the lot tapers significantly from the entrance to the property to the shore at Seneca Creek. This obviously limits the placement options of the proposed new dwelling. With Petitioners representing they have the support of the immediate neighbors to the east and west, they desire to place the new home on the footprint of the existing dwelling. In addition, the adjacent owners are currently undertaking construction of new homes of their own. Photographs which were marked and accepted into evidence as Petitioners' Exhibits 3A and 3B show the construction of a 2½-story home on the property to the east. Construction appears to be ongoing.

Photographs of several views of the shoreline along Seneca Creek to the east and west of the subject property were marked and accepted into evidence as Petitioners' Exhibits 4A through 4C. These photographs were taken from Petitioners' pier. As shown in the photographs, one characteristic that differentiates the properties is that the subject property has significantly more vegetation and mature trees than the others, both along the waterfront and on the sides of the

COPIES RECEIVED FOR FILING
2.25.08
P3

property. This also limits the areas on which to place a new dwelling and causes Petitioners to once again come back to the original footprint area in order to construct the replacement dwelling. As to the existing accessory structures, Petitioners indicate that they have been in existence since prior to the purchase of the property in 1969, and according to records obtained from the prior owner, for a significantly long time, very possibly predating zoning on the property. The structures will continue to be used for storage and not as dwellings or other purposes.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Office of Planning dated December 5, 2007 does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. The comments received from the Bureau of Development Plans Review dated November 28, 2007 indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. The comments from the Department of Environmental Protection and Resource Management (DEPRM) dated January 15, 2008 indicate that development of the property must comply with Chesapeake Bay Critical Area Regulations. In addition, the property is in a Limited Development Area (LDA) and a Buffer Management Area (BMA). Impervious surfaces are limited to 5,445 square feet and 15% afforestation must be met, as well as all BMA provisions.

ORDER RECEIVED FOR FILING
2.25.08
P3

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The distinctive shape of the subject property, its location at the corner of Seneca Creek and Beach Roads, its significant vegetation and trees, and the age of the existing main dwelling and accessory structures, make the property unique in a zoning sense. Hence, the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. With the existence and location of the accessory structures and the size and shape of the tapering lot, compliance with the setback requirements is virtually impossible.

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.

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

THEREFORE, IT IS ORDERED this 25th day of February, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance requests as follows:

- From Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a minimum lot size of 0.5 acre in a R.C.5 zone in lieu of 1.5 acres; and
- From Section 1A04.3.B.2 of the B.C.Z.R. to allow building setbacks of 10 feet rear and 36 feet front from lot lines other than a street centerline, and a setback of 90 feet in lieu of 100 feet to road centerline that leads to a collector road; and
- From Section 400.1 of the B.C.Z.R. to allow two accessory structures to remain in a front in lieu of rear yard; and

FORM RECEIVED FOR FILE

2-25-08

JB

- To permit erection of new single family dwelling on site of an existing single-family summer dwelling to be razed;

be and are hereby GRANTED, subject to the following.

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, Petitioners shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards:
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Petitioners shall ensure that the exterior of the proposed building(s) use 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.
 - c. Petitioners shall 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.
 - d. Petitioners shall 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.
 - e. Petitioners shall provide landscaping along the public road, if it is consistent with the existing streetscape.
3. 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.
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.

ORDER REVIEWED FOR PLANS

★

2.25.08

pm

5. The property to be developed is located adjacent to tidewater. Petitioners are 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. Development of the property must comply with Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other sections, of the Baltimore County Code).
10. The property is in a Limited Development Area (LDA) and a Buffer Management Area (BMA). Impervious surfaces are limited to 5,445 square feet and 15% afforestation must be met, as well as all BMA provisions.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

STICKER RESERVED FOR FILING

2-25-08
mm

FLOOD

ORIGINAL KEEP IN FILE



Petition for Variance

CRCA

to the Zoning Commissioner of Baltimore County for the property
located at 900 SENECA PARK RD
which is presently zoned RC 5

Deed Reference: 1 Tax Account # 15-02-574350

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) ~~TO BE DELETED~~ ^{IN LIEU OF}

START →

^{TO APPROVE A} 1A04.3.B.1.a Minimum lot size ^{OF 0.5 AC} in a RC-5 zone ^{IN LIEU OF} of 1-1/2 acre,
1A04.3.B.2 Building setbacks of 50' from lot lines other than ~~FRONT~~ ^{10' REAR + 30 FT FRONT} STREET
CENTER LINE AND A SETBACK OF 90 FT IN LIEU OF 100 FT
TO A ROAD CENTERLINE THAT LEADS TO A COLLECTOR RD.

400.1 TO ALLOW ACCESSORY STRUCTURES (2) TO REMAIN IN A FRONT IN LIEU OF REAR YD.

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

To permit erection of new single family dwelling on site of existing
single family dwelling to be razed.
^{SUMMER}

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

Legal Owner(s):

Name - Type or Print
Signature
Edward B. Boyle Jr.
Name - Type or Print
Edward B. Boyle, Jr.
Signature
1418 Woodcliffe Ave. 410788-7588
Address Telephone No.
City Catonsville State MD. Zip Code 21228

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Representative to be Contacted:

Alice + ERICH MARSEHNER
Name
3919 River Walk 4107509092
Address Telephone No.
Ellicott City MD 21042
City State Zip Code

Case No. 08 224 A

Office Use Only

Estimated Length of Hearing 1 HR
Unavailable For Hearing
Reviewed by JL Date 11/13/07

RECEIVED FOR FILED

2-25-06

pm

Zoning Description for

900 Seneca Park Rd., Chase, MD.

Beginning at a point on the south side of Seneca Park Rd., which is a 25' RW, at the intersection with Beach Rd., a 20' RW, Being Lot # 51 in the subdivision of Seneca Park Beach, as recorded in Baltimore County Plat Book #8, Folio #45, containing 22,265 SF. Also known as 900 Seneca Park Rd. and located in the 15th Election District, 6th Councilmanic District.

224

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: # 08-224-A

900 Seneca Park Road

S/side of Seneca Park Road at intersection with Beach Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Edward Boyle, Jr.

Variance: to approve a minimum lot size of 0.5 acres in a RC 5 zone in lieu of 1 1/2 acres, building setbacks of 10 feet rear and 36 feet front from lot lines other than a street centerline and a setback of 90 feet in lieu of 100 feet to road centerline that leads to a collector road and to allow accessory structures (2) to remain in front in lieu of rear yard and to permit erection of new single family dwelling on site of existing single summer dwelling to be razed.

Hearing: Thursday, January 17, 2008 at 11:00 a.m. in Room 106 County Office Building, 111 West Chesapeake 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 1/605 Jan. 1

159282

CERTIFICATE OF PUBLICATION

1/3, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/1, 2008.

- ☒ 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 AND FINANCE
MISCELLANEOUS RECEIPT

No. 07629

Date:

11/13/07

PAID RECEIPT

BUSINESS ACTUAL TIME DRH
11/14/2007 11/13/2007 10:54:50 1
WALKIN JRIC JHR
>>RECEIPT # 354565 11/13/2007 OFLN
Dept 5 528 ZONING VERIFICATION
007629

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: 65.00

Rec

From:

For:

900 SENECA PARK RD

VARIANCE # 224

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Recpt Tot \$65.00
\$65.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 08-224-A

Petitioner/Developer: EDWARDS
BOYLE JR

Date Of Hearing/Closing: 1/17/08

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 900 SENECA PARK RD

This sign(s) were posted on January 1, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 1/1/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

CASE # CB-224-A

PLACE: Room 106 County Office Building, 111 West
Chesapeake Avenue, Towson 21204

DATE AND TIME: THURSDAY JANUARY 17, 2008 AT 1:00 PM

REQUEST: VARIANCE TO APPROVE A MINIMUM LOT SIZE OF
0.6 ACRES IN A RC 5 ZONE IN LIEU OF 1 1/4 ACRES, BUILDING
SETBACKS OF 10 FEET REAR AND 30 FEET FRONT FROM LOT
LINES OTHER THAN A STREET CENTERLINE AND A SETBACK
OF 40 FEET IN LIEU OF 10 FEET TO ROAD CENTERLINE THAT
LEADS TO A COLLECTOR ROAD AND TO ALLOW ACCESSORY
STRUCTURES (2) TO REMAIN IN FRONT IN LIEU OF REAR
YARD AND TO PERMIT ERECTION OF A NEW SINGLE FAMILY
Dwelling ON SITE OF EXISTING SINGLE SHEDDED
Dwelling TO BE RAZED

ADDITIONAL INFORMATION IS AVAILABLE AT

ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.

TOWSON, MD 21204

TEL 887-3391

FOR MORE INFORMATION, CALL 410-386-7400. ALL ZONING VARIANCES MUST BE FILED WITHIN 30 DAYS OF THE DATE OF THE NOTICE.

NOTHING IS BARRED BY ACCESSORY

W. J. [Signature]
1/1/08

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: 08 224 A

Petitioner: Edward B. Boyle, Jr.

Address or Location: 900 Seneca Park Rd., Chase, MD

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Address:

Erich and Alice Marschner
3919 River Walk, Ellicott City, MD 21042

Telephone Number: 410-750-9092



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

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

December 11, 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: 08-224-A

900 Seneca Park Road
S/side of Seneca Park Road at intersection with Beach Road
15th Election District – 6th Councilmanic District
Legal Owner: Edward Boyle, Jr.

Variance to approve a minimum lot size of 0.5 acres in a RC 5 zone in lieu of 1 ½ acres, building setbacks of 10 feet rear and 36 feet front from lot lines other than a street centerline and a setback of 90 feet in lieu of 100 feet to road centerline that leads to a collector road and to allow accessory structures (2) to remain in front in a lieu of rear yard and to permit erection of new single family dwelling on site of existing single summer dwelling to be razed.

Hearing: Thursday, January 17, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Edward Boyle, Jr., 1418 Wood Cliff Avenue, Catonsville 21228
Erich & Alice Marschner, 3919 River Walk, Ellicott City 21042

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 2, 2008**
- (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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 1, 2008 Issue - Jeffersonian

Please forward billing to:

Erich & Alice Marschner
3919 River Walk
Ellicott City, MD 21042

410-750-9092

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: 08-224-A

900 Seneca Park Road

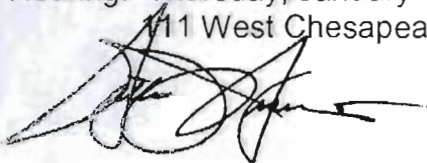
S/side of Seneca Park Road at intersection with Beach Road

15th Election District – 6th Councilmanic District

Legal Owner: Edward Boyle, Jr.

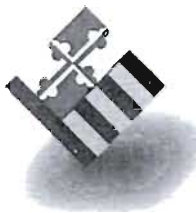
Variance to approve a minimum lot size of 0.5 acres in a RC 5 zone in lieu of 1 ½ acres, building setbacks of 10 feet rear and 36 feet front from lot lines other than a street centerline and a setback of 90 feet in lieu of 100 feet to road centerline that leads to a collector road and to allow accessory structures (2) to remain in front in a lieu of rear yard and to permit erection of new single family dwelling on site of existing single summer dwelling to be razed.

Hearing: Thursday, January 17, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 9, 2008

Edward B. Boyle, Jr.
1418 Woodcliffe Avenue
Catonsville, MD 21228

Dear Mr. Boyle:

RE: Case Number: 08-224-A, 900 Seneca Park Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 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
Alice and Erich Marschner 3919 River Walk Ellicott City 21042



**Baltimore County
Fire Department**

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 217,218,219,220,222,224,225,226,227,228,229,232

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File





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

State Highway
Administration

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

Maryland Department of Transportation

Date: Nov. 26, 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. B-224-A
900 SENECA PARK ROAD
BOYLE 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. B-224-A.

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,

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item No. 08-224

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

The Bureau of Development Plans Review has reviewed the subject-zoning item.

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 08-224-11282007.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 15 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: January 15, 2008

SUBJECT: Zoning Item # 08-224-A
Address 900 Seneca Park Road
(Boyle Property)

Zoning Advisory Committee Meeting of November 26, 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:

The property is in a Limited Development Area (LDA) and a Buffer Management Area (BMA). Impervious surfaces are limited to 5,445 square feet and the 15% afforestation must be met, as well as all BMA provisions.

Reviewer: Regina Esslinger

Date: 1/15/08

TB 1/17
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 5, 2007

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

RECEIVED
DEC 10 2007

BY: _____

SUBJECT: 900 Seneca Park Road

INFORMATION:

Item Number: 8-224

Petitioner: Edward B. Boyle Jr.

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

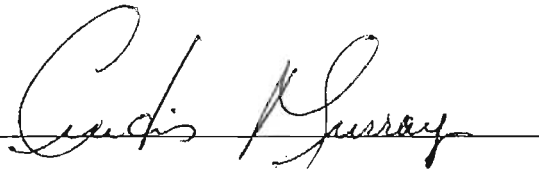
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information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

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:



Division Chief:



CM/LL

RE: PETITION FOR VARIANCE * BEFORE THE
900 Seneca Park Road; S/S Seneca Park Rd, *
@ intersection with Beach Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s); Edward Boyle, Jr * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-224-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 all documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed to, Alice & Erich Marschner, 3919 River Walk, Ellicott City, Maryland 21042, Representative for Petitioner(s).

RECEIVED

NOV 29 2007

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

1502571151

1508005020

859

6 CD

1507470050

DR 3.5

859

861 861

861

1508005020

860

1511671790

1502001090

1502001090

862

1511770100

1519391890

1504650530

1507470050

1511470870

RC 5

1503200380

1502850990

1502573230

1523002980

959

909

1513856260

913

SENECA PARK

15 ED

BMB

1519714760

918

1508801830

0

0

918

1508801830

1523505380

1519714751

NE 3-L

091C3

224

SENECA PARK

BEACH ROAD

864

866

870

1519075030

868

868

1516900010

874

1519640450

874

1502201030

3505 3505

3503

1515004120

3501

1523504150

3501

3503

1519074150

3509

3509

1511470551

1502574350

900

900

902

1511000720

902

918



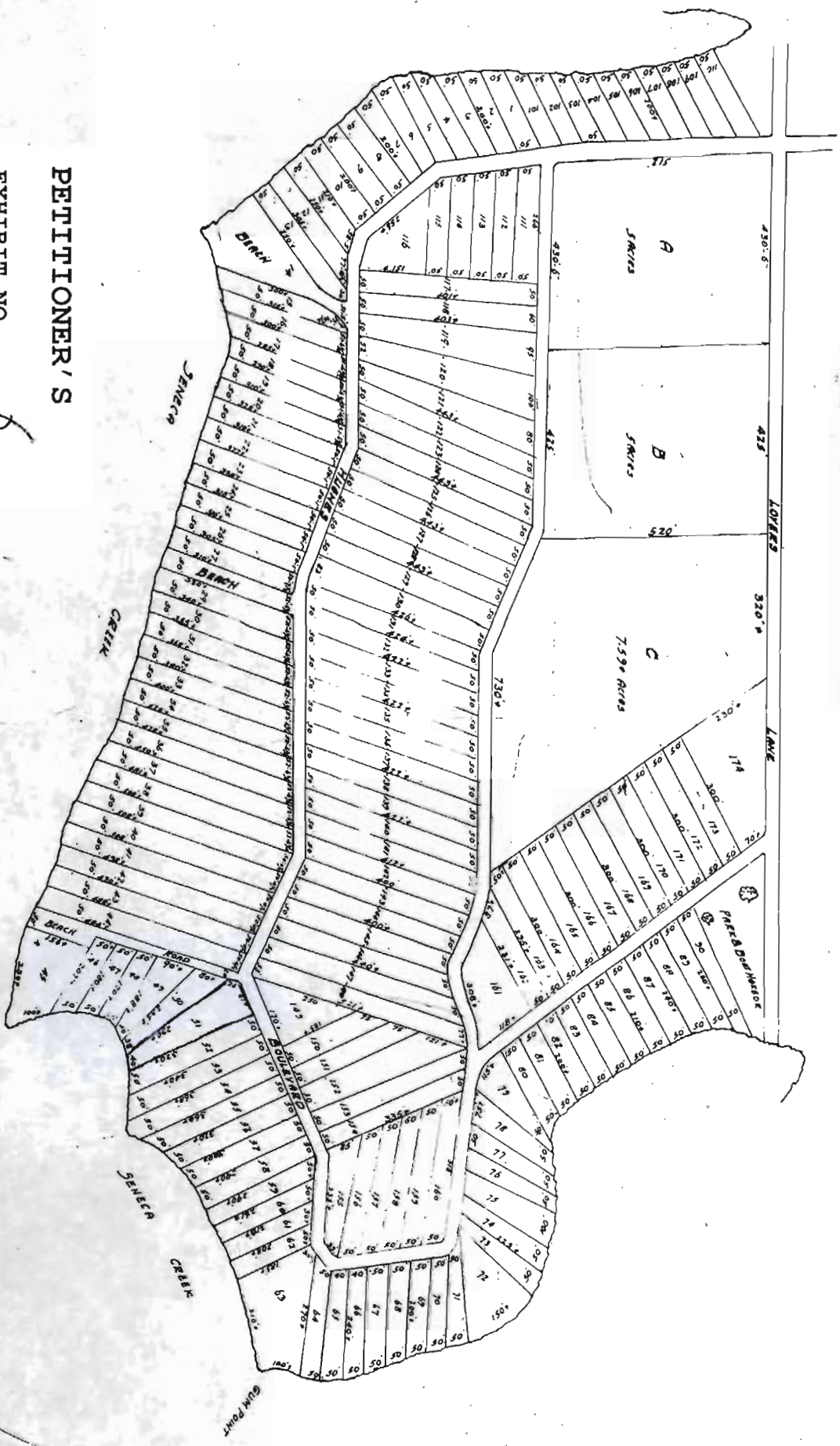
SENECA PARK BEACH

EDGAR KENLY
SALES AGENT
HOMEROD 2695

SCALE 1"=100'
TOLING & SONS CO.
CIVIL ENGINEERS
BATH NO.

REVISOR
APRIL 1926

CAREFULLY
LAW
ROAD



PETITIONER'S

EXHIBIT NO. 6

