

IN RE: PETITION FOR VARIANCE

SW side of Seneca Park Road,
300 feet NW of Beach Road
15th Election District
6th Councilmanic District
(860 Seneca Park Drive)

Marcos T. and Elizabeth Doxanas
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-305-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 owners of the subject property, Marcos T. and Elizabeth Doxanas. Petitioners are requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet. The subject property and 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 request was Petitioner Elizabeth Doxanas and her attorney, Benjamin Bronstein, Esquire. Also appearing in support of the requested relief were Baird Bailey, Petitioner's contractor, and Thomas A. Church, with Development Engineering Consultants, Inc., the professional engineer who prepared the site plan. The case also garnered some interest from several nearby neighbors who appeared in opposition to the requested relief. Their names and addresses are listed on the "Citizen's Sign-In Sheet" that was distributed prior to the hearing and is contained in the case file.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped waterfront property containing approximately 24,725 square feet or .568 acre, more or less, and zoned D.R.3.5. The property consists of Lots 38 and 39 and is located on the southwest side of

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Seneca Park Road in the Middle River area of Baltimore County. The property is improved with an existing two-story dwelling located near the waterfront and a one-story garage located closer to Seneca Park Road. The original dwelling was built in the 1930's on Lot 38. Petitioners purchased the original property in 1988 and refurbished the dwelling in 1989 and utilized the dwelling during the summer beginning in 1990. Following Petitioners' purchase of adjacent Lot 39 and as a consequence of Hurricane Isabel flooding the first floor in 2003, Petitioners began to again rehabilitate the dwelling. This has included lifting the dwelling to comport with flood protection elevation requirements and also constructing an addition to the dwelling. The dwelling is currently under construction, as shown in the photographs which were marked and accepted into evidence as Petitioners' Exhibits 2 and 2A. During this construction phase, Petitioners desire to reconfigure the landscaping and also construct a one-story carport near the dwelling -- between the dwelling and the existing garage -- on the north side of the property. In order to allow the roofline of the proposed carport to be in line with the pitch of the dwelling, as well as similar dwellings in the neighborhood, Petitioners request variance relief in order to permit a height of 20 feet in lieu of the maximum allowed 15 feet. As noted by Mr. Church, Petitioners' engineering consultant, there are no other variance requests and Petitioners meet all property line setback requirements for the proposed structure.

In support of the height variance request, Petitioners offered and Mr. Church was accepted as an expert in site planning, land use, and interpretation of the B.C.Z.R. During his testimony, Mr. Church introduced a number of photographs of properties in the area. Marked and accepted into evidence as Petitioners' Exhibit 3 is a photograph of existing homes near Petitioners' property which shows the height of these homes and the steeper rooflines of this new construction. Marked and accepted into evidence as Petitioners' Exhibit 4 are two photographs showing accessory

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structures on neighboring properties on Seneca Park Road. In addition, the photographs which were marked and accepted into evidence as Petitioners' Exhibits 5, 6, and 7 show the contrast in rooflines between so-called "flat roofs" that were characteristic of waterfront homes constructed in the 1930's, 40's, and 50's versus the newer construction that is characterized by higher elevations as well as higher and steeper rooflines. Mr. Church then submitted a Schematic Master Plan which was marked and accepted into evidence as Petitioners' Exhibit 8. It shows the proposed landscape and hardscape features of the property upon completion of construction. It shows extensive trees and shrubs on the property, especially around the garage and proposed carport, which is anticipated will provide some screening of the carport and lessen its impact on the adjacent property owner to the north.

Although the carport will be located close to the property line, Mr. Church indicated there is virtually no other location for it based on the positioning of other improvements as shown on the Schematic Master Plan. Mr. Church also pointed out that no variance is needed or requested because the proposed carport meets the required setback provisions of the B.C.Z.R. It is the request for a height of 20 feet in lieu of 15 feet that requires variance relief. In support of the height variance, Mr. Church indicated it is necessary to make the roofline of the carport in line with the roofline of the existing dwelling, as well as the rooflines of other newer dwellings and accessory structures in the immediate area. In short, Mr. Church indicated the steeper roof pitch and the resultant increase in height will make the carport more compatible with other nearby homes and accessory structures.

Testifying in opposition to the requested relief, several neighbors collectively expressed concern over both the positioning of the proposed carport so close to the property line, and the potential impact of the height of the carport on neighboring properties. Marked and accepted into

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evidence as Protestants' Exhibits 1, 2, and 3 were photographs depicting the carport under construction, and illustrating the neighbors concern of the location of the carport very near the property line.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case within the case file. The comment received from the Office of Planning dated February 19, 2008 does not oppose Petitioners' variance request, but recommends as conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. Comments received from the Department of Environmental Protection and Resource Management dated March 6, 2008 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations, that the property is within the Limited Development Area and Buffer Management Area, and that impervious surface limits are 5,445 square feet in addition to a 15% afforestation requirement. Comments received from the Bureau of Development Plans Review dated February 1, 2008 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.

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 request. The property is located just at the edge of where zoning changes from D.R.3.5 to R.C.2 to the south. In addition, as Mr. Church explained, the neighborhood is in somewhat of a transition between the older existing homes with "flatter" rooflines and new construction with

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homes that are higher due to flood protection elevations and "steeper" rooflines. As such, I find that 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. 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. Although I share the neighbors' concern over the location of the proposed carport so close to the property line, in reviewing Petitioners' Schematic Master Plan for the property, it appears that the new construction taking place on the dwelling, the proposed carport, and the existing garage will be tied together tastefully with landscaping and hardscape features that will enhance the overall appearance of the property and lessen the impact of the carport.

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 14th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet be and is hereby GRANTED, subject to the following which are conditions precedent to the granting of the relief:

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.

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2. Petitioners or subsequent owners shall not convert the subject accessory structure (carport) into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities and shall not be used for commercial purposes.
3. Development of the 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).
4. The property is within a Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area. Impervious surface limits are 5,445 square feet. There is also a 15% afforestation requirement which equates to seven trees.
5. 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.
6. 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.
7. 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.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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

ORDER RECEIVED FOR FILING
4.14.08
[Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 14, 2008

BENJAMIN BRONSTEIN, ESQUIRE
29 WEST SUSQUEHANNA AVENUE
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-305-A
Property: 860 Seneca Park Drive

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: Marcos T. and Elizabeth Doxanas, 15 Roland Court, Towson MD 21204
Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212
Baird Bailey, 2823 Flintstone Road, Millers MD 21102
Marilyn and Kent Bromwell, 10574 Gateridge Road, Cockeysville MD 21030
Betty Lou Walsh, 3-B Brook Farm Court, Perry Hall MD 21128
J. Michael Walsh III, 2713 Overlook Court, Manchester MD 21102
Nora Kellner, 9018 Hedgerow Way, Baltimore MD 21236
Eric and Tammy Dye, 4016 Silvage Road, Baltimore MD 21236
Vicki Wesolowski, 8612 Saxon Circle, Baltimore MD 21236



Flood CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 860 Seneca Park Drive
which is presently zoned DR 3.5
Deed Reference: 8059 / 234 Tax Account # 1511671790

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 to allow a height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) 1) The roof pitch that would provide a 15 foot height is not consistent with the associated architectural design used for the dwelling. 2) The 15 foot maximum height is not compatible with current standards. 3) And other reasons which may arise during the 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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Benjamin Bronstein
Name - Type or Print
Signature
Company
29 West Susquehanna Avenue 410 296-0200
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Marcos T. Doxanas
Name - Type or Print
Signature
Elizabeth Doxanas
Name - Type or Print
Signature
15 Roland Court 410 377-8419
Address Telephone No.
Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Thomas A. Church, P.E. #6479
Development Engineering Consultants, Inc.
Name
6603 York Road 410 377-2600
Address Telephone No.
Baltimore, MD 21212
City State Zip Code

Case No. 08-305-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by JNP Date 1/11/08

REV 8/20/07

3/20/08 RECEIVED FOR FILING

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DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600

(410) 377-2625 Fax

ZONING DESCRIPTION

FOR

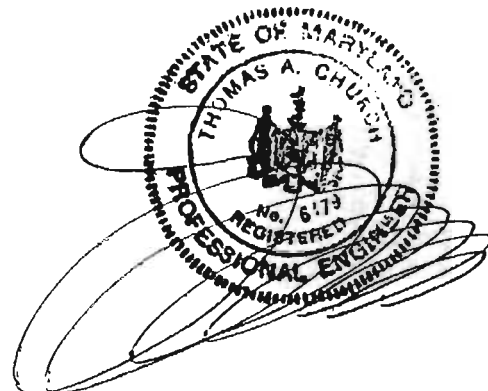
860 SENECA PARK ROAD

BEGINNING FOR THE SAME at a point in or near the centerline of Seneca Park Road, said point being 300 feet more or less northwest of the centerline of Beach Road. Thence the following courses and distances: 1) South 38 degrees West, 508 feet; 2) North 45 degrees West, 50 feet; 3) North 38 degrees East, 481 feet; 4) South 66 degrees East, 51 feet to the point of beginning.

Containing 24,725 square feet or 0.568 acres of land, more or less.

Being the same lot designated as Lot 38^{\$39} on a plat entitled "Revised Plat of Seneca Park Beach," and recorded in the Land Records of Baltimore County, Maryland in Plat Book 8, Folio 6 and as recorded in a deed dated December 22, 1988, and recorded in the Land Records of Baltimore County, Maryland at Liber 8059, Folio 234. Said lot subject to a future highway widening of 25 feet.

Also known as 860 Seneca Park Road located in the 15th Election District of Baltimore County.



January 7, 2008

Our Contract: 07-115

08-305-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: #08-305-A
860 Seneca Park Road
S/west side of Seneca Park Road, 300 feet n/west of Beach Road.
15th Election District
6th Councilmanic District
Legal Owner(s): Marcos & Elizabeth Doxanas
Variance: to allow a height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet.
Hearing: Tuesday, March 11, 2008 at 11:00 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.

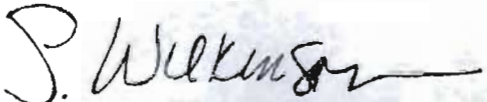
JT/2/810 Feb. 26 164811

CERTIFICATE OF PUBLICATION

2/28, 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 2/26, 2008.

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



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09734

Date:

1/11/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6130				65.00

Total: 65.00

Rec

From:

Dev. Eng. Consultants, Inc.

For:

Varient C - 360 Seneca Park Drive
02-305-A (DOXANAS)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 08-305-A

Petitioner/Developer: MARCO

* ELIZABETH DOKANAS

Date of Hearing/Closing: 3-11-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristina Matthews {(410) 887-3394}

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 located at:

860 SENECA PARK RD

The sign(s) were posted on

2-25-08
(Month, Day, Year)

Sincerely,

Robert Black 2-25-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

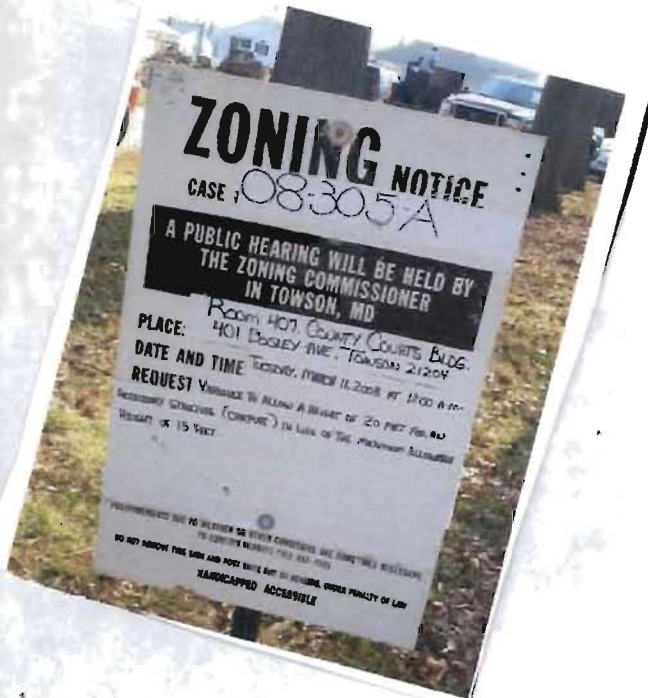
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 08-305-A
Petitioner: Marcos & Elizabeth Doxanas
Address or Location: 860 Seneca Park Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas A. Church, P.E.
Address: Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212
Telephone Number: 410 377-2600

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 26, 2008 Issue - Jeffersonian

Please forward billing to:

Thomas Church
Development Engineering Consultants
6603 York Road
Baltimore, MD 21212

410-377-2600

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: 08-305-A

860 Seneca Park Road

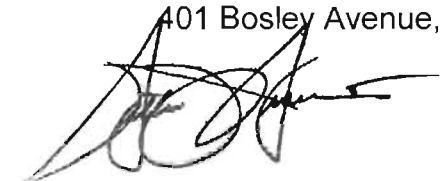
S/west side of Seneca Park Road, 300 feet n/west of Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Marcos & Elizabeth Doxanas

Variance to allow a height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet.

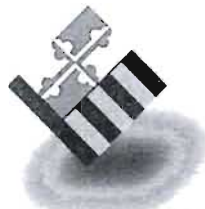
Hearing: Tuesday, March 11, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 30, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 08-305-A

860 Seneca Park Road

S/west side of Seneca Park Road, 300 feet n/west of Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Marcos & Elizabeth Doxanas

Variance to allow a height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet.

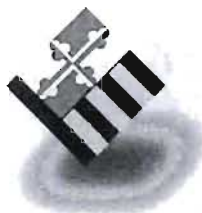
Hearing: Tuesday, March 11, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Benjamin Bronstein, 29 West Susquehanna Avenue, Towson 21204
Marcos & Elizabeth Doxanas, 15 Roland Court, Towson 21204
Thomas Church, 6603 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 25, 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.



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

March 5, 2008

Benjamin Bronstein
29 West Susquehanna Avenue
Towson, MD 21204

Dear Mr. Bronstein:

RE: Case Number: 08-305-A, 860 Seneca Park Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2008. 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
Marcos T. Doxanas Elizabeth Doxanas 15 Roland Court Towson 21204
Thomas A. Church, P.E. Development Engineering Consultants, Inc. 6603 York Road
Baltimore 21212

TB 3/11
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 19, 2008

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

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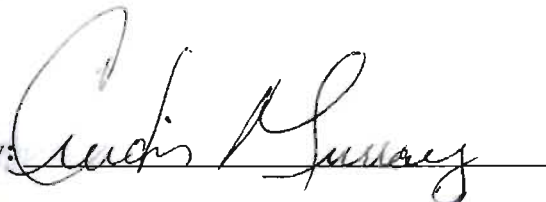
SUBJECT: 8-305 -Variance

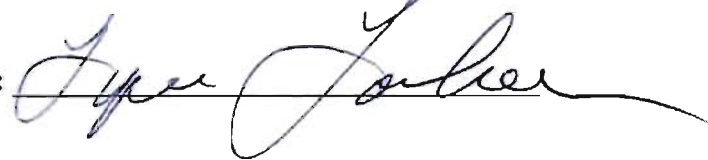
BY:.....

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (carport) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by: 

Section Chief: 

AFK/LL: CM

TB 3/11
11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 06 2008

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: March 6, 2008
SUBJECT: Zoning Item # 08-305-A
Address 860 Seneca Park Drive
(Doxanas Property)

Zoning Advisory Committee Meeting of January 28, 2008

_____ 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 is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surface limits are 5,445 square feet. There is also a 15% afforestation requirement, which equates to seven trees.

Reviewer: Regina Esslinger

Date: 2/19/08

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item No. 08-305

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.

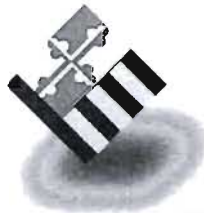
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 08-305-02042008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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.

. 1The 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



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Jan. 30, 2008

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

RE: Baltimore County
Item No. 8-305-A
860 SENECA PARK DRIVE
DOXANAS 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. 8-305-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

RE: PETITION FOR VARIANCE * BEFORE THE
860 Seneca Park Drive; SW/S Seneca Park *
Road, 300' NW Beach Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Marcos & Elizabeth Doxanas* FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-305-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Thomas A. Church, P.E., Development Engineering Consultants, 6603 York Road, Baltimore, MD 21212 and Benjamin Bronstein, Esquire, 29 West Susquehanna Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

May 11, 2008

Baltimore County, MD
County Courts Building
401 Bosley Avenue
Suite 405
Towson, MD 21204

RECEIVED
MAY 13 2008

BY:.....

Dear Mr. Bostwick,

We are writing today to ask for a reconsideration to the petition for variance CASE NO. 08-305-A on property 860 Seneca Park Drive. We attended the hearing in opposition to the height of 20 feet for an accessory structure (carport) in lieu of the maximum allowable height of 15 feet. We are also very concerned with the carport being attached to the house instead of detached. At the hearing you stated that whatever your decision was regarding the roof, the wall making the carport attached would have to either come down or be separated from the house. The carport is 36 inches from the property line hence making it an attached carport which should then be 10 feet from the property line. You did not mention this in the letter dated April 14th with your decision on the variance but you did specify it at the hearing we all attended.

We are also very concerned with the fact that they have raised the grade in the area around the carport by 2 to 3 feet but have done nothing to control the storm water run off from their property onto ours. In the beginning of April we spoke to Jim Brendel from the county who visited the property and informed them that they must install temporary and permanent storm water control such as a swale or under drain. But nothing has been done to date.

We would appreciate if you would look into these issues and please reconsider your decision on the variance of the carport roof, until at least our other concerns are answered and corrected.

Thank you for your time.

Very truly yours,

Marilyn and Kent Bromwell
Michael Walsh and Denise Walsh
Vicki and David Wesolowski
Eric and Tammy Dye
Kelly and Mike Loehmer
Kathy Vasilakis

Nora and Ron Kellner
Colleen and Brian Hyde

Marilyn and Kent Bromwell, J. Michael and Denise Walsh, Vicki and David Wesolowski, Eric and Tammy Dye, Kelly and Michael Loehmer, Kathy Vasilakis, Nora and Ron Kellner and Colleen and Brian Hyde

CC: Mike Mohler
Mike Vivirito
Zoning Department Baltimore County

CASE NAME _____
CASE NUMBER 68-305-A
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER 08-705-A
DATE _____

[illegible]



PROTESTANT' S

EXHIBIT NO.

3



PROTESTANT' S

EXHIBIT NO.

2

PROTESTANT' S

EXHIBIT NO. _____





3/10/2008

PETITIONER'S

EXHIBIT NO.

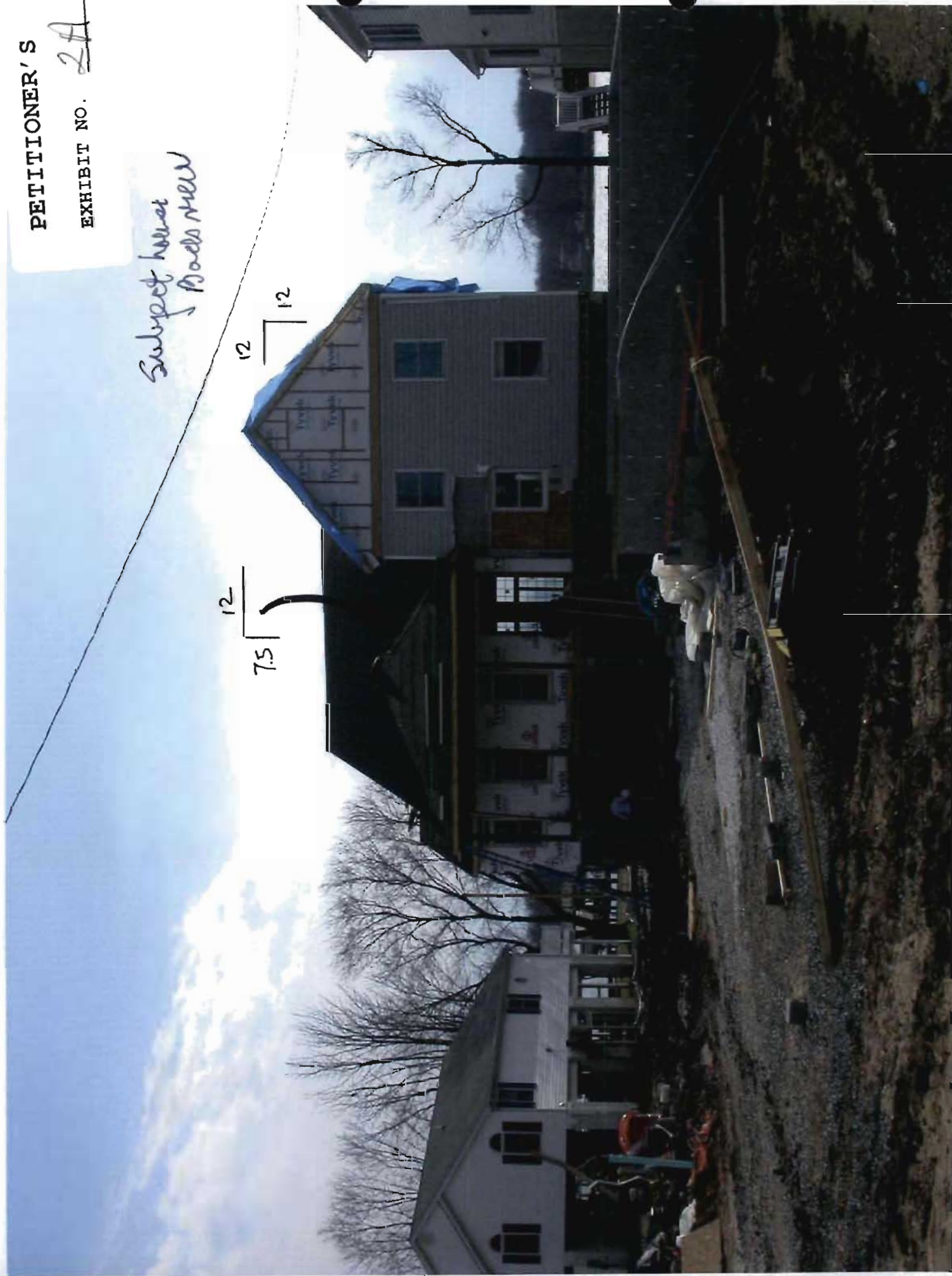
9

PETITIONER'S

EXHIBIT NO. 2A

Subject house
Boeds new

7.5' 12' 12'



3/10/2008

PETITIONER'S

EXHIBIT NO. 2

Subject House
W. Ken Vawter



3/10/2008

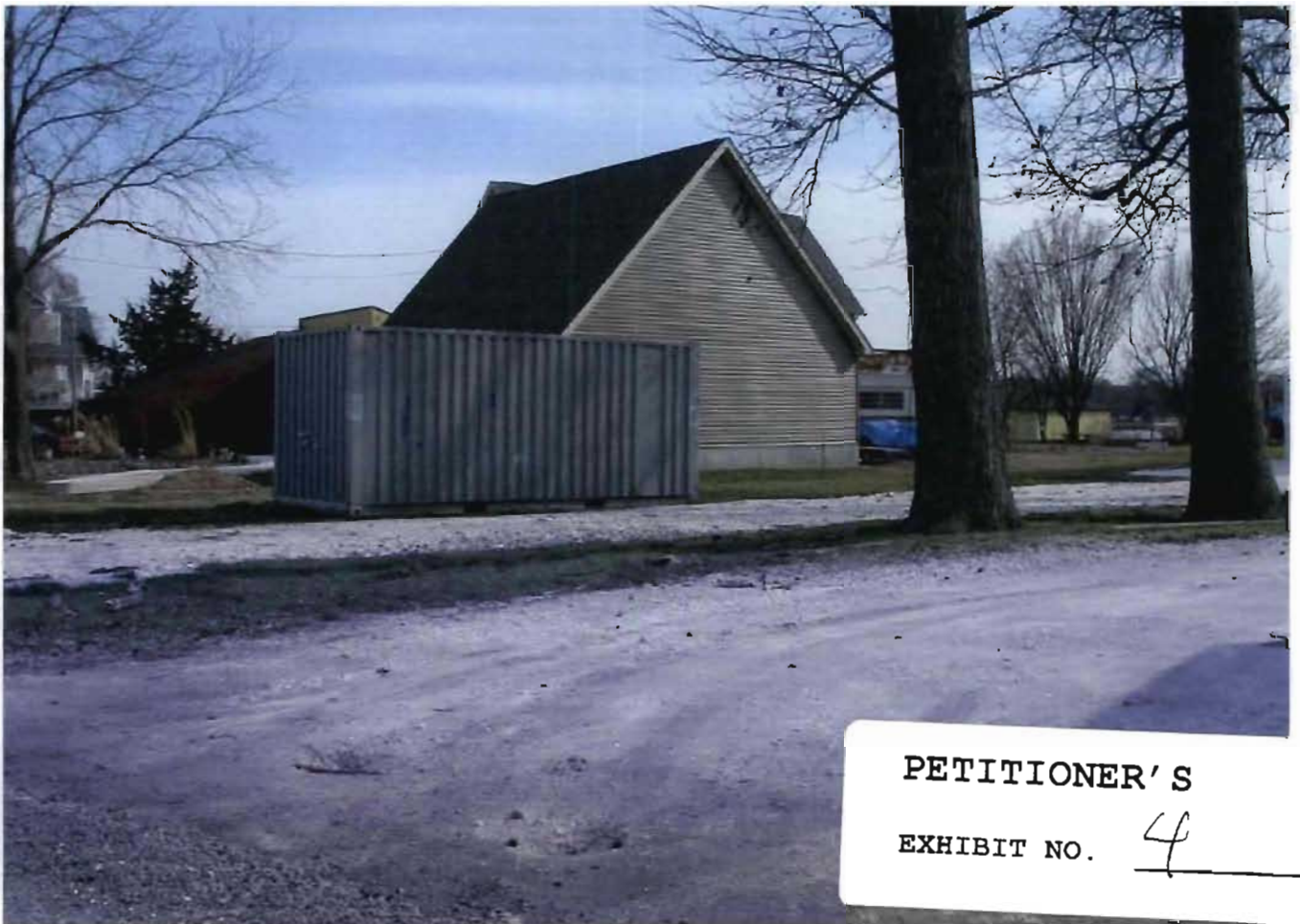
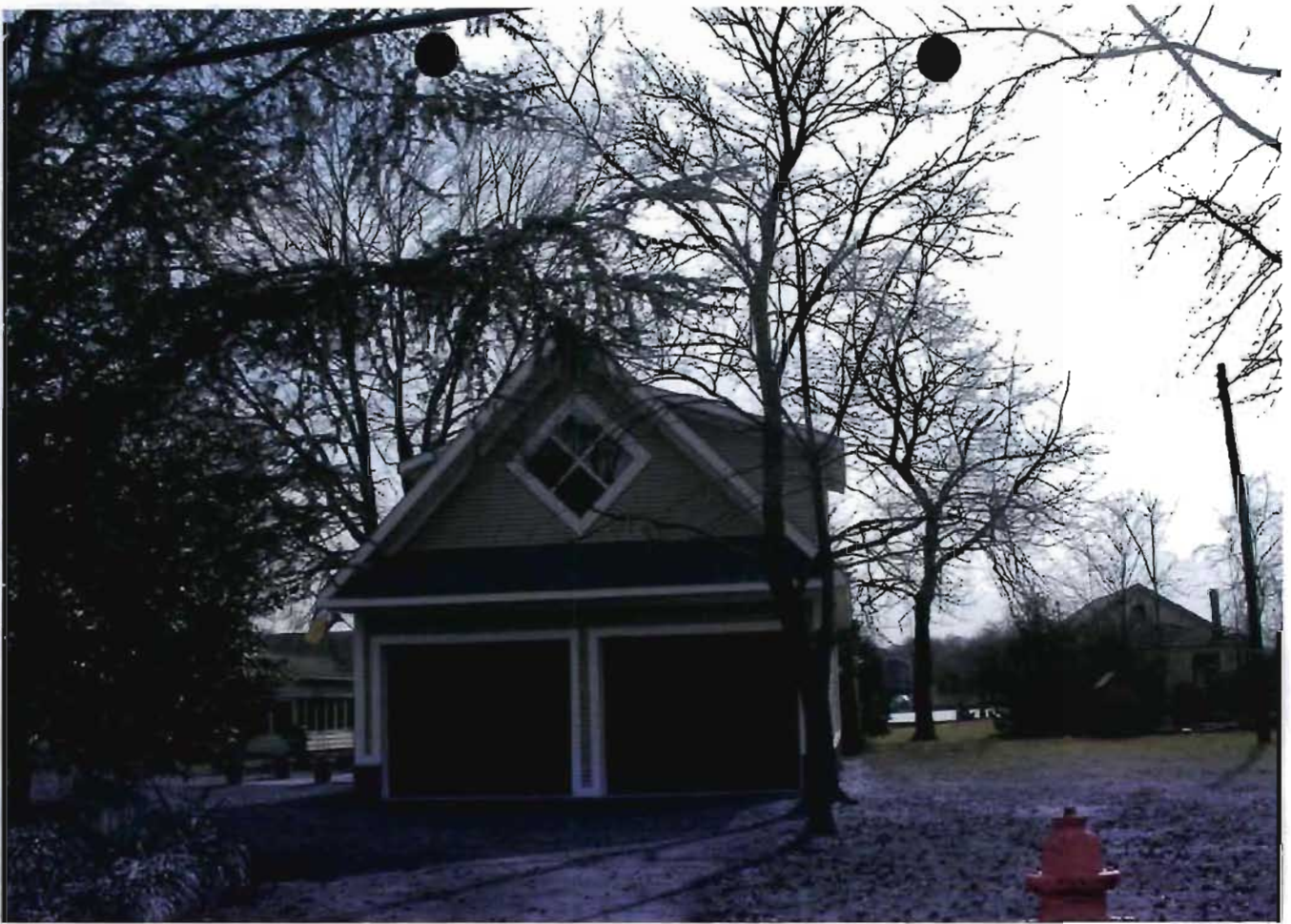
PETITIONER'S

EXHIBIT NO. _____

3

3/10/2008

" NEIGHBORHOOD "



PETITIONER'S

EXHIBIT NO. 4

3-10-2008

"NEIGHBORHOOD"



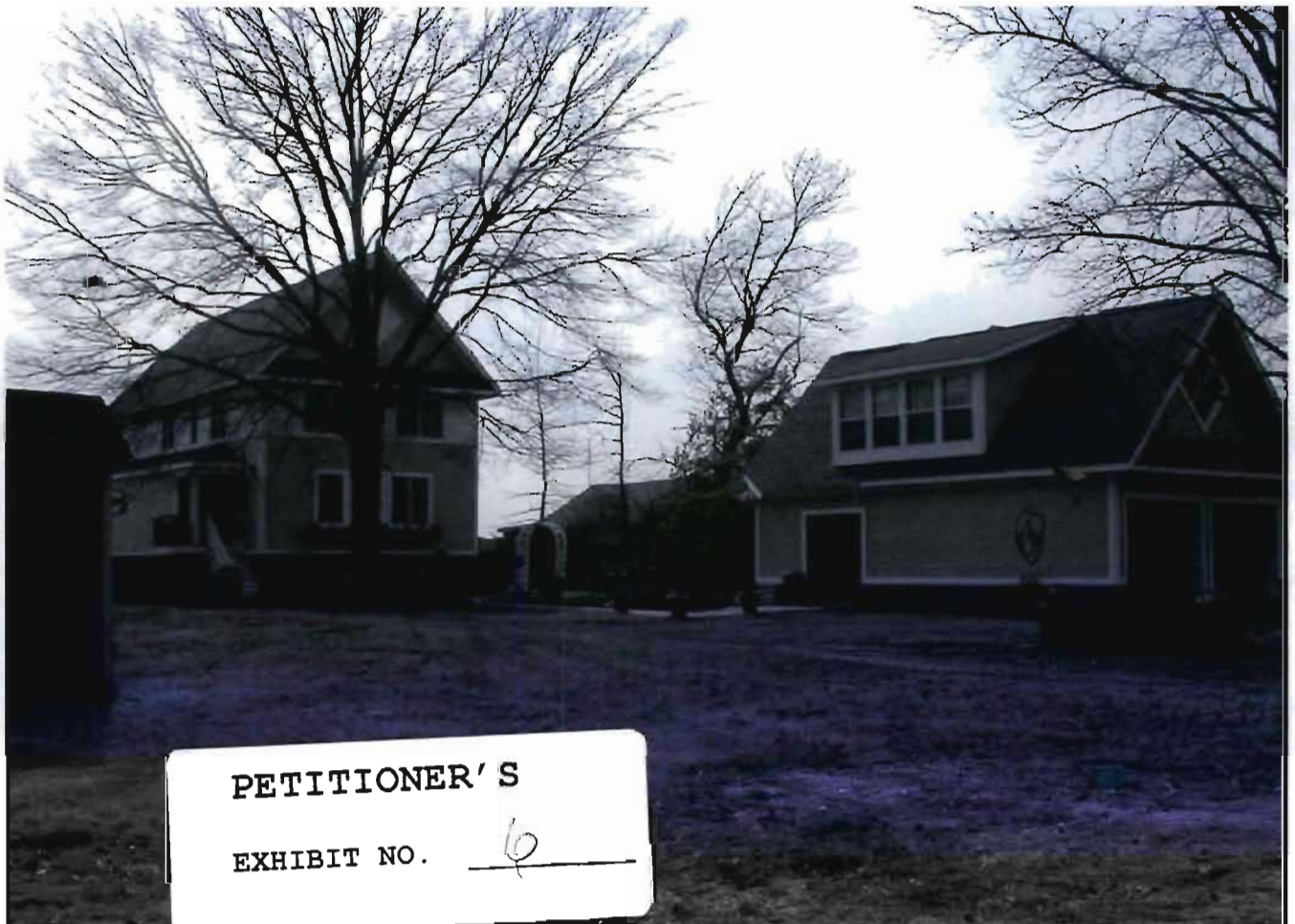
PETITIONER'S

EXHIBIT NO. 5



3/10/2008

"NEIGHBORHOOD"



3/10/2008

" NEIGHBORHOOD "

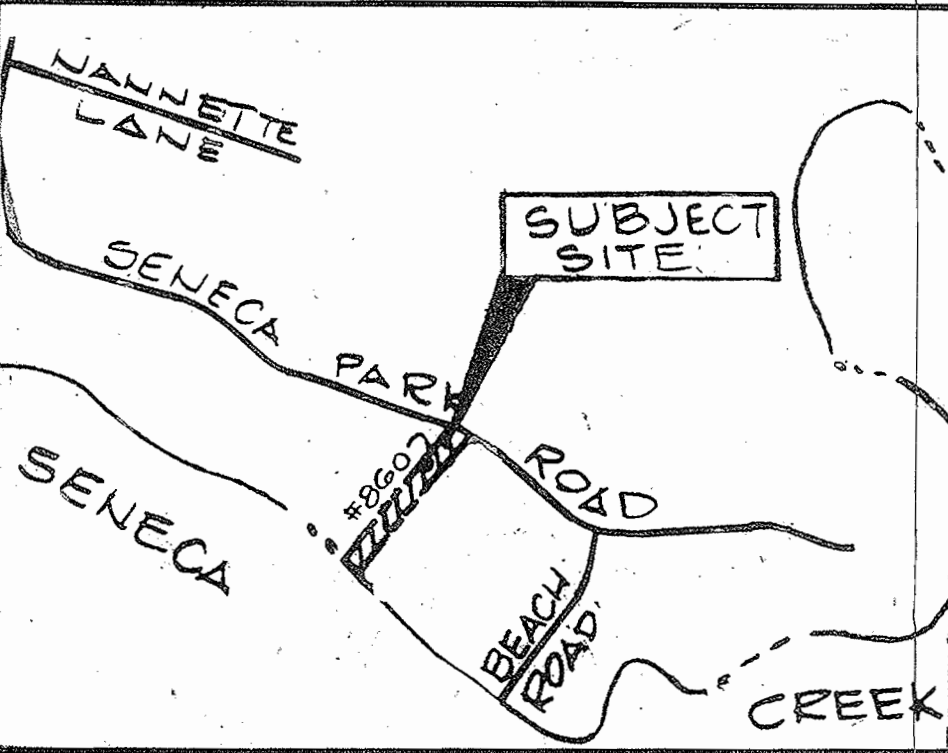
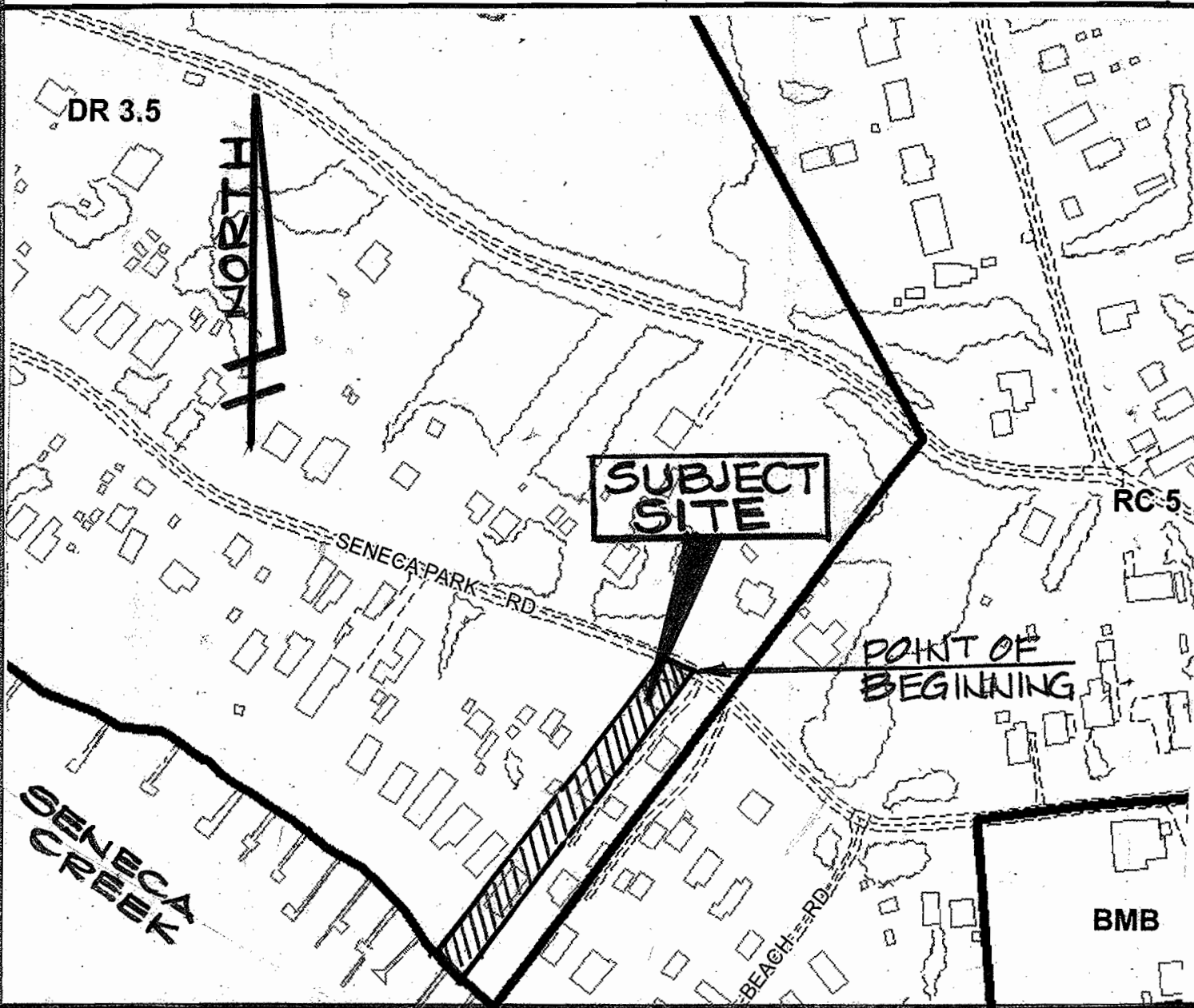
PETITIONER'S

EXHIBIT NO.

7



3/10/2008



LOCATION INFORMATION

ELECTION DISTRICT #: 15
COUNCILMANIC DISTRICT #: 6
1"=200' SCALE MAP #: 091C3
ZONING: DR 3.5
LOT AREA:
NET= 24,725 S.F.= 0.568 AC±
GROSS= 24,725 S.F.= 0.568 AC±

SEWER: ☒ PUBLIC ☐ PRIVATE
WATER: ☒ YES ☐ NO
CHESAPEAKE BAY CRITICAL AREA (DESIGNATION: LCA) ☒
PRIOR ZONING HEARINGS: NONE

ZONING OFFICE USE ONLY

REVIEWED BY: _____ ITEM #: _____ CASE #: _____

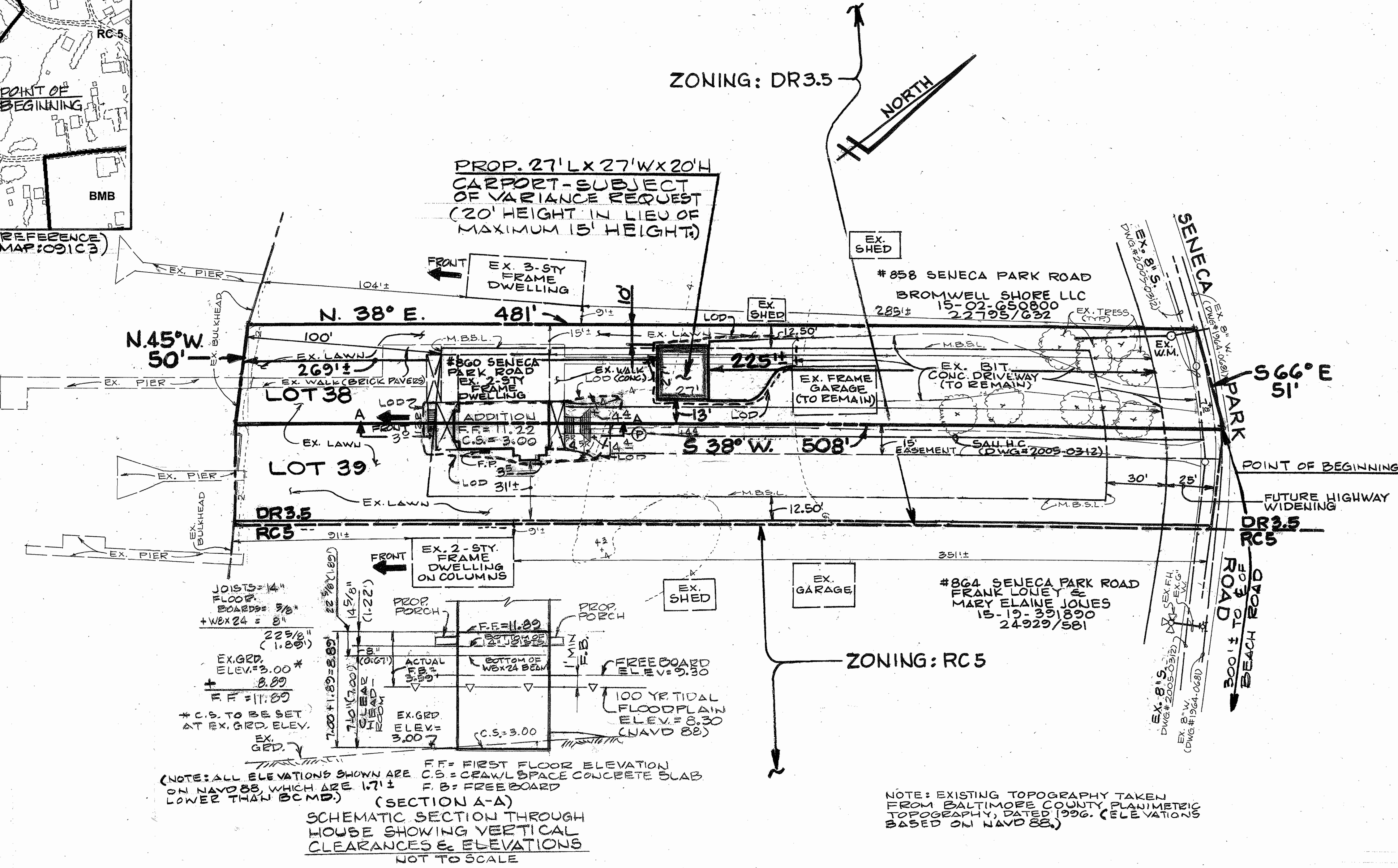
PROPERTY INFORMATION

OWNER(S): MARCOS & ELIZABETH DOXANAS
15 ROLAND COURT
TOWSON, MD 21204
410-337-8419

TAX ACCT.: 15-11-671790
DEED REF: 8059/234
PLAT REF: 8/G

THE SUBJECT SITE IS IN A 100 YEAR TIDAL FLOODPLAIN (ZONE A-10).
THE SUBJECT SITE IS NOT A HISTORIC SITE.

SENECA CREEK



(NOTE: ALL ELEVATIONS SHOWN ARE ON NAVD88 WHICH ARE 1.71± FEET LOWER THAN BCMD.)
FF= FIRST FLOOR ELEVATION
CS= CRAWLSPACE CONCRETE SLAB
F.B.= FREE BOARD
(SECTION A-A)
SCHEMATIC SECTION THROUGH HOUSE SHOWING VERTICAL CLEARANCES & ELEVATIONS
NOT TO SCALE

NOTE: EXISTING TOPOGRAPHY TAKEN FROM BALTIMORE COUNTY PLANIMETRIC TOPOGRAPHY, DATED 1996. (ELEVATIONS BASED ON NAVD88.)

LEGEND

--- PROPERTY LINE
--- MINIMUM BUILDING SETBACK LINE (FOR PRINCIPAL STRUCTURE)
--- ZONING LINE
--- FRONT ORIENTATION ARROW
--- LIMIT OF DISTURBANCE

Drafting	T.L.B.
Check	T.A.C.
Design	
Check	

DEVELOPMENT ENGINEERS CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANT
MARCOS AND ELIZABETH DOXANAS
15 ROLAND COURT
TOWSON, MD, 21204
410-337-8419

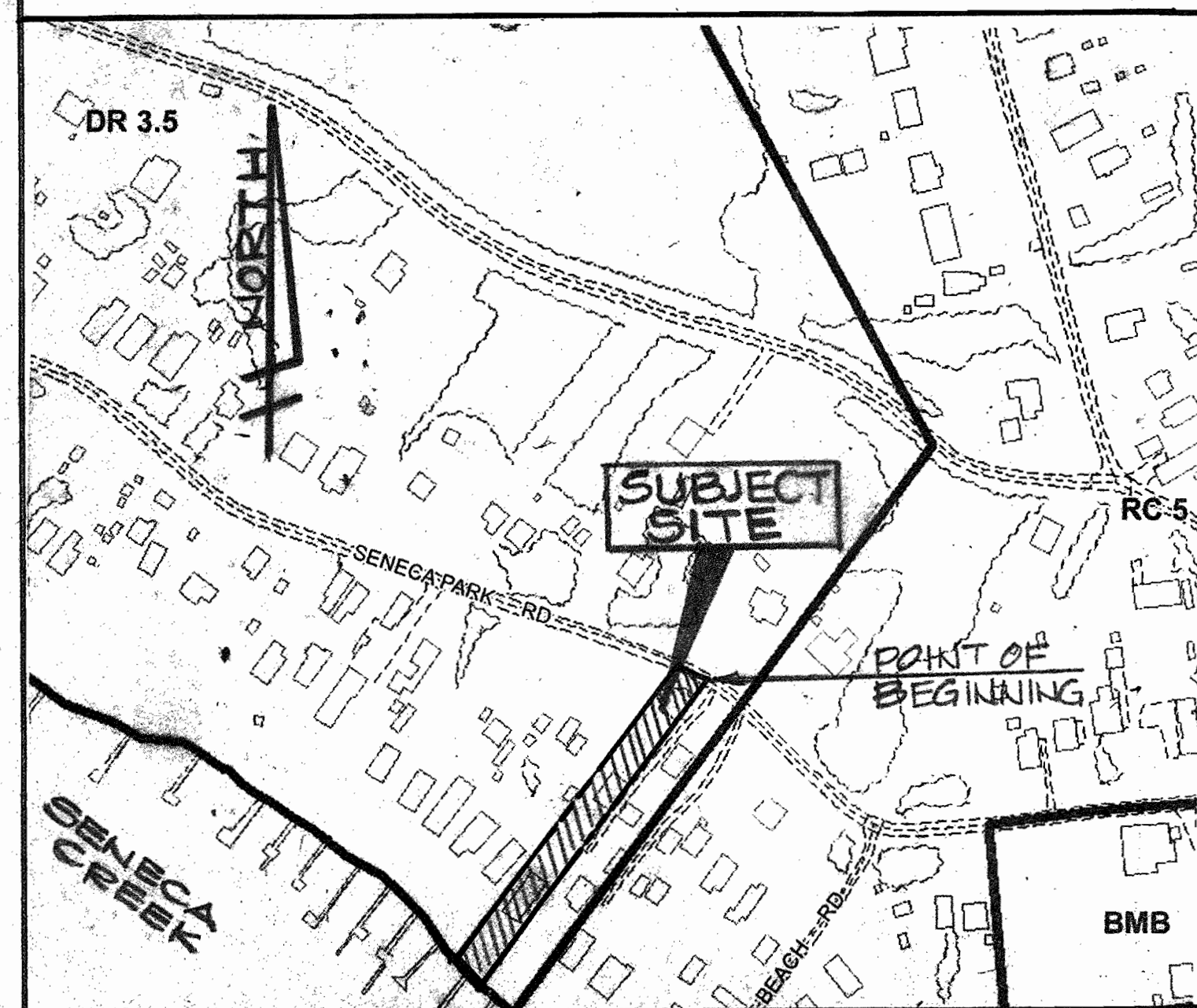
PLAT TO ACCOMPANY PETITION FOR A ZONING VARIANCE
860 SENECA PARK ROAD
ELECTION DISTRICT 15
BALTIMORE COUNTY, MARYLAND

DATE: 11/11/08
SCALE: 1"=30'
SHEET: 1 OF 1
CONTRACT NUMBER: 07-115

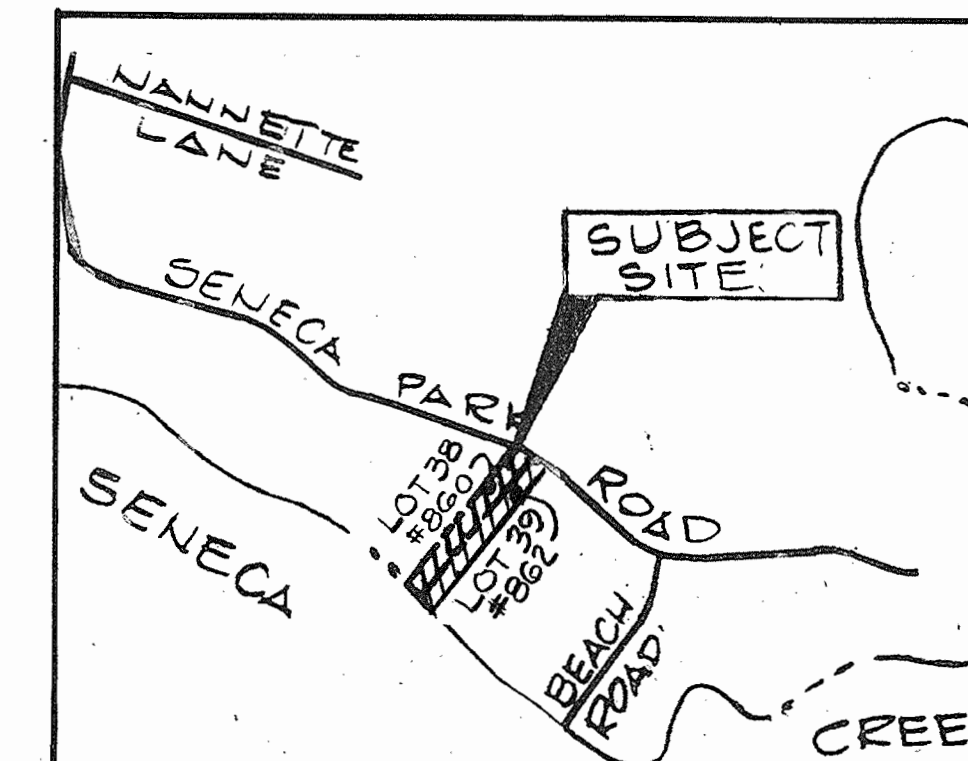


08-305-A

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ VARIANCE, ☐ SPECIAL HEARING



ZONING MAP (REFERENCE MAP: 091C3)
SCALE: 1"=200'



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT #: 15
COUNCILMANIC DISTRICT #: 6
1"=200' SCALE MAP #: 091C3
ZONING: **DR 3.5**
LOT AREA:
NET= 24,725 S.F.= 0.568 AC.
GROSS= 24,725 S.F.= 0.568 AC.

PUBLIC PRIVATE
SEWER: ☒ ☐
WATER: ☒ ☐
YES NO

CHESAPEAKE BAY CRITICAL AREA (DESIGNATION: L DA) ☒
PRIOR ZONING HEARINGS: NONE

ZONING OFFICE USE ONLY

REVIEWED BY: _____ ITEM #: _____ CASE #: _____

PROPERTY INFORMATION

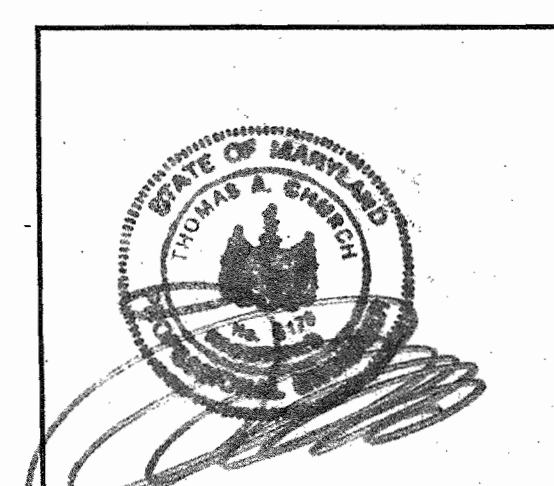
OWNER(S): MARCOS & ELIZABETH DOXANAS
15 ROLAND COURT
TOWSON, MD 21204
410-337-8419

TAX ACCT.: 15-11-671790
DEED REF: 8089/234
PLAT REF: 8/6

THE SUBJECT SITE IS IN A 100 YEAR TIDAL FLOODPLAIN. (ZONE A-10).

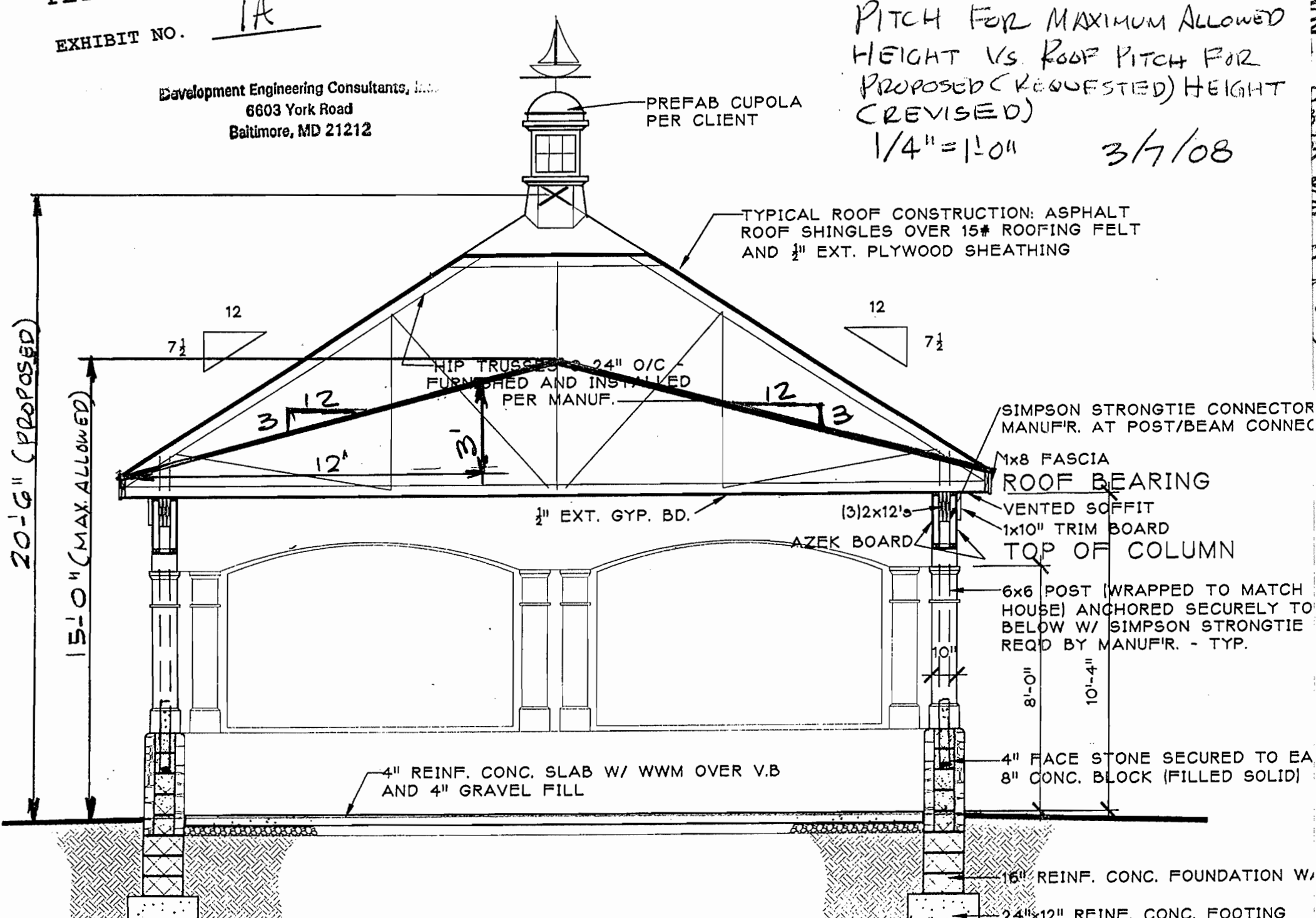
THE SUBJECT SITE IS NOT A HISTORIC SITE.

PETITIONER'S
EXHIBIT NO. 1

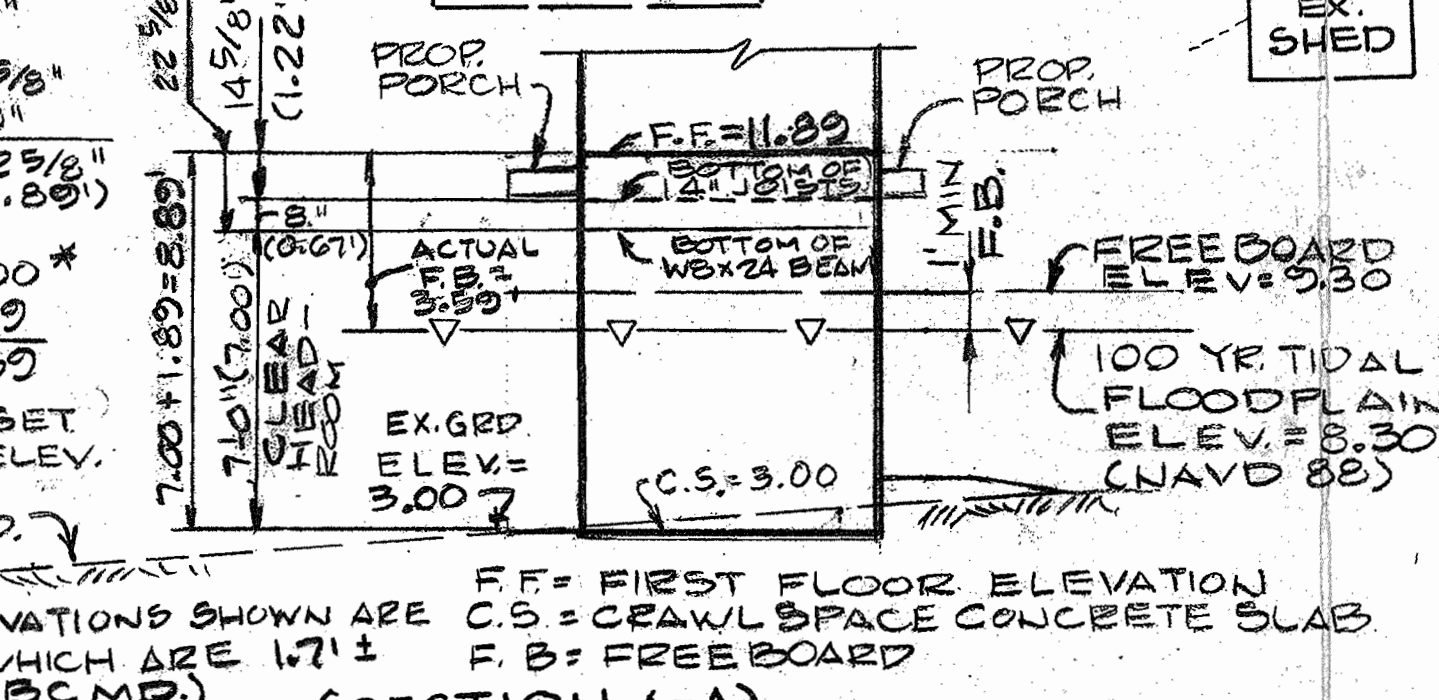


PETITIONER'S
EXHIBIT NO. 1A

Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212



07-115/860 SENECA DRIVE
COMPARISON BETWEEN ROOF
PITCH FOR MAXIMUM ALLOWED
HEIGHT VS ROOF PITCH FOR
PROPOSED (REQUESTED) HEIGHT
(REVISED)
1/4"=10' 3/4/08



(SECTION A-A)
SCHEMATIC SECTION THROUGH
HOUSE SHOWING VERTICAL
CLEARANCES & ELEVATIONS
NOT TO SCALE

LEGEND

PROPERTY LINE
MINIMUM BUILDING SETBACK LINE
(FOR PRINCIPAL STRUCTURE)
ZONING LINE
FRONT ORIENTATION ARROW
LIMIT OF DISTURBANCE

NOTE: EXISTING TOPOGRAPHY TAKEN
FROM BALTIMORE COUNTY PLANIMETRIC
TOPOGRAPHY, DATED 1996. (ELEVATIONS
BASED ON NAVD 88.)

PROPERTY LINE
MINIMUM BUILDING SETBACK LINE
(FOR PRINCIPAL STRUCTURE)
ZONING LINE
FRONT ORIENTATION ARROW
LIMIT OF DISTURBANCE

CASE No: 08-305-A

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANT:
MARCOS AND ELIZABETH DOXANAS
15 ROLAND COURT
TOWSON, MD, 21204
410-337-8419

PLAT TO ACCOMPANY PETITION FOR A ZONING VARIANCE
860 SENECA PARK ROAD
ELECTION DISTRICT 15 BALTIMORE COUNTY, MARYLAND
COUNCILMANIC DISTRICT 6

SHEET 1 OF 1
DATE 1/11/08
REV. 1/11/08
SCALE 1"=30'
CONTRACT NUMBER 07-115