

IN RE: PETITION FOR VARIANCE

E side of Seneca Park Road, NE side
of Beach Road
15th Election District
6th Councilmanic District
(936 Seneca Park Road)

William and Phyllis Lagna
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0570-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, William and Phyllis Lagna. Petitioners are requesting variance relief as follows:

- From Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot having an area of 0.3430 acres in lieu of the required 1.5 acres; and
- From Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow sideyard setbacks of 13 feet in lieu of the required 50 feet; and
- From Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dwelling height of 38 feet in lieu of required 35 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 were Petitioners William and Phyllis Lagna. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence revealed that the subject property is an irregular-shaped property containing approximately 0.34 acres of land, more or less, zoned R.C.5. The property is located north of Seneca Creek off the east side of Seneca Park Road in the Middle River area of Baltimore County. The waterfront property is improved with an existing single-family dwelling,

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Date 10-8-08
By [signature]

and Petitioners are proposing to raze the existing structure and build a replacement home, which will require a variance from several of the requirements in the R.C.5 Zone. Petitioners submitted a series of photographs of the subject property and surrounding area, which were marked and accepted into evidence as Petitioners' Exhibits 2A through 2F.

The evidence demonstrated that the subject property was originally recorded and platted in approximately 1915 as part of the Seneca Park Beach subdivision. Each of the lots in the subdivision is 50 feet wide, and the subject property actually comprises 1.5 lots for a total width of 75 feet. The existing single-family dwelling, which is clearly depicted in Petitioners' Exhibit 2A, was originally constructed in 1920. The home was damaged during Hurricane Isabel in 2003, and Petitioners testified that they wished to rebuild the home at that time but were providing full time care to an elderly family member for several years, which delayed the project. After consulting with a builder, Petitioners discovered that the structure would need to be raised higher to meet flood elevation standards, and given that many of the wood beams have deteriorated, it would be more cost effective to raze the existing structure and build a new home. Petitioners submitted architectural renderings with elevations, which were marked and accepted into evidence as Petitioners' Exhibit 3.

Further testimony and evidence revealed that a number of the homes in the surrounding neighborhood have either been razed and replaced or completely renovated. According to Petitioners, there were originally eight homes on the point surrounding the subject property, and five have already been razed and rebuilt; additionally, there are already over 30 new homes in the surrounding neighborhood. Prior to filing the petition for variance, Petitioners consulted with several neighbors, who each signed a letter indicating no objection to the relief sought by Petitioners. The letters were marked and accepted into evidence as Petitioners' Exhibits 4A through 4E.

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The Zoning Advisory Committee (ZAC) comment received from the Office of Planning dated August 8, 2008 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. Comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated August 19, 2008 indicates that the property must comply with the Chesapeake Bay Critical Area (CBCA) regulations. The property is located within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA and impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met. Comments from the Bureau of Development Plans Review dated July 28, 2008 indicate that in conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least one foot above the flood plain elevation in all construction, and 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 comments also states that the building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage, and that flood-resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.

Considering all the testimony and evidence presented, I am convinced that the requested relief should be granted. 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 was plotted and recorded in approximately 1915, well before the adoption of zoning in Baltimore County. Each

ORDER RECEIVED FOR FILING
Date 10-8-08
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of the surrounding lots is uniquely shaped and affected by the contours of the Seneca Creek shoreline. Additionally, the subject property is only 75 feet wide, and the R.C.5 zone requires 50-foot side yard setbacks. Since virtually *any* construction on the property would require a variance from the R.C.5 setback requirements, 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 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. The R.C.5 designation was originally placed on shoreline properties to prevent infill development so as to decrease the impact of human elements on the neighboring waterfront and reduce the strain on available services, including water and sewer access and the impact on ground water septic systems. However, with technological advances and the addition of grinder pumps for sewage, the imposition of the R.C.5 requirements now appears at times to be overly burdensome.

In this case, the existing conditions currently do not meet the R.C.5 requirements since the lot is undersized and the dwelling does not maintain 50-foot side setbacks. After consulting with a builder, Petitioners also discovered they would need to raise the level of the home in order to meet flood elevation standards, so they are further constrained when trying to meet the 35-foot height limitation in the R.C.5 zone. These factors, along with the fact that five of the eight homes surrounding the subject property have already been razed and rebuilt, and that Petitioners' neighbors have no objection to the request for zoning relief, convince me that this variance can be granted in such a manner as to meet the spirit and intent of the regulations, as well as the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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Date 10-8-08
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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 requests should be granted.

THEREFORE, IT IS ORDERED this 5th day of October, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request as follows:

- From Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot having an area of 0.3430 acres in lieu of the required 1,5000 acres; and
- From Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow sideyard setbacks of 13 feet in lieu of the required 50 feet; and
- From Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dwelling height of 38 feet in lieu of required 35 feet

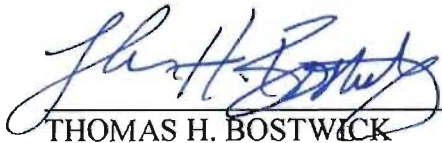
be and are hereby GRANTED, subject to the following:

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, the 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. 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. 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. 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. Provide landscaping along the public road, if it is consistent with the existing streetscape.

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Date 10-8-08
BY 103

3. 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).
4. The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.
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. 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

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Date 10-8-08
By 1032



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 8, 2008

William and Phyllis Lagna
936 Seneca Park Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

E side of Seneca Park Road, NE side of Beach Road
15th Election District - 6th Councilmanic District
(936 Seneca Park Road)
William and Phyllis Lagna – *Petitioners*
Case No. 2008-0570-A

Dear Mr. and Mrs. Lagna:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Kenneth Wells, kj Wells, Inc., 7403 New Cut Road, Kingsville, MD 21087
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel, Office of Planning, DEPRM, Development Plans Review, File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 936 Seneca Park Road

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached Sheet

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

See Attached Sheet

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

William Lagna

Name - Type or Print

Signature

Phylis Lagna

Name - Type or Print

Signature

936 Seneca Park Road

410-335-0936

Address

Telephone No.

Baltimore

Maryland

21220

State

Zip Code

Representative to be Contacted:

Kenneth Wells

Name

7403 New Cut Road

410-592-8800

Address

Telephone No.

Kingsville

Maryland

21087

City

State

Zip Code

OFFICE USE ONLY

Case No. 2008-0570-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

10-8-08

By

[Signature]

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

July 16, 2008

Attachment to Variance

Requests:

- 1) To allow a lot having an area of 0.3430 acres in lieu of the required 1.5000 acres per BCZR Section 1A04.3.b.1.a.
- 2) To allow sideyard setbacks of 13 feet in lieu of the required 50 feet per BCZR Section 1A04.3.b.2.b.
- 3) To allow a dwelling height of 38 feet in lieu of the required 35 feet per BCZR Section 1A04.3.A.

Explanation:

We are desirous to construct a new dwelling to replace the existing dwelling that was constructed in 1936 which suffered some damage as a result of the Isabel storm event. In so doing, we cannot comply with the current RC-5 zoning regulations as any improvements made would create a practical difficulty in meeting those regulations as the sum of the required side yard setbacks (100 feet) exceeds the lot width (75 feet) and the lot size (0.34 acres) falls far short of the required minimum size of 1.50 acres. The relief from the height requirement will afford the proposed dwelling to retain a 1 ½ story character and now comply with the tidal flood zone requirement were the existing first floor is at 10.7 feet and proposed first floor is to be set at elevation 15.4 feet. Granting of this variance would allow us to build a new dwelling that would meet, within certain limitations, current regulations with respect to tidal floodplain areas, the Chesapeake Bay Critical Area and the Buffer Management Area.

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

Zoning Description
936 Seneca Park Road
Baltimore County
Maryland
15th Election District
6th Councilmanic District

Beginning at a point on the east side of Seneca Park Road (30 feet wide) at a distance of 851.5 feet+/- northeasterly along the east side of said Seneca Park Road from the centerline of Beach Road (20 feet wide). Being Lot number 67 and part of Lot number 68 as shown on a Plat entitled "Seneca Park Beach" as recorded in Plat Book 8 folio 45 containing 14,940 square feet of 0.34 acres of land more or less.



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: # 2008-0570-A

936 Seneca Park Road

E/side of Seneca Park Road, N/east side of Beach Road

15th Election District — 6th Councilmanic District

Legal Owner(s): William & Phyllis Lagna

Variance: to allow a lot having an area of 0.3430 acres in lieu of the required 1.5000 acres per BCZR Section 1A04.3.b.1.a. To allow sideyard setbacks of 13 feet in lieu of the required 50 feet per BCZR Section 1A04.3.b.2.b. To allow a dwelling height of 38 feet in lieu of the required 35 feet per BCZR Section 1A04.3.A.

Hearing: Tuesday, September 9, 2008 at 10:00 a.m. in Room 104, Jefferson Building, 105 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) 887-4386.

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

JT 8/743 Aug. 26

181705

CERTIFICATE OF PUBLICATION

8/28/2008

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 8/26/2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15986**

Date: **6-9-08**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		00150				65.00

Total: _____

Rec From: **W. LAGUN**

For: **936 SEVEN PINE RD - Apt VHL.**
2008 - 0570 - A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

ADDRESS: ACTUAL TIME MM
 06/09/2008 6/09/2008 11:01:00 0
 NEW YORK WALKIN SMIL SAN
 RECEIPT # 443747 6/09/2008 06/09
 5 529 JONAS VERIFICATION
 015906
 Rept tot \$65.00
 \$65.00 OK \$65.00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 6-19-08

RE: Case Number: 08-570-A

Petitioner/Developer: William Lagna

Date of Hearing/Closing: 7-7-08

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 936 Seneca Park Rd

The sign(s) were posted on 6-19-08
(Month, Day, Year)

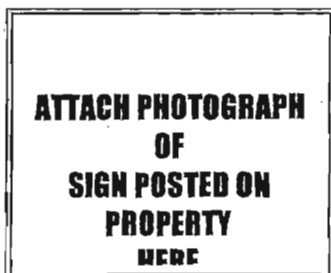
J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, Md 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-0570

TO PERMIT A LOT WITH AN AREA BE 0.3430
IN LIEU OF THE REQUIRED 1.5 ACRES AND TO
ALLOW SIDEYARD SETBACKS OF 13 FEET IN LIEU OF
THE REQUIRED 50 FEET AND A DWELLING HEIGHT
OF 38 FEET IN LIEU OF THE REQUIRED
35 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 1-7-08
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT
311 N. CALLEPERA AVE
TOWSON, MD. 21284

CERTIFICATE OF POSTING

Date: 8-23-08

RE: Case Number: 2008-0570-A

Petitioner/Developer: William Lagna

Date of Hearing/Closing: Tues, Sept. 9, 2008 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 936 Seneca Park Rd

The signs(s) were posted on 8-23-08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2008-0570-A

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

TEMPERSON BLVD, ROOM 104
PLACE: 105 W CHESAPEAKE AVE TOWSON
DATE AND TIME: TUES. SEPT. 9, 2008 10 AM
REQUEST: VARIANCE TO ALLOW A LOT HAVING AN

AREA OF 0.432 AC. IN LIEU OF THE REQUIRED 1.5 AC.
PER 30.22.20.1 TO ALLOW A REAR YARD SETBACK
OF 15 FEET IN LIEU OF THE REQUIRED 50 FEET PER 30.22.20.2
TO ALLOW A DWELLING HEIGHT OF 30 FEET IN LIEU OF THE REQUIRED 35 FEET PER 30.22.20.3

NOTIFICATIONS ARE TO BE MADE IN OTHER MANNER WHEN NECESSARY.
TO CONFIRM HEARING CALL 301-330-1

DO NOT REMOVE THIS SIGN AND POST UNTIL ONE OF YEARS. UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

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/neighborhood 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 2008 - 0570 - A

Petitioner W. LAGNA

Address or Location 936 SENECA PARK RD.

PLEASE FORWARD ADVERTISING BILL TO

Name KENNETH WELLS

Address 7403 NEW COT RD
KINGSVILLE, MD 21087

Telephone Number 410 - 592 - 8800



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 29, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

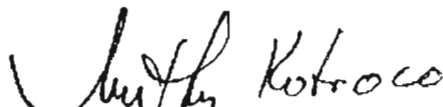
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936 Seneca Park Road
E/side of Seneca Park Road, N/east side of Beach Road
15th Election District – 6th Councilmanic District
Legal Owners: William & Phyllis Lagna

Variance to allow a lot having an area of 0.3430 acres in lieu of the required 1.5000 acres per BCZR Section 1A04.3.b.1.a. To allow sideyard setbacks of 13 feet in lieu of the required 50 feet per BCZR Section 1A04.3.b.2.b. To allow a dwelling height of 38 feet in lieu of the required 35 feet per BCZR Section 1A04.3.A.

Hearing: Tuesday, September 9, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: William & Phyllis Lagna, 936 Seneca Park Road, Baltimore 21220
Kenneth Wells, 7403 New Cut Road, Kingsville 21087

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

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

Please forward billing to:
Kenneth Wells
7403 New Cut Road
Kingsville, MD 21087

410-592-8800

NOTICE OF ZONING HEARING

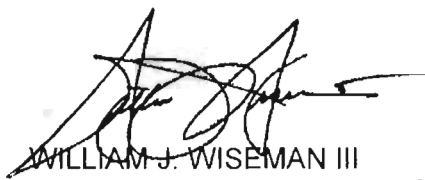
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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Hearing: Tuesday, September 9, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 W. 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

September 4, 2008

William & Phylis Lagna
936 Seneca Park Rd.
Baltimore, MD 21220

Dear: William & Phylis Lagna

RE: Case Number 2008-0570-A, 936 Seneca Park Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 17, 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:lnw

Enclosures

c: People's Counsel

TB 9/9
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2008

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

SUBJECT: 936 Seneca Park Road
INFORMATION:

Item Number: 8-570

Petitioner: William Lagna

Zoning: RC 5

Requested Action: Variance

RECEIVED
AUG 18 2008

BY: _____

SUMMARY OF RECOMMENDATIONS:

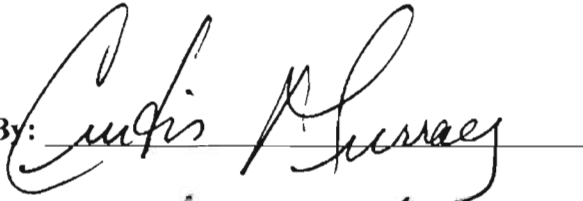
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information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

TB
9-9-08
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: August 19, 2008

SUBJECT: Zoning Item # 08-570-A
Address 936 Seneca Park Road
(Lagna Property)

Zoning Advisory Committee Meeting of July 21, 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:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger Date: August 14, 2008

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-570-A.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: ~~2008-0570-A~~, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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.

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item No. 08-0570

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:lrk
cc: File
ZAC-ITEM NO 08-0570-07282008



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: 7-29-2008

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

RE: Baltimore County
Item No 2008-0370-A
936 SENECA PARK RD
LAGNA 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. 2008-0370-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



Bill Wiseman - 936 Seneca Park Road

From: "Ken Wells" <kwells@kjwellsinc.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 07/22/08 4:30 PM
Subject: 936 Seneca Park Road

Bill,

This email is in response to your questions left on my voice mail.

Amerigo and Antoinnette Lagna purchased a property at 934 in September of 1943 and was improved with a dwelling that was built in 1940. The subject property at 936 became available and the Lagna's took the opportunity to purchase it in 1960. It was improved with a dwelling that was built in 1936. The Lagna's continued to reside at 934 and used the property at 936 to generate income as a rental unit from 1960 to the time that Amerigo past away in February 2004. Shortly thereafter the day came were Antoinnette could no longer live by herself and my clients (William and Phyllis Lagna) took up residence in 936 to help in her support while she continued to reside at 934. It was then decided by the children of the Lagna's to address estate issues. My client's brother, Richard Lagna, was added to the title with his mother for the property at 934 by Deed (21709/606) dated in September 2004. My client's obtained title by Deed (21709/609) to the property at 936 at the same time. Antoinnette died in May of 2007. Title to 934 remains in Richard Lagna and my clients have continued to own and reside at 936. It is noteworthy that the SDAT records of 936 indicate that my client's principal address is at 4711 Kenwood Avenue. While they continue to owned 4711 Kenwood only their son resides at that address. My client's are looking at their options with respect to where they intend to reside during the razing and construction of the new house. One option is where they may temporarily reside at 934 and another is placing a temporary trailer on site, but that is subject to approval by Code Enforcement. The reason that 934 is available is that Richard Lagna resides at 913 Seneca Park Road and uses the property at 934 as a summer home.

It is clear that these properties while owned by one party for a number of years until recently, they have never been used in any manner as a single entity.

Amerigo and Antoinnette Lagna also purchased 4 lots across Seneca Park Road, but because they are not contiguous to the subject property I don't believe that those lots will have any impact.

My clients understand the ramifications should People's Counsel become involved if it is decided that an Administrative Variance is an acceptable process.

I hope that the above provides you with enough information to determine if the process can be done administratively or not. Let me know if you have any additional questions.

Thanks,
Ken

kjWellsInc

Land Surveyors and Site Planners

7403 New Cut Road

Kingsville, Maryland 21087

410-592-8800

NOTE TO FILE:

6/17/08 Met with Carl Richards. Property requires a variance hearing not an administrative hearing as the owners of the property will not be living on the site as the current dwelling is to be razed. Informed Ken Wells of this fact and he stated that he would file the appropriate forms for the variance.

7/16/08 Called Mr. Wells to inquire what was transpiring with the forms for the variance. Again informed him of the issue involved. He stated that he would get the forms in quickly. Later spoke to the owner, William Lagna over the phone informing him of the situation.

7/17/08 Mr. Lagna dropped off the variance paper work

7/18/08 Paperwork given to Ms Matthews to set in for hearing

7/23/08 Zoning Commissioner, Bill Wiseman, dropped off copy of email received from Mr. Wells on the type of hearing required. Met again with Mr. Richards to discuss type of hearing. It was determined that because of previous cases that concerned the same issues and the position of the People's Counsel's office in opposing Administrative Variances for the relief requested that a public hearing was the proper course of action.

C M cBraw
7/24/08

RE: PETITION FOR VARIANCE * BEFORE THE
936 Seneca Park Road; E/S Seneca Park Rd, *
NE/S Beach Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): William & Phyllis Lagna * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-570-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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Mr. Basurich,

Our house was damaged during Isabel storm in 2003. At that time we wanted to start the process to submit but we were providing full time care to my 95 year old mother for 3 years until she passed away in 2007.

Our builder agree the structure would need to be raise to meet flood elevation and with sagging wood support beams, it would be cost affective to rebuild rather then repair the existing structure. We are willing to fill in the existing basement and raise the replacement dwelling to meet flood elevation and even exceed the requirements that would be less flood prone and more compatible with the other homes throughout the neighborhood. Since 2003 the Seneca Park area has 31 newly reconstructive homes. Our goal at the age of 66 and 59 is to make this our retirement home with our sleeping and living area all on one level.

Adjacent existing homes are closer to side property line then our proposed set backs.

930 Seneca Park Rd. 5' off side line, 932- 4' off, 934- 8' off, 940-5' off, 942-5' off

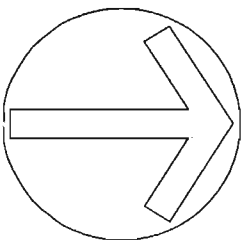
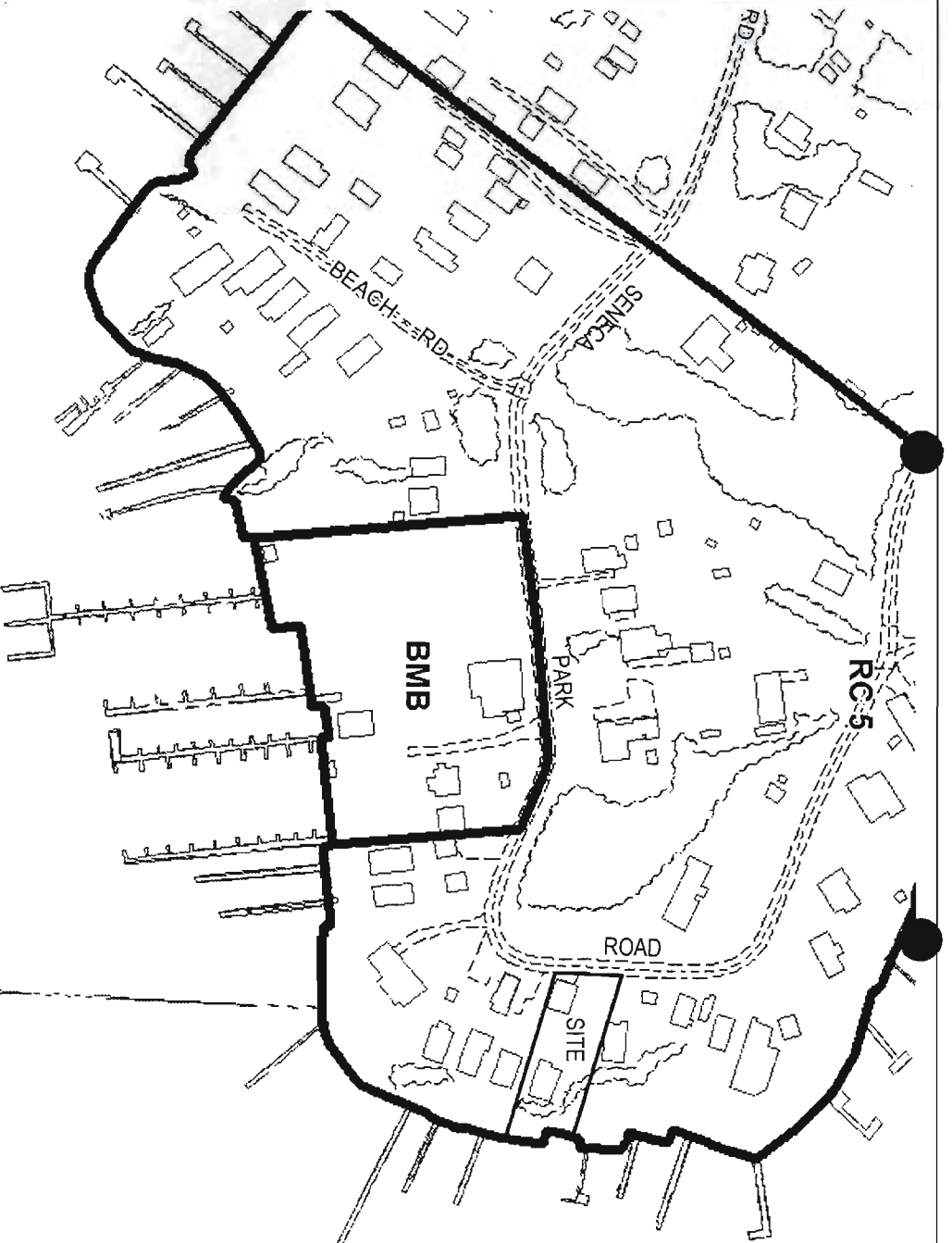
The height of adjacent new homes range from 32 feet to approximately 36 feet.

932 Seneca Park Rd. 32' high, 940- 36' high, 946- 36' high

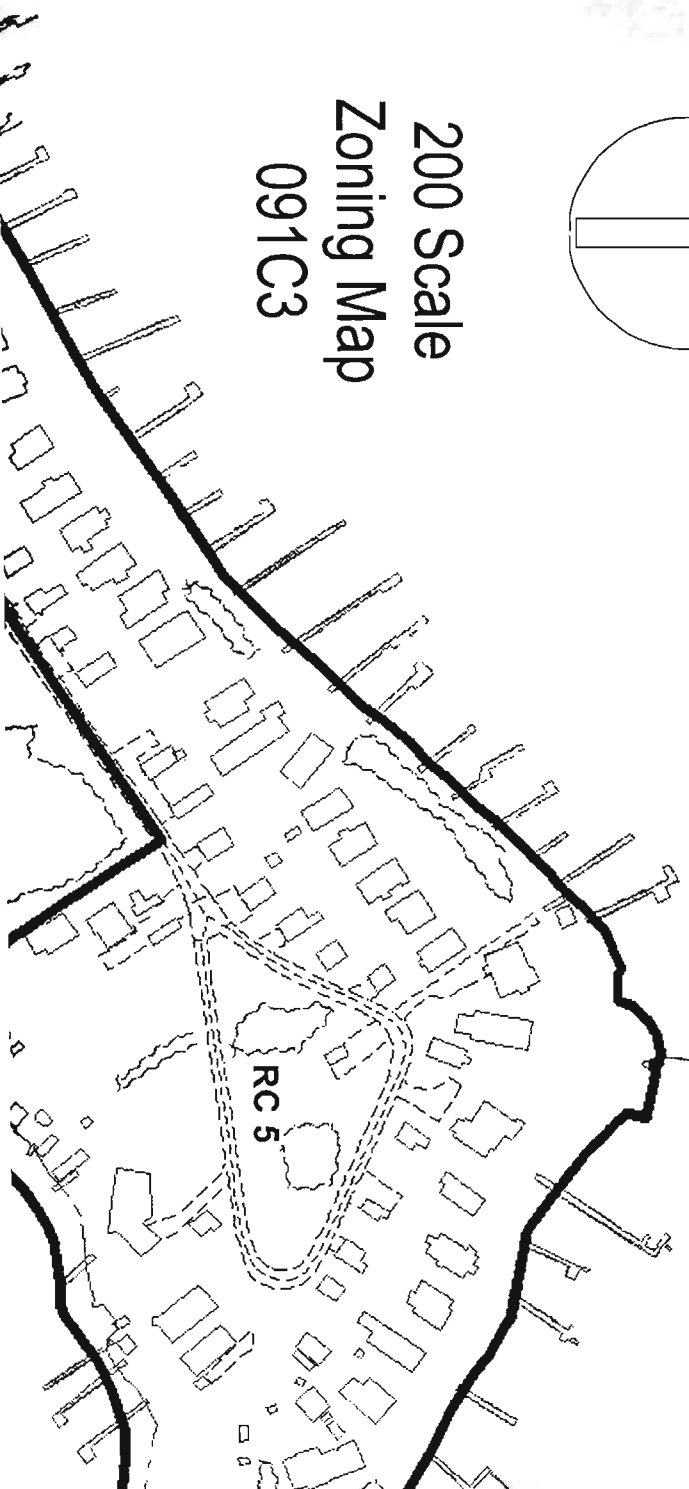
A number of residents in the immediately area have sign statements of no objections with our proposed plans. We would appreciate your favorable approval.

CASE NAME Lagna
CASE NUMBER 2008-0570-A
DATE 9-9-08

[illegible]

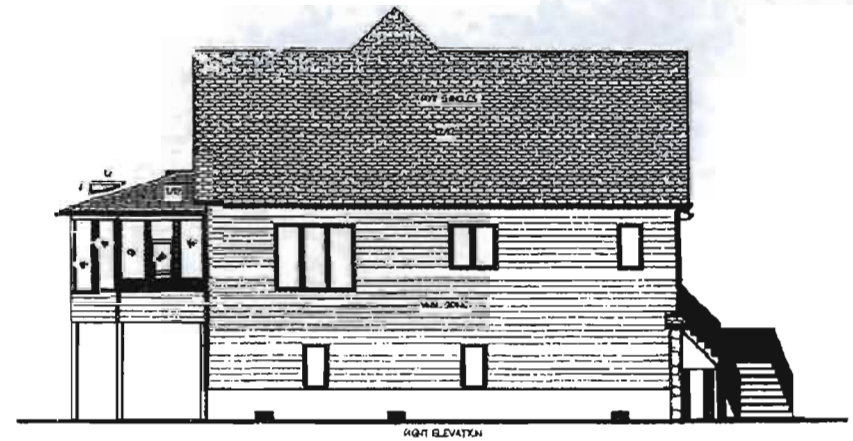
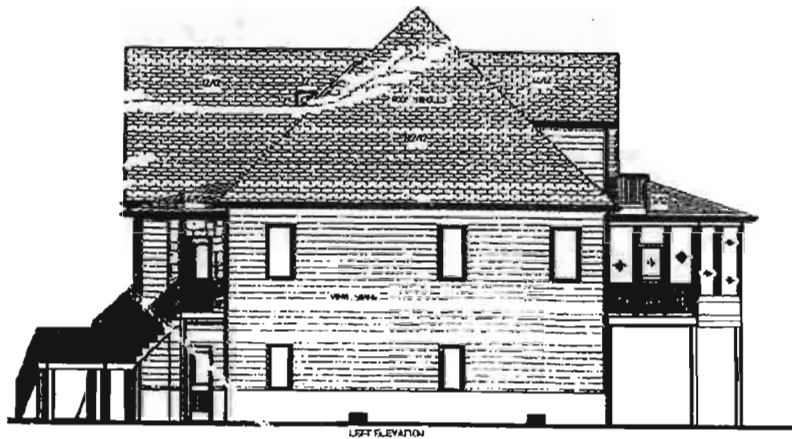


200 Scale
Zoning Map
091C3



BILL & PHYLLIS LARINA
 PREL PLAN
 FROM: Ltr 5-2-2008
 DRAFT 100-1

4 OF 4



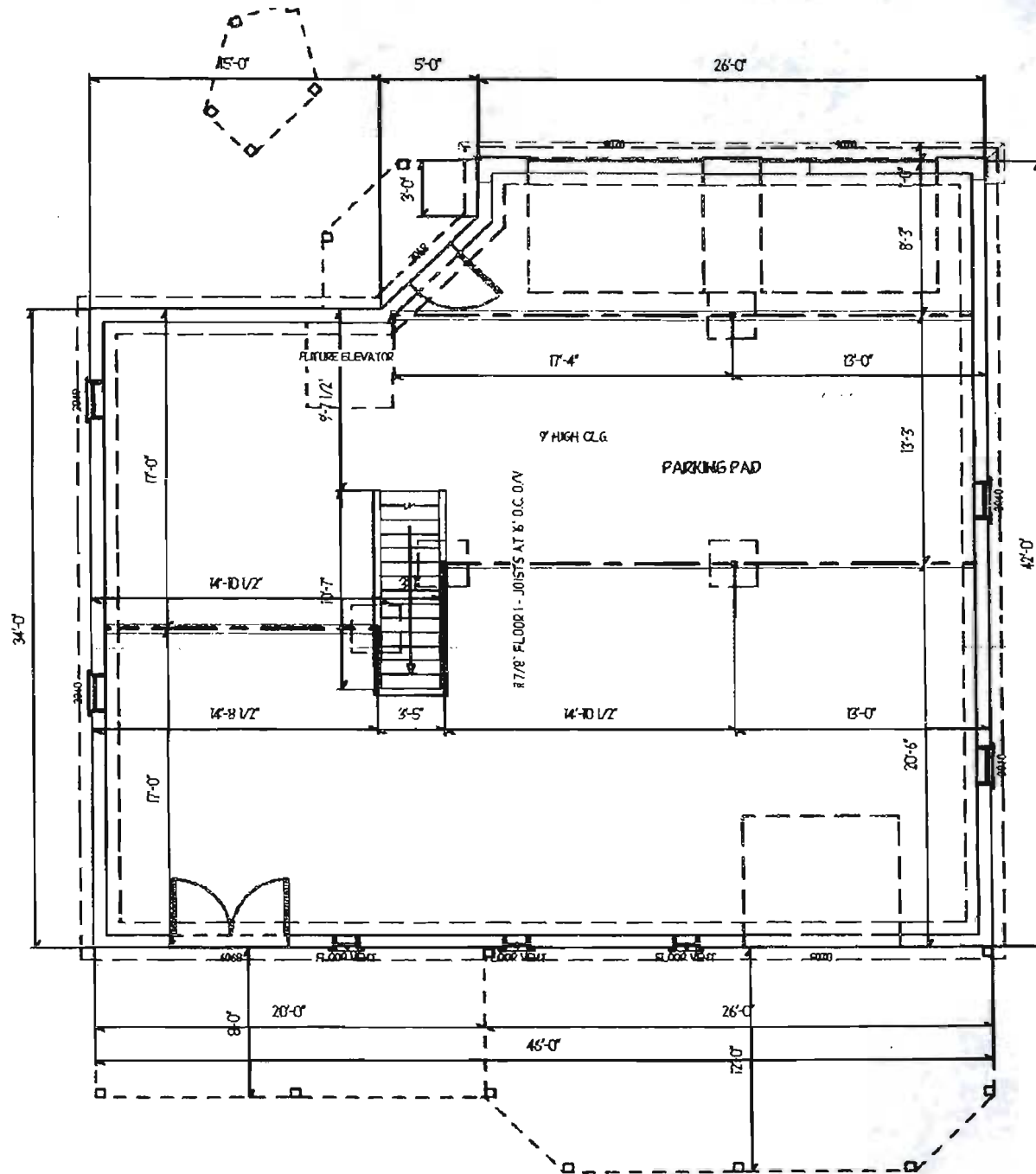
PETITIONER'S

EXHIBIT NO.

3

BILL & PHYLLIS LAGNA
 PREL. PLAN
 FROM: DRP 6-2-2008
 SCALE: 1/8" = 1'

1 OF 4



0150

1785 SF
43 SF FRONT PORCH
296 SF REAR PORCH

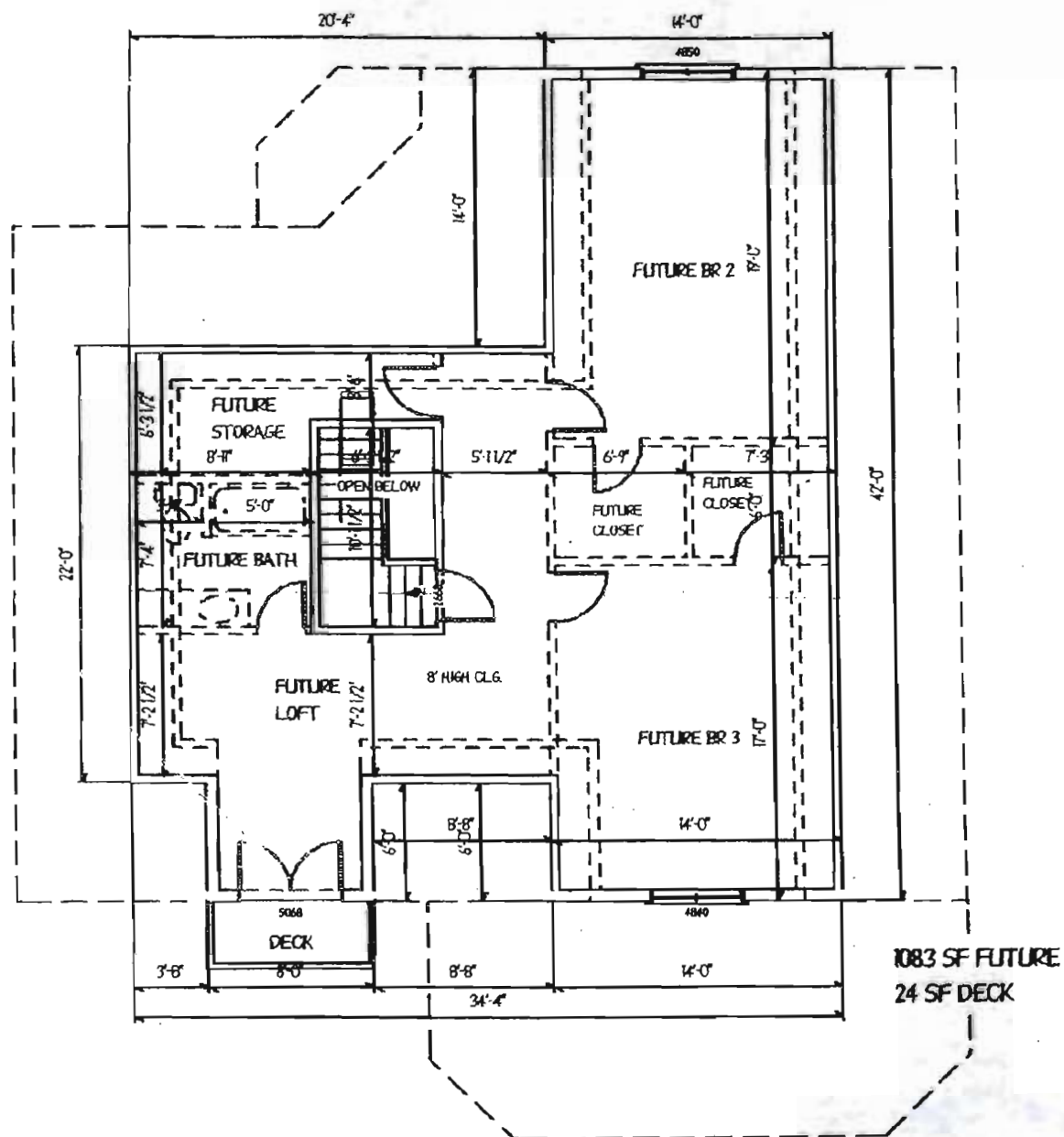
The floor plan includes the following rooms and dimensions:

- Front Porch:** 26'-0" x 8'-0"
- Entry:** 8'-0" x 7'-0" (9' HIGH C.L.G.)
- Living Area:** 30'-7 1/2" x 20'-0"
- Kitchen:** 20'-3 1/2" x 8'-4 1/2"
- Study:** 13'-3" x 7'-6 1/2"
- Laundry:** 8'-1" x 5'-3"
- Master Bath:** 10'-3" x 6'-1"
- Master BR:** 16'-1" x 14'-1"
- Deck:** 8'-0" x 46'-0"
- Porch (Rear):** 26'-0" x 4'-0"

Other features include a future elevator, stairs, and various closets. The plan is oriented with the front porch at the top and the rear porch at the bottom.

1785 SF
43 SF FRONT PORCH
296 SF REAR PORCH

3 OF 4



May 23, 2008

Baltimore County Maryland
111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Zoning Dept. & Others

RE: ADMINISTRATIVE VARIANCE
WILLIAM AND PHYLLIS LAGNA
936 SENECA PARK ROAD
MIDDLE RIVER, MD 21220

This letter is in reference to requesting an administrative variance for the above mention property. The following neighbors have signed off with no objections.

I have no objection to the proposed new home construction at 936 Seneca Park Road to replace the existing house.

James & Katherine Williams

Name: _____

Phone: 410-335-8879

930 Seneca Park Rd.

Address: _____

PETITIONER' S

EXHIBIT NO. 4A-E

0570

May 23, 2008

Baltimore County Maryland
111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Zoning Dept. & Others

RE: ADMINISTRATIVE VARIANCE
WILLIAM AND PHYLLIS LAGNA
936 SENECA PARK ROAD
MIDDLE RIVER, MD 21220

This letter is in reference to requesting an administrative variance for the above mention property. The following neighbors have signed off with no objections.

I have no objection to the proposed new home construction at 936 Seneca Park Road to replace the existing house.

Monica McCall

Name: Monica McCall Phone: 410 335 5271

932 Seneca Park Rd.

Address: _____

0510

May 23, 2008

Baltimore County Maryland
111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Zoning Dept. & Others

RE: ADMINISTRATIVE VARIANCE
WILLIAM AND PHYLLIS LAGNA
936 SENECA PARK ROAD
MIDDLE RIVER, MD 21220

This letter is in reference to requesting an administrative variance for the above mention property. The following neighbors have signed off with no objections.

I have no objection to the proposed new home construction at 936 Seneca Park Road to replace the existing house.

Richard Lagna

Name:

Richard J Lagna

Phone:

410-335-6789

934 Seneca Park Rd.

Address:

0510

May 23, 2008

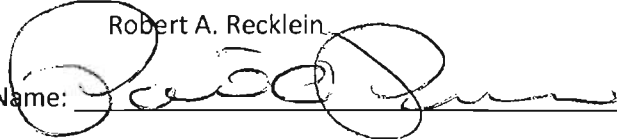
Baltimore County Maryland
111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Zoning Dept. & Others

RE: ADMINISTRATIVE VARIANCE
WILLIAM AND PHYLLIS LAGNA
936 SENECA PARK ROAD
MIDDLE RIVER, MD 21220

This letter is in reference to requesting an administrative variance for the above mention property. The following neighbors have signed off with no objections.

I have no objection to the proposed new home construction at 936 Seneca Park Road to replace the existing house.

Robert A. Recklein
Name:  Phone: 410-335-4354
940 Seneca Park Rd.
Address: 940 Seneca Park Rd

0570

May 23, 2008

Baltimore County Maryland
111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Zoning Dept. & Others

RE: ADMINISTRATIVE VARIANCE
WILLIAM AND PHYLLIS LAGNA
936 SENECA PARK ROAD
MIDDLE RIVER, MD 21220

This letter is in reference to requesting an administrative variance for the above mention property. The following neighbors have signed off with no objections.

I have no objection to the proposed new home construction at 936 Seneca Park Road to replace the existing house.

Anthony & Dana Lagna

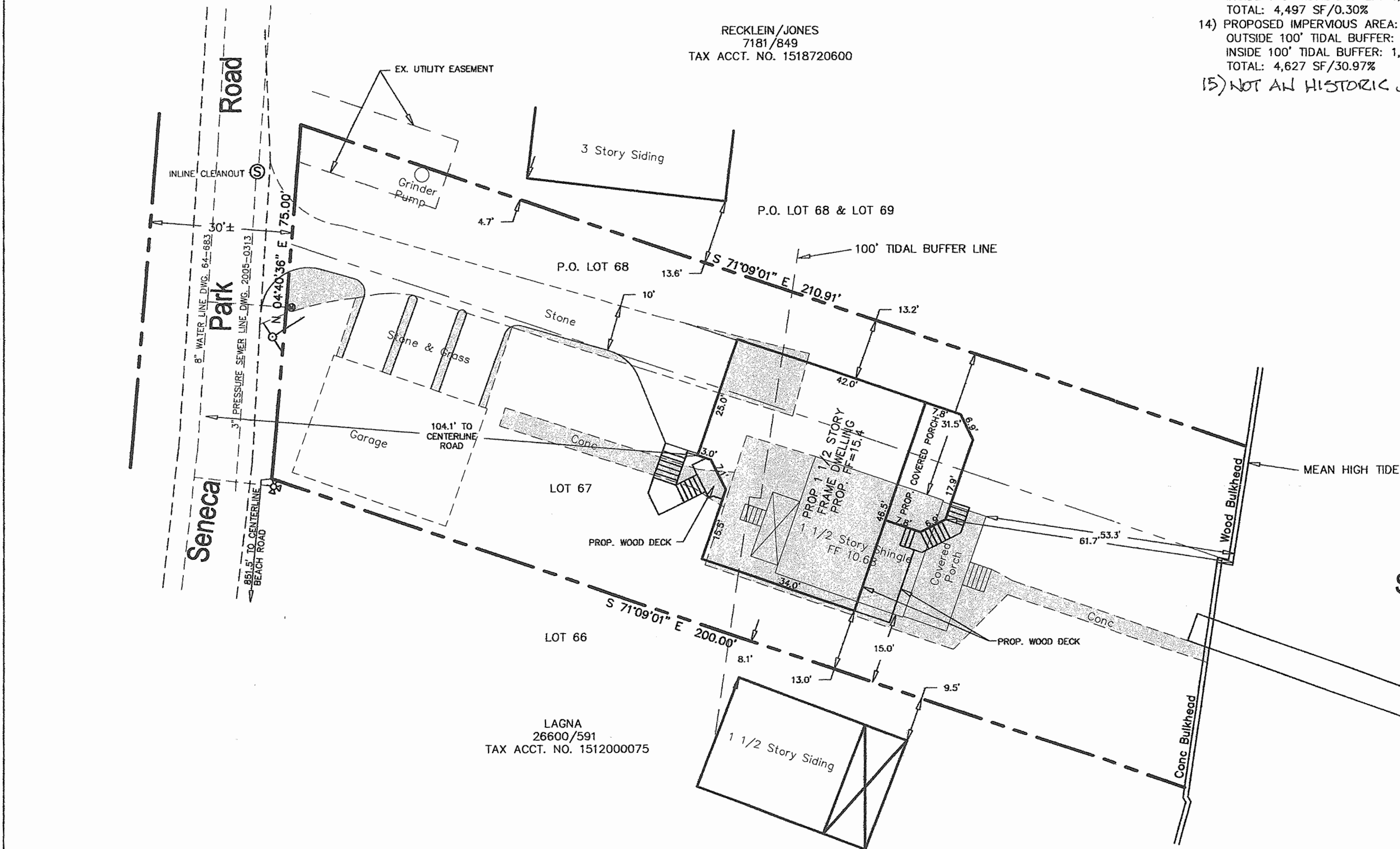
Name: Anthony & Dana Lagna Phone: 410-661-8967

941 Seneca Park Rd.

Address: _____

0570

- Legend:
- EXISTING IMPROVEMENTS
 - IMPERVIOUS AREA TO BE REMOVED
 - UTILITY POLE
 - FIRE HYDRANT
 - WATER METER
 - SANITARY SEWER MANHOLE

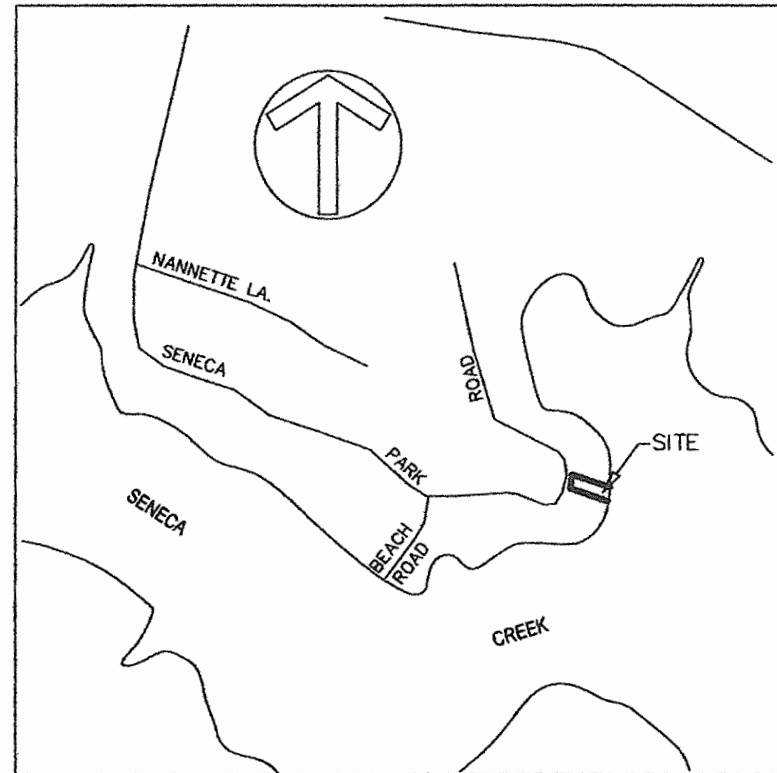


LAGNA
26600/591
TAX ACCT. NO. 1512000075

RECKLEIN/JONES
7181/849
TAX ACCT. NO. 1518720600

Site Data:

- 1) OWNER: WILLIAM AND PHYLLIS LAGNA
- 2) OWNER'S ADDRESS: 936 SENECA PARK ROAD
BALTIMORE, MD. 21220
- 3) DEED REFERENCE: 26600/591
- 4) PLAT REFERENCE: 8/45 "SENECA PARK BEACH"
- 5) TAX MAP NO.: 91 GRID: 17 PARCEL: 139
- 6) TAX ACCOUNT NO.: 1512000075
- 7) PREVIOUS ZONING HEARINGS: NONE
- 8) PROPERTY LIES WITHIN THE CBCA AND
WITHIN THE BUFFER MANAGEMENT AREA
- 9) CURRENT ZONING: RC-5
- 10) ZONING MAP: 091C3
- 11) LOT SERVED BY PUBLIC WATER AND SEWER
- 12) LOT SIZE: 14,940 SF/0.3430 ACRES
- 13) EXISTING IMPERVIOUS AREA:
OUTSIDE 100' TIDAL BUFFER: 2,825 SF
INSIDE 100' TIDAL BUFFER: 1,672 SF
TOTAL: 4,497 SF/0.30%
- 14) PROPOSED IMPERVIOUS AREA:
OUTSIDE 100' TIDAL BUFFER: 3,014 SF
INSIDE 100' TIDAL BUFFER: 1,613 SF
TOTAL: 4,627 SF/30.97%
- 15) NOT AN HISTORIC SITE



Vicinity Map
SCALE: 1" = 1000'

Administrative Variance Request:

- 1) TO ALLOW A LOT HAVING AN AREA OF 0.3430 ACRES IN LIEU OF
THE REQUIRED 1.5000 ACRES PER BCZR SECTION 1A04.3.B.1.a.
- 2) TO ALLOW SIDEYARD SETBACKS OF 13 FEET IN LIEU OF THE
REQUIRED 50 FEET PER BCZR SECTION 1A04.3.B.2.b.
- 3) TO ALLOW A DWELLING HEIGHT OF 38 FEET IN LIEU OF THE
REQUIRED 35 FEET PER SECTION 1A04.3.A.

Administrative Special Hearing:

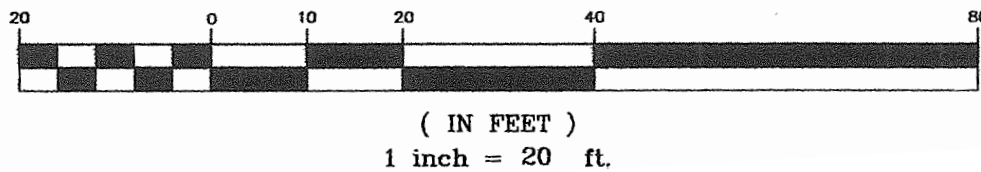
- 1) TO ALLOW A LOT HAVING AN AREA OF 0.3430 ACRES IN LIEU OF
THE REQUIRED 1.5000 ACRES PER BCZR SECTION 1A04.3.B.1.a AND
IN ACCORDANCE WITH SECTION 1A04.3.B.1.b-1 KJW

SENECA CREEK

PETITIONER'S

EXHIBIT NO. 1

GRAPHIC SCALE

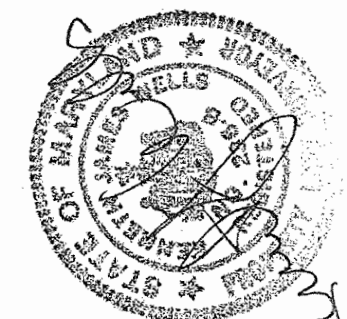


Note:
PROPERTY LINES AND EXISTING IMPROVEMENTS WERE DETERMINED
BY LGB SURVEYS, LLC.

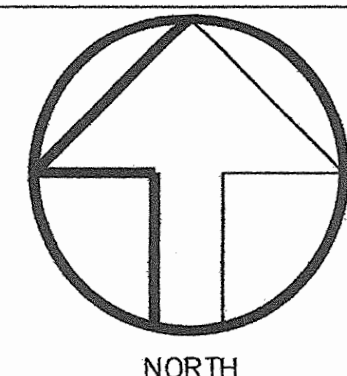
kjWellsIncSM

7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning



PLAN TO ACCOMPANY A PETITION FOR
AN ADMINISTRATIVE VARIANCE
AND ADMINISTRATIVE SPECIAL HEARING
936 SENECA PARK ROAD
BALTIMORE COUNTY
MARYLAND
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT



DRAWN BY: KJW

CHECKED BY: KJW

DATE: 5/15/2008

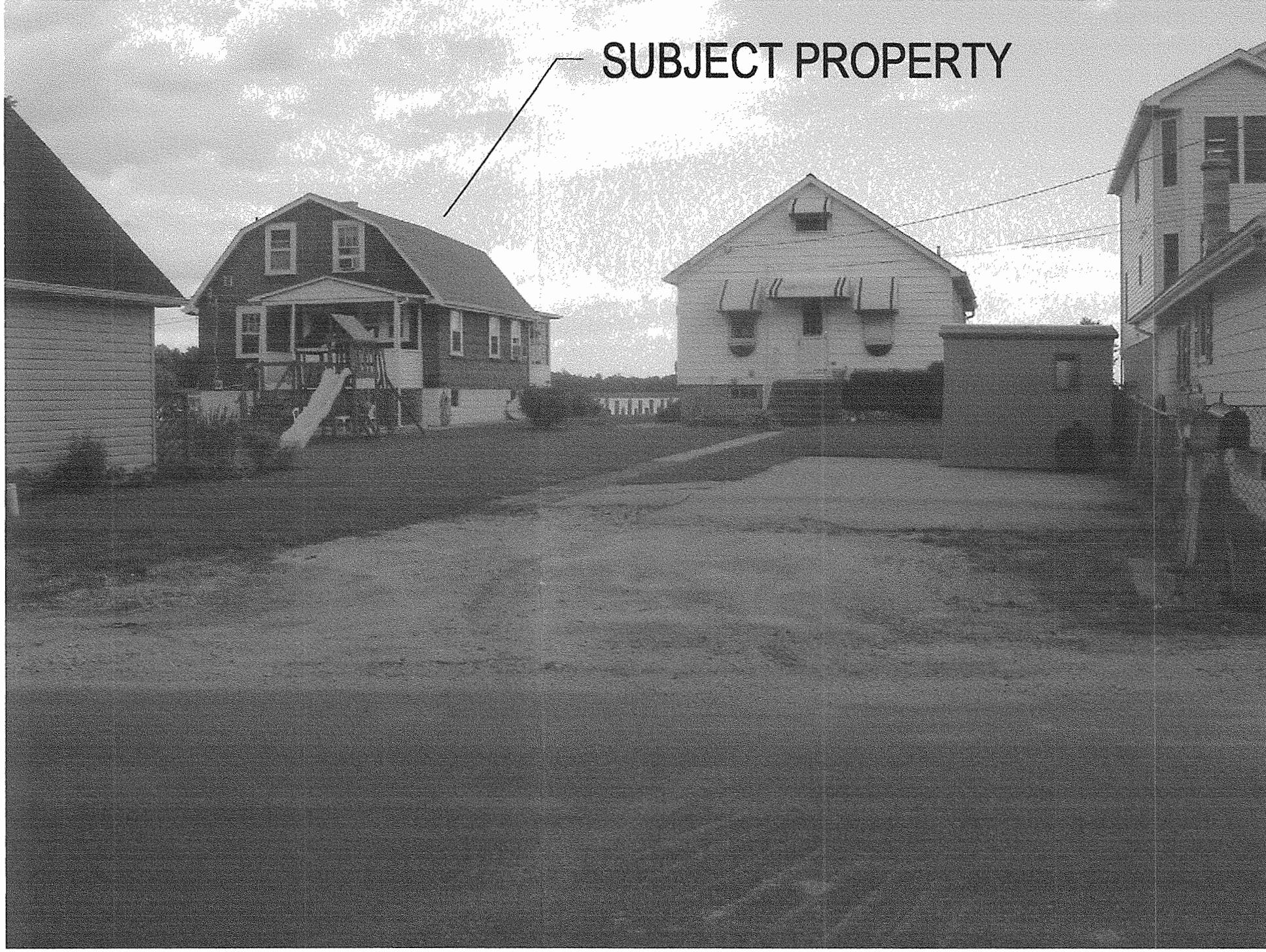
DDP FROM: KJW



WEST VIEW



WEST VIEW



EAST VIEW



NORTHWEST VIEW



NORTH NORTHWEST VIEW



SOUTHWEST VIEW

kjWellsInc
7403 NEW CUT ROAD
TALLEY, MARYLAND 21087
(410) 592-6800

Land Surveying & Site Planning

SEAL

REVISIONS:	
NO.	DATE

LAGNA PROPERTY
PHOTO MOSAIC

DRAWN BY:
CHECKED BY:
DATE: 6/25/2008
PROJECT NO.: 2008-014
SHEET OF

PETITIONER'S
EXHIBIT NO. 2A-06