

10/16/09
IN THE MATTER OF
KEVIN AND NICOLE NIDA-LEGAL OWNER/
PETITIONERS

PETITION FOR SPECIAL HEARING AND
VARIANCE ON THE PROPERTY LOCATED
ON THE S/E SIDE OF SENECA ROAD, 155'
N/E OF TURKEY POINT ROAD
(Seneca Road)

15th Election District
6th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 08-571-SPHA
*

* * * * *

OPINION

This matter comes before the Board of Appeals on an appeal of Petitions for Special Hearing and Variance taken by the Office of People's Counsel. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an accessory building (storage shed) on a vacant lot without a principal dwelling. The Variance request is from Section 1B01.C.1 of the BCZR to allow a non-residential principal building with a front setback of 10 feet, a side setback of 10 feet, and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet respectfully.

At the hearing was Carole S. Demilio representing the Office of People's Counsel. The Petitioners, Kevin and Nicole Nida are the property owners of the subject property known as 2200 Turkey Point Road. Appearing as Protestants were neighbors, Robert Nicholson, Jr. of 2206 Turkey Point Road, the owner of parcels located on Susquehanna Avenue, and Richard and Angel Bowersox of 2209 Susquehanna Avenue.

The area is an older community of Eastern Baltimore County that has some single-family development and many undeveloped lots that are in the Chesapeake Bay Critical Area.

Carole Demilio proffered that the Nida's wish to merge all the current lots that they own in Rockaway Beach, known as lots 1, 2, 3 and 96. The only problem that People's Counsel had was where the shed had been located created a blocked sight line for traffic coming out of

Susquehanna Avenue and turning on to Seneca Road. Since the appeal the Nida's have worked with Stephen E. Weber, P.E., Chief, Traffic Engineering Division of the Baltimore County Department of Public Works. The shed was relocated and satisfied the County. The only other thing is it may need some variance relief due to the unusual configuration of the property and how the Board viewed the front yard.

Nicole Nida testified first claiming that they built a shed to keep the usual things that homeowners do not want to store out in the weather. Since they decided to merge all the lots, the Special Hearing relief was moot. She also stated that they wanted to build the shed in the far rear of the property so as not to block their view of the whole yard. They realized they were in the traffic sight line for Susquehanna Avenue and moved the shed. The house sits on lots 1, 2 and 3. Lot 1 is the corner of Turkey Point and Seneca Roads. Lots 2 and 3 are to the east of lot 1 and face Turkey Point Road. Lot 96 is on the corner of Seneca Road and Susquehanna Avenue. Lot 1 is triangular in shape. Lots 2 and 3 are rectangular in shape and Lot 96 is triangular in shape but wider than lots 1, 2 and 3 all together (Protestant's Exhibit #3).

Kevin Nida testified that the property has two triangular shaped roads around 3 sides. Susquehanna Avenue is, in his opinion, a paper road. Most roads in the community are paved but some are named but they may be gravel or not there at all. He feels his property is unique to others in the community. Due to irregular shape of the lot configuration Kevin Nida admitted to having a pile of dirt down by the shed. This was left from the moving of the shed. He stated that he would remove the pile of dirt and he didn't realize this was a problem for the neighbors

Robert Nicholson, Jr. testified that he owns the property east of the Nida's on Turkey Point Road. He would like to see the shed moved to the southern portion of lot 96. He stated that he thinks the shed is currently in the front yard due to the corner lot. He is worried about property values since he owns other vacant lots in the area.

Richard and Angel Bowersox both testified that the shed is still blocking their sightline when turning on to Seneca Road from Susquehanna Avenue. They also complained of the pile of dirt that is blocking their view.

The Board understands the Protestants' concerns with corner lots, what is the front yard, side yard and rear yard. Also the concern of a structure improperly located on lot 96 without a principal structure. Protestants also contend the shed is in the front yard and cannot be located there without zoning relief. Protestants are also concerned with the sight line from Susquehanna Avenue onto Seneca Road. Protestants also brought up that they feel the shed will be an eyesore for the current and future homes that face Susquehanna Avenue.

The Petitioners also have a compelling case for placing their shed in the rarely used corner of the property.

After hearing all the testimony and reviewing all the evidence, this Board, as to the Petition for Special Hearing we feel the merger of all the Petitioners owned and adjoining lots both the improved parcels (lots 1, 2 and 3), where their principal dwelling is located and the adjacent unimproved parcel (lot 96). Petitioners have testified with People's Counsel concurring that the properties were merged. Their home faces Turkey Point Road, hence their rear yard includes the back portions of lots 1, 2 and 3 and they desire for their rear yard to also extend and include lot 96. Allowing the merger is 2-fold. Petitioners relinquished any and all density rights that may have existed on lot 96 individually. Once the lot is merged it cannot be later subdivided for density purposes. Second it makes the Special Hearing portion of this appeal, moot.

As to the variance request, we feel the request for relief should be granted. The Board agrees with the Petitioners and deems the property unique as a corner lot and as to the shape. We make this decision with regard to public safety. We feel the sight lines have been satisfied with the moving of the shed and addressing the concerns of Traffic Engineering. This Board determined that the front of the house faces Turkey Point Road. We find the requested variance

to be within the spirit and intent of the Baltimore County Zoning Regulations and without injury to the public health, safety and general welfare, although a stop sign may be needed on Susquehanna Avenue at Seneca Road.

ORDER

THEREFORE, IT IS THIS 16th day of October, 2009 by the Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations to allow an accessory structure (shed) on a vacant lot without a principal dwelling be and the same is hereby rendered **MOOT**, due to the merger of lots 1, 2, 3, and 96; and it is furthered

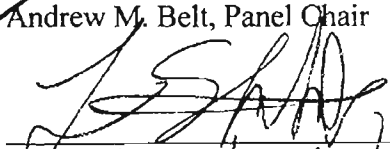
ORDERED that the Petition for Variance from Section 1B01.C.1.a of the Baltimore County Zoning Regulations to allow a non-residential principal building with a front yard setback of 10 feet, a side yard setback of 11 feet and a rear yard setback of 16 feet in lieu of the required 20, 35, and 30 feet, respectively, be and the same is hereby **GRANTED**.

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

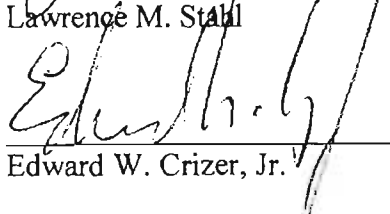
**BOARD OF APPEALS FOR
BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



Lawrence M. Stahl



Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

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410-887-3180
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October 16, 2009

Kevin and Nicole Nida
2200 Turkey Point Road
Baltimore, MD 21221

RE: *In the Matter of: Kevin and Nicole Nida-Legal Owners/Petitioners*
Case No.: 08-571-SPHA

Dear Mr. and Mrs. Nida:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Robert Nicholson, Jr.
Angel and Richard Bowersox
Mr. and Mrs. Charles Weber
Office of People's Counsel
William J. Wiseman, III/Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
John Beverungen, County Attorney

12/16/08

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
VARIANCE		
SE side of Seneca Road, 155 feet NE of	*	DEPUTY ZONING
Turkey Point Road		
15 th Election District	*	COMMISSIONER
6 th Councilmanic District		
(Seneca Road)	*	FOR BALTIMORE COUNTY
 Nicole and Kevin Nida		
<i>Petitioners</i>	*	Case No. 2008-0571-SPHA

* * * * *

ORDER ON MOTIONS FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of several Motions for Reconsideration filed in connection with the decision rendered in the above captioned matter. These Motions for Reconsideration were filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations ("BCZR") wherein the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, the undersigned previously granted Petitioner's Special Hearing and Variance Petitions pursuant to the Findings of Fact and Conclusions of Law and accompanying Order dated September 23, 2008. Thereafter, the undersigned received the following, each of which will be treated as a Motion for Reconsideration:

- Motion to Reconsider dated October 21, 2008 (received October 22, 2008) from Robert A. Nicholson, Jr.
- Inter-Office Correspondence dated October 22, 2008 (received October 22, 2008) from Stephen E. Weber, P.E., Chief, Traffic Engineering Division of the Baltimore County Department of Public Works.

- Letter dated October 23, 2008 (received October 23, 2008) from People's Counsel of Baltimore County Peter Max Zimmerman, Esquire.

The undersigned sent a letter dated October 27, 2008 along with copies of the aforementioned documents to Petitioners in order to permit them the opportunity to respond to the Motions. Thereafter, in a letter dated November 24, 2008 along with additional documentation, Petitioners set forth their position and response to the various Motions for Reconsideration.

In his Motion to Reconsider, Mr. Nicholson requests reconsideration based on the following: (1) that Lot 96 is a corner lot and that the relief requested by Petitioners does not conform to the zoning requirements and setback for a corner lot; (2) that public safety is jeopardized by allowing Petitioners' shed to be located on a corner lot in restricted sight distance triangles under Section 102.5 of the B.C.Z.R.; (3) that the granting of the variance is not supported by Section 307.1 of the B.C.Z.R.; (4) that Petitioners' request for variance under Section 1B01.C.1.a of the B.C.Z.R. was not consistent with instructions given by the County Building Engineer Donald Brand in a letter dated October 11, 2007 wherein he stated that Petitioners could apply for a variance under Section 1B02.3.C.2.c of the B.C.Z.R. and Zoning Commissioner's Policy Manual; (5) that the shed's proposed location does not conform to the requirements of Section 400.1 of the B.C.Z.R.; (6) that the undersigned's decision merging Lots 1, 2, 3, and 96 does not support permitting the proposed location of the shed near the corner of Turkey Point Road and Susquehanna Avenue under Section 400.1 of the B.C.Z.R.; and finally (7) that Protestants and the general public are harmed by the undersigned's decision to permit the shed in the proposed location due to public safety issues and decreased property values, and that this harm overrides Petitioners' interests.

In his Inter-Office Correspondence, Mr. Weber with the County's Division of Traffic Engineering requests reconsideration based on several issues related to a previously erected

fence on the subject property, and the subsequent proposal to erect the storage shed. Mr. Weber indicates that Petitioners' fence that runs along Seneca Road and wraps around the corner of that street and the paper street known as Susquehanna Avenue is in violation of Section 102.5 of the B.C.Z.R. This section states in pertinent part that:

“[N]o ... fence ... or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is 25 feet distant from the point of intersection.”

Mr. Weber indicates he pointed out this apparent violation to Len Wasilewski of the County's Bureau of Code Enforcement in an email dated October 11, 2007. He also indicates that after speaking to Mr. Wasilewski recently, it is Mr. Weber's understanding that Petitioners were never required to relocate fence. Mr. Weber goes on to state that the proposed location of the shed appears to be an even greater violation of Section 102.5 of the B.C.Z.R., given its location near the corner of Seneca Road and Susquehanna Avenue, and the attendant public safety risk that its location poses as a result of inadequate sight lines.

In his letter to the undersigned, People's Counsel Mr. Zimmerman requests reconsideration and denial of the petitions for variance and special hearing based on the previous motions and the alleged violation of Section 102.5 of the B.C.Z.R. and the issues related to potential traffic safety problems. Mr. Zimmerman also indicates that in view of the merger of the lots, Section 400.1 of the B.C.Z.R. does not support permitting the shed on a corner lot in a residential zone at the edge of the corner, rather than on the third of the lot farthest from the street, especially in light of the public safety concerns.

In response to the motions for reconsideration, Petitioners submitted a letter dated November 24, 2008, letters of support, and additional photographs of the subject area. Without

reiterating their entire response, in summary, Petitioners indicate that the evidence introduced at the original hearing in August 2008 in support of their variance and special hearing requests was sufficient to grant the relief. In particular, they demonstrated that the layout and configuration of the subject lots and the unimproved triangular lot that constitutes Lot 96 rendered the property unique. They also indicated that Mr. Nicholson's stance on Susquehanna Avenue is misplaced, and that it is a "paper street" that is viewed by the County (according to Code Enforcement Hearing Officer Raymond S. Wisnom, Jr.) as a "driveway." Hence, the subject property should not be viewed in this instance as "fronting" a public street.

As for the public safety issue, Petitioners argue that this is a non-issue that is raised by Mr. Nicholson to bolster his protest of the shed, even though the reality is that the location of the shed does not pose any impairments or obstructions. Petitioners indicate that the back corner of the shed is located 10 feet off Seneca Road and is the only part of the shed that is close to Seneca Road. As viewed from photographs of that location, Petitioners also state that there is an approximate 271 foot distance from the shed's location near Seneca Road to Turkey Point Road. They maintain that this entire distance can be visualized from the corner of Susquehanna Avenue and Seneca Road, to the end of Seneca Road where it meets Turkey Point Road. In short, Petitioners contend the location of the shed poses no impairment for vehicles traveling on Seneca Road in either direction, or for vehicles exiting from the Susquehanna Avenue driveway onto Seneca Road. And as the photographs also show, the fence that is located within that 10 foot distance to the road also does not impair sight lines of Seneca Road because one can easily see through or around the fence.

In addition to their written response and photographs, Petitioners also submitted letters of support. One of the letters is dated October 31, 2008 and is from Howard V. French of 320 Greyhound Road, which is approximately 150 yards from Petitioner's property. Mr. French

supports Petitioners' plans and points out that they took a dilapidated property and improved it with a new home, and now desire to have a shed on the property. He believes Petitioners are an asset to the Rockaway Beach community and should not lose their shed. A second letter is dated November 21, 2008 and is from Kimberly Goodwin-Maigetter, President of the Rockaway Beach/Turkey Point Improvement Association. Ms. Goodwin-Maigetter also supports Petitioners' plans. She notes that Petitioners have made significant contributions to the community in cleaning up and generally maintaining their property in order to enhance the neighborhood. Ms. Goodwin-Maigetter also states that, in her capacity as President of the Association, she frequently travels past both the front of Petitioners' home on Turkey Point Road and the side of the property facing Seneca Road, and that the shed in question does not pose a safety hazard to the community and is an overall improvement to the property as a whole.

I have reviewed the written grounds in support of the motions for reconsideration and the written response of Petitioners, and have also reviewed the Findings of Fact and Conclusions of Law dated September 23, 2008. In my judgment, the issues raised in the aforementioned motions do not present any new or different evidence that would persuade me to alter, change, or amend my prior decision. A number of these issues were presented and addressed at the hearing and decided upon based on the evidence. In addition, in my judgment, Petitioners' requests for relief are in the context of a very unique situation for this particular property, and my previous decision was confined to only that specific matter. I reiterate in pertinent part a passage from my previous decision on the matter:

As to the variance request, considering all of the testimony and evidence presented, I am convinced that the request should be granted. First, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The odd, triangular shape of the property and its proximity to the road and to other properties presents few options for utilizing the property and erecting a storage shed. Its border with Seneca Road and the Susquehanna Avenue paper street also presents an unusual characteristic.

Although the Protestants would disagree, the merger of Lot 96 with Lots 1, 2, and 3 results in Lot 96 becoming the rear yard of Petitioners' property. While the property is situated at a corner and hence both street frontages could be argued to be "front yards," this factor alone may not be determinative of what constitutes a front yard. In fact, factors such as the location of a front door, front walkway, the floor plan of a dwelling, positioning of windows, usages of those who live in and visit the dwelling, and exterior attributes of a dwelling, are as important as the proximity to a roadside in determining a front, side, or rear yard setback. *See, Swoboda v. Wilder*, 173 Md.App. 615, at 639 (2007). In the instant case, after merging Lot 96 with Lots 1, 2, and 3, I find the front setback for zoning purposes to be at Turkey Point Road. Hence, in my view, the location of the shed is at the rear yard of the property and the presence of Susquehanna Avenue as a paper street plays a very small role in making that determination.

Although the adjacent neighbors have indicated that their sight lines and views will be impacted by the presence of the shed, my review of the relevant photographs does not support such conclusions. I find the requested variance to be within the spirit and intent of said regulations, and also find that said relief can be granted without injury to the public health, safety and general welfare.

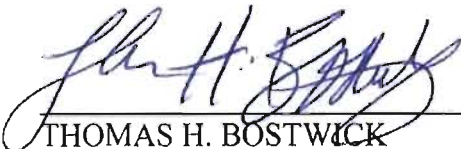
Pages 6-7, Findings of Fact and Conclusions of Law dated September 23, 2008

As to the assertion by Mr. Weber of the Traffic Engineering Division that the location of an existing fence, and by extension the location of the proposed shed, are in violation of Section 102.5 of the B.C.Z.R., I am not persuaded to grant a reconsideration on that basis. Zoning enforcement is not the purview of this Office. As Mr. Weber indicated in his Inter-Office Correspondence, zoning enforcement is left to Code Enforcement. The propriety of the fence location is not before me and is not appropriate to revisit that issue here. As to the shed location, based on the evidence before me, I do not believe the shed location presents an "obstruction to vision" in violation of Section 102.5 of the B.C.Z.R. As previously stated, in my view, this property -- with its odd, triangular shape and piecing together of four separate lots, and its border with a paper street that is more akin to a driveway for one existing home -- presents an unusual situation and my decision to grant the relief related to the shed location is limited to this particular circumstance.

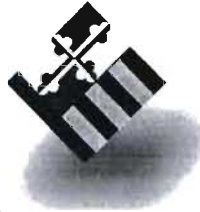
However, as an aside, in reviewing my previous decision, I note that I granted the special hearing relief to approve an accessory building (storage shed) on a vacant lot without a principal dwelling, but also merged Lot 96 with Lots 1, 2, and 3 -- and thereby granted the variance relief to allow a non-residential principal building with a front setback of 10 feet, a side setback of 10 feet, and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet, respectively. It is apparent that this part of my decision was inconsistent. Specifically, in determining that Lots 1, 2, 3, and 96 had merged for zoning purposes, it no longer became necessary to consider the special hearing request because Lot 96 is no longer a vacant lot without a principal dwelling in this context. In granting the variance requests for the non-residential principal building on the merged lots, the undersigned should have then dismissed the special hearing request as moot. I shall do so now. The remaining motions for reconsideration shall be denied.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of December, 2008 that the aforementioned Motions for Reconsideration be and are hereby DENIED consistent with the above.

IT IS FURTHER ORDERED that, as a consequence of the merger of the subject Lots 1, 2, 3, and 96 and the related granting of Petitioners' requests for Variance relief, the request for Special Hearing filed in connection with this matter is hereby DISMISSED as MOOT.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 17, 2008

Robert Nicholson, Jr.
Advantage Homes, Inc.
8015 Shore Road
Baltimore MD 21222

Peter Max Zimmerman
People's Counsel for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson MD 21204

Stephen E. Weber, PE, Chief
Division of Traffic Engineering
Baltimore County Dept. of Public Works
111 West Chesapeake Avenue MS 1326
Towson MD 21204

Re: Petition for Special Hearing and Variance
Order on Motions for Reconsideration
Case No. 2008-0571-SPHA
Property: Seneca Road

Dear Messrs. Nicholson, Zimmerman and Weber:

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:pz

Enclosure

c: Nicole and Kevin Nida, 2200 Turkey Point Road, Baltimore MD 21221

10/21/09

**In RE: PETITIONS FOR SPECIAL HEARING
VARIANCE**

SE side of Seneca Road, 155 feet NE of
Turkey Point Road.
15th Election District
6th Councilmanic District
(SENECA ROAD)

Nicole and Kevin Nida
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No.:2008-0571-SPHA

MOTION TO RECONSIDER

Pursuant to Appendix G, Rule 4K, Page G-3 of the Code of Baltimore County Regulations, Robert A. Nicholson Jr., Angel and Richard Bowersox, and Mr. and Mrs. Charles Weber (Protestants), respectfully request that the Deputy Zoning Commissioner reconsider his conclusions in the above referenced case.

The Motion is based on the following:

- 1.) Lot 96 Susquehanna Avenue is a corner lot and as such the relief requested by Petitioners does not conform to the zoning requirements and setbacks for a corner lot.
- 2.) Public Safety is jeopardized by allowing the shed to be located on a corner lot in the restricted sight distance triangles as prescribed in the BCZR Section 102.5.

102.5 On a corner lot in any residential zone, no planting, fence, wall, building or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is 25 feet distant from the point of intersection. At the intersection of a street and an alley, the dimension corresponding to the 25 feet noted above shall be 15 feet and 10 feet at the intersection of two alleys. Poles, posts and guys for streetlights and for other utility services shall not be considered obstructions to vision within the meaning of this section.

[Resolution, November 21, 1956]

Mr. Steven Weber, Chief of Baltimore County Division of Traffic Engineering, who has previously reviewed this site and whose e-mail was introduced during the hearing, is in opposition to the granting of this request and will be subsequently filing, on behalf of his department, its objections to the shed's proposed location. During the hearing, testimony was given that Mrs. Bowersox has nearly been hit twice, and Mr. Nicholson's son was nearly hit once by oncoming traffic while exiting Susquehanna onto Seneca Road. The illegal fence currently erected on the lot, which obstructs the driver's vision to traffic, has caused these near accidents. The visual obstruction caused by the shed's location will further drastically impede traffic visibility and will further increase the probability of an accident. If the shed is allowed to be built in the front yard of lot 96 it will forever have a negative impact on traffic safety for the current and future residents of Susquehanna Avenue, and any other citizens using that road. At the time that Susquehanna Avenue is completely developed, according to the current record plat, there will be many more residents which in turn will increase the trips per day at this intersection further jeopardizing Public Safety.

- 3.) BCZR regulation 307.1 further addresses the public safety aspect of the Zoning Commissioner's authority to issue variances.

307.1 The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if

in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

Although the entire section governs the Zoning Commissioner's authority, a specific excerpt to apply to this case is: only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The Petitioners have not demonstrated any practical difficulty or unreasonable hardship as to why the Zoning Commissioner should issue a variance allowing the shed to be located other than where the regulations require it to be located. Their sole testimony was that they consider that location as their rear yard and that is where sheds are normally located. In testimony, the Petitioners did not indicate that the relevant corner of Lot 96, that would meet all the criteria of all the aforementioned regulations, had any practical difficulty or unreasonable hardship in locating the shed there. They simply did not want it there. The relevant location was discussed and the ability to modify the site plan for the Petition was offered to the Petitioners by the Deputy Zoning Commissioner in the hearing and such location and modification was acceptable to the Protestants. The Deputy Zoning Commissioner then withdrew the offer to resubmit a site plan showing that location based on whether he actually had the authority to do so. Subsequently, the Deputy Zoning Commissioner did put that offer on the table for the

Petitioners, who elected not to avail themselves of that offer. A complete site plan, to scale, is included (Exhibit 1) to show the location that was discussed and that meets all of the necessary zoning criteria for the shed's location.

- 4.) On October 11, 2007 and then again on April 8, 2008, Don Brand, Baltimore County Building Engineer, sent letters to Mr. Nida, copies of which are attached (Exhibit 2a, 2b). On page two of the letter dated October 11, 2007, Mr. Brand clearly indicated in paragraph (3) that the structure must comply with Section 400.1 of the BCZR and with Section 1B02.3.C.2.c of the BCZR and Zoning Commissioners' Policy Manual. Mr. Brand's follow up letter, dated April 8, 2008, he restated his position and he included another copy of his previous letter with that correspondence. The Section that the Petitioners cited on the Petition for Variance, 1B01.c.1.a, does not address these issues. Evidently the determination of the applicable BCZR Section was filled out by the zoning personnel at application, relying on information provided by the Petitioners. Such information was erroneous. This is not the first time that erroneous information has been supplied by the petitioners as evidence of dissimilar site plans with incorrect dimensions and lacking street detail. These inaccuracies were presented during the hearing. The relief requested does not match the relief necessary, due to the fact that this is a corner lot and petitioners were made aware in writing, by Mr. Brand, as to what Zoning Relief would be necessary to obtain in order to have a Building permit for the shed issued.
- 5.) Section 400.1 clearly indicates where the shed, an Accessory Structure, may be located on a corner lot.

400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of

the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

As previously noted in paragraph 3, the Petitioners have not demonstrated any practical difficulty or unreasonable hardship in locating the shed where the regulations require it to be located.

- 6.) The Deputy Zoning Commissioner has allowed the merger of Lots 1, 2, 3 Turkey Point Road with Lot 96 Susquehanna Avenue in his decision. He therefore considers the location of the shed as submitted to be in the rear yard of the merged properties representing 2200 Turkey Point Road. What is incorrect in this assumption is that in merging the lots, BCZR and the Zoning Commissioner's Policy Manual clearly would now recognize the contiguous properties as a "Double Fronted" lot as well as a corner lot on both frontages. The properties actually front on Turkey Point Road and Susquehanna Avenue with the side street at both westerly corners being Seneca Road. Section 400.1.d ACCESSORY STRUCTURES /USES sub section 1 and 2 clearly defines where an accessory structure is to be located. A copy of the excerpted page is enclosed (Exhibit 3). The aforementioned relevant location depicted on the enclosed drawing clearly meets the regulations, although Section 400.1.d (2 b) would require the shed to be located no closer to Susquehanna Avenue as the average setbacks of 2207 and 2209 Seneca, whose site plans were introduced during the hearing showing a 36' Front Setback for each of them. The Petitioners have not demonstrated any practical difficulty or unreasonable hardship in locating the shed where the regulations require it to be located.

7.) The Deputy Zoning Commissioner should also take into effect the injustice of the decision relevant to the Petitioners and the Protestants as well as the general public. By granting the Petitioners' request and allowing the shed to be located in the current location the Protestants and general public suffer from having Public Safety issues in the daily commutes from Susquehanna Avenue onto Seneca Road. The Protestants also suffer from decreased property values as there would be a shed located where their front yards are located. The ability to sell their property will be compromised by a shed located in their respective front yards. The BCZR have been established to keep sheds out of the front and side yards of properties and to restrict their locations on corner and double fronted lots. Requiring strict compliance with all the aforementioned regulations would cause no injustice to the Petitioners. They would merely be constructing the shed in its properly designated location by the BCZR.

WHEREFORE, the Protestants request,

- A. That the Deputy Zoning Commissioner reconsiders his decision and deny the variance.
- B. Require the Petitioners to meet the BCZR applicable to the shed's location.

Respectfully submitted on this 21st Day of October, 2008, on behalf of the Protestants,


Robert A. Nicholson Jr.

2.2	3.0
3.6	5.7
3.0	5.5

2' CLOSER TO
NORTH THAN
STAKED OUT

**ROUND
ROAD**

1/4 47/71

ROCKAWAY BEACH VOLUNTEER
FIRE CO. INC.
1/4 47/71 2660 - 501

LAWRENCE SINGLA
1/4 40070

Exhibit 1

ROCKAWAY BEACH
VOLUNTEER FIRE CO. INC.
1/4 47/70 1756-16

SENECA

ROAD

8" x 8" TEE
8" CAP

KEY

**POINT
ROAD**

SSING NR./
17
ALE

21.8'
22.0'
17.8'
17.3'
0.5'

EX. 12" RCCP
EST. GR.

FUT 18" S.D.

WATER

LOCATION IN
COMPLIANCE WITH
BCZR

NOTE:

VALVES ON ALL FIRE HYDRANT
LEADS SHALL BE TIED TO MAIN
LINE TEES WITH 2-34" DIAM.
THREADED STEEL RODS & NUTS
AS DIRECTED BY THE ENGINEER.

"ROCKAWAY BEACH REALTY CO."
PLAT BOOK G, FOLIO 173

**SUSQUEHANNA
AVE.**

WALDO G. BATES
1/4 2244
1/4 507

WORK TO BE DONE IN ACCORDANCE
BALTIMORE COUNTY DESIGN STAND-
AND SPECIFICATIONS, DATED 1964

WORKS	BUREAU OF ENGINEERING					BALTIMORE COUNTY					
APPROVED	 CHIEF					STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCT. TURES	FIELD LOCATION



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 11, 2007

Mr. Kevin Nida
2200 Turkey Point Road
Baltimore, Maryland 21221

Dear Mr. Nida:

Re: Building Permit no. B669082
Proposed Storage Shed on a Vacant Lot# 96
Tax#1502002002

Please be advised that the building permit no. B669082 for a proposed storage shed in the subject vacant lot is hereby rescinded for the following consideration:

1. In the building permit application, you indicated that the proposed shed is located relative to **an existing single family dwelling** with the address at 2200 Turkey Point Road. Based on the setback information you provided, it is determined that the proposed storage shed is to be located on a separate vacant lot (#96) which is located at the corner of Seneca Avenue & Susquehanna Avenue. The tax record of lot#96 shows an un-improved lot with address on Susquehanna Avenue. Susquehanna Avenue is an un-improved road and there are two (2) other buildings using Susquehanna Avenue as an access with the addresses being 2207 and 2209 Seneca Road. Pursuant to Section 101 of Baltimore County Zoning Regulations (BCZR), an accessory building (proposed storage shed) must be subordinate and customarily incidental to and on the same lot with a main building.
2. In December 2, 2004, a Variance (Case No. 05-145-A) was granted for a proposed new single family dwelling on **lots# 1, 2, and 3 only** with a total lot size of 0.22 acres (9,625 sq. ft.). The subsequent issued building permit no. B590711 for a proposed new dwelling at 2200 Turkey Point Road also referenced to **lots 1-3 using tax account nos. 1502002000 and 1502002001 only**. **Lot#96 was not part of the plat plan accompanying the Petition and was not included in the lot area.**

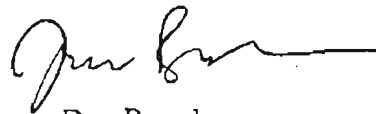
Exhibit 2 d

Since you also own lot#96, you may consider one of the following options:

- (1) Relocate the shed to lot#3 in the rear yard of the existing dwelling on the third of the lot removed from the street side.
- (2) Revise the location of the proposed storage shed to straddle between lot#96 and lot#3.
- (3) Apply for a Variance to permit an accessory structure on a vacant lot#96 without the principal structure. However, the granting of the variance is not guaranteed. In this respect, the proposed storage shed must also be located to comply with Section 400.1 of BCZR for accessory structure on a corner lot and to maintain the building front setback requirement per Section 1B02.3.C.2.c of BCZR and Zoning Commissioner's Policy Manual.

In the event that you decide to exercise any one of the above options, a revised or new building permit is required. Should you have any questions, please feel free to contact the undersigned or the Office of Zoning Review at 410-887-3391.

Sincerely,

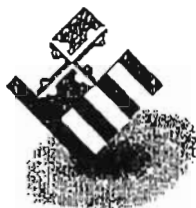


Don Brand
Building Engineer

DB/AKT

c.c. Permits Department- Doug Swam
Building Inspections- John Altmeyer
Code Enforcement- Lenny Wasilewski
Zoning Review-Aaron Tsui

Exhibit 26



BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 8, 2008

Mr. Kevin Nida
2200 Turkey Point Road
Baltimore, Maryland 21221

Dear Mr. Nida:

Re: Building Permit no. B669082
Proposed Storage Shed on a Vacant Lot# 96
Tax#1502002002

This letter is a follow up to our telephone conversation on April 7, 2008. After further review of the above referenced permit I have determined that the rescission was valid and that it will be necessary for you to reapply for a new permit that complies with the restrictions as stated in my letter of October 11, 2007 (copy enclosed).

If you should have any further question in regard to this matter please feel free to call either Leonard Wasilewski or Aaron Tsui from the Zoning Department 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Don E. Brand".

Donald E. Brand P.E.
Building Engineer

DB/AKT

c.c. Permits Department- Doug Swam
Building Inspections- John Altmeyer
Code Enforcement- Lenny Wasilewski
Zoning Review- Aaron Tsui

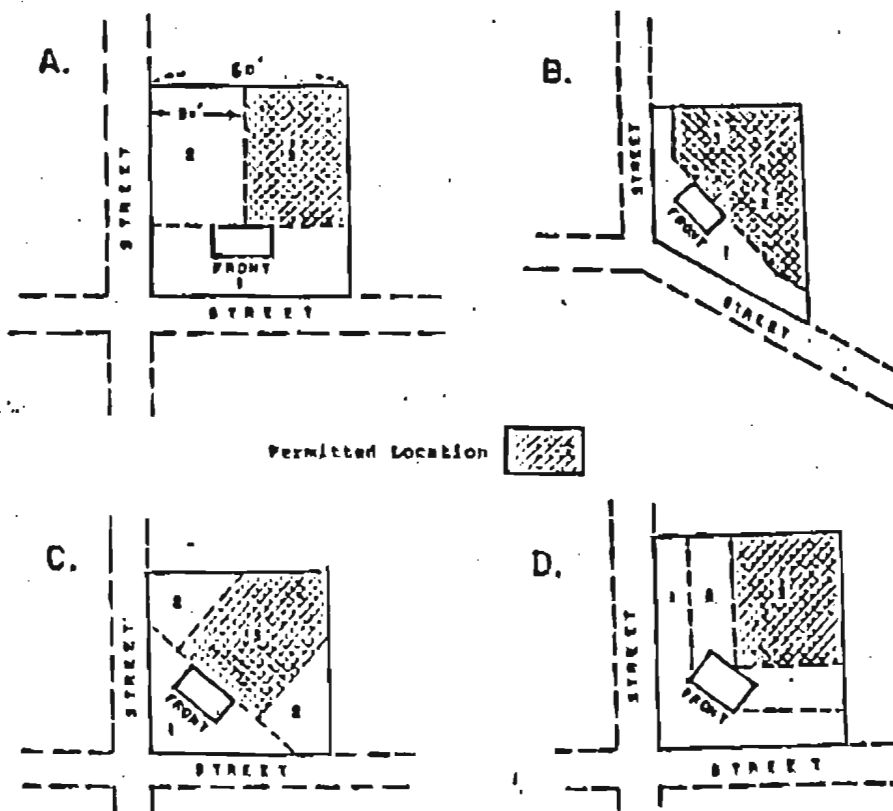
Exhibit 3

ZONING COMMISSIONER'S POLICY MANUAL

SECTION

400.1.d ACCESSORY STRUCTURES/USES

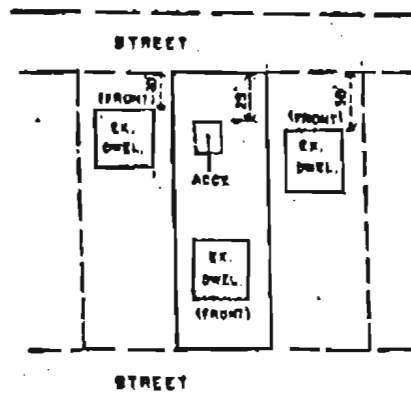
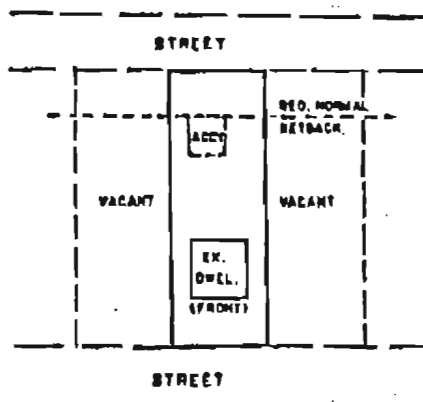
(1) Corner Lots - Location Diagrams:



PERMITTED ACCESSORY BUILDING OR USE LOCATION

(2) Double Frontage Lots

- (A) Accessory structures/uses on double-frontage lots shall not be closer to a street right-of-way line than the setback required for a principal dwelling.
- (B) Where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback.



ADVANTAGE HOMES, INC.

8015 Shore Road
Baltimore, Maryland 21222
410-284-0004

October 21, 2008

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

RECEIVED

BY: _____

Dear Mr. Bostwick,

Enclosed please find a Motion to Reconsider for Case No: 2008-0571-SPHA.

Should you have any questions or need to contact me for any reason regarding the matter, I can be reached at 410-284-0004 or by e-mail at nick@advantagehomesmd.com.

Sincerely,



Robert A. Nicholson Jr.

Enclosure

cc: Angel and Richard Bowersox
Mr. and Mrs. Charles Weber
Nicole and Kevin Nida
People's Council, Mr. Peter Zimmerman

9/30/08
IN RE: PETITIONS FOR SPECIAL HEARING

VARIANCE

SE side of Seneca Road, 155 feet NE of
Turkey Point Road
15th Election District
6th Councilmanic District
(Seneca Road)

Nicole and Kevin Nida
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **Case No. 2008-0571-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Nicole and Kevin Nida. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory building (storage shed) on a vacant lot without a principal dwelling. The Variance request is from Section 1B01.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a non-residential principal building with a front setback of 10 feet, a side setback of 10 feet, and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet, respectively. 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 requested special hearing and variance petitions were Petitioners Nicole and Kevin Nida. Appearing as interested citizens, not necessarily opposed to Petitioners' request to erect a shed but to the proposed location of the shed, were nearby neighbors Robert Nicholson, Jr. of 2206 Turkey Point Road and the owner of a parcel located at 2207 Seneca Road, and Angel and Richard Bowersox of 2209 Seneca Road.

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9-23-08
[Signature]

Testimony and evidence presented revealed that the subject property is irregular-shaped and is located at the corner of Turkey Point Road and Seneca Road in the Middle River area of eastern Baltimore County. As shown on the record plat that was marked and accepted into evidence as Petitioners' Exhibit 2, the property is actually comprised of four lots, identified as Lots 1, 2 and 3, as well as Lot 96, of the subdivision known as Rockaway Beach, which is an older, waterfront community that was recorded in the Land Records of Baltimore County in 1918. Although not immediately adjacent to the water, the property is located not far from Middle River and thus, is subject to compliance with Chesapeake Bay Critical Areas regulations. Collectively, the property comprising Lots 1, 2, and 3 contains a gross area of 9,625 square feet or 0.22 acre, more or less, and zoned D.R.3.5. This property is also improved with a single-family dwelling that faces Turkey Point Road, which is shown on the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 3. The property comprising Lot 96 contains a gross area of 6,157 square feet or 0.14 acre, more or less, also zoned D.R.3.5. This property is largely unimproved, although Petitioners have begun construction on a shed they wish to place on Lot 96.

Further evidence revealed that Petitioner Nicole Nida purchased the property from Howard French in August 2005. Tax records indicate the subject property was previously owned by Grover E. Wilson, who then sold it to Mr. French in November 2004. In February 2006, Petitioners razed the home that existed on the property and built the new home that presently occupies the property. Petitioners refinanced the property in August 2006 at which time Petitioner Kevin Nida also became a listed owner on the property.

At this point, Petitioners realize they need additional storage space. Their home has no garage and many household items are stored outside and subjected to the weather elements. In addition, Petitioners have ownership of Lot 96 directly behind and abutting their main property, with over 6,000 square feet of unused space. As such, Petitioners desire to place a storage shed

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toward the back end of the property. The shed would be located at the far north end of the property, at the corner of Seneca Road and a paper street known as Susquehanna Avenue. Because the Lot 96 property is essentially unimproved, the Special Hearing request is to approve the placement of the storage shed on a vacant lot without a principal dwelling. In addition, because they propose to place the shed at a relatively small corner of Lot 96, and because of the existence of the paper street that may impact the applicable setback requirements, Petitioners have requested variance relief to allow the storage shed with front and side setbacks of 10 feet and a rear setback of 4 feet. Moreover, Petitioners have indicated that they have no other plans for Lot 96 and therefore wish to have Lot 96 merged with Lots 1, 2, and 3 so that they can have one larger 0.362 acre parcel, rather than the two separate parcels.

As shown in the elevation drawings marked and accepted into evidence as Petitioners' Exhibits 6A and 6B, the proposed shed is almost 12 feet high by 12 feet wide by 16 feet long. In addition, there is an eight foot covered overhang extending from one end of the shed. Photographs of the shed under construction were marked and accepted into evidence as Petitioners' Exhibits 7A through 7F. These photographs show the property with a wooden rail fence and the shed located at the far end of the property fronting Seneca Avenue, and also show the partially paved paper street -- Susquehanna Avenue. In further support of their shed project, Petitioners presented a Petition that was marked and accepted into evidence as Petitioners' Exhibit 9 and signed by approximately 23 neighbors residing in the area of Rockaway Beach. These neighbors do not oppose the construction of a shed on the northernmost portion of Petitioners' rear yard.

With input from Mr. and Mrs. Bowersox, Mr. Nicholson essentially presented the case on behalf of Protestants. Mr. Nicholson presented a number of exhibits that included a copy of the record plat, the water and sewer drawings for utility services in the area, as well as a copy of a site plan and prior zoning decision concerning the subject property -- requesting and being granted

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variance relief for a side yard setback in order to construct a dwelling -- which was marked and accepted into evidence as Protestants' Exhibits 7A and 7B. The crux of the Protestant's opposition to the shed is not the shed itself or the placement of the shed on Lot 96. It is the placement of the shed so close to the far end of the property -- near the corner of Seneca Road and the paper street. As shown on the record plat that was marked and accepted into evidence as Protestants' Exhibit 1, Mr. Nicholson owns property (Lots 4, 5, and 6) right next door to Petitioners' dwelling on Lots 1, 2, and 3, and in front of Petitioners' Lot 96. He also owns property (Lots 94 and 95) he is seeking to develop that is situated between Lot 96 on one side and Lots 92 and 93 -- owned by the Bowersox's -- on the other side. Mr. Nicholson's site plan and permit application for Lots 94 and 95 were marked and accepted into evidence as Protestants' Exhibits 4 and 5A.

Mr. Nicholson made several arguments in support of his opposition to the placement of the shed. First, he indicated that the shed is not located on Petitioners' 2200 Turkey Point Road property. He also pointed out that the two parcels (Lots 1, 2, and 3 and Lot 96) have not been legally combined to otherwise permit the shed on Lot 96. Hence, it is improperly located on Lot 96 without a principal structure on that property. Second, he indicated that the shed is technically in the front yard of Lot 96 and cannot be located there without zoning relief that has not been requested in this case. Finally, Mr. Nicholson indicated that the proposed shed would obstruct sight clearances for Mr. and Mrs. Bowersox as they travel from the paper road -- Susquehanna Avenue -- onto Seneca Road. He states the shed will also affect the sight clearances for the future owners of Lots 94 and 95 as well, once that property is developed. Essentially, the shed will be located adjacent to the front yard of those properties and will be an eyesore for those two properties. Mr. Nicholson submitted photographs of the proposed shed location and the view from Mr. and Mrs. Bowersox's property to illustrate his point. These photographs were marked and

accepted into evidence as Protestants' Exhibits 11A through 11G. The final piece of evidence marked and accepted into evidence as Protestants' Exhibit 12 was a letter of opposition sent by Mr. and Mrs. Charles Weber of 2213 Seneca Road. As shown on the record plat, Mr. and Mrs. Weber own property (Lots 97-103) directly across the paper street from the proposed location of the shed. They oppose the shed at that location, viewing it as a visual barrier when they attempt to back out of their driveway.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated June 27, 2008 which indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. The site is located within the Limited Development Area and lot coverage is limited to 25% of the lot area, but can be increased to a maximum of 31.25% is approved with mitigation. A minimum 15% forest cover is required at all times. There were no other comments received from ZAC agencies.

This case presents a very difficult schism between neighbors over the use and placement of a storage shed. On the one hand, Petitioners make a very compelling case for needing the shed and placing it at a little used corner of their property. On the other hand, the Protestants also offer legitimate concerns over placing the shed at the proposed location, and the effects and impacts the location will have on their properties. After reviewing the entire record and the testimony and evidence presented, I am persuaded to grant the requested relief.

As to the Petition for Special Hearing, I am persuaded to grant the relief and permit the storage shed on a vacant lot without a principal dwelling. The evidence indicates that Petitioners own both the improved parcel (Lots 1, 2, and 3) where their principal dwelling is located, and the adjacent unimproved parcel (Lot 96). Petitioners have expressed in no uncertain terms that they desire to merge Lot 96 into Lots 1, 2, and 3. Their home faces Turkey Point Road, hence their rear

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yard includes the back portions of Lots 1, 2, and 3, and they desire for their rear yard to also extend and include Lot 96.

In Maryland, the doctrine of "zoning merger" may occur without the need for official subdivision or conveyancing. It may be accepted, most often with proof of the owner's intent, through the combining of already conforming smaller parcels into a larger parcel. *See, Friends of the Ridge v. Baltimore Gas and Electric Company*, 352 Md. 645, at 653-54 (1999). In *Friends*, the Court of Appeals stated that:

[A] landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project.

In the instant matter, Petitioners desire to place the storage shed on Lot 96 and also desire to merge Lot 96 with Lots 1, 2, and 3. I see no reason not allow this merger; however, Petitioners must be aware and acknowledge that in granting the requested zoning merger, Petitioners relinquish any and all further density rights that may have existed in Lot 96 individually. Once that Lot is merged, it cannot then be later subdivided for density purposes.

As to the variance request, considering all of the testimony and evidence presented, I am convinced that the request should be granted. First, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The odd, triangular shape of the property and its proximity to the road and to other properties presents few options for utilizing the property and erecting a storage shed. Its border with Seneca Road and the Susquehanna Avenue paper street also presents an unusual characteristic. Although the Protestants would disagree, the merger of Lot 96 with Lots 1, 2, and 3 results in Lot 96 becoming the rear yard of Petitioners' property. While the property is situated at a corner and hence both street frontages could be argued to be "front yards," this factor alone may not be determinative of what constitutes a front yard. In fact, factors such as the location of a front door, front walkway,

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103

the floor plan of a dwelling, positioning of windows, usages of those who live in and visit the dwelling, and exterior attributes of a dwelling, are as important as the proximity to a roadside in determining a front, side, or rear yard setback. *See, Swoboda v. Wilder*, 173 Md.App. 615, at 639 (2007). In the instant case, after merging Lot 96 with Lots 1, 2, and 3, I find the front setback for zoning purposes to be at Turkey Point Road. Hence, in my view, the location of the shed is at the rear yard of the property and the presence of Susquehanna Avenue as a paper street plays a very small role in making that determination.

Although the adjacent neighbors have indicated that their sight lines and views will be impacted by the presence of the shed, my review of the relevant photographs does not support such conclusions. I find the requested variance to be within the spirit and intent of said regulations, and also find that said relief can be granted without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of September, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory building (storage shed) on a vacant lot without a principal dwelling be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Lot 96 is hereby merged with Lots 1, 2, and 3 for zoning purposes. In merging the lots, Petitioners shall have no additional density rights with regard to Lot 96.

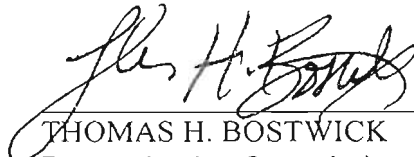
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IT IS FURTHER ORDERED that Petitioners' request for Variance from Section 1B01.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a non residential principal building with a front setback of 10 feet, a side setback of 10 feet and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet be and is hereby GRANTED.

The granting of the relief herein shall be subject to the following:

1. Petitioners may apply for their 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. 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).
3. The site is located within the Limited Development Area of the CBCA. Lot coverage is limited to 25% of the lot area, but can be increased to a maximum of 31.25% if approved and with mitigation. A minimum 15% forest cover is required at all times.

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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[Signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 23, 2008

NICOLE AND KEVIN NIDA
2200 TURKEY POINT ROAD
BALTIMORE MD 21221

Re: Petition for Special Hearing and Variance
Case No. 2008-0571-SPHA
Property: Seneca Road

Dear Mr. and Mrs. Nida:

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:pz

Enclosure

c: Robert Nicholson, Jr., Comprehensive Construction, 8015 Shore Road, Baltimore MD 21222
Angel and Richard Bowersox, 2209 Seneca Road, Essex MD 21221



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

SE side of Seneca Avenue, 155.5 Feet NE of Turkey Point Rd.

for the property located at (Lot 96 of Rockaway Beach Subdivision)

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An accessory building (storage shed) on vacant lot without a principle dwelling.

principle

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

2200 Turkey Point Rd.

410-391-8767

Address

Telephone No

Baltimore

md.

21221

City

State

Zip Code

Representative to be Contacted:

Kevin Nick

Name

443-324-3043 cell

2200 Turkey Point Rd.

410-391-8767

Address

Telephone No

Baltimore

Mo.

21221

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING JULY 19-26, 2008

Case No. 2008-0570-SPHA

Reviewed By CM Date 6-10-08

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[Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 35 side of Sunset Avenue, 155.5 feet NE of Turkey Point Rd.
x (Lot 96 of Rockaway Beach Subdivision)

which is presently zoned DR 3.5

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) 1801.1.1 TO ALLOW A NON-RESIDENTIAL BUILDING
WITH A FRONT SETBACK OF 10 FEET, SIDE SETBACK OF 10 FEET AND A
REAR SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 20 FEET, 30 FEET AND
35 FEET

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

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

Legal Owner(s):

x Nicole Nida
 Name - Type or Print _____
 Signature _____
 x Kevin Nida
 Name - Type or Print _____
 Signature _____

x 2200 Turkey Point Rd x 410-391-8767
 Address Telephone No.
 x Baltimore x Md. x 21221
 City State Zip Code

Representative to be Contacted:

Kevin Nida
 Name _____
2200 Turkey Point Rd. 443-324-3013 cell
 Address Telephone No.
Baltimore Md. 21221
 City State Zip Code

OFFICE USE ONLY

Case No. 2008-0571-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING July 19-20, 2008
 Date 6-10-08

Nicole & Kevin Nida
2200 Turkey Point Road
Baltimore, Md. 21221

ZONING DESCRIPTION FOR S.E. side of Seneca Avenue, 155.5 feet N.E. of Turkey Point Road (Lot 96 of Rockaway Beach Subdivision).

Beginning at a point on the southeast side of Seneca Avenue which is 30 feet wide at the distance of 155.5 feet northeast of the centerline of the nearest improved intersecting street Turkey Point Road which is 40 feet wide. *Being Lot # 96, in the subdivision of Rockaway Beach as recorded in Baltimore County Plat Book # 6, Folio # 173, Containing 6,157 square feet. Also known as S.E. side of Seneca Avenue, 155.5 feet N.E. of Turkey Point Road (Lot 96 of Rockaway Beach Subdivision) and located in the 15th Election District, 6th Councilman District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 15987

Date: 6-10-08

PAID RECEIPT

BUSINESS ACTUAL TIME
 11/2008 6/10/2008 11:31:27
 OFF. BUD. BAL. M (TW) 136
 165011

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		1-70				12.10

Total: _____

Rec From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2008-0571-SPHA

Seneca Avenue

S/east of Seneca Avenue, 155 feet n/east of Turkey Point Road
15th Election District - 6th Councilmanic District

Legal Owner(s): Nicole and Kevin Nida

Special Hearing: to permit an accessory building (storage shed) on a vacant lot without a principle dwelling. **Variance:** to allow a non-residential principal building with a front setback of 10 feet, a side setback of 10 feet, and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet.

Hearing: Wednesday, August 20, 2008 at 11:00 a.m. In Hearing 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 8/6/08 Aug. 5

179917

CERTIFICATE OF PUBLICATION

8/7/2008

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 8/5/2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2008-0571-SPHA

Petitioner/Developer: WICOLE C
KEVIN NIDA

Date Of Hearing/Closing: 8/20/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at SENECA AVENUE

This sign(s) were posted on July 30, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 7/30/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

CASE # 2008-0571-SPHA

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

ROOM 100, DEFERRED BUILDING DEPT
PLACE: M.J. CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, AUGUST 20, 2008
AT 11:00 A.M.

REQUEST: LOT 10, WALKING TO PLANT AN 800-SQ-FT
SALVAGE (CROWNED) TREE IN A VACANT LOT
ADJACENT TO PRINCIPLE BUILDING, CHURCH, TO BECOME A
KIDZVILLE, PLANTING, BUILDING WITH A 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT
AND 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT
OF THE PROPERTY, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT

DISSEMINATION: SEE TO BE HEARD BY ZONING COMMISSION AND ZONING DEPT. NOTICED
IN TOWSON, MD, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT

FOR MORE INFORMATION, SEE THE ZONING COMMISSION AND ZONING DEPT. NOTICED
IN TOWSON, MD, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT, 1000-SQ-FT

HANDICAPPED ACCESSIBLE

*W. J. Chesapeake Ave
8/20/08*

RECEIVED

APR 14 2009

BALTIMORE COUNTY
BOARD OF APPEALS

Requested: March 31, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-571-SPHA

2207 Seneca Road

15th ELECTION DISTRICT

APPEALED: 12/29/08

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 08-571-SPHA

LEGAL OWNER: Kevin and Nicole Nida

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

2207 SENECA ROAD
S/E SENECA ROAD, 155' NE OF TURKEY POINT ROAD

The sign was posted on 4-14-09, 200 .

By: M. Stuart Kelly
(Signature of Sign Poster)

M Stuart Kelly
(Print Name)

PHOTOGRAPHIC RECORD

Citation/Case No.: 08-571-SPHA 2207 Seneca RD
Date of Photographs: 4-14-09



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

M. Sturtevant
Enforcement Officer

PHOTOGRAPHIC RECORD

Citation/Case No.: 00-571 SPHA 2207 Seneca RD
Date of Photographs: 4-15-09



UNDER PENALTY OF LAW

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

M. Stuart Keck
Enforcement Officer



County Board of Appeals of Baltimore County

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

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

February 26, 2009

NOTICE OF ASSIGNMENT

CASE #: 08-571-SPHA

IN THE MATTER OF: Kevin Nida and Nicole Nida

Legal Owners / Petitioners

Seneca Road / SE side of Seneca Road, 155 feet NE of
Turkey Point Road
15th Election District; 6th Councilmanic District

9/23/08 –DZC decision that Petition for Special Hearing to allow an accessory bldg (shed) on vacant lot is GRANTED; Lot 96 is merged w/ 1,2, & 3 and Petition for Variances (setbacks) – GRANTED.

12/16/08 – DZC decision on the Motions for Reconsideration be DENIED and that the merger of Lots 1,2,3 and 96 and related granting of Petitioners' requests for Variance relief, the request for Special Hearing is DISMISSED as MOOT

ASSIGNED FOR: THURSDAY, MAY 21, 2009, AT 10:00 A.M.

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

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

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

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

Theresa R. Shelton, Administrator

c: Appellants	: Peter Max Zimmerman Carole S. Demilio People's Counsel for Baltimore County
	: Robert Nicholson, Jr. : Richard and Angel Bowersox : Charles and Barbara Weber
Petitioners/Legal Owners	: Nicole Nida and Kevin Nida

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Stephen Weber, Chief of Traffic Engineering



County Board of Appeals of Baltimore County

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

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

May 26, 2009

NOTICE OF DELIBERATION

CASE #: 08-571-SPHA

IN THE MATTER OF: Kevin Nida and Nicole Nida
Legal Owners / Petitioners
Seneca Road / SE side of Seneca Road, 155 feet NE of
Turkey Point Road
15th Election District; 6th Councilmanic District

This matter having been heard and concluded on May 21, 2009; public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, JUNE 25, 2009 at 9:00 a.m.

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

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

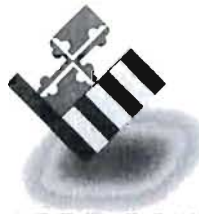
Theresa R. Shelton
Administrator

c: Appellants : Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

: Robert Nicholson, Jr.
: Richard and Angel Bowersox
: Charles and Barbara Weber

Petitioners/Legal Owners : Nicole Nida and Kevin Nida

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Stephen Weber, Chief of Traffic Engineering



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 3, 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: 2008-0571-SPHA

Seneca Avenue

S/east of Seneca Avenue, 155 feet n/east of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Nicole and Kevin Nida

Special Hearing to permit an accessory building (storage shed) on a vacant lot without a principle dwelling. Variance to allow a non-residential principal building with a front setback of 10 feet, a side setback of 10 feet, and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet.

Hearing: Wednesday, August 20, 2008 at 11:00 a.m. in Hearing Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Nida, 2200 Turkey Point Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 5, 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

August 13, 2008

Nicole & Kevin Nida
2200 Turkey Point Rd.
Baltimore, MD 21221

Dear: Nicole & Kevin Nida

RE: Case Number 2008-0571-SPHA, 2200 Turkey Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 10, 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 8/20
11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: June 27, 2008

SUBJECT: Zoning Item # 08-571-SPHA
Address Seneca Road (Lot 96 of Rockaway Beach)
(Nick Property)

RECEIVED
JUN 27 2008

BY:

Zoning Advisory Committee Meeting of June 17, 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:

 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 site is located within the Limited Development Area in the CBCA. Lot coverage is limited to 25% of the lot area, but can be increased to a maximum of 31.25% if approved and with mitigation. A minimum 15% forest cover is required at all times.

Reviewer: Paul Dennis

Date: June 16, 2008



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: 6-20-2008

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

RE: Baltimore County
Item No 2008-0571-SPHA
SENECA AVENUE
NICK PROPERTY
SPECIAL HEARING

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. 2008-0571-SPHA.

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,

For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 19, 2008

FROM: ^{DAK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560,
0561, 0562, 0563, 0566, 0567, 0568, and 0571

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC-06192008-NO COMMENTS

TB 8/20
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

RECEIVED
JUL 14 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-571- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:

Curtis Murray

Division Chief:
CM/LL

Jeff Mayhew

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
SE of Seneca Rd, 155' NE of Turkey Point Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Nicole & Kevin Nick * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-571-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

JUN 27 2008

.....

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 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Kevin Nick, 2200 Turkey Point Road, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 27, 2008

NICOLE AND KEVIN NIDA
2200 TURKEY POINT ROAD
BALTIMORE MD 21221

Re: Petition for Special Hearing and Variance
Case No. 2008-0571-SPHA
Property: Seneca Road

Dear Mr. and Mrs. Nida:

The Zoning Commissioner's Office is in receipt of the following Motions for Reconsideration of my Order issued on September 23, 2008 concerning the above-referenced matter.

1. Robert A. Nicholson, Jr., dated October 21, 2008;
2. Stephen E. Weber, P.E., Chief, Division of Traffic Engineering, Baltimore County, dated October 22, 2008;
3. Peter Max Zimmerman, People's Counsel for Baltimore County, dated October 23, 2008.

Please review the enclosed Motions and provide comments to me by November 25, 2008. I want to offer you the opportunity to respond to the issues raised in the three Motions. If I do not hear from you by that date, I will render a decision on the Motions based on the information before me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosures

c: Robert A. Nicholson, Jr., Advantage Homes Inc., 8015 Shore Road, Baltimore MD 21222
Angel and Richard Bowersox, 2209 Seneca Road, Essex MD 21221
Stephen E. Weber, PE, Chief, Division of Traffic Engineering, Baltimore County
Peter Max Zimmerman, People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

December 29, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

DEC 29 2008

JR#

Re: Nicole and Kevin Nida- Petitioners
Corner of Seneca and Turkey Point Roads
Case No: 08-571-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Order on Motions for Reconsideration dated December 16, 2008, and as finally approved, the Findings of Fact and Conclusions of Law dated September 23, 2008, filed by the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio /rmw

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Kevin & Nicole Nida
Robert Nicholson, Jr.
Stephen Weber

ADVANTAGE HOMES, INC.

8015 Shore Road
Baltimore, Maryland 21222
410-284-0004

January 20, 2009

Timothy Kotroco, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Nicole and Kevin Nida – Petitioners
Corner of Seneca and Turkey Point Roads
Case No: 08-571-SPHA

Dear Mr. Kotroco,

Please enter an appeal by Robert Nicholson Jr., Richard and Angel Bowersox, and Charles and Barbara Weber to the County Board of Appeals from the Order on Motions for Reconsideration dated December 16, 2008, and as finally approved, the Findings of Fact and Conclusions of Law dated September 23, 2008, filed by the Baltimore County Deputy Zoning Commissioner in the above titled case.

Should you have any questions or need to contact me for any reason regarding the matter, I can be reached at 410-284-0004 or by e-mail at nick@advantagehomesmd.com.

Sincerely,



Robert A. Nicholson Jr.

cc: Richard and Angel Bowersox
Charles and Barbara Weber
Kevin and Nicole Nida
People's Council, Mr. Peter Zimmerman

RECEIVED

JAN 22 2009



S/e Seneca Avenue, 155' n/east Turkey Point Road
15th Election District – 6th Councilmanic District
Legal Owners: Kevin & Nicole Nida

Case No.: 2008-0571-SPHA

- ✓ Petition for Special Hearing & Variance (June 10, 2008)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (July 3, 2008)
- ✓ Certification of Publication (The Jeffersonian – August 5, 2008)
- ✓ Certificate of Posting (July 30, 2008) by Martin Ogle
- ✓ Entry of Appearance by People's Counsel (June 27, 2008)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED
FEB 11 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

Petitioners' Exhibit

- ✓1. Site Plan
- ✓2. Plat of Rockaway Beach
- ✓3. Aerial Photo
- ✓4. Lot Stakeout of Property
- ✓5. Diagram of Property
- ✓6. Elevation of Shed
- ✓7. Photos of Shed under construction
- ✓8. Photos of Adjacent Property
- ✓9. Petition in support of relief
- ✓10. Letter of support from Ms. Nida's father
- ✓11. Letter of Support from Ms. Nida's sister
- ✓12. Initially issued permit for shed

Protestants' Exhibits:

- ✓1. Record Plat
- ✓2. Sewer Drawing
- ✓3. Water Drawing
- ✓4. Site Plan for Bowersox Property
- ✓5. Permit application and site plan
- ✓6. Measurement Corrections of site
- ✓7. ✓(A) Site plan of prior zoning ✓(B) Opinion – 05-145-A
- ✓8. ✓(A) Building Permit – 2200 Turkey Point ✓(B) Site plan for proposed dwelling
- ✓9. ✓(A) Right of way agreement for utilities ✓(B) Right of way agreement – BGE
- ✓10. Balto. Co. GIS Grid Map
- ✓11. Photos (A thru G)
- ✓12. Letter of opposition

Miscellaneous (Not Marked as Exhibit) –

- ✓1. Letter dated October 11, 2007 from Donald Brand, Building Engineer
- ✓2. Letter dated April 8, 2008 from Donald Brand
- ✓ Deputy Zoning Commissioner's Order (GRANTED – September 23, 2008)

Page Two
2008-0571-SPHA

Motions for Reconsideration:

- ✓1. October 21, 2008 from Robert Nicholson, Jr.
 - ✓2. October 22, 2008 from Stephen Weber, Traffic Engineering
 - ✓3. October 23, 2008 from People's Counsel
- ✓Order on Motion for Reconsideration – DENIED – December 16, 2008
- ✓Notice of Appeal received on December 29, 2008 from People's Counsel
- ✓Additional Appeal received on January 22, 2008 from Robert Nicholson

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Robert Nicholson
Kevin & Nicole Nida

date sent February 11, 2009, klm

CASE #: 08-571-SPHA

IN THE MATTER OF: Kevin Nida and Nicole Nida
Legal Owners / Petitioners
Seneca Road / SE side of Seneca Road, 155 feet NE of
Turkey Point Road
15th Election District; 6th Councilmanic District

9/23/08 –DZC decision that Petition for Special Hearing to allow an accessory bldg (shed) on vacant lot is GRANTED; Lot 96 is merged w/ 1,2, & 3 and Petition for Variances (setbacks) – GRANTED.

12/16/08 -- DZC decision on the Motions for Reconsideration be DENIED and that the merger of Lots 1,2,3 and 96 and related granting of Petitioners' requests for Variance relief, the request for Special Hearing is DISMISSED as MOOT

2/26/09 Notice of Assignment for Thursday, May 21, 2009 at 10:00 a.m. sent to the following:

c: Appellants : Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

: Robert Nicholson, Jr.
: Richard and Angel Bowersox
: Charles and Barbara Weber

Petitioners/Legal Owners : Nicole Nida and Kevin Nida

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Stephen Weber, Chief of Traffic Engineering

4/20/09 Received telephone call from Ms. Bowersox indicating that the sign had been removed by Petitioners. Petitioners indicated to Ms. Bowersox that this matter was being worked out. Spoke to Stuart Kelly to have sign re-posted. He said he will re-post today.

5/21/09 Board convened for hearing (Belt – Stahl (replacing Westcott) – Crizer)
Hearing concluded. Deliberation to be scheduled. No Memos.

5/26/09 Deliberation scheduled **for June 25, 2009 at 9:00**. Notices sent.

6/25/09 Board convened for public deliberation

10/16/09 Opinion and Order issued by Board GRANTING relief requested in
Petition for Variance and rendering MOOT the relief requested in the
Petition for Special Hearing.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

October 23, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Motion for Reconsideration
Nicole and Kevin Nida- Petitioners
Corner of Seneca and Turkey Point Roads
Case No: 08-571-SPHA



BY: _____

Dear Mr. Bostwick:

Upon review of Robert A. Nicholson, Jr.'s October 21, 2008 Motion for Reconsideration and the October 22, 2008 report of Stephen Weber, Chief, Division of Traffic Engineering, it appears the location of the storage shed, an accessory building, conflicts with BCZR §§ 102.5 and 400.1, causes traffic safety problems, and is inimical to public safety, health, and welfare. The September 23, 2008 decision should therefore be reconsidered and the petitions denied.

In view of the merger of the lots (or in any event), this shed should not be viewed as a nonresidential principal building. A storage shed by its nature is an accessory building. Here, it is accessory to a dwelling. Pursuant to BCZR § 400.1, on a corner lot in a residential zone, it must be on the third of the lot farthest from the street, not at the edge of the corner (and in the right-of-way). Under the circumstances, public safety alone dictates denial of any variances. Moreover, it appears feasible to relocate the shed. In the alternative, even were this a nonresidential principal building, there would still be no justification for the variances associated with that concept.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Nicole & Kevin Nida, Petitioners
Stephen Weber, Chief of Traffic Engineering
Robert A. Nicholson, Jr.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:

Kevin and Nicole Nida

08-571-SPHA

DATE:

June 25, 2009

BOARD/PANEL:

Andrew Belt
Lawrence Stahl
Edward Crizer, Jr.

RECORDED BY:

Sunny Cannington/Legal Secretary

PURPOSE:

To deliberate the following:

1. Special Hearing to allow an accessory building (shed) on a vacant lot.
2. Petition for Variance to allow a non-residential building with a front setback of 10 feet, side setback of 10 feet and a rear setback of 4 feet in lieu of the required 20 feet, 30 feet and 35 feet.
3. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
4. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the facts of this matter. The facts of this matter is the Petitioners own 3 adjoining lots which have been legally merged. The shed was placed on the property by the Petitioners on the back of the 3rd parcel. The County asked that the Petitioners move the shed back due to traffic concerns of people turning off of Turkey Point Road.
- The Board feels that the Special Hearing relief is moot because the three parcels have been merged.
- The Board feels that this property is unique by the standards of Cromwell due to the fact that the lay out of the three parcels allows for many different configurations. The Petitioners could configure the front of the property at several locations. The Petitioners have declared where they consider the front and back of the property. The Board feels that there is a chance they do not need to grant the Variance as the layout of the property by declaration of the Petitioners has the shed located in the back third of the property.

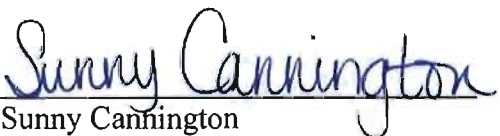
- The neighbor, Mr. Nicholson, suggested alternate locations for the shed, the main being on the side of the house. The way the lots are configured and the law with regard to the locations for sheds, this alternative would still be against the law.
- As for practical difficulty, the Board feels that the Petitioners are entitled to have a shed and where they propose to put the shed is the only place that suits the configuration the Petitioners have chosen for their property.
- The Board feels that if anyone is concerned about the traffic patterns on Turkey Point and Seneca Roads, they should Petition the County to put a stop sign at that location.

DECISION BY BOARD MEMBERS: The Board determined that the Special Hearing relief is moot by the merger of the three parcels. The Board is granting the Petition for Variance to ensure that the Petitioners are allowed to have their shed.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed the Special Hearing relief is MOOT and the Petition for Variance is GRANTED.

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

Respectfully Submitted,


Sunny Cannington



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

October 23, 2008

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Motion for Reconsideration
Nicole and Kevin Nida- Petitioners
Corner of Seneca and Turkey Point Roads
Case No: 08-571-SPHA

RECEIVED
OCT 23 2008

BY:.....

Dear Mr. Bostwick:

Upon review of Robert A. Nicholson, Jr.'s October 21, 2008 Motion for Reconsideration and the October 22, 2008 report of Stephen Weber, Chief, Division of Traffic Engineering, it appears the location of the storage shed, an accessory building, conflicts with BCZR §§ 102.5 and 400.1, causes traffic safety problems, and is inimical to public safety, health, and welfare. The September 23, 2008 decision should therefore be reconsidered and the petitions denied.

In view of the merger of the lots (or in any event), this shed should not be viewed as a nonresidential principal building. A storage shed by its nature is an accessory building. Here, it is accessory to a dwelling. Pursuant to BCZR § 400.1, on a corner lot in a residential zone, it must be on the third of the lot farthest from the street, not at the edge of the corner (and in the right-of-way). Under the circumstances, public safety alone dictates denial of any variances. Moreover, it appears feasible to relocate the shed. In the alternative, even were this a nonresidential principal building, there would still be no justification for the variances associated with that concept.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Nicole & Kevin Nida, Petitioners
Stephen Weber, Chief of Traffic Engineering
Robert A. Nicholson, Jr.

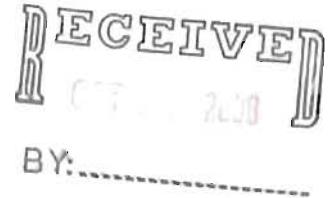
**BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE**

DATE: October 22, 2008

HAND DELIVERED

TO: Thomas H. Bostwick
Deputy Zoning Commissioner

FROM: Stephen E. Weber, P.E., Chief
Division of Traffic Engineering



SUBJECT: Case No. 2008-0571-SPHA, Seneca Rd & Susquehanna Ave

I am writing to you in response to an inquiry made to me from Mr. Nick Nicholson who owns property adjacent to and immediately east of Lot 96 of the subject case. Mr. Nicholson was also in attendance at the hearing for this case.

Back in October 2007 Mr. Nicholson contacted me regarding a sight line problem he had due to the property owner of Lot 96 constructing a fence on the southern quadrant of Seneca Rd & Susquehanna Ave. We went out to the property and found that it appeared the fence had been constructed within the 30-foot road right-of-way for Seneca Rd and was creating a sight line problem for drivers entering onto Seneca Rd from Susquehanna Ave. In addition, we found that the fence had been constructed in definite violation of BCZR 102.5 which prohibits the erection of any obstruction (including fences or buildings) greater than 3 feet in height within the triangular area bounded on two sides by the front and side street property lines, and on the third side by a straight line connecting points on said lot lines, each of which points is 25 feet distant from the point of intersection, that being on a corner lot in a residential zone. We found that if the fence was relocated back onto the property owners property and out of the road right-of-way and was also relocated out of the 25-foot sight triangle, we felt that this would adequately address the visibility obstructions and provide an adequate line of sight to safely allow entrance onto Seneca Rd.

I spoke with Leonard Wasilewski of the Bureau of Code Enforcement in the Department of Permits & Development Management about this issue with the intent of getting Code Enforcement to evaluate the installation of the fence and enforce BCZR 102.5 plus get the property owner to relocate the fence to their property. Attached is my October 11, 2007 e-mail to Mr. Wasilewski outlining all of these issues. To my knowledge, the property owner was never required to relocate the fence.

Now what is brought to my attention is the case which you heard, dealing with an even greater apparent conflict with BCZR 102.5. I have attached a copy of the petitioner's site plan and have overlayed the 25-foot sight triangle on the site plan. The corner of the shed does go thru this sight triangle and is in apparent violation of County zoning regulations. While the encroachment is noted to be slight, given that sight lines are placed within the zoning regulations to insure that adequate levels of safety are maintained to provide drivers of both the through street and the stopped street adequate vision of one another to avoid collision, they should not be compromised. In this case, it is very apparent that Lot 96 is of more than adequate size to have placed this shed at least further away from the corner of Seneca Rd & Susquehanna Ave to not create an unnecessary traffic safety hazard. There does not appear to be any hardship or any practical difficulty proven that would necessitate sacrificing public safety over the need to place this shed in the very corner of a relatively large lot.

Given our history of having already been involved with this property to get prior violations unsuccessfully addressed and now finding that a bad situation is now only being made worse is quite disheartening. While we can identify the safety issues are there and the zoning violations exist, our office does not have the authority to enforce Zoning Regulations. That is why the issue was brought to the attention of Code Enforcement. Likewise, the Bureau of Traffic Engineering & Transportation Planning is not a part of the Zoning Advisory Committee and thus we are not aware when submittals like this come through the County system nor do we provide any comments on any such submittals, unless someone else specifically brings an issue to our attention. If we would have seen this, we would have been able to provide comments on it prior to the hearing, especially given our prior involvement trying to rectify prior zoning violations on the property.

Given that our office is not part of the Zoning Advisory Committee and we were obviously not present at the hearing, I am not certain whether we have any standing for requesting reconsideration of your decision. However, given the late moment at which we were made aware of this issue and the September 23, 2008 date of your Order, to be on the safe side we are requesting reconsideration of your order and ask that it be amended to insure that the setback footages are increased sufficient to clearly get this shed out of the 25-foot sight triangle. In reading your Findings of Fact & Conclusions of Law, I note that there is no mention anywhere of BCZR 102.5 and thus I would surmise that no County office or official brought up this apparent violation in their review of the petitioner's plan and that it was likely never brought to your attention at the time of the hearing. It is my understanding that a building permit may have already been issued by the Department of Permits & Development Management (PDM) with the warning that the petitioner is at risk for building anything within the 30-day appeal period. By copy of this letter, I am again advising the Department of Permits & Development Management of our prior concern with the BCZR violations of the fence and that it appears that they have also issued a permit for a shed which is also in violation of the same BCZR 102.5. Whatever action they can take to similarly prevent this issue from getting worse and to also have the violations corrected would be appreciated.

Our interest is in protecting the safety of the traveling public. This element of the zoning regulations is intended for this very purpose, but we seem to be having difficulties in ensuring that it is being carried out. Certainly amending your Order to insure that the approved location is not in violation of BCZR 102.5 would help resolve any sight line issues with the shed. I'm concerned that Code Enforcement may not enforce this section of the zoning regulations if your order implicitly approves it to be in violation.

Should you have any questions, I am more than willing to discuss any elements of this issue with you. Also, as a point of information, I have no relationship with and do not know Mr. & Mrs. Charles Weber of 2213 Seneca Rd who were listed as being in opposition to the petitioner's request.

SEW

Attachments (2)

cc: Donald T. Rascoe, Deputy Director, Dept. of Permits & Development Management
Peter Max Zimmerman, People's Counsel
Nick Nicholson

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

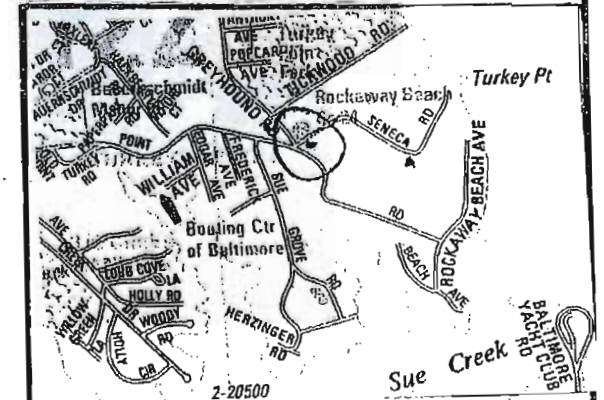
PROPERTY ADDRESS SE Side of Seneca Avenue, 155.5 feet
NE of Turkey Point Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Rockaway Beach

PLAT BOOK # 6 FOLIO # 173 LOT # 96 SECTION #

OWNER X Kevin Nick



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # x 090B2

ZONING DR 3.5

LOT SIZE x 114 6157
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE	
SEWER	☐	☒	N/A VACANT LOT
WATER	☐	☒	

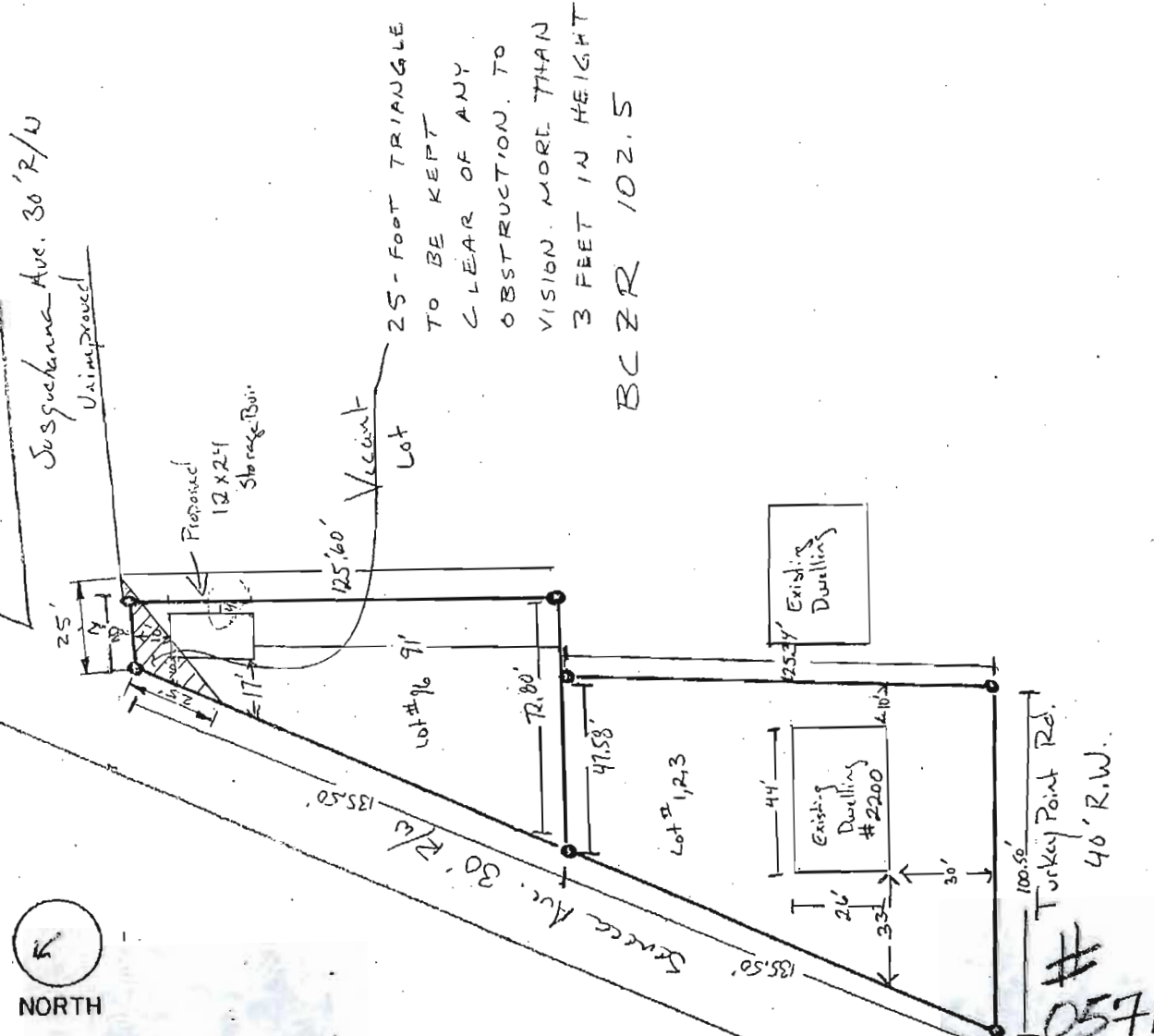
CHESAPEAKE BAY CRITICAL AREA	YES ☒	NO ☐
---------------------------------	---	-----------------------------

100 YEAR FLOOD PLAIN	☐	☒
----------------------	--------------------------	-------------------------------------

HISTORIC PROPERTY/ BUILDING	☐	☒
--------------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY CM ITEM # 0571 CASE # 2000-0571-SPHA



SCALE OF DRAWING: 1" = 50'

PREPARED BY Kevin Nick

Stephen Weber - Susquehanna Ave & Seneca Rd

From: Stephen Weber
To: Leonard Wasilewski
Date: 10/11/07 2:56 PM
Subject: Susquehanna Ave & Seneca Rd
CC: nick@advantagehomesmd.com

In response to our earlier conversation regarding this location, I would offer that DPW is aware that the current fence location on the south side of Seneca Rd west of Susquehanna Ave does create an unacceptable sight line obstruction for residents who would be using Susquehanna Ave to enter Seneca Rd and observe approaching traffic on eastbound Seneca Rd. The obstruction is caused by a large degree due to the fact that the fence is located within the road right-of-way of Seneca Rd and is not located on the fence owner's property. It is clear, based on the marked property corners, that the fence has been illegally installed off of the fence owner's property. Such an obstruction is decreasing the safety level of the intersection and therefore action should be taken to have the fence removed from the right-of-way of Seneca Rd and back onto the fence owner's property. It appears that if the fence were relocated back to the right-of-way line, this would address most of the visibility obstructions and provide an adequate line of sight to safely allow entrance onto Seneca Rd.

In addition, it would seem that Section 102.5 of the BCZR would also apply to this property with regard to prohibiting the construction of a fence taller than 3 feet in height within the 25-foot triangle formed at the corner of the front and side street property lines of Lot 96 shown on the subdivision plat of Rockaway Beach Realty Co. recorded in 1919 in Plat Book 6, Page 173. While we realize that Susquehanna Ave is not being used as a public street at this time, it is nevertheless a roadway being used by properties fronting Susquehanna Ave and is a platted street on a properly recorded plat. Regulation 102.5 does not speak to whether the road in question is a public or private roadway, only that the property in question is a corner lot, which according to the plat it obviously is. The fact that a roadway does physically exist within the right-of-way of Susquehanna Ave and it is being used for access, further makes it clear that Lot 96 is a corner lot. (That is, Susquehanna Ave is not simply a paper street - it is actually being used today for access with a physical roadway in place.) If this section of the BCZR were enforced to also insure that no fence over 3 feet in height is allowed within the 25-foot triangle within the northeast corner of Lot 96, this would insure that the fence would not cause any sight line obstructions for drivers exiting from Susquehanna Ave and thus the fence would not in any way adversely impact public safety for the motoring public traveling thru this intersection (that is assuming that it is also moved out of the right-of-way of Seneca Rd).

Should you have any questions regarding our findings in this matter, please let me know. I hope this information is helpful in your review of this case.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

November 24, 2008

Dear Mr. Bostwick,
Deputy Zoning Commissioner

We are writing in reference to Mr. Nicholson, Mr. Stephen Weber, and Mr. Peter Zimmerman's request for a motion to reconsider your decision on case number 2008-0571-SPHA. We would like to first comment on Mr. Nicholson's request to reconsider. Mr. Nicholson has reintroduced that lot 96 is a corner lot and that sufficient evidence for zoning relief was not submitted. We felt during the hearing that sufficient evidence was submitted. This evidence included the two odd-shaped triangular lots which currently comprise lots one, two, three and ninety-six. This resides between two county maintained roadways Turkey Point Road and Seneca Road. These lots also come into contact with a third paper street, Susquehanna Avenue. Susquehanna Avenue as deemed by Mr. Raymond S. Wisnom Jr. (Code Enforcement Hearing Officer) and Tim Burgess (Chief of the Bureau of Highways) was declared to be treated as a driveway. *Reference civil citation number 07-3071 in fifth paragraph.*

Mr. Nicholson's second argument is the shed poses a public safety issue. Our shed's back corner located ten feet off of Seneca

Road is the only part close to Seneca Road. As seen from previous photography, maps and newly submitted videos. Seneca Road actually angles away from the shed as it continues toward Turkey Point Road. This is approximately 271 feet away from the shed. From these submitted documents you can clearly visualize the entire 271 feet of Seneca Road. *Reference the attached power point presentation.*

Mr. Nicholson's third argument is that we have not demonstrated any practical difficulty or unreasonable hardship as to why the zoning commissioner should issue a variance allowing the shed to be located anywhere other than where the regulations require it to be. The future development of the community and development of Susquehanna Avenue has been discussed at length by Mr. Nicholson, including the location of our shed. As previously stated we have an odd-shaped triangular lot situated between two roads. Lot 96 offsets lots 1, 2, and 3 by approximately 25 feet as shown clearly in previous maps and drawing. Which places Mr. Nicholson's proposed location of our shed in a corner. Since this corner does not allow a clear view from our home, we believe its current location to be the most logical for safety and security reasons, including break-ins and vandalism. Therefore, we would like to state that by moving the shed into the proposed location by Mr. Nicholson, we would not be

environmentally friendly, having to cut down two mature large trees. This would also have a monetary impact on us and impact the critical bay watershed area in which we reside.

As stated in Mr. Nicholson's point four, my husband and I had never received the letters that were attached with the reconsideration notice, only learning of their existence at our original hearing in August. Mr. Bran also gave us a fourth option in a meeting in later April to try and resolve the rescintion of the shed permit. He stated we could combine all of our lots into one tax bill. In doing so this would solve the need for a special hearing to allow the shed to dwell on lot 96. We were told in addition that we needed to apply for a variance hearing for the requested set backs. This was needed to obtain zoning relief which would allow us to apply for a new building permit for the placement of our shed in its current location on lot 96. Mr. Nicholson noted we submitted "erroneous" information to the building permit office. This information was clarified during the hearing in August. This had to deal with the lot 96 measurement on Susquehanna, which we mistakenly wrote 50 feet instead of 20 feet. We resubmitted the drawing to include all street names during this hearing. This clarified the issue of "erroneous" information.

In arguments five and six, Mr. Nicholson has bought up another Baltimore county zoning regulation to inform us we need a

variance to grant us zoning relief. We feel we have introduced enough evidence at the previous hearing and in our rebuttals to his arguments and his motion to reconsider. This was already proven when we submitted sufficient evidence to support our case that was handed down by you in your ruling, issued on September 23, 2008.

We have obtained a letter from the Rockaway Beach Improvement Association President supporting the location of our shed. *See attached letter entitled 2200 TPrd.* As of the present moment there are only two residents that utilize this driveway, Susquehanna Avenue to gain access to Seneca Road. There currently is no building permit for lot 95 and as stated previously the remaining lots which front Susquehanna Avenue are owned by residence that reside on either Turkey Point Road or Seneca Road. Since there is no property to improve, there is no need for Susquehanna Avenue to be a county maintained roadway. Therefore, we believe the original decision handed down that our shed stay in its current location should not be reconsidered.

Mr. Nicholson has obtained new letters from Mr. Peter Max Zimmerman (Peoples Counsel for Baltimore County) and Mr. Steven Weber (Chief Division of Traffic Engineering) which have just restated the information given by Mr. Nicholson and his motion to reconsider letter. We have also obtained twenty signatures. From members of our community, presented at the

original hearing; in addition we have obtained news letter from Mr. Howard French and Mrs. Kimberly Goodwind President of Rockaway Beach Improvement Association supporting our current location of the shed.

We would like to thank you for your continuing patience and time with this matter.

Sincerely,

Mr. & Mrs. Nida

I have attached some video to illustrate our location of the shed and the surrounding lots with explanations of each.

(Click on movie clip to play)

View of the Bowersox

driveway – This video depicts the Bowersox driveway and the adjoining vacant lot from the fire station side.



View of Our Backyard – This video shows the layout of our backyard, as you can see it is compiled of two triangles and is very limiting in the use of our backyard. It also depicts the two very large, mature trees. We would have a great monetary expense to cut these two trees down and it is not healthy for the critical bay watershed area we live in.



- 2nd View of Driveway – This is a vantage point from the Bowersox driveway looking down Seneca Road at Turkey Point Road. This view illustrates the fact you can clearly see down the Road and the shed does not interfere with their clear view of the road. While watching the video you can see a yellow school bus and car turn down Greyhound Road.



- *View from the driveway* – this video illustrates the view in both directions of Seneca Road, from the Bowersox driveway which proves the shed does not obstruct the line of sight.



- *Shed Location* - This video illustrates the current location of our shed located in our backyard. It was placed here because it needed to fit in-between our mature trees. This also illustrates how our backyard is triangular shaped which in turn does not leave alternative locations for the shed.



- *Our House* – This video illustrates our inability to have a garage due to the triangle shape of our yard and only leaves of with the option of constructing a shed for additional storage.



**ROCKAWAY BEACH IMPROVEMENT ASSOCIATION INC.
(A/K/A ROCKAWAY BEACH /TURKEY POINT
IMPROVEMENT ASSOCIATION)**

rbiatpia@gmail.com

November 21, 2008

Thomas H. Boftwick
Deputy Zoning Commissioner
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 2008-0571-SPHA
Kevin and Nicole Nida
2200 Turkey Point Road
Baltimore, Maryland 21221

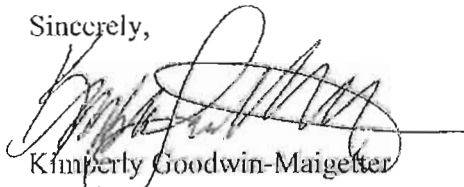
Dear Mr. Boftwick:

I am writing to you concerning the above case. Please be advised that **Rockaway Beach / Turkey Point Improvement Association** ("the Community Association") **is in complete agreement** with your Findings of Fact and Conclusions of Law entered the month of **September, 2008**. The Nida's have made significant improvements, cleaned up, and generally maintain the entire piece of property in such a way that it has in turn improved the entire community and has enhanced this neighborhood. The dwelling and rubbish previously located on the property were an eye sore and health hazard to this neighborhood.

In my capacity as President of the Community Association, I frequently travel past both the front of their home on Turkey Point Road as well as the side of the property on Seneca. The storage shed in question does not pose a safety hazard to this community and again is an overall improvement to the entire piece of property as a whole.

Should you wish to speak to me further please do not hesitate to contact me at 410-598-3666.

Sincerely,



Kimberly Goodwin-Maigetter
President

Rockaway Beach / Turkey Point Improvement Association

/kgm

October 31, 2008

To whom it may concern;

I'm writing this letter in support of Kevin and Nicole Nida who live at 2200 Turkey Point Road in Essex. Prior to them building their new home, there was a Cape Cod house on the property that was in need of many repairs. Also the tenants had present many problems for the community.

When the old house was torn down variances were granted for the new home. The Rockaway Beach Improvement Association and The Rockaway Beach Volunteer Fire Company both supported the new home. All permits and inspections were done in accordance with county codes.

Recently the Zoning Commissioner granted them permission to build a shed, and a permit was granted to build the shed. Now someone is seeking to have the shed removed. The Nidas have done everything according to Baltimore County Code and should not have to lose their shed. They are an asset to the community of Rockaway Beach.

Respectfully,



Howard V. French
320 Greyhound Road
Baltimore, Md. 21221
410-686-5752

CASE NAME _____
CASE NUMBER 1008-0571-SPNA
DATE 8-20-08

[illegible]

CASE NAME _____
CASE NUMBER 2008-0571-SPHA
DATE 8-20-08

NAME _____

CITY, STATE, ZIP

[illegible]

08-571-SAH NIDA

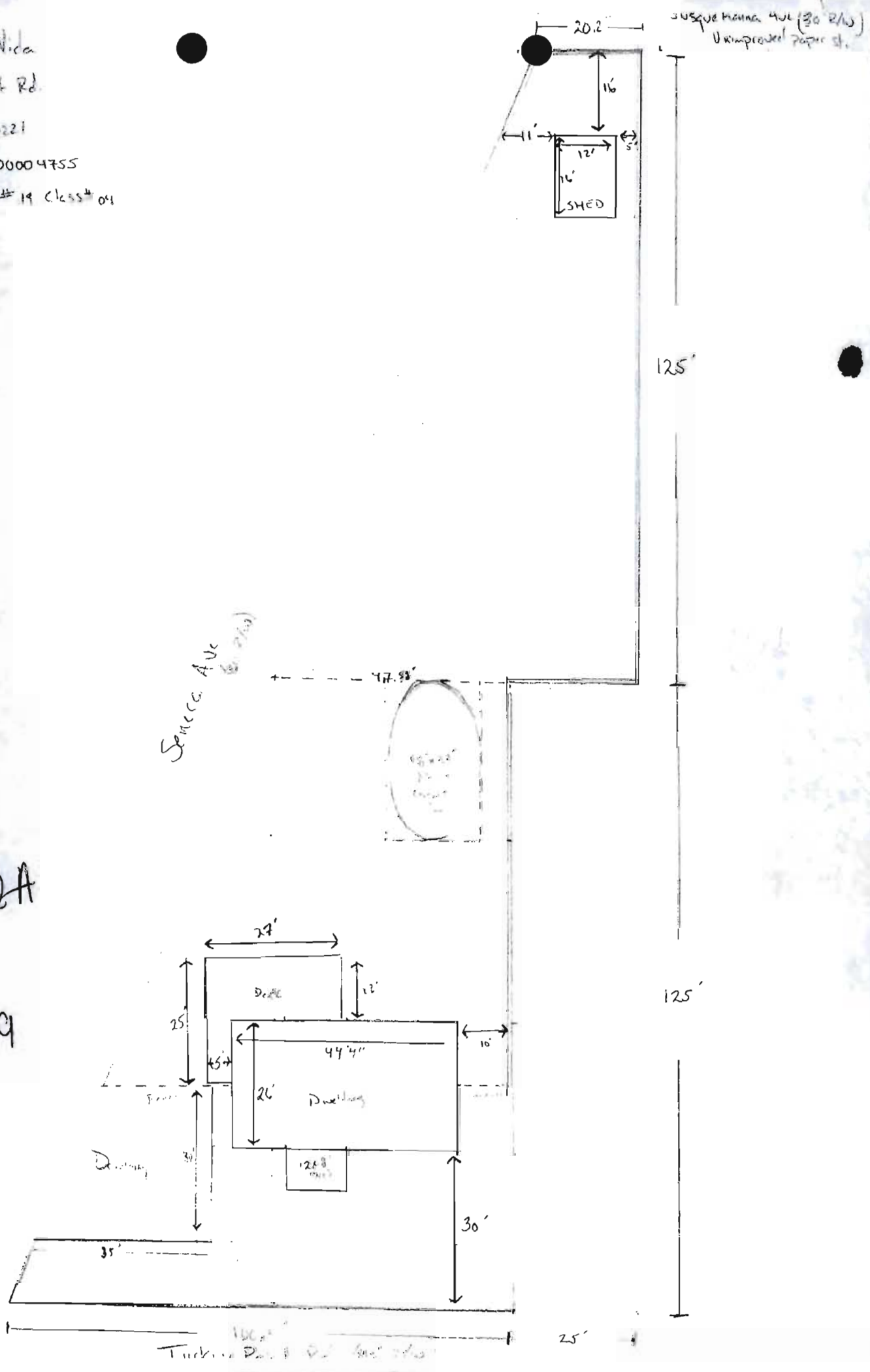
EXHIBIT
PETITIONERS

- #1 ✓ Aerial view of neighborhood
- 2 ✓ A - drawing of present permitted site
B - Water drawing
- 3 ✓ Pictures A old shed location + lots
- 4 ✓ 5-19-09^B letter to P.C. from Beckaway
Beck Valley free Dist
- 5 ✓ 11-21-08 letter to DZG from Beckaway Beach
Turkey Point Improv. Ass.

verified 5/21/09
trs

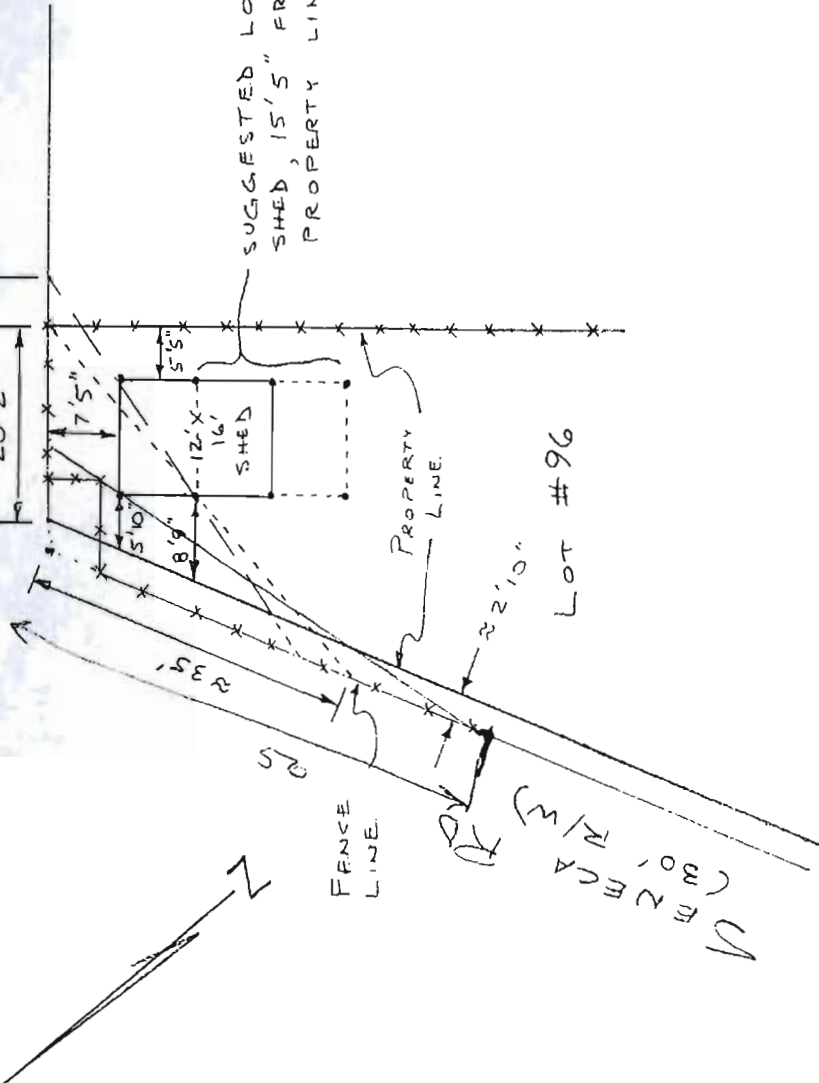
Kevin & Nicole Nida
 2200 Turkey Point Rd.
 Baltimore, md. 21221
 Tax Account # 2500004755
 Dist # 15 Prec # 19 Class # 04

Plot # 2A
 8/21/09



SUSQUEHANNA AVE
(30' R/W)

25'
20'2"



SUGGESTED LOCATION OF
SHED, 15' 5" FROM NORTH
PROPERTY LINE

PROPERTY LINE
FENCE LINE

Lot #96

(30' R/W)
23'5"

SCALE: 1" = 20'

Robert G. 2B

Bob App
5-21-09



Top



Bottom

Det. G

Boyle

3A
5.21.09



Top



Bottom

Pat G

3B

5-21-09

Rockaway Beach Volunteer Fire Co., Inc.

P.O. Box 34034
Baltimore, MD 21221-8034



MEMBER
BALTIMORE COUNTY VOLUNTEER
FIREMEN'S ASSOCIATION



MEMBER
MARYLAND STATE
FIREMEN'S ASSOCIATION

May 19, 2009

Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

Re: Kevin and Nicole Nida
Case No.: 08-571-SPHA

Dear Mr. Zimmerman and Ms. Demilio:

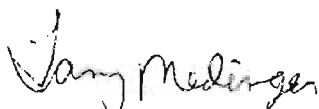
I am writing to you concerning the above referenced case. Rockaway Beach Volunteer Fire Company is in complete agreement with your Findings of Fact and Conclusions of Law entered in September of 2008.

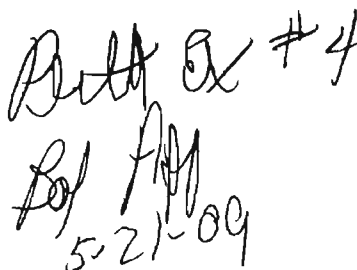
The Nida's have made significant improvements to the property including, cleaning up, and generally maintaining the entire piece of property in such a way that it has improved the entire community and has enhanced this neighborhood. The dwelling and rubbish previously located on the property were an eye sore and health hazard to the community.

In my capacity as President of Rockaway Beach Volunteer Fire Company, I regularly pass by the Nida's property, both in front on Turkey Point Road and on the side on Seneca Road, and do not see the storage shed in question as a safety hazard to the members and officers of Rockaway Beach Volunteer Fire Company or the members of this community.

Please do not hesitate to contact me should you need any further information at 410-887-0328.

Sincerely,


Tammy Medinger
President


Bolt B #4
Ref AM
5-21-09

**ROCKAWAY BEACH IMPROVEMENT ASSOCIATION INC.
(A/K/A ROCKAWAY BEACH /TURKEY POINT
IMPROVEMENT ASSOCIATION)**

rbiatpia@gmail.com

November 21, 2008

Thomas H. Boftwick
Deputy Zoning Commissioner
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 2008-0571-SPHA
Kevin and Nicole Nida
2200 Turkey Point Road
Baltimore, Maryland 21221

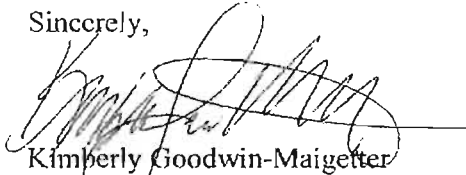
Dear Mr. Boftwick:

I am writing to you concerning the above case. Please be advised that Rockaway Beach / Turkey Point Improvement Association ("the Community Association") is in complete agreement with your Findings of Fact and Conclusions of Law entered the month of September, 2008. The Nida's have made significant improvements, cleaned up, and generally maintain the entire piece of property in such a way that it has in turn improved the entire community and has enhanced this neighborhood. The dwelling and rubbish previously located on the property were an eye sore and health hazard to this neighborhood.

In my capacity as President of the Community Association, I frequently travel past both the front of their home on Turkey Point Road as well as the side of the property on Seneca. The storage shed in question does not pose a safety hazard to this community and again is an overall improvement to the entire piece of property as a whole.

Should you wish to speak to me further please do not hesitate to contact me at 410-598-3666.

Sincerely,



Kimberly Goodwin-Maigetter
President

Rockaway Beach / Turkey Point Improvement Association

/kgm

*Put in #5
R. J. App
5.21.09*

• exhibit

NIDA ~~Grand Exhibit~~
Grand Exhibit

Michael

#1 ✓

Pictures A - ~~1~~ - photos of suit

2 ✓

" A - C of Supraclama & Shof now

3 ✓

Plot w/ colored marks as to lots

verified

5/21/09



501 AP
Rd 61A
5.21.09



Boyle
to 13
5.21.09

proprietor location



Boj Appeals
Scl TX 1C
5-21-09



Bol App

Rd Ex 1D
6.21.09



Bd of App
Bd of IE
5.21.09



Blay App
BQ IF
5.21.09



Plot of App
Add Cw 16
5.21.06



Bd O / AP
Bd Ex. 1h
5.21.09



Ed of ~~the~~
Ed & I
5-21-09



Bo/Arp
Board Tx 2 ft
5-21-09



Boj App

Saved for #
2B

5-21-09



Bob Ap
Book 1 Q 2C
5-21-09

Case No.: 2008-0521-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Plot of "Rockaway Beach"	
No. 3	Aerial Photo of Property	
No. 4	Lot Stakeout of Property	
No. 5	diagram of property	
No. 6 A+B	Elevations of Shed	
No. 7	Photos of Shed under construction	
No. 8	Photos of Adjacent properties	
No. 9	Petition in support of relief signed by neighbors	
No. 10	Letter of support from Ms. Nide's father	
No. 11	Letter of support from Ms. Nide's sister	
No. 12	Initially Issued Permit for Shed	

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS SE Side of Seneca Avenue, 155.5 feet
NE of Turkey Point Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

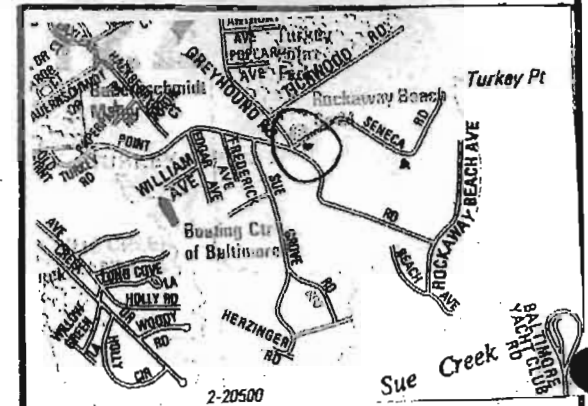
SUBDIVISION NAME Rockaway Beach

PLAT BOOK # 6 FOLIO # 173 LOT # 96 SECTION #

OWNER X Kevin Mc

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # X 098BZ

ZONING DR 3.5

LOT SIZE X 114 6157
ACREAGE SQUARE FEET

		PUBLIC	PRIVATE	
SEWER	☐	☐	☒	N/A
WATER	☐	☐	☒	VACANT LOT

CHESAPEAKE BAY CRITICAL AREA	☒	YES	☐	NO
------------------------------	-------------------------------------	-----	--------------------------	----

100 YEAR FLOOD PLAIN	☐	☒
----------------------	--------------------------	-------------------------------------

HISTORIC PROPERTY / BUILDING	☐	☒
------------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY CR ITEM # 0571 CASE # 2008-0571-SPHA

Seneca Ave. 30' R/W
Unimproved

Proposed 12 X 24 Storage Bui.
Vacant Lot

Existing Dwelling

Existing Dwelling #2200

Turkey Point Rd.
40' R.W.



NORTH

PREPARED BY Kevin Mc

SCALE OF DRAWING: 1" = 50'



Subdivision of a portion
of
"Rockaway Beach Realty Co."
Middle River.
September 1911. Scale: 1 inch = 50 feet
Title Law Building, City.
Bart J. C. Green.
Surveyor & Civil Engineer.

Filed for Record
May 19, 1911
May 19, 1911
H. P. Cole
Clerk.

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT

PETITIONER'S

EXHIBIT NO.

2

Kevin Nida
2200 Turkey Point Rd.
Essex, Md. 21221
410-391-8767

2008-0571 SPHA

YELLOWPAGES.COM

Maps | Directions

Maps



Disclaimer: These maps and directions are informational only. No representation is made or warranty given as to their content, road conditions or route usability or expeditiousness. User assumes all risk of use. YELLOWPAGES.COM and its suppliers assume no responsibility for any loss or delay resulting from such use.

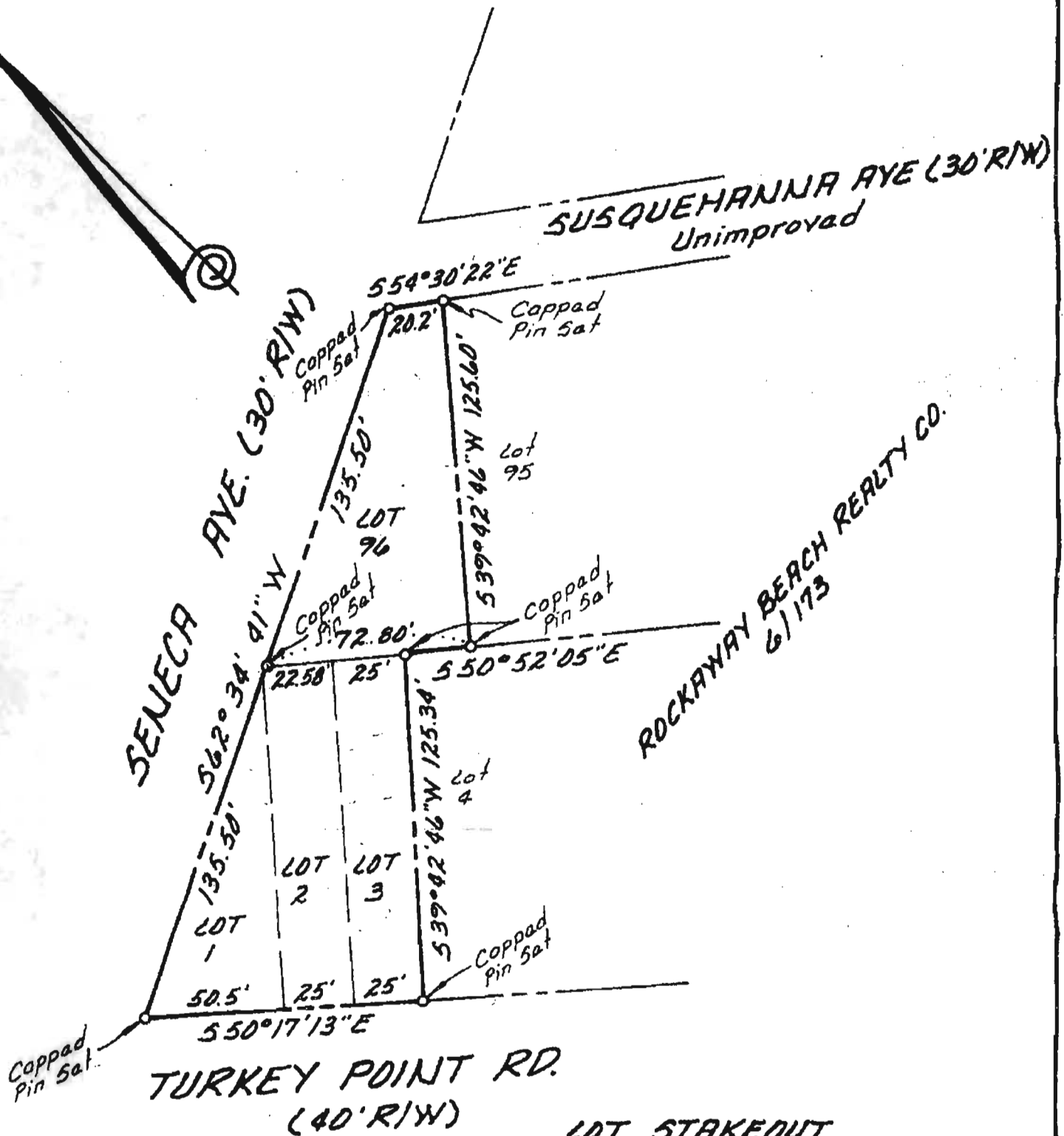
Part of the new at&t

PETITIONER'S

EXHIBIT NO.

3

2608-0571-37H4



LOT STAKEOUT
LOTS 1, 2, 3, & 96
SENECA AVE & TURKEY POINT RD.
15th Elect. Dist. - Baltimore County, Md.
Scale: 1" = 50' - Date: Nov. 2, 2004

PETITIONER'S

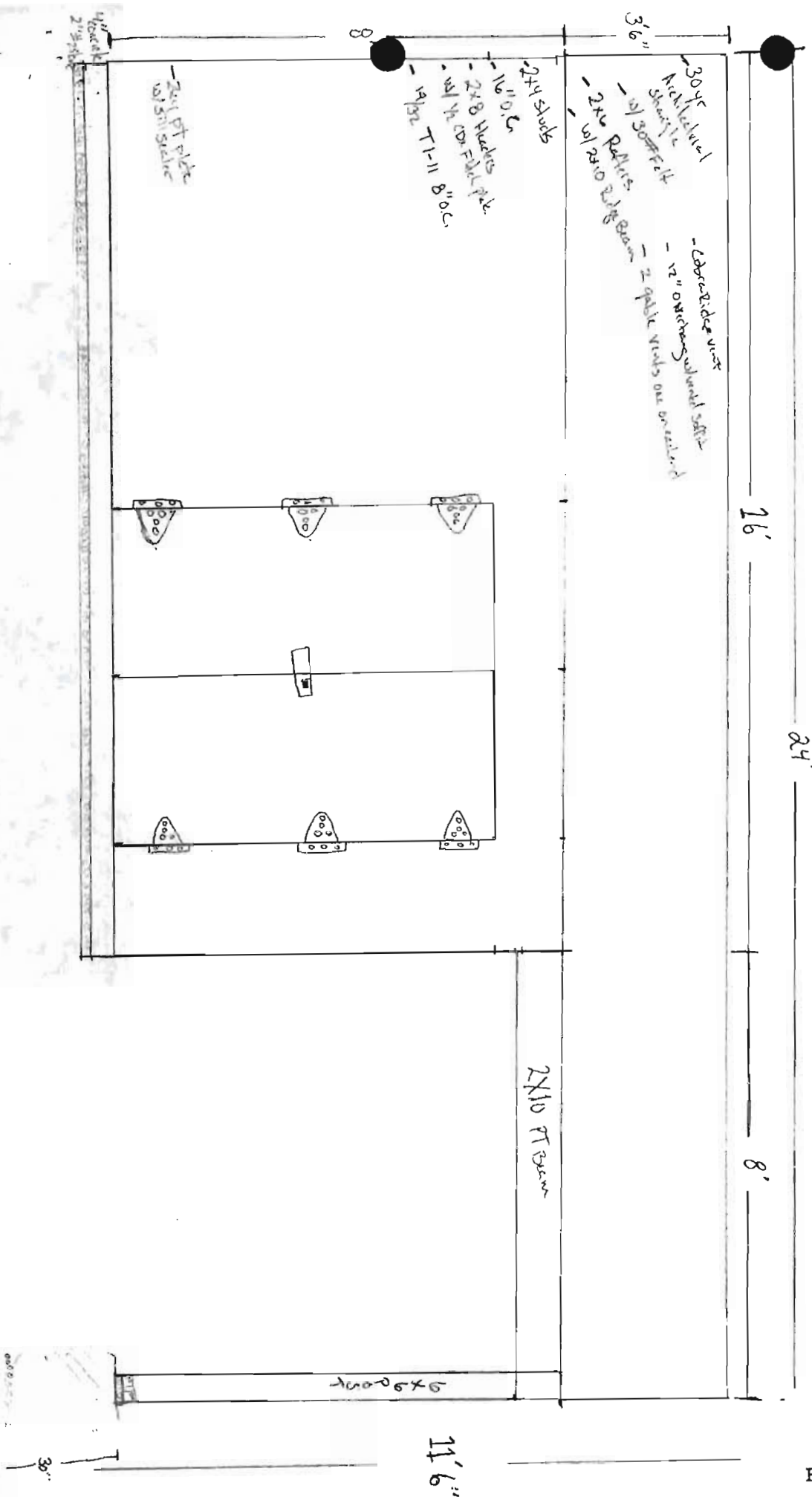
EXHIBIT NO.

4

[illegible]

2008-0571-SPH4

Kevin & Nicole Wicks
2200 Turkey Point Rd.
Baltimore, Md. 21221

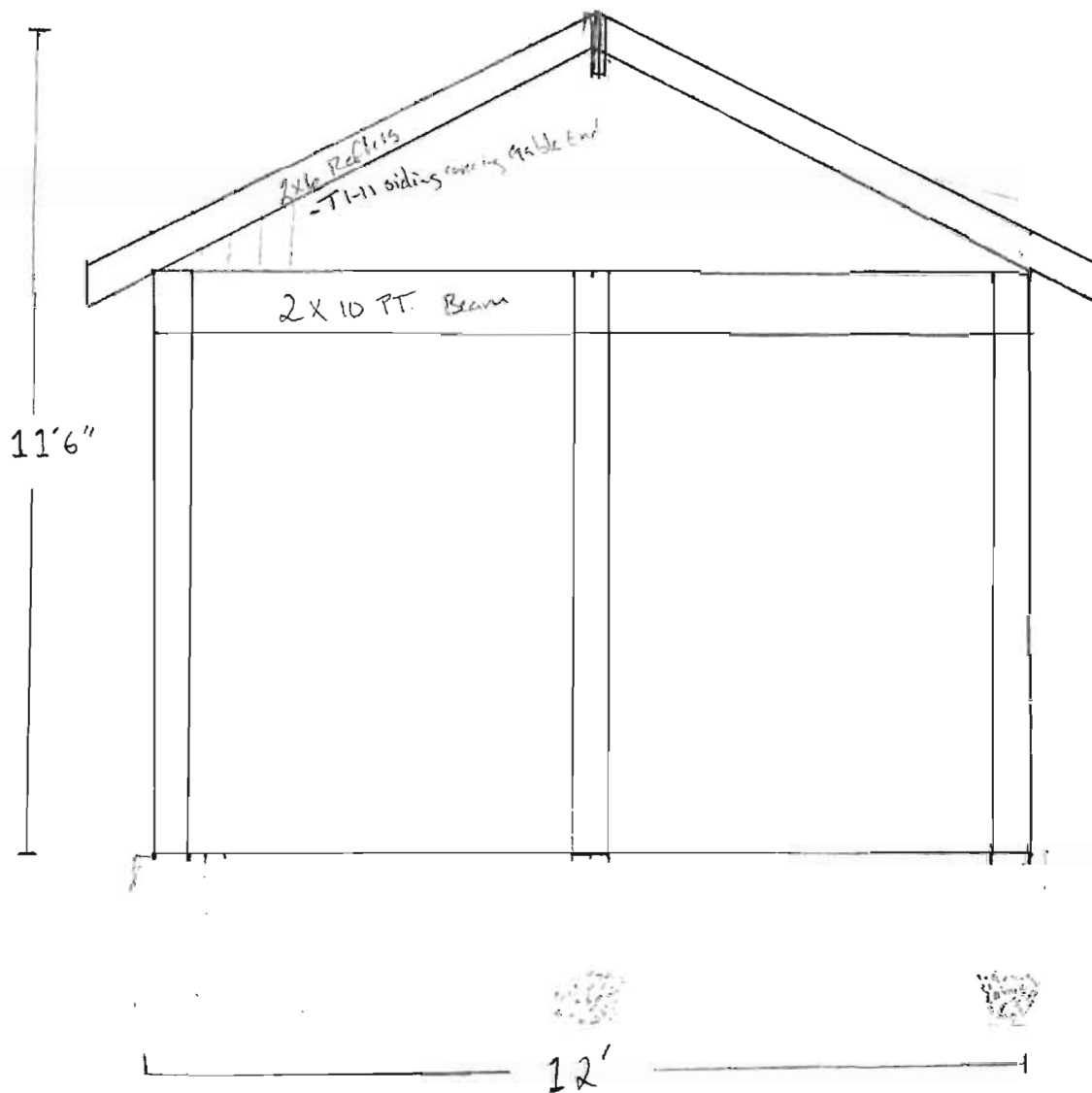


PETITIONER' S

EXHIBIT NO. 6A

2008-0571-SPHA

Kevin & Nicole Nida
2200 Turkey Point Rd.
Baltimore, Md. 21221



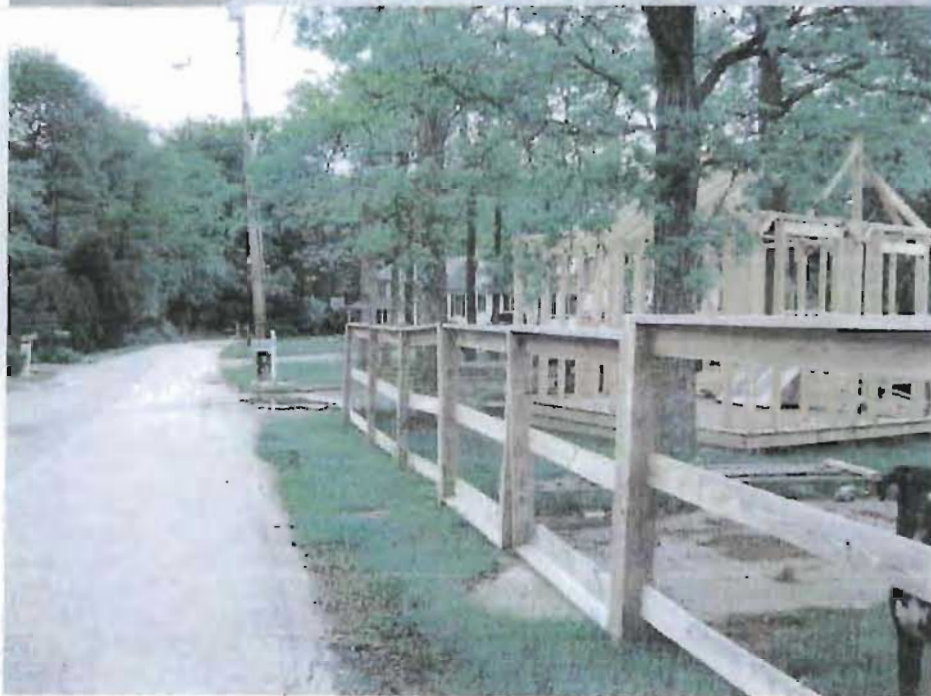
6B



PETITIONER'S
EXHIBIT NO. 7A-F

2008-0571-SPH4







PETITIONER'S
EXHIBIT NO. PA-E

2008-0571-SPH4

2008-0571-02H4



2008-0511-SPH4





I live in the community with Kevin and Nicole Nida. I do not oppose the construction of a shed on the further most point of their backyard on Lot 96.

Name	Address
John Weiland	2429 Beach Ave. #2
Rachelle Senter	2208 Turkey Pt. Rd.
Lisa Magnus	1902 Poplar Cr.
Bobby Jackson	2132 Turkey Pt. Rd.
	604 Greyhound Rd.
Katherine Hughes	600 Greyhound Rd.
Margene Meyers	317 Mayhound Rd.
Elmer	313 Greyhound Rd.
Arne Stiles	2105 Anthony Ave.
Darlene Hicks	2104 Anthony Ave.
Dan Hill	309 Greyhound Rd.
Nelson Wicks	318 Greyhound Rd.
Myra	2200 Turkey Pt. Rd.
John Wicks	1416 Sue Creek Dr.
Joseph Cain	2312 Seneca Rd.
Brian Roth	2312 Seneca Rd.
William S. Balch Jr	2312 Seneca Rd.
Howard V. French Sr	320 Greyhound Rd.
Michael R. Stuart Jr	1711 Turkey Point Rd.
Jordan Winters	711 Rockaway beach ave.
Ryan Knapik	1538 Galena Rd.
Ron Blum	1952 Sue Creek Rd.
Matt Burton	1952 Sue Creek Dr.

PETITIONER'S

EXHIBIT NO.

9

To Whom It May Concern:

August 18, 2008

I am writing to you about the property on 2200 Turkey Point Road. The buyers of this property (The Nidas) have made major improvements to this site. (Which are 4 lots, one irregularly shaped). This property had a run down shack as a house, old tires, car parts, left over building supplies & a junk car when they purchased this site. Since then they have built a new 2 story Cape Cod house & landscaped the property bringing the beauty back to our neighborhood.

The Nidas want to put a shed on the rear of their property. So they secured a permit from Baltimore County & started to build their shed.

They were called and told to stop building. They are now posting a zoning variance. The Nidas have had a problem with a local builder & had to have a hearing with Mr. Raymond S. Wisnon Jr. (Code Enforcement Hearing Officer). The area behind their lot was declared no mans' land. Since a ruling was made by Baltimore County, I believe the Nidas are entitled to build their shed in the location they have started. Again, they have made numerous improvements & the unique shape of this rear lot should be taken into consideration for this zoning hearing.

Thank you for your time & Consideration.

Sincerely,
Robert Mryncza

PETITIONER' S

EXHIBIT NO. 10

John

August 20, 2008

Zoning Review Office
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Subject: Case No. 2008-0571-SPHA

Dear Sir or Madam:

In reference to the above listed Case Number 2008-0571-SPHA, I am writing to support a variance to allow a non residential principal building (a shed) be constructed with a front setback of 10 feet, a side setback of 10 feet and a rear setback of 4 feet in lieu of the required 20 feet, 35 feet and 30 feet.

Due to the triangular shape of the property, the only logical placement of the shed is at the back part of the property. There are several large trees in the middle of their property, which would have to be cut down in order to place this shed anywhere else. In my opinion, placement of the shed anywhere but at the back of the property would not enhance their property but make it an eye sore.

The subject property encompasses four separate lots, all of which are adjoining and are being utilized as one property fenced in, with one primary dwelling at the front of the lot nearest to Turkey Point Road. A shed along with their already existing house should be allowed.

There are at least three other homes, currently resided, which are in plain eyesight from the subject property that have sheds in there yards. The sheds are placed at the very back of their property as well. It only makes sense for the Nida's to put their shed at the very back of their property to blend in with the rest of the community.

Please support the variance to allow this shed to be built at the back of their property. Thank you for your time.

Sincerely,

Kimberly A Burton
1952 Sue Creek Drive
Baltimore, MD 21221

PETITIONER'S

EXHIBIT NO. 11

Sister

2008-0571-SPHA

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy Kotroco

TIMOTHY M. KOTROCO, Director



BUILDING PERMIT

Donald E. Brand

DONALD E. BRAND, Buildings Engineer

PERMIT #: B669082 CONTROL #: MR DIST: 15 PREC: 19
DATE ISSUED: 07/02/2007 TAX ACCOUNT #: 1502002000 CLASS: 04

PLANS: CONST 0 PLOT 2 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 2200 TURKEY POINT RD
SUBDIVISION: ROCKAWAY BEACH

OWNERS INFORMATION

NAME: KEVIN NIDA
ADDR: 2200 TURKEY PT RD

**THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE**

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: ERECT SHED W/COVERED PORCH ON REAR OF PROP.
12'X 24'=288 SF. HT CAN'T EXCEED 15' ACCESSORY
LETTER ATTCHD CBCA- FLOOD ZONE=C, ELEV=19', ALSO
ALSO USING TAX #1502002001 & 1502002002

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD W/DETACHED SHED
EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONTRUCTION

USE: ONE FAMILY

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0075.50 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: 91'

SIDE SETB: 24'/10'

SIDE STR SETB:

REAR SETB: 10'

PETITIONER'S

EXHIBIT NO. 12

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

111 West Chesapeake Avenue, Towson, Maryland 21204

410-887-3900

Kevin Nida
2200 Turkey Point Rd.
Essex, Md. 21221
410-391-8767/2008-0571-SPH

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 7/2/07
OEA: CPC/H
HISTORIC DISTRICT/BLI

PERMIT #: 6669082
RECEIPT #: 11 570769
CONTROL #: MK
XREF #:

PROPERTY ADDRESS: 2200 Turkey Point Rd
SUITE/SPACE/FLOOR: Baltimore, Md. 21221
SUBDIV: ROCKHAWK CEMETERY
TAX ACCOUNT #: 1502002000 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST) 15 19

FEE: 65.00
PAID:
PAID BY:
INSPECTOR:

NAME: Kevin Nida
ADDR: 2200 Turkey Point Rd Baltimore, Md. 21221

DOES THIS BLDG.
HAVE SPRINKLERS
YES NO

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

APPLICANT INFORMATION

NAME: Kevin Nida
COMPANY: N/A
STREET: 2200 Turkey Point Rd
CITY, ST, ZIP: Baltimore, Md. 21221
PHONE #: 410-391-8767 MHIC # N/A MHBR # N/A

APPLICANT
SIGNATURE: DRC#
PLANS: CONST 0 PLOT 7 PLAT 0 DATA 0 EL PL

TENANT
CONTR: N/A

ENGR:
SELLR:

- TYPE OF IMPROVEMENT
- NEW BLDG CONST
 - ADDITION
 - ALTERATION
 - REPAIR
 - WRECKING
 - MOVING
 - OTHER

Also using Tax # 1562002001, 15620020
DESCRIBE PROPOSED WORK:

Under existing concrete-paved area
of property, 12' x 24' = 288 sq. ft. Height
cannot exceed 15'. According to detail

TYPE OF USE

RESIDENTIAL

- ONE FAMILY
- TWO FAMILY
- THREE AND FOUR FAMILY
- FIVE OR MORE FAMILY
(ENTER NO UNITS)
- SWIMMING POOL
- GARAGE
- OTHER

NON-RESIDENTIAL

- AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
- CHURCH, OTHER RELIGIOUS BUILDING
- FENCE (LENGTH HEIGHT)
- INDUSTRIAL, STORAGE BUILDING
- PARKING GARAGE
- SERVICE STATION, REPAIR GARAGE
- HOSPITAL, INSTITUTIONAL, NURSING HOME
- OFFICE, BANK, PROFESSIONAL
- PUBLIC UTILITY
- SCHOOL, COLLEGE, OTHER EDUCATIONAL
- SIGN
- STORE MERCANTILE RESTAURANT
- SWIMMING POOL
SPECIFY TYPE
- TANK, TOWER
- TRANSIENT HOTEL, MOTEL (NO. UNITS)
- OTHER

FLOOD 2014 = C
Elev: 19 FT

11/1
CPC/H

TYPE FOUNDATION

- SLAB
- BLOCK
- CONCRETE

BASEMENT

- FULL
- PARTIAL
- NONE

TYPE OF CONSTRUCTION

- MASONRY
- WOOD FRAME
- STRUCTURE STEEL
- REINF. CONCRETE

TYPE OF HEATING FUEL

- GAS
- OIL
- ELECTRICITY
- COAL

TYPE OF SEWAGE DISPOSAL

- PUBLIC SEWER EXISTS PROPOSED
- PRIVATE SYSTEM
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

TYPE OF WATER SUPPLY

- PUBLIC SYSTEM EXISTS PROPOSED
- PRIVATE SYSTEM EXISTS PROPOSED

CENTRAL AIR: 1. 2.
ESTIMATED COST: \$2500.00
OF MATERIALS AND LABOR

PROPOSED USE: DETACHED SHED
EXISTING USE:

OWNERSHIP

- PRIVATELY OWNED
- PUBLICLY OWNED
- SALE
- RENTAL

2008-0571-SPHA

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHOUSE 5. MIDRISE 6. HIGHRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. HIRISE
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. YES 2. NO BATHROOMS CLASS 04
POWDER ROOMS KITCHENS LIBER 06 FOLIO 173

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 3880 SIZE 6500
WIDTH 12 FRONT STREET
DEPTH 21 SIDE STREET
HEIGHT 11'6" FRONT SETBK 9'
STORIES 1 SIDE SETBK 25' (10)
LOT #'S SIDE STR SETBK
CORNER LOT REAR SETBK 10'
1. YES 2. L NO ZONING

APPROVAL SIGNATURES		DATE
BLD INSP :		
BLD PLAN :		
FIRE :		
SEDI CTL :		
ZONING (11)-1117 Final - A K Tsai		7/2/11
PUB SERV :		
NC ENVRMNT (11)-416 FINAL Paul D. Lamm		7/2/11
PLANNING :		
PERMITS :		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED.

2008-0571-SPHA

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/neighbor 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: 2008-0571-SPHA
Petitioner: N. NIDA
Address or Location: 2200 TURLEY POINT RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEVIN NIDA
Address: 2200 TURLEY POINT RD
BALTO MD 21221
Telephone Number: 410-391-8767

Revised 2/20/98 - SCJ

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

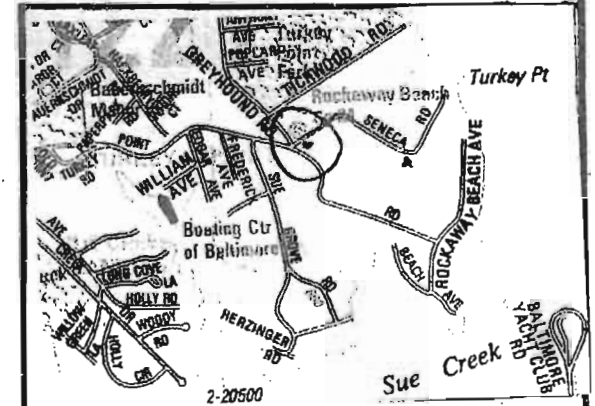
PROPERTY ADDRESS SE Side of Seneca Avenue, 155.5 feet NE of Turkey Point Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Rockaway Beach

PLAT BOOK # 6 FOLIO # 173 LOT # 96 SECTION #

OWNER X



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # X

ZONING DR 3.5

LOT SIZE X 6157
ACREAGE SQUARE FEET

	SEWER	WATER	PUBLIC	PRIVATE	
	☐	☐	☐	☐	N/A VACANT LOT

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

100 YEAR FLOOD PLAIN	☐	☒
----------------------	--------------------------	-------------------------------------

HISTORIC PROPERTY / BUILDING	☐	☒
------------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

SUSQUEHANNA AVE (30' R/W)
Unimproved

ROCKAWAY BEACH REPT CO
61173

TURKEY POINT RD.
(40' R/W)



PREPARED BY

SCALE OF DRAWING: 1" =

Case No.:

2008-0571-JPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		Record Plot
No. 2		Survey Drawing showing existing adjacent properties
No. 3		Water Drawing showing existing adjacent properties
No. 4		Site Plan for 2209 Seneca - at lot 92+93 - Bowersox property
No. 5 A+B		Permit Application and Site Plan for proposed dwelling @ 2207 Seneca
No. 6		Measurement corrections of Site Plan submitted by Petitioner
No. 7 A+B		A - Site plan of prior zoning hearing B - Opinion in Case # 05-143-A
No. 8 A+B		A - Building Permit App. for 2200 Turkey Point B - Site Plan for proposed dwelling
No. 9 A+B		A - Right of Way Agreement for Utilities B - Right of Way Agreement - BGE
No. 10		Balt County GIS Grid Map
No. 11 A-G		Photos of subject structure and adjacent properties
No. 12		Letter of Opposition

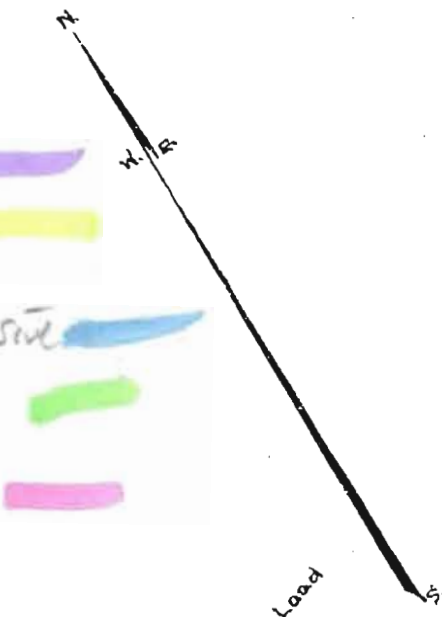
NIDA/

Subject

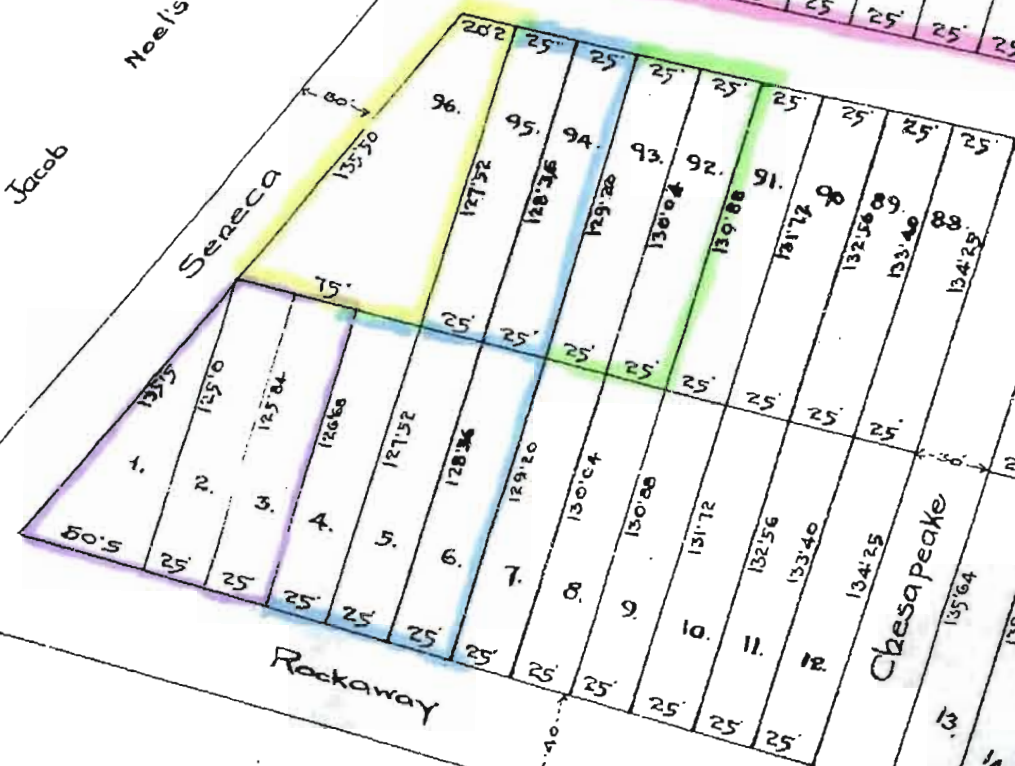
Comprehensive

Bowenbox

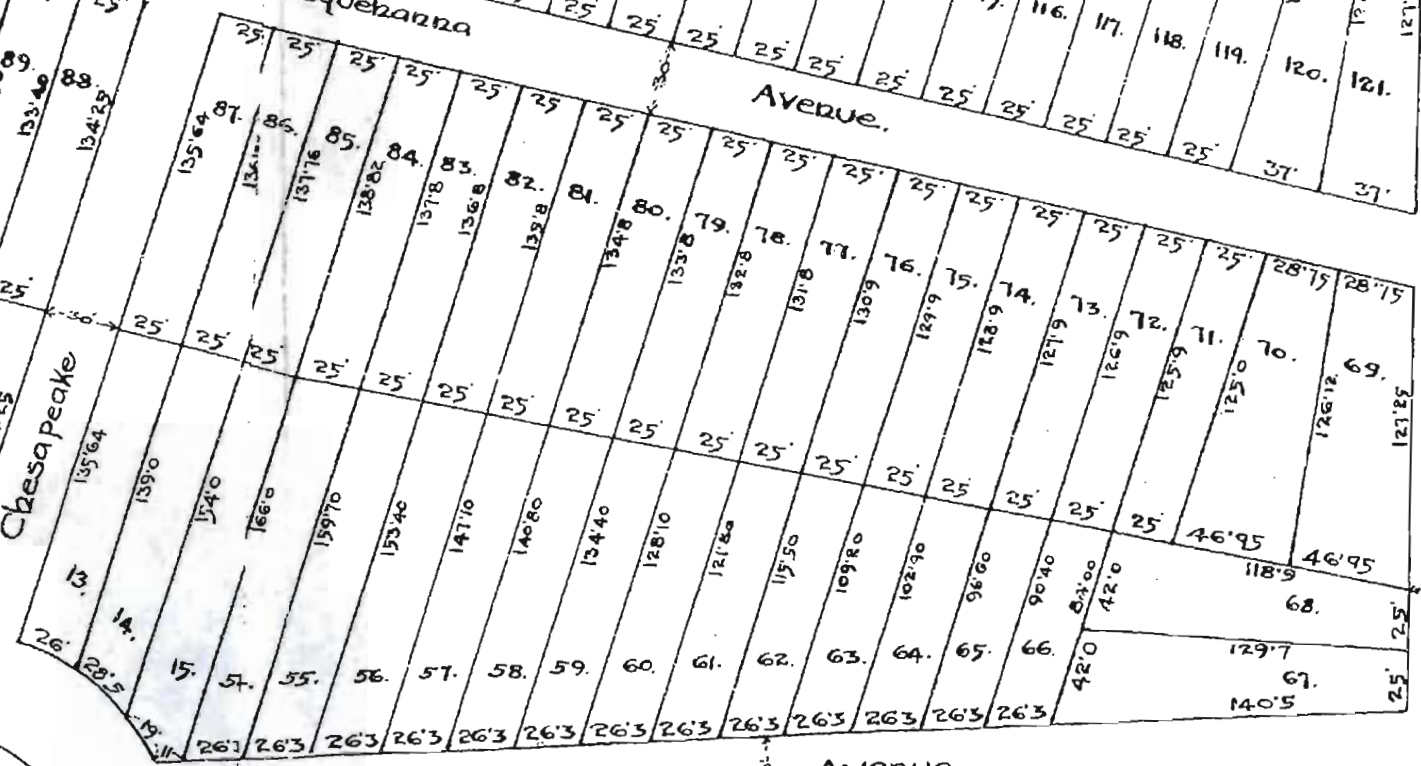
Weber



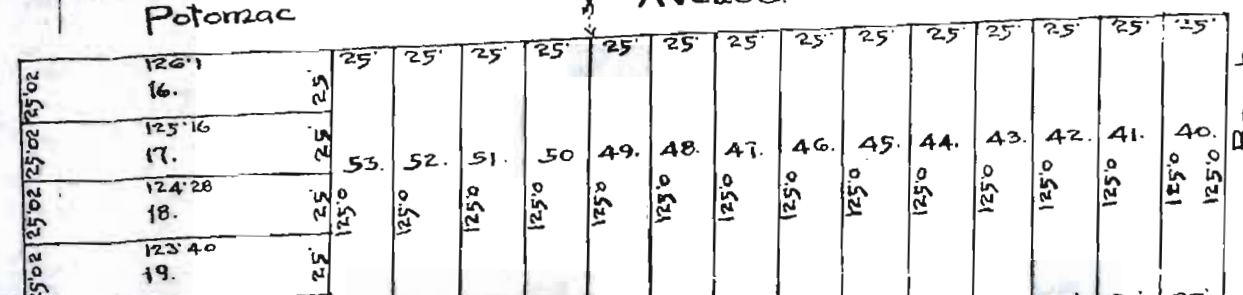
Jacob Noel's Land



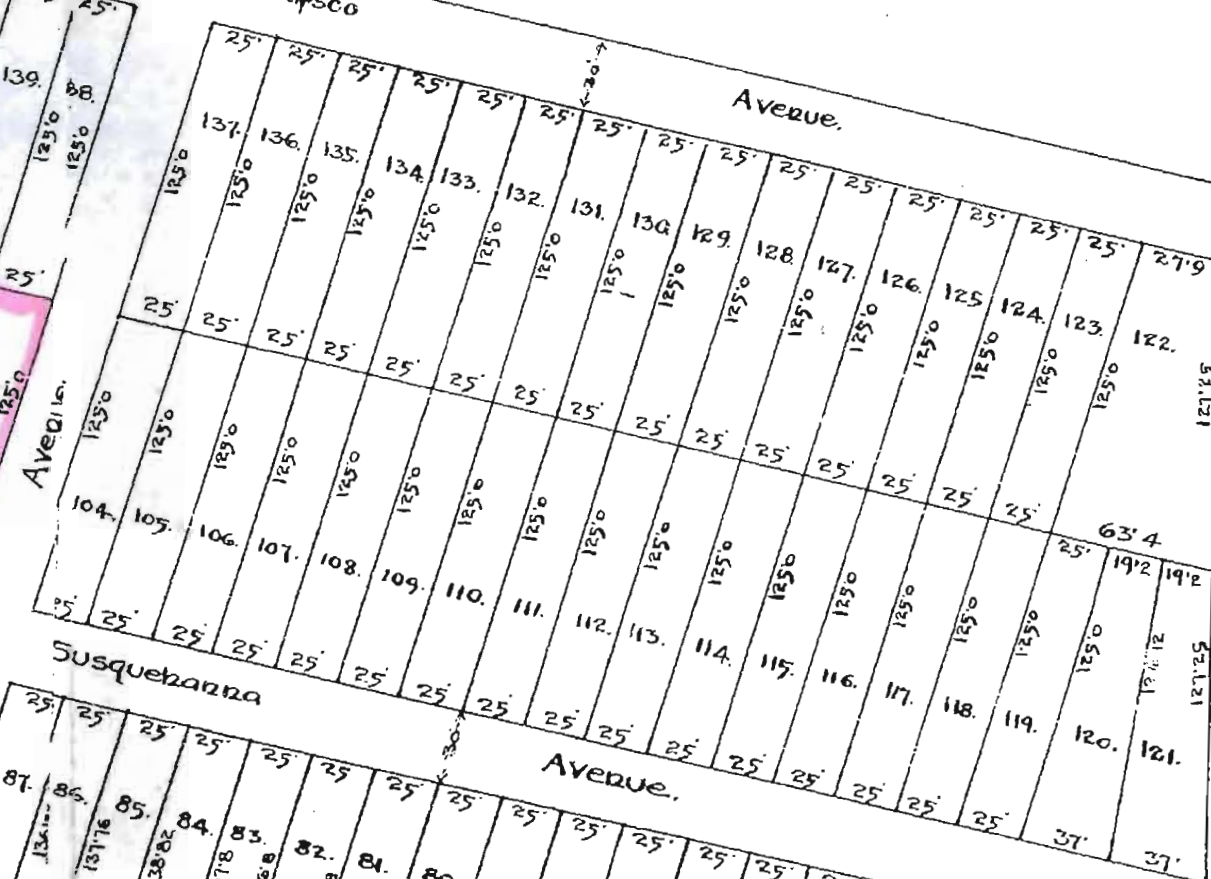
Chesapeake



Potomac



Potomac



Rockaway Beach Realty Co.

Land.

Frederick W. Josenbans

Sub-division of a portion
of
"Rockaway Beach Realty Co."
Middle River.
September 1918 Scale: 1 inch = 50 feet.
710 Law Building, City.
Benj. C. Greed.

PROTESTANT'S

EXHIBIT NO.

CAST IRON PIPE
Class Thickness
Class 22 Thickness 0.41"

CAST IRON FITTINGS
Class D Class 250
Class B Class 150

Normal Operating Pressure 84 psi
at Pressure 150 psi

CUTS BASED ON E. ROAD			
Sta.	Est. Gr.	Ex. Gr.	Cut
0+00	21.8	22.0	3.0
1+00	22.5	22.4	4.8
2+00	23.6	24.6	5.8
3+00	22.7	23.1	5.2
4+00	21.2	22.2	5.8
5+00	19.7	20.6	5.7
6+05	18.3	19.0	5.5

NOTE
MOVED LINE
2' CLOSER TO
NORTH THAN
STAKED OUT

TRACTOR - please notify Fire Bureau
re a fire hydrant is taken out of
service, removed or relocated. Please
notify Fire Headquarters, VALLEY 5-7310,
prior to starting any work involving
hydrants.

TRACTOR - Please notify Baltimore Gas &
Electric Co. LE. 9-8000, Ext. 691 at least three
days before starting work shown on this drawing.

LONG DISTANCE TELEPHONE CABLES
IN THIS AREA

BEFORE STARTING WORK
Call Collect At Any Time
LE. 9-9900 Ext. 553 or 554
For Telephone Company Representative

CONTRACTOR IS TO EXCAVATE FOR
LOCATION AND DEPTH OF EXISTING
PIPE BEFORE LAYING ANY PIPE.

NOTE:
USE FULL TRENCH COMPACTION
OR LIMITS OF THIS PROJECT.

WATER CROSSING NO. 1
STA. 0+17
NO SCALE

EST. GR. 21.8
EX. GR. 22.0
BOT. S.D. (FUT.) 17.8
TOP 8" W. 17.3
CLEARANCE 0.5'



D.P.W. DIRECTIVE NO. 2428

APPROVED FOR CITY OF BALTIMORE

12/2/65
DATE
DIRECTOR OF PUBLIC WORKS

ALL WORK TO BE DONE IN ACCORDANCE
WITH BALTIMORE COUNTY DESIGN STAND-
ARDS AND SPECIFICATIONS, DATED 1964

NOTE:
VALVES ON ALL FIRE HYDRANT
LEADS SHALL BE TIED TO MAIN
LINE TEES WITH 2-3/4" DIAM.
THREADED STEEL RODS & NUTS
AS DIRECTED BY THE ENGINEER.

DEPARTMENT OF PUBLIC WORKS	BUREAU OF ENGINEERING
APPROVED <i>Albert W. Zeltman</i>	APPROVED <i>Edward J. R. Miller</i>
DIRECTOR & CHIEF ENGINEER	CHIEF
STORM DRAINS	WATER
SEWER	HIGHWAYS
STRUCTURES	FIELD LOCATION

PROTESTANT'S

EXHIBIT NO.

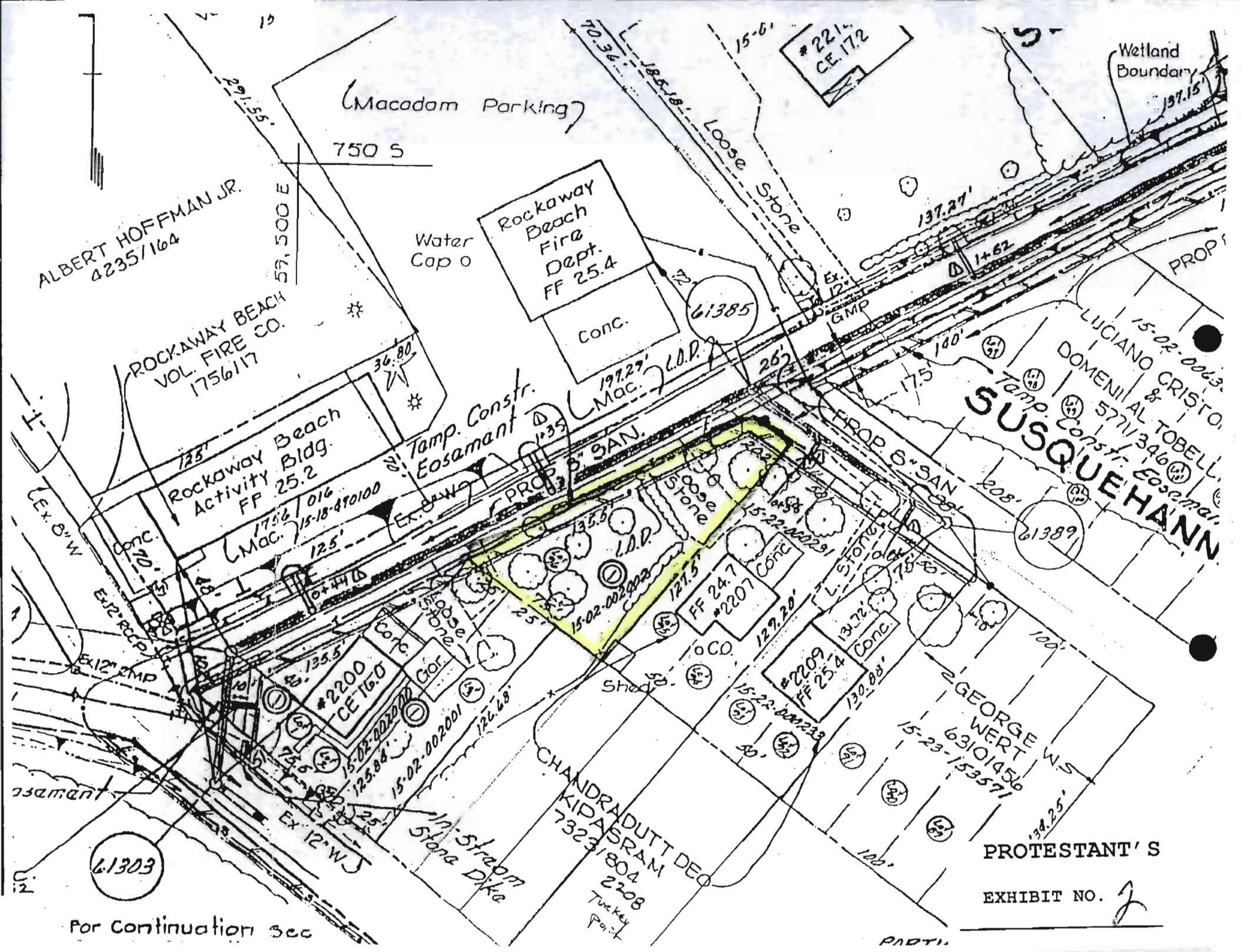
3

DEPARTMENT OF PUB

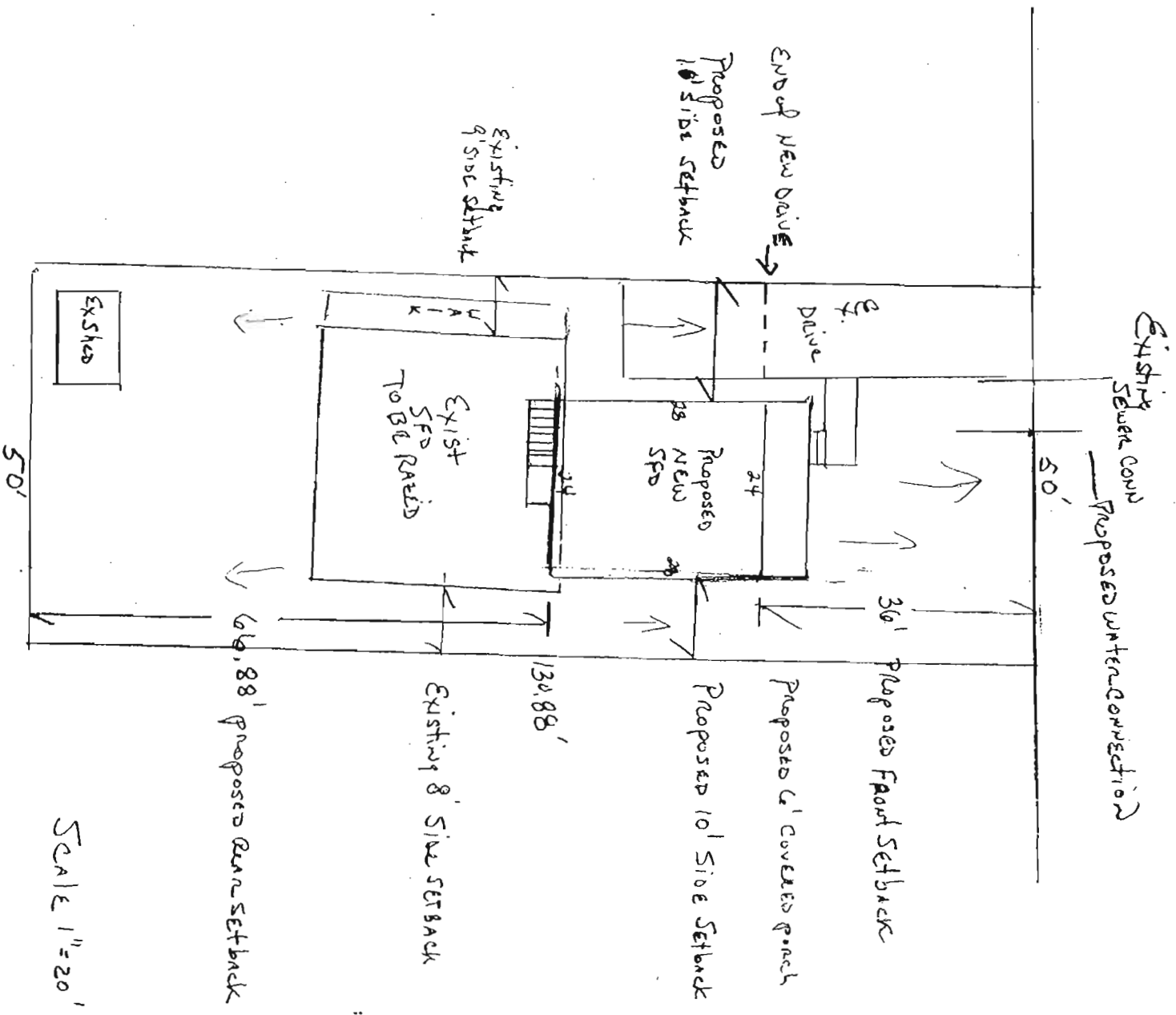
8" WATER

SENECA

REVISED
JO 3-2-31
11-17-66



2009 SENECA RD.



Site Plan

2009 SENECA RD.

Tax acct # 1522000231

Zoning D-3.5

Property is located in LBA of C&D

Impervious surface calculations

Lot size 50x130.88' = 6544 SF

25% limit Max Imp = 1636 SF

Existing Impervious = 1606 SF

Proposed Impervious = 1324 SF

Roofing runoff shall be directed to storm

drains shall be established or maintained by

PROTESTANT'S

EXHIBIT NO.

4

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 3-26-07

OE: 141 H/104

HISTORIC DISTRICT/BLDG

PERMIT #: B-659-213
RECEIPT #: 1750/763
CONTROL #: NK
XREF #:

PROPERTY ADDRESS 2207 SENECA RD
SUITE/SPACE/FLOOR
SUBDIV: Rockaway Branch
TAX ACCOUNT #: 15-22-0002.31

☐ YES ☒ NO
☐ DO NOT KNOW
DISTRICT/PRECINCT 15 19

FEE: 175.00
PAID: 180
PAID BY: 1444
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST)
NAME: Comprehensive Construction, Inc.
ADDR: 8015 Shore Rd Balt MD 21222

DOES THIS BLDG.
HAVE SPRINKLERS
YES — NO —

APPLICANT INFORMATION

NAME: Nick Nicholson
COMPANY: Comprehensive Construction
STREET: 8015 Shore Road
CITY, ST, ZIP: Balt MD 21222
PHONE #: 410-284-0008 MHIC #

MHBR # 1256

APPLICANT SIGNATURE: Nick Nicholson DR#
PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1
TENANT
CONTR: Comprehensive Construction
ENGR:
SELLR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY (ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☒ CONCRETE

BASEMENT

1. ☐ FULL
2. ☐ PARTIAL
3. ☐ NONE

NON-RESIDENTIAL

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT)
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT
20. ☐ SWIMMING POOL
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☐ GAS
2. ☐ OIL
3. ☐ ELECTRICITY
4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☐ PUBLIC SEWER
2. ☐ PRIVATE SYSTEM
3. ☐ SEPTIC
4. ☐ PRIVY

CENTRAL AIR: 1. ☒ 2. ☐
ESTIMATED COST: \$ 180,000
OF MATERIALS AND LABOR

1. ☐ PUBLIC SYSTEM
2. ☐ PRIVATE SYSTEM

OWNERSHIP

1. ☐ PRIVATELY OWNED
2. ☐ PUBLICLY OWNED
3. ☐ SALE
4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☐ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. ☐ MIRISE

1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ☒ 2. ☐ BATHROOMS 7 CLASS 04
POWDER ROOMS 1 KITCHENS 7 LIBER 06 FOLIO 173

BUILDING SIZE 6400 x
FLOOR 2250 LOT SIZE AND SETBACKS
WIDTH 24 SIZE 50x
DEPTH 34 FRONT STREET
HEIGHT 30 SIDE STREET
STORIES 1 FRONT SETBK 30
LOT #'S 94 SIDE SETBK 157
CORNER LOT REAR SETBK 65.2
1. ☐ YES 2. ☒ NO ZONING UR 3.5

APPROVAL SIGNATURES
BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
ZONING :
PUB SERV :
ENVRMT :
PLANNING :
PERMITS :

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PER

PROTESTANT'S

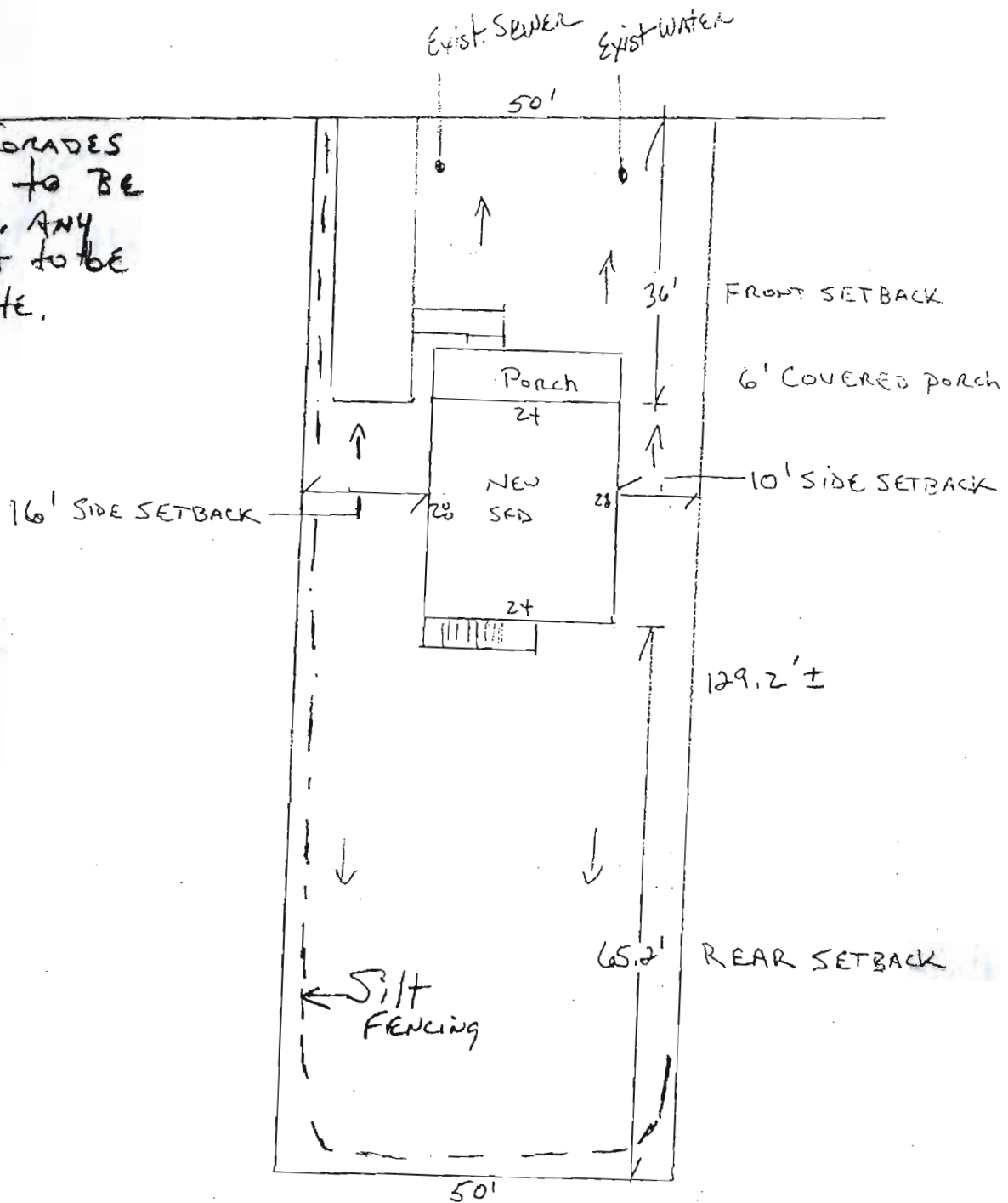
EXHIBIT NO.

5A

SUSQUEHANNA AVE.

Existing GRADES
& DRAINAGE to BE
MAINTAINED. ANY
EXCESS DIRT to BE
HAULED OFF SITE.

F.F. 26.7
C.E. 16.7



SITE PLAN

2207 SENECA ROAD

TAX Acct # 1522000231

Zoning DR 3.5

Property is located in LDA of CBCA

Imperious Surface Calculations

lot size 50x129.2 = 6460 sf
25% Limit = 1615 sf
proposed imperious = 1324 sf

SCALE 1" = 20'

Rooftop Runoff shall be DIRECTED
ACROSS LAWN.

tree shall be established on mainta

By US

PROTESTANT'S

EXHIBIT NO.

5B

20.2'

SUSQUEHANNA

Kevin & Nicole N

2200 Turkey Point Rd
Baltimore, Md. 212

**Connections
in Bold**

**FENCE IS
OUTSIDE
PL IN SENNA
ROW.**

135.5' - SENECA

2207

2207

↑ 125'
↓ 127.5'

75'

25'

25'

← 25' →

← missing
property line

135.5'

1.17

75'

26'

24' x 14'

10'

125'

↑

①

②

③ 38

25'

25'

PROTESTANT'S

EXHIBIT NO.

6

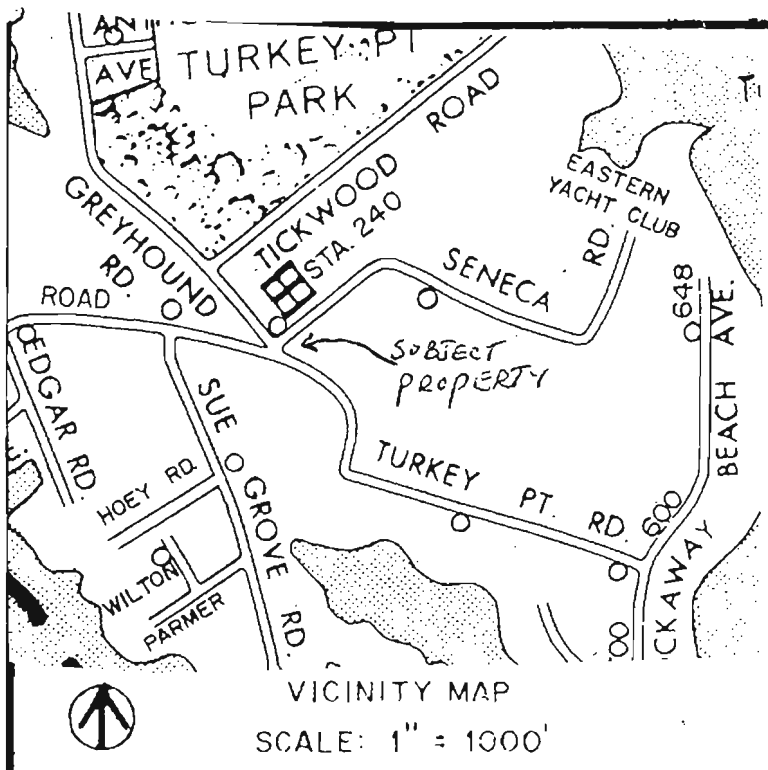
B669082

VARIANCE ☐ SPECIAL HEARING

THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROTESTANT'S

EXHIBIT NO. 7A



Lot 6

VACANT

LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 6TH

1" = 200' SCALE MAP #

ZONING OR 3.5

LOT SIZE .22 9625
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/BUILDING	☐	☒
----------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

PETITIONER'S
EXHIBIT 7

WALK

/w

20

OS-105 R

Grover E. Wilson, et ux, Owners;
Howard V. French, Sr., Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-145-A

* * * * *

EXHIBIT NO.

7B

gross area of 9,625 sq.ft. (0.22 acres) more or less, zoned D.R.3.5 and is improved with a single-family dwelling. The property is approximately 100.5 feet wide along Turkey Point Road, 135.5 feet deep along Seneca Road; however, tapers to a width of 50 feet across the rear. The property to the east is vacant.

Mr. French gave a brief history of the property. Apparently, his son-in-law's father, Grover Wilson, previously resided in the home until he became ill and abandoned the property several years ago. Mr. French testified that the house was constructed in approximately 1944 and is now in a state of disrepair. In any event, the Petitioner contracted to purchase the property and in fact became the owner on November 5, 2004. Due to the condition of the existing dwelling, the Petitioner proposes razing that structure and constructing a new single-family dwelling in its place. Testimony indicated that the Petitioner has discussed his plans with the Rockaway Beach Improvement Association, the Volunteer Fire Department, which is located across from the subject site, as well as the neighbors who appeared at the hearing and they all support his proposal. As shown on the site plan, the new dwelling will be 40' x 28' in dimension and feature an attached garage. Due to the unusual shape of the property, the requested relief is necessary in order to proceed as proposed.

During the course of the proceedings in this matter, it was determined that an error had been made in calculating the side setbacks for the new structure. As originally proposed, the new dwelling would be located 13 feet from the side property line adjacent to Seneca Road. However, in its Zoning Advisory Committee (ZAC) comment, the Bureau of Development Plans Review indicated that the actual right-of-way width for Seneca Road is 40 feet, not 30 feet as shown on the Petitioner's plan and that same need be amended. In response to this comment, the Petitioner submitted into evidence as Petitioner's Exhibit 3, a copy of a survey prepared by Leonard G. Buerhous, a Registered Property Line Surveyor, dated November 3, 2004. Mr. Buerhous certified that Seneca Road as a 30-foot right-of-way. In order to rectify the matter, the Petitioner offered to amend his plan and modify the requested relief in that the proposed dwelling will be located 8 feet from Seneca Road, not 13 feet as originally proposed.

It is to be noted that the right-of-way is an imaginary line and the proximity of the house to the road surface is not changing. Since Seneca Road dead-ends at the Eastern Yacht Club, it is doubtful that the current 18-foot width of paving will be changed in the foreseeable future. In view of the fact that the physical location of the house has not changed from that shown on the site plan, and those present at the hearing had no objection, the plan was amended accordingly and the hearing proceeded on the merits of the modified relief requested.

Section 1B02.3.C.1 of the B.C.Z.R. requires a minimum sum of the side yards of 25 feet in the D.R.3.5 zone. The Zoning Commissioner's Policy Manual states at Page 1B-26 thereof, Section 1B02.3.C.1(a) "Side Street Setbacks when the small lot table applies are the same as the required front yard setback. *Averaging is not permitted on a side street setback.*" Accordingly, there is no "sum of side yard requirement" for the subject lot.

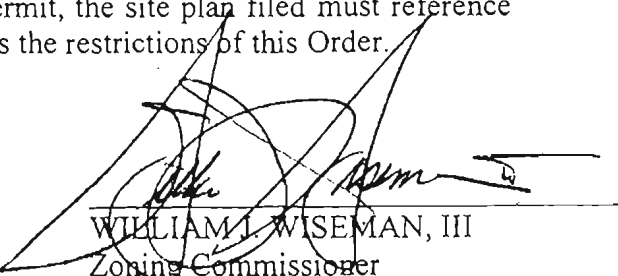
After due consideration of the testimony and evidence offered, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. The uniqueness of the property is its irregular shape and corner location. Moreover, the proposed dwelling will actually be located further away from Turkey Point Road and Seneca Road than the existing dwelling. There were no adverse comments submitted by any County reviewing agency and it appears that the Petitioner has the support of his neighbors. Thus, relief shall be granted subject to certain terms and conditions. First, the Petitioner is reminded that the proposal need comply with Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated October 26, 2004. Secondly, the Office of Planning has requested a landscape plan be submitted for their review and approval, prior to the issuance of any building permits. In this regard, the proposed garage will be located adjacent to Seneca Road and the Office of Planning has requested that a landscape screen be provided along that side of the subject property to mitigate its view. The Petitioner had no objection to this request and indicated that he was amenable to providing an evergreen buffer along that side. It is to be noted that

Seneca Road dead-ends at the Eastern Yacht Club just north of the subject site and thus, is not a heavily traveled street. Moreover, there are no residential properties on the west side of Seneca Road, which is occupied by the Rockaway Beach Volunteer Fire Company.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of December 2004 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Page S-14, Policy Manual, Page 1B-26) to permit a side yard setback of 8 feet, as amended, for a corner lot in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations, pursuant to the ZAC comments submitted by the Department of Environmental Protection and Resource Management, dated October 26, 2004, a copy of which is attached hereto and made a part hereof.
- 3) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Office of Planning. Said plan shall provide sufficient landscaping to buffer the proposed garage from Seneca Road.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM I. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: October 26, 2004
SUBJECT: Zoning Item # 05-145
Address 2200 Turkey Point Road (Wilson Property)

Zoning Advisory Committee Meeting of October 4, 2004.

_____ 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 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The proposed development must comply with the Limited Development Area regulations of 15% minimum tree cover and 25% maximum impervious surface.

Reviewer: Martha Mickey, Sue Farinetti

Date: October 26, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

UNDER REVIEW FOR FILING

Date: 12/27/04

By: *[Signature]*

APPLICATION FOR BUILDING PERMIT

PERMIT #: B590711 CONTROL #: NRPA DIST: 15 PREC: 19

LOCATION: 2200 TURKEY POINT RD
SUBDIVISION: ROCKAWAY BEACH
TAX ASSESSMENT #: 1502002000

OWNERS INFORMATION
NAME: MRYNCZA, NICOLE
ADDR: 1902 POPLAR RD

APPLICANT INFORMATION
NAME: NICOLE MRYNCZA
COMPANY:
ADDR1: 1902 POPLAR RD
ADDR2: BALTO., MD 21221
PHONE #: 410-391-7665 LICENSE #: 655

NOTES
JT/KRA

DRG#
PLANS: CONST 3 PLOT 8 R PLAT DATA ELEC YES PLUM YES
TENANT:
CONTR: HOMES BY KEYSTONE INC
ENGR:
SELLR:
WORK: CONST FOUNDATION FOR AND FREET A STATE APPROV
INDUSTRIALIZED DWELLING W/ 2 BDRMS UNFIN BE-
2ND FLOOR SHELL SPACE. SEPARATE PERMIT REQUIRE:
FOR ANY ADDITIONAL WORK. 43'1"X26'1"X31'1"Q, 432SF
ALSO USING TAX#1502002001; LOT#3
FLOOD ZONE C

PROPOSED USE: SFD
EXISTING USE: SFD TO BE RAZED B590703RA

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 240,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: CONCRETE BASEMENT: FULL
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME FUEL: ELECTRICITY
CENTRAL AIR: YES

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS 2
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PROTESTANT'S

EXHIBIT NO.

8A

PERMIT #: B590711

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE
GARAGE BAY: 7	FLOOR: 2432
POLYMER ROOMS: 0	WIDTH: 44'4"
BATHROOMS: 1	DEPTH: 18'1"
KITCHENS: 1	HEIGHT: 32'
	STAIRS: 20'

LOT NO: 1
CORNER LOT:

LOT SIZE AND SETBACKS
SIZE: 4500SF
FRONT STREET:
SIDE STREET:
FRONT SETBACK: 30'
SIDE SETBACK: 25'/10'
REAR SETBACK: 24'

ZONING INFORMATION

DISTRICT:	BLOCK:
PETITION:	SECTION:
DATE:	LIBER: 000
MAP:	POLL: 173
	CLASS: 04

ASSESSMENTS

LAND: 0031500.00
IMPROVEMENTS: 0047930.00
TOTAL ASSESSMENT:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEMINAR: CRITICAL AREA:

DATE APPLIED: 05/02/2005 INSPECTOR INITIALS: 15R

FEE: \$230.00 PAID: \$230.00 RECEIPT #: 4510925
PAID BY: APP

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS:

COMPANY OR OWNER

DATE

ADDRESS

AGENT _____
OWNER _____

SIGNATURE OF APPLICANT

PHONE

2200 TURKEY POINT RD

LOTS 1, 2, 3

ZONING OR 3.5

VARIANCE GRANTED FOR
SETBACK ON SENECA RD
05-145-A

1" = 20'

LOT 5
VACANT

LOT 6
VACANT

PROTESTANT'S

EXHIBIT NO. 8B

RIGHT OF WAY AGREEMENT

The undersigned, herein called the "Grantor", hereby grants to Comprehensive Construction, Inc., Richard and Angel Bowersox, their successors and assigns, for value received, the right to install and maintain utilities under the land of the Grantor situated on the south side of Susquehanna Avenue, east of Seneca Avenue in the Fifteenth District of Baltimore County, that land acquired by deed from GROVER E. WILSON, dated 11/05/2004, and recorded in the Land records of Baltimore County in Liber 20939, Folio 580.

Together with the right of access at all times to the above mentioned utilities to make necessary openings and excavations for the purpose of examining, repairing, replacing said utilities, provided that all openings or excavations shall be properly refilled and the property left in a good and safe condition. No Buildings or structures are to be erected over the Utilities, and adequate clearances within 5 feet of the utilities must be maintained. Shrubbery, trees, fences or other obstructions shall not interfere with maintenance of said utilities.

The utilities are to be located in, along, and adjacent to streets, roads, and boundary lines of the above mentioned property.

WITNESS our hand(s) and seal(s) this 23rd day of June, 2005.

WITNESS:

[Signature]
(as to both)

[Signature]
Howard V. French

[Signature]
Irene B. French

STATE OF MARYLAND

TO WIT:

I HEREBY CERTIFY, that on this 23rd day of June, 2005, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, aforesaid personally appeared Howard V. French and Irene B. French and acknowledged the foregoing agreement to be their act and deed, and said act and deed was made without monetary consideration.

WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires March 1, 2009

MICHELE KEIL
NOTARY PUBLIC
BALTIMORE COUNTY, MD.
MY COMM. EXP. MAR. 1, 2009

9A

RIGHT OF WAY AGREEMENT

WMS 1237208

The undersigned, herein called the "Grantor," hereby Grant(s) to BALTIMORE GAS AND ELECTRIC COMPANY, its successors, licensees and assigns, for value received, the right to construct, install, reconstruct, operate and maintain electric, gas and communication lines, including, but not limited to, poles, crossarms, wires, anchors, guys, conduits, cables, street lights, transformers, switchgear, vaults, manholes, mains, pipes, valves, meters, above ground transformers, switchgear, pads, appurtenant equipment and enclosures upon, over, under and across the land of the Grantor situated on the southside of Susquehanna Avenue east of Seneca Avenue in the Fifteenth District of Baltimore County and acquired from _____ by Deed(s) dated _____ and recorded among the Land Records of Baltimore County in Liber _____ No. _____, Folio _____

Together with the right of access at all times to the above-mentioned facilities, the right to extend lines along and adjacent to roads, alleys, and Lot lines to adjacent properties, the right to trim, top, cut down and remove trees and/or shrubs adjacent to said facilities to provide proper operating clearance, and the right to make necessary openings and excavations for the purpose of examining, repairing, replacing, altering or extending said facilities provided that all openings or excavations shall be properly refilled and the property left in a good and safe condition. Gas, electric and communication lines may be extended by the most direct practical route from the main lines to any buildings on the above mentioned property. No buildings or structures are to be erected under or over the lines, and adequate horizontal clearances, with a five-(5) foot minimum, must be maintained. Shrubbery, trees, fences, or other obstructions shall not be placed so close to any pad-mounted transformer or switchgear that they would, in the sole judgment of the Company, hinder or obstruct operation or maintenance of said equipment.

The lines are or are to be located in, along and adjacent to streets, roads and boundary lines of the above mentioned property.

WITNESS our hand(s) and seal(s) this 3rd day of February, 2004⁵

WITNESS:

[Signature]
(as to both)

[Signature] (SEAL)
Howard V. French

[Signature] (SEAL)
Irene B. French

STATE OF MARYLAND

)
) TO WIT:

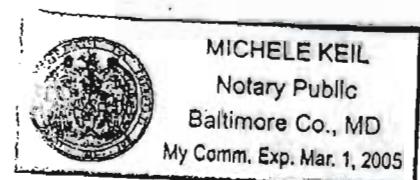
I HEREBY CERTIFY, that on this 3rd day of February, 2004⁵, before me, the subscriber, a Notary Public of the State of Maryland, in and for BALTO. CO. aforesaid personally appeared Howard V. French and Irene B. French and acknowledged the foregoing agreement to be their act and deed, and said act and deed was made without monetary consideration.

WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires march 1, 2005

page of



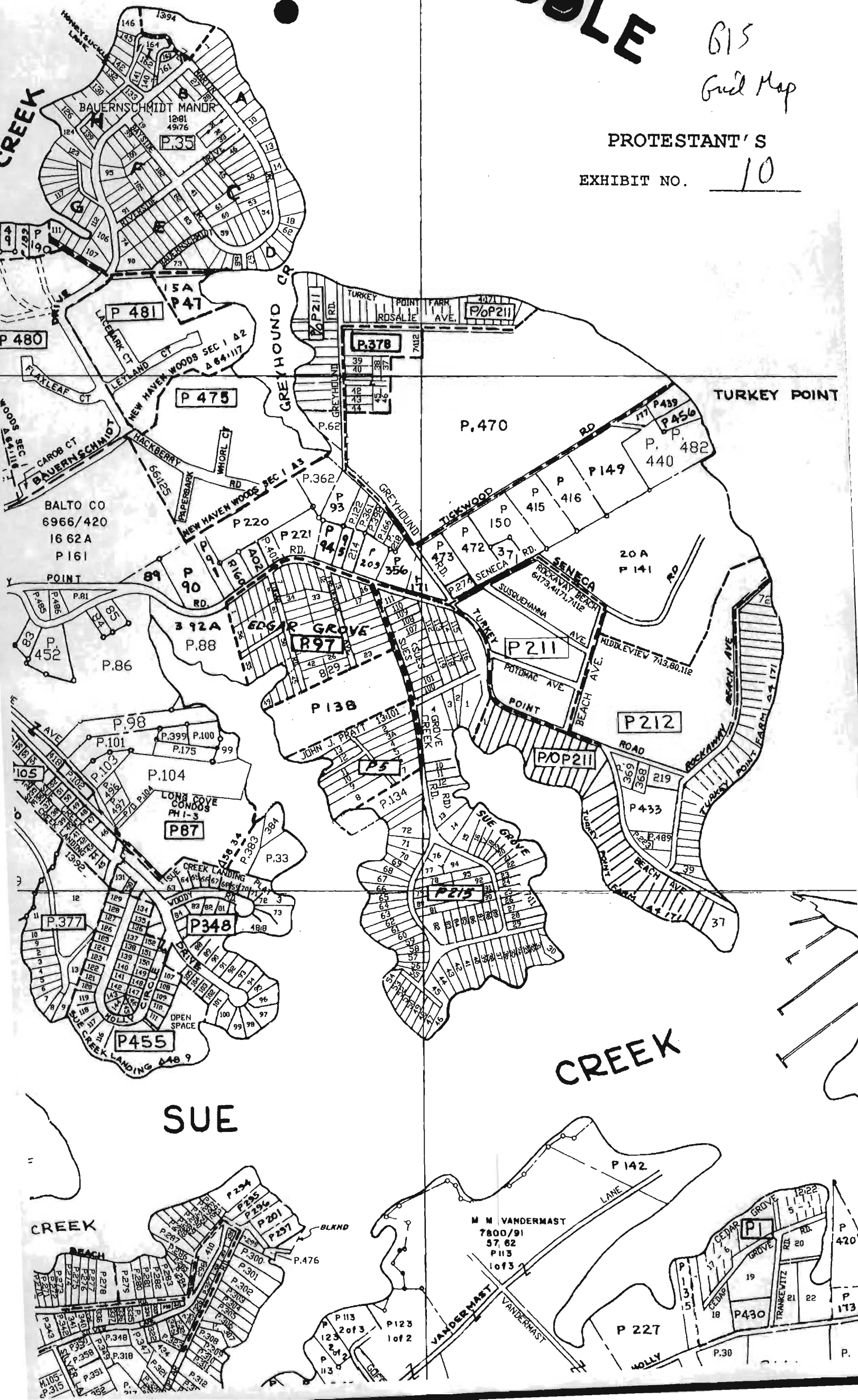
9B

MIDDLE

615
Grid Map

PROTESTANT'S

EXHIBIT NO. 10



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

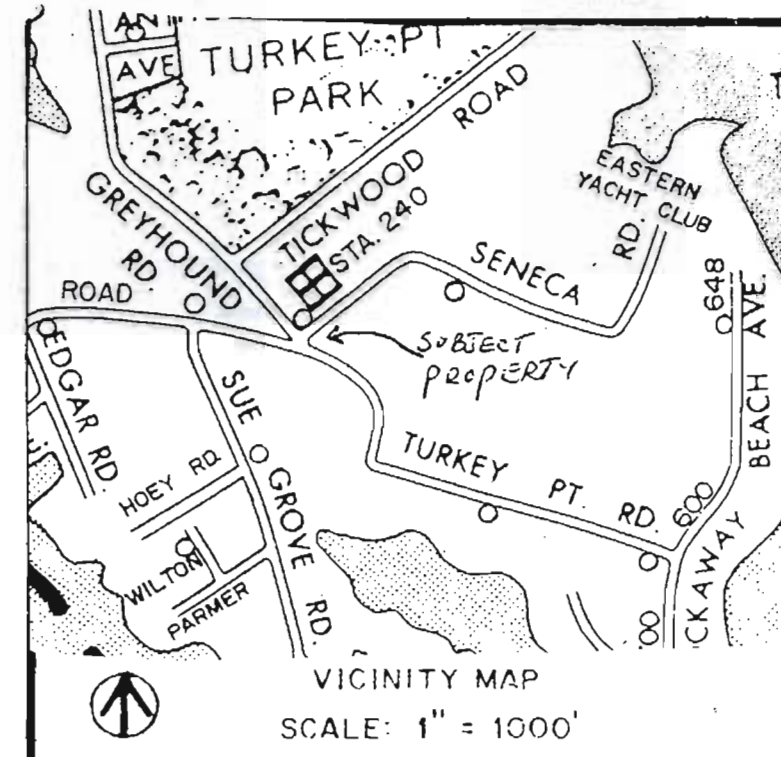
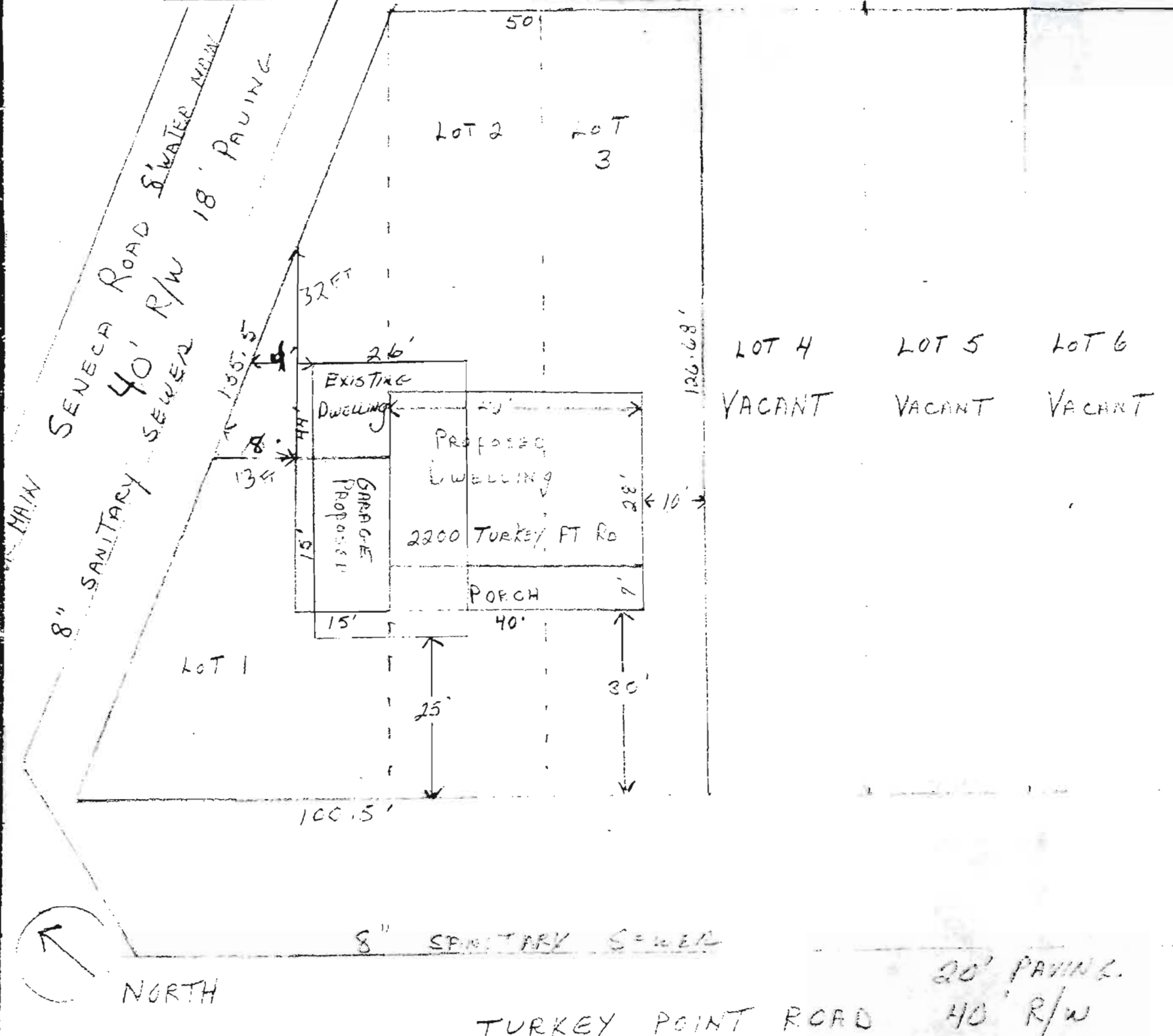
PROPERTY ADDRESS 2200 Turkey Point Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Rockaway Beach

PLAT BOOK # 5138 FOLIO # 622 LOT # 1,2,3 SECTION # OTC

OWNER MR. GROVER E. WILSON



LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 6TH

1" = 200' SCALE MAP #

ZONING OR 3.5

LOT SIZE .22 ACRES 9625 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY 505 ITEM # OS-105 R CASE #

PREPARED BY HVF

SCALE OF DRAWING: 1" = 20'

PROTESTANT'S
EXHIBIT NO. 7A

PETITIONER'S
EXHIBIT 1

VIEW FROM 2205 FRONT YARD ACROSS 2207 + LOT 96



PROTESTANT'S

EXHIBIT NO.

11A

View in Front yard of 2207 to lot 96



2207 lots 94,95

Front
Prop
Corner

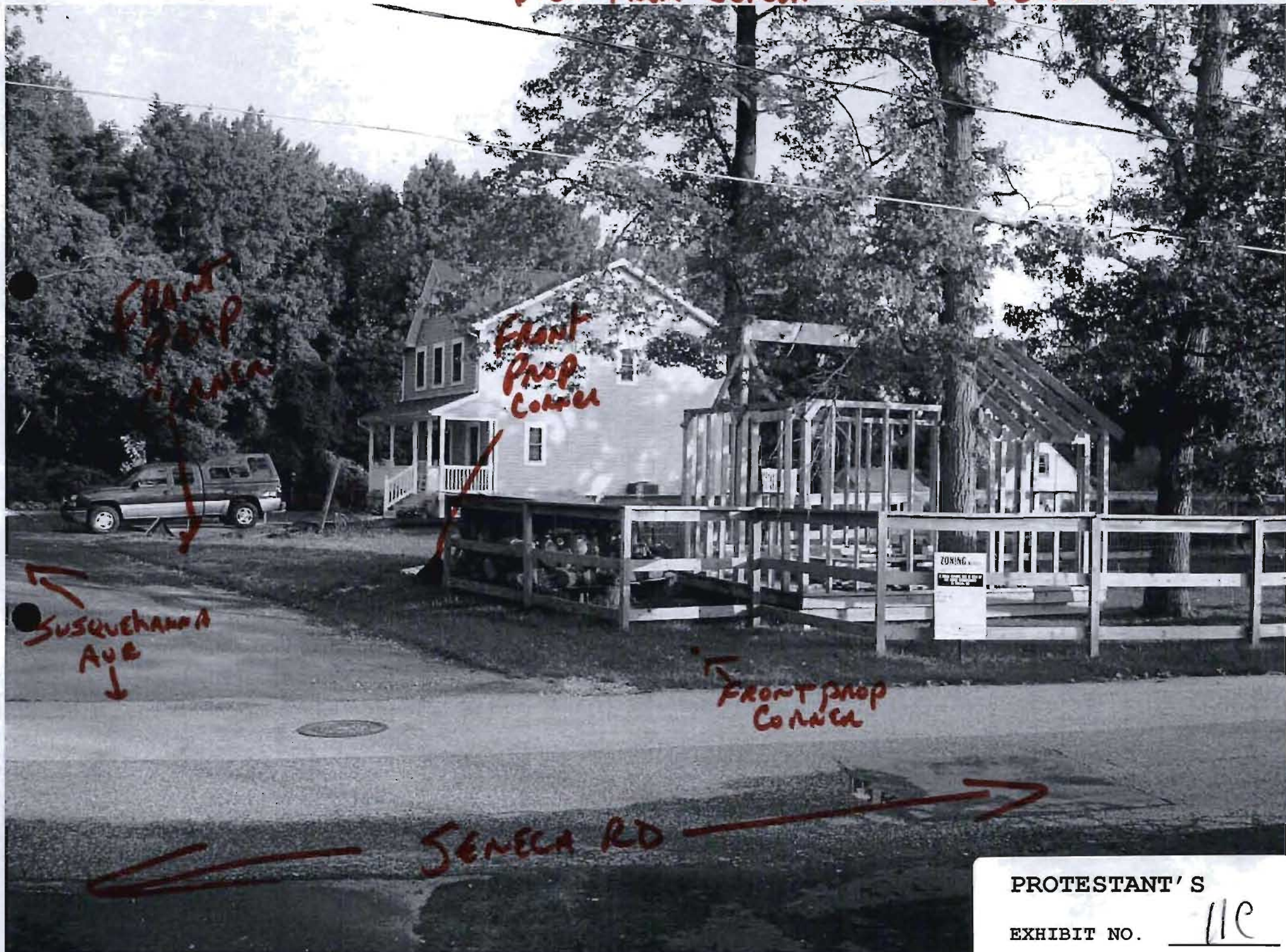
←SENECA→

Lynchburg State

PROTESTANT'S

EXHIBIT NO. 118

VIEW FROM SCREEN DOWN SUSQUEHANNA

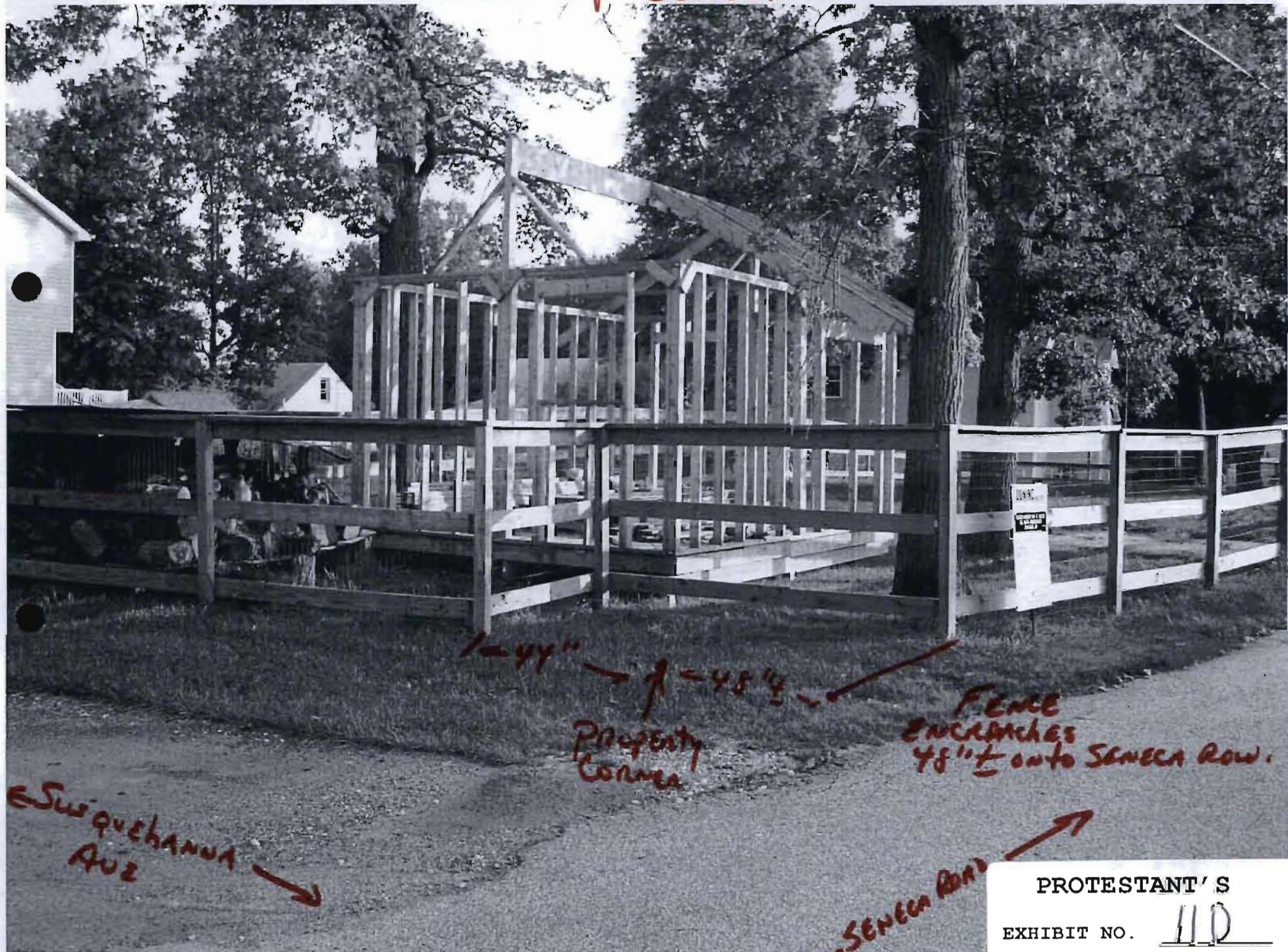


PROTESTANT' S

EXHIBIT NO.

11C

VIEW UP SENECA



PROTESTANT' S

EXHIBIT NO.

110

VIEW FROM SUSQUEHANNA of front of lot 96

Note for scale
4' plywood on floor

SENECA

1-44' 48"
FRONT
PROP CORNER

FENCE
ENCROACHMENT
48"

FRONT
PROP
CORNER

SUSQUEHANNA

PROTESTANT'S

EXHIBIT NO.

11E

View from Susannah Ave Front of lots 94, 95 / 96

Note: for Scale
41 plywood on Floor

Fence
on
Property
Line

2207
lots 94, 95

Front
Back
Corner

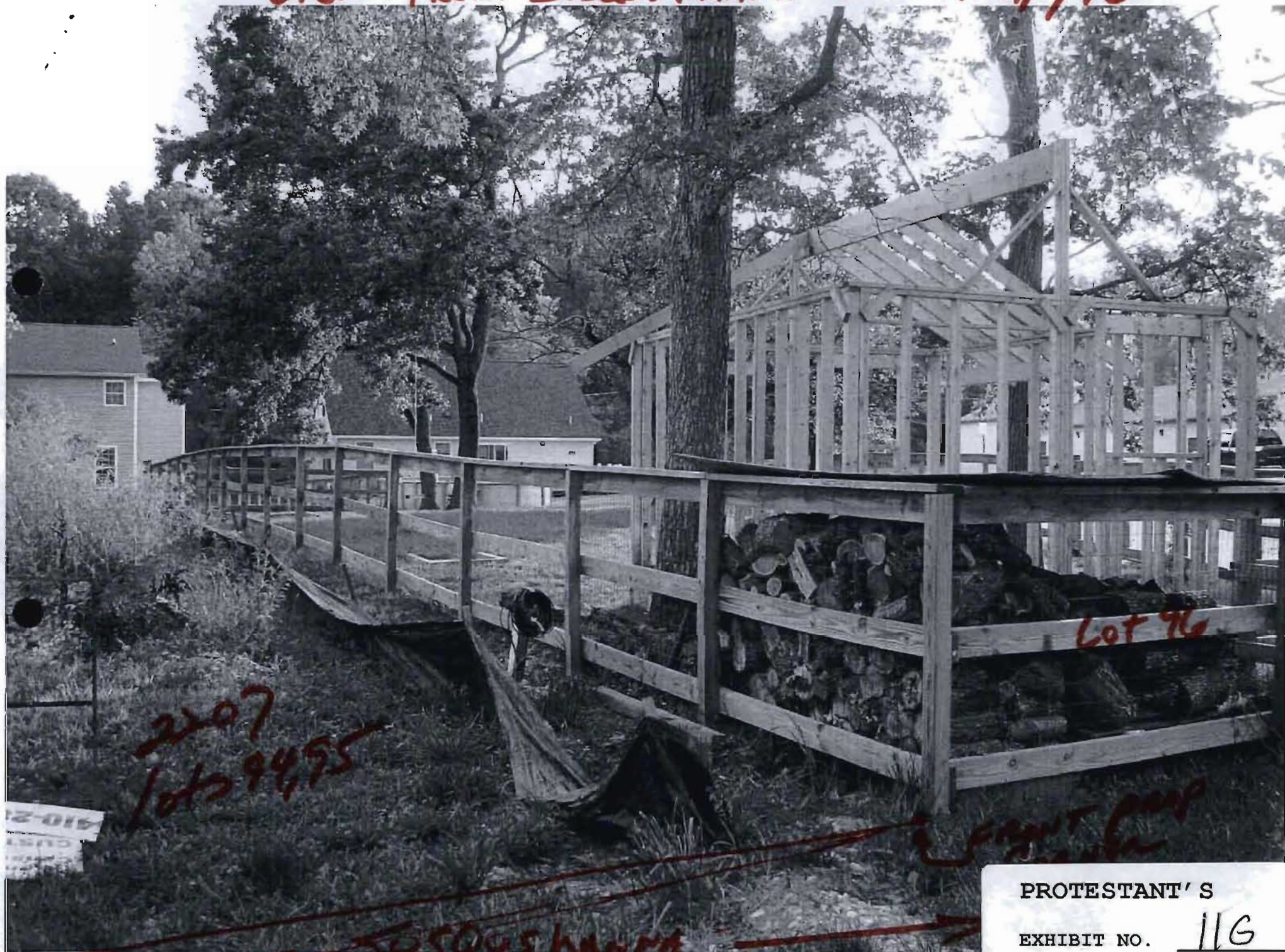
Lot 96

PROTESTANT' S

EXHIBIT NO.

11F

VIEW FROM SUSQUHANNA AT CORNER LOTS 94, 95/96

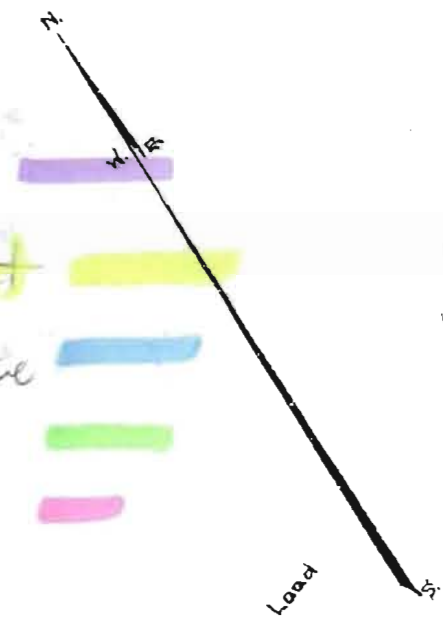


PROTESTANT' S

EXHIBIT NO.

116

NIDA/
 Subject
 Comprehensive
 Bowersox
 Urban



Sub-division of a portion
 of
 "Rockaway Beach Realty Co."
 Middle River.
 September 1918
 Scale - 1 inch = 50 feet.
 710 Law Building, City.
 Benj. C. Green.

Rockaway Beach Realty Co.

Frederick W. Josephan's Land.

521-09

Mr. and Mrs. Charles Weber, Jr.
2213 Seneca Rd.
Baltimore, MD 21221

August 19, 2008

Mr. William Wiseman III
Zoning Commissioner
Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Office of the Zoning Commissioner
111 West Chesapeake Ave.
Towson, MD 21204

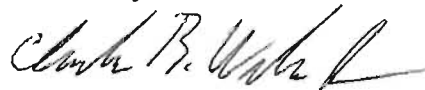
Dear Mr. Wiseman and Mr. Bostwick;

Please consider our concern regarding the illegal structure on the property of 2200 Turkey Point Rd. The structure, which appears to be the beginnings of a shed, sits parallel to the end of our driveway. When the shed is completed, it will become a visual barrier when we attempt to back out of our driveway. We are concerned that we will be unable to see oncoming traffic as we exit onto Seneca Rd. This situation will put us at risk for a motor vehicle accident every day. Please keep in mind that the Eastern Yacht Club, located at the end of Seneca Rd., generates a significant amount of traffic, especially on weekends and holidays.

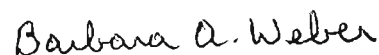
We ask that you take our safety into account and deny the variance requested by the property owner of 2200 Turkey Point Rd.

Thank you for your consideration in this matter.

Sincerely,



Charles B. Weber, Jr



Barbara A. Weber

PROTESTANT' S

EXHIBIT NO.

12

