

130/10  
IN RE: PETITION FOR VARIANCE

S/S New Section Road, 990' NE c/line  
Seneca Road  
(3939 New Section Road)  
15<sup>th</sup> Election District  
6<sup>th</sup> Council District

COHB, L.L.C.  
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0114-A

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, COHB, L.L.C. As originally filed, the Petitioner requested variance relief from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) from Section 1A04.3.B.1.a to allow an existing lot of record to have a lot area of 0.195 acres in lieu of the required 1.5 acres; (2) from Section 1A04.3.B.3 to permit 25.1% building coverage in lieu of the allowed 15% in a R.C.5 zone; (3) from Section 1A04.3.A to allow a building height of 50 feet in lieu of the allowed 35 feet; and (4) from Section 1A04.3.B.2.b to permit setbacks from any lot line other than a street line of 6 feet (side yards) in lieu of the required 50 feet, and to allow a front yard setback of 36 feet to the centerline of the road in lieu of the minimum required 75 feet. The subject property and requested relief are more particularly described on the redlined site plan<sup>1</sup> and building height elevation drawing submitted which were accepted into evidence and marked as Petitioner's Exhibits 1 and 5, respectively.

<sup>1</sup> At the outset of the hearing, Petitioner amended the site plan to respond to the Zoning Advisory Committee (ZAC) comment received from Laurie Hay, on behalf of the Office of Planning, dated October 28, 2010, and the concerns of adjacent neighbors, James and Barbara Hock (3941 New Section Road), and James and Joanne Hock (3937 New Section Road). The redlined amendments clarified that the side yard setbacks for the proposed replacement dwelling will be positioned 10 feet from the east and west side yard property lines, 65 feet from the bulkhead on Seneca Creek, and 30 feet from the centerline of New Section Road. The building height was reduced from 50 feet to a maximum of 44 feet. Since these amendments reduced the changes originally requested and were made without objection, Petitioner was permitted to proceed at the hearing as scheduled.

ORDER RECEIVED FOR FILING

Date

By

11-30-10  
BZ

Appearing at the requisite public hearing in support of the requests were Thomas M. White and Edward A. O'Keefe, managing members of COHB, L.L.C., property owner, and Geoffrey C. Schultz, a professional land surveyor and consultant with McKee & Associates, Inc., who prepared the site plan and is assisting the Petitioner through the permitting process. As noted, the requested approval of the variances originally sought were contested. The opponents are adjacent property owners and included James N. Hock, Jr. (west side), and his parents Barbara C. and James N. Hock, Sr. (east side). There were no Protestants nor were there any interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped, improved waterfront lot, located on the south side of New Section Road with 60 feet of frontage on New Section Road, 178 feet deep and narrowing slightly to 52 feet at the Seneca Creek in Middle River. The property contains a gross area of 8,495 square feet, more or less, zoned R.C.5 and is improved with a modest one-story dwelling, 28' wide x 47' deep, built in 1957 and an existing 100 foot pier.<sup>2</sup> The Petitioner desires to redevelop the property with a new, 2-½ story, single-family dwelling; however, given the small area and width of the lot, the requested variances are necessary in order to proceed. As originally proposed, the dwelling would have been 38' wide x 58' deep (2,132 square feet) but has been reduced in size to 1,984 square feet.

Testimony disclosed that the property is also known as Lot 327 of the "Second Addition to Plat No. 2 of Bowleys Quarters" that was recorded on June 6, 1931 and therefore an older subdivision recorded in the Land Records of Baltimore County well prior to the County

The O'Keefe family has owned the property and improvements that have been used as a summer home for several decades (since 1989). Both Edward O'Keefe and Thomas White have formed a limited liability company and wish to redevelop the property and retain its exclusive use for their families.

11-30-10  
103

Council's adoption of the zoning regulations and the R.C.5 area and height controls. Thus, many of the lots in this community are undersized and cannot meet current lot width and area requirements for development purposes.<sup>3</sup> As shown on the site plan, the Petitioner proposes razing the existing dwelling (and covered patio) and constructing the new home in essentially the same footprint location. The new house, as reconfigured to provide 10 foot side yard setbacks, will be a 2-½ story structure, 68' x 30' in dimension, at a height of 44 feet and will contain an elevator for the family's handicapped children with parking spaces under the raised first floor level coupled with the parking pad just off of New Section Road.

Additionally, as mentioned, the new building will be located approximately 65 feet from the bulkhead, consistent with the existing location. This is significant in that the new house will not block the view of the water from adjacent properties. While the proposed improvements will feature similar setbacks, the new building coverage will be in excess of the maximum 15% allowed, thus the requested relief in this regard is necessary

In further support of the variance request, Petitioner (and Jim Hock) introduced photographs of the subject property and surrounding areas. These photographs evidence that the property is served by public water and sewer (a grinder pump system was installed several years ago). Mr. Schultz opines that the granting of the variances requested would not have an adverse affect on any adjacent neighbors nor would granting of variance relief be detrimental to the health, safety and general welfare of the community. The Office of Planning found the

<sup>3</sup> B.C.Z.R. Section 1A04.3.B.1.B(1) provides for an exception to minimum lot sizes. This section states in pertinent part, "the owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement ...". The Zoning Review Office, having determined that the subject parcel of land was in the subdivision of "Bowleys Quarters" recommended filing a petition for variance relief under B.C.Z.R. Section 307 as opposed to a petition for special hearing. See Case Nos. 03-141-A; 03-293-A; 05-031-A; 05-412-A; 07-450-A; 09-178-SPHA, and 10-282-A involving houses on New Section Road where similar relief was granted through a variance hearing proceeding.

Petitioner's "building height" of 50 feet to be unobjectionable and in accordance with the spirit and intent of the R.C.5 regulations and Performance Standards and does not oppose this request. The Hock families, however, object to a 50 foot height variance and asked that it be eliminated or reduced to be more in keeping with existing homes in this locale. They urge that the spirit and intent of the regulations require a Petitioner to request the minimum relief necessary to permit a dwelling to be located on the lot. While appreciative of the Chesapeake Bay Critical Area (CBCA) regulations of – reducing impervious surfaces – a requirement to build above the floodplain elevation – and the need for additional safe storage space, I find that the petition can be amended to a lower height request of 44 feet. The base flood and flood protection elevation requirements almost automatically dictate that a proposed dwelling will begin with 10 or 11 foot height above ground level, leaving perhaps only 25 feet for the enclosed living areas of the dwelling height, including an adequate roof pitch.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The ZAC comment received from the Department of Environmental Protection and Resource Management (DEPRM), dated October 26, 2010, indicates that the development of the subject property must comply with the Chesapeake Bay Critical Area Regulations. It also states the property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) and must comply with the regulations related to these areas as well, including that impervious surfaces are limited to 31.25% and that 15% afforestation must be addressed. The ZAC comment from the Office of Planning indicates the Office does not oppose Petitioner's variance requests, as amended, but that the property must comply with the R.C.5 requirements. In order for Planning to prepare a statement of finding as to compliance, a litany of information must be submitted to the Planning Office, which includes photographs of existing

adjacent dwellings, building elevations, design information of all structures and appurtenances, and landscaping information.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and prevent use of the property for a permitted purpose. The fact that this subdivision was recorded many years ago is persuasive. Moreover, there were no adverse comments submitted by any County reviewing agency and the revised proposal is consistent with the pattern of development in the neighborhood. Thus, I find that the relief requested is appropriate and that there will be no detrimental impact to adjacent properties or surrounding locale. However, as a condition of approval, the Office of Planning has requested that building elevation drawings of the proposed dwelling be submitted for their review and approval prior to the issuance of any permits to assure compatibility with existing houses in the neighborhood. Moreover, due to the property's waterfront location and its location within a floodplain, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, as set forth in the attached comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division.

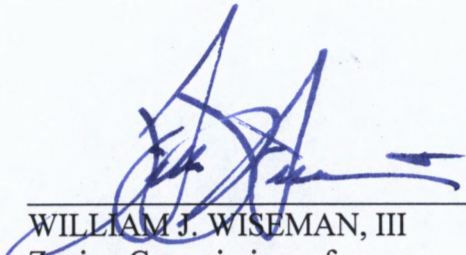
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the amended relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30<sup>th</sup> day of November 2010 that the Petition for Variance seeking relief from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) from Section 1A04.3.B.1.a to allow an existing lot of record to have a lot area of 0.195 acres in lieu of

the required 1.5 acres; (2) from Section 1A04.3.B.3 to permit 23.4 % (1,984 square feet) building coverage in lieu of the allowed 15% (1,274 square feet) in a R.C.5 zone; (3) from Section 1A04.3.A to allow a building height of 44 feet in lieu of the allowed 35 feet; and (4) from Section 1A04.3.B.2.b to permit setbacks from any lot line other than a street line of 10 feet (side yards) in lieu of the required 50 feet, and to allow a front yard setback of 30 feet to the centerline of the road in lieu of the minimum required 75 feet, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED; subject, however, to the following restrictions:

1. The Petitioner may apply for its 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 thirty (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. Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling, including proposed building materials, color scheme, and architectural details, to the Office of Planning for review and approval to insure compatibility with existing houses in the area.
3. Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

  
\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner for  
Baltimore County



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

November 29, 2010

Geoffrey C. Schultz  
McKee & Associates, Inc.  
5 Shawan Road  
Cockeysville, Maryland 21030

**RE: PETITION FOR VARIANCE**  
S/S New Section Road, 990' NE c/line Seneca Road  
**(3939 New Section Road)**  
15<sup>th</sup> Election District - 6<sup>th</sup> Council District  
COHB, L.L.C. - Petitioner  
**Case No. 2011-0114-A**

Dear Mr. Schultz:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Thomas M. White, 9404 Georgian Way, Owings Mills, MD 21117  
Edward A. O'Keefe, COHB, L.L.C., 2807 Haddaway Court, Abingdon, MD 21009  
James N. Hock, Jr., 3943 New Section Road, Middle River, MD 21220  
Barbara C. & James N. Hock, Sr., 3941 New Section Road, Middle River, MD 21220  
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401  
People's Counsel; DEPRM; Office of Planning; File

4/20/11  
IN THE MATTER OF:  
COHB, LLC

Legal Owner/Petitioner

3939 New Section Road

15<sup>th</sup> Election District

6<sup>th</sup> Councilmanic District

\* BEFORE  
\* THE COUNTY  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY

\*

\* Case No.: 11-114-A

\* \* \* \* \*

**PROTESTANTS MEMORANDUM**

*James and Barbara Hock*, by *J. Carroll Holzer, Esquire*, hereby submits this  
Memorandum on behalf of the Protestants.

**I.**

**STATEMENT OF THE CASE**

This matter was before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, COHB, L.L.C. As originally filed, the Petitioner requested variance relief from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) from Section 1A04.3.B.1.a to allow an existing lot of record to have a lot area of 0.915 acres in lieu of the requires 1.5 acres; (2) from Section 1A04.3.B.3 to permit 25.1 percent building coverage in lieu of the allowed fifteen percent (15%) in an R.C. 5 Zone;

(3) from Section 1A04.3.A to allow a building height of fifty feet (50') in lieu of the allowed thirty-five feet (35'); and (4) from Section 1A04.3.B.2.b to permit setbacks from any lot line other than a street line of six feet (6') in lieu of the required fifty feet (50'), and to allow a front yard setback of thirty-six feet (36') to the centerline of the road in lieu of the minimum required seventy-five (75'). The subject property and requested relief are more particularly described on the redlined Site Plan submitted to the Zoning Commissioner and building height elevation drawing submitted which were accepted into evidence and marked as Petitioner's Exhibits 1 and 5, respectively.

At the outset of the hearing, Petitioner amended the Site Plan to respond to the Zoning Advisory Committee (ZAC) comment received from Laurie Hay, on behalf of the Office of Planning, dated October 28, 2010, and the concerns of adjacent neighbors, James and Barbara Hock (3941 New Section Road), and James and Joanne Hock (3937 New Section Road). The redlined amendments clarified that the side yard setbacks for the proposed replacement dwelling will be positioned ten feet (10') from the east and west side yard property lines, sixty-five feet (65') from the bulkhead on Seneca Creek, and thirty feet (30') from the centerline of New Section Road. The building height was reduced from fifty feet (50') to a maximum of forty-four feet (44').

The subject property is a rectangular shaped, improved waterfront lot, located on the south side of New Section Road with sixty feet (60') of frontage on New Section Road, one hundred seventy-eight feet (178') deep and narrowing slightly to fifty-

two feet (52') at the Seneca Creek in Middle River. The Site Plan reflects that the neighboring properties are similar to the subject site as rectangular narrow but lengthy lots adjacent to the water. The property contains a gross area of 8,495 square feet, more or less, zoned R.C. 5.

In its report of October 28, 2010, the Planning Office comments by Curtis Murray, required at least ten foot (10') side yard setback in the R.C. 5 Zoning for health and safety reasons. As indicated, that issue was amended in the redlined plan submitted at the Zoning Commissioner's hearing. The Planning Office did not oppose the request for height and lot coverage. The Planning Office did not address the fact that this lot was in a planned subdivision and did not differ from the other lots in the subdivision and thus, did not address the question of the uniqueness of the property since all of the properties in the subdivision were narrow and were undersized for purposes of today's zoning.

The Department of the Environment (DEPRM), in its October 26, 2010 report cautioned that this lot is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Their report indicated that the proposed development **must comply with all LDA and BMA requirements including the fifteen percent (15%) afforestation requirement and CBCA lot coverage requirements.**

### **Protestants Concerns**

The Protestants filed a timely appeal to the Zoning Commissioner's Decision of November 30, 2010. The Protestants are the Hock's, who reside and who own property on either side of the subject site at 3939 New Section Road. Their review of the proposed Redline Plan creates, in their opinion, the following issues:

1. That the proposed house footprint extends too close to New Section Road which would block the Hock's view of the road when they try to exit their driveway, which creates a safety hazard for the Hock's by creating a site distance issue.
2. They believe that by placing the proposed house closer to New Cut Road that it will basically eliminate the Petitioners ability to park vehicles on their property, which will cause parking of multiple vehicles on New Section Road thereby creating impediment to traffic flow and provisions for parking congestion on New Cut Road.
3. That the proposed extension of the house footprint on the subject site will minimize the parking spaces on the subject site to the detriment of the community.
4. That the length of the proposed house will be fifteen feet (15') longer than what is already shown.
5. That impervious surface limitation exists to protect the Bay from runoff and over-building on lots too small to support large structures. They believe the proposed structure has too large a footprint and creates multiple hazards.

6. They are thus, opposed to the granting of a front yard setback of thirty-six feet (36') to the centerline of the road in lieu of the minimum required seventy-five feet (75'). They are also opposed to the Board granting a variance to allow a lot coverage of 25.1 percent in lieu of the maximum allowed of fifteen percent (15%).

7. They do not oppose the variance to permit a building height of forty-four feet (44') and they do not oppose the side yard setbacks of ten feet (10').

## II.

### LEGAL ARGUMENT

#### Law of Variances – Baltimore County

BCZR 307.1 states that the CBA may grant variances:

“... 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 of Baltimore County would result in practical difficulty or unreasonable hardship.”

This standard requires proof of the following:

1. That the land or structure is “unique,” a zoning term of art;
2. That the uniqueness “results” in “practical difficulty” pertinent to zoning compliance; and
3. That there is true “practical difficulty,” another zoning term of art; and

The purpose of variance law is to allow relief so that a property owner has some reasonable use of his property. See 3 Young, Anderson's American Law of Zoning 4<sup>th</sup>, Sec. 20.02 (1996):

The underlying purposes of administrative relief have been discussed in an earlier chapter, but specifically, with respect to variances, it is said that a variance is 'designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation.'

The first inquiry here is whether the property is peculiar or "unique." If evidence of uniqueness is insufficient or unpersuasive, the inquiry ends there. Cromwell v. Ward 102 Md. App. 691 (1995); Umerley v. People's Counsel 108 Md. App. 497 (1996); Riffin v. People's Counsel 137 Md. App. 90 (2001). If this threshold is passed, the further question is whether the unique condition results in "practical difficulty." McLean v. Soley 270 Md. 208, 213-15 (1973).

### **Uniqueness Defined and Analyzed**

The word "unique" is defined strictly. Otherwise, anyone could make some sort of claim. In Cromwell 102 Md. App. At 710 (1995), the court stated:

"In the zoning contest the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.

'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters,

practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.”

In this case, from the old subdivision Plat and an examination of the lot of the proposed variance request, it is clear that this property is not unique, but is consistent with other lots in the neighborhood which contained relatively narrow widths and longer depths to the water from New Section Road. Thus, the Board’s determination should conclude that the first standard of being unique has not been met by the Petitioner.

**Practical Difficulty and Variances for Expansion Are Generally Not Allowed**

Petitioners proposed variances are for footprint expansion which simply does not fit on this property. The Court of Appeals has rejected such requests because their essence is relative advantage or convenience to the property owner. *Marino, supra*; *Cleland v. City of Baltimore*, 198 Md. 440 (1951); *Pem Construction Co. v. City of Baltimore*, 233 Md. 372 (1964).

Appellate courts have, in this connection, rejected variance claims based on financial or revenue considerations. *Burns v. Mayor & City Council*, 251 Md. 554 (1968); *Daihl v. County Board of Appeals*, 258 Md. 157 (1970); *Cromwell, supra*. Quoting *Xanthos v. Board of Adjustment*, 685 P.2d 1032, 1037 (1985):

“Hardship is not demonstrated by economic loss alone... Every person requesting a variance can indicate some economic loss. To allow a variance any time any economic loss is alleged would make a mockery of the zoning program.”

The need sufficient to justify a variance must be substantial and urgent and **not merely for the convenience of the Applicant**; *Wilson v. Mayor and Commissioners of the Town of Elkton*, 35 Md. App. 417(1977): any Petitioner who seeks a zoning variance **must exercise proper diligence in ascertaining zoning ordinance requirements** to avoid a result of hardship before he acquires the property; *Carney v. City of Baltimore*, 201 Md. 130 (1952); and finally, *Easter v. Mayor and City Council of Baltimore*, 195 Md. 395 (1950): the mere fact that the variance **would make the property more profitable is not** a sufficient ground to justify the relaxation of setback requirements.

In zoning and development law, a variance, if granted, permits a use which is **prohibited and presumed** to be in conflict with the ordinance. An Applicant for a variance, therefore, bears the burden of overcoming the **presumption** that the proposed use is unsuitable. That is done, if at all, by completely satisfying the dictates of the statute authorizing the variance. *North v. St. Mary's County*, 99 Md. App. 502 (1994).

Judge Cathell in analyzing various zoning treatises found:

“The treatise writers are also in accord with the rule that variances should only be granted **when the uniqueness or peculiarity of a subject property is not shared by neighboring property** and where the uniqueness of the property results in an extraordinary impact upon it by the operation of the statute, thus creating undue difficulty (or unnecessary hardship in respect to use variances). (emphasis supplied).

‘It is *fundamental* that the difficulties and hardships must be unique to justify a variance; they must be peculiar to the application of zoning restrictions *particular property* and not in general in character...It is not uniqueness of the plight of the owner, but uniqueness of the land causing the plight, which is the criterion. If the hardship is common to the whole neighborhood, it may be ground for an exception or special use permit [if the statute so provides]... The hardship [in order to justify a variance, however,] ...must relate to the particular property of the Applicant.’

### **Hardship**

In this particular variance request, not only does the property not pass the uniqueness test, it also fails the hardship test in that the Petitioner is not precluded from any development and even from enlarging the current existing house in either terms of width or height, but there is an attempt to expand the length of the house to the detriment of the Protestants. There can be no showing of hardship which meets the hardship standard in that the proposed structure, if it stays within the extended footprint, it can certainly be expanded upward to forty-four feet (44’), which can comply with and be similar to adjacent homes that have also been required to be elevated as a result of the flooding that occurred in this area of the County.

### **Spirit and Intent**

*Daihl vs. County Board of Appeals of Baltimore County*, 258 Md. 157 (1970), where the grant of a variance would affect the “aesthetic ambience” of the residentially zoned properties in the immediate area, such action would be in disharmony with the spirit and intent of the regulations.

### **Bay Critical Area**

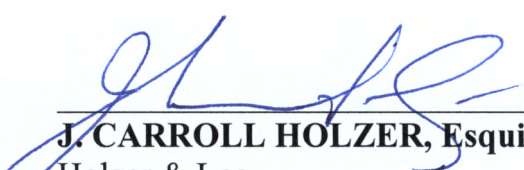
It is clear in this case that the typical variance procedure and criteria are further complicated by the fact that this property is within a **Limited Development Area** which means what it says, development is supposed to be limited. It is in the **Buffer Management Area**, which means it is in violation of the CBCA. To grant multiple variances such as those requested in this case fly in the face of the intent of not only the Zoning Regulations of Baltimore County, but also the spirit and intent of the CBCA concerns about the Bay. Thus, not only are the intent of the R.C. 5 Zone being tested, but also the intent of the CBCA legislation and the proposed limitations imposed by that legislation are not being met by an expansion of the existing building to a much larger one from New Section Road to the water.

### **III.**

### **CONCLUSION**

For all of the above reasons, it is clear that the Petitioners cannot meet the requirements of Section 307.1 of the Baltimore County Zoning Regulations.

Respectfully submitted,



---

**J. CARROLL HOLZER, Esquire**

Holzer & Lee

508 Fairmount Avenue

Towson, Maryland 21286

410-825-6961

Attorney for Protestants, Hock

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of April 2011, a copy of the foregoing Petitioners Lehner's Memorandum was mailed first class, postage pre-paid to the following: Thomas White, Member and Edward O'Keefe, Member, COHB, LLC, 3939 New Section Road, Baltimore, Maryland 21220.

  
\_\_\_\_\_  
**J. CARROLL HOLZER, Esquire**

7/27/11

IN THE MATTER OF  
COHB, LLC – Legal Owner/Petitioner  
S/s New Section Road, 990' NE c/line Seneca Road  
(3939 New Section Road)  
15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District

RE: Petition for Variance

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No.: 11-114-A

\* \* \* \* \*

### OPINION

This matter comes before the Board on appeal of a decision of the Zoning Commissioner for Baltimore County wherein the requested Variance relief was granted with conditions. The original Petition sought to allow a building height of 50 feet in lieu of the required 35 feet, to allow front yard setbacks of 36 feet to the centerline of the road in lieu of the minimum required 75 feet and side yard setbacks of 6 feet on both sides of the property in lieu of the required minimum 50 feet, and to allow a lot coverage of 25.1% in lieu of the maximum allowed 15%.

A hearing was held before the Board on April 20, 2011. At that time, the Petitioners submitted a revised site plan which was admitted into evidence as Petitioner's Exhibit 1. Both parties requested an adjournment at that time to discuss possible settlement of the matter. Subsequently, the Board was informed that a settlement had been reached and a hearing date was set for July 26, 2011 in order to put the terms and conditions of the settlement on the record.

At the hearing on July 26, 2011, J. Carroll Holzer, Esquire was present representing James and Barbara Hock and their son, James Hock, Jr., Protestants in this matter. Mr. Holzer submitted another revised site plan which was accepted into evidence as Joint Exhibit 1. The revised site plan showed that the parking pad in the front of the proposed three-story dwelling had been moved from the right side of the property to the left side. In addition, the right corner of the proposed three-story building was moved back 35 feet from the center line of New Section Road and 23 feet from the property line instead of the original 30 feet and 18 feet. The height of the building was changed from 44 feet to 47 feet and the side yard setbacks remained at 10 feet on both sides of the building.

The Petitioners were not present at the hearing; Mr. Holzer confirmed that he had discussed the changes with the Petitioners and that both the Petitioners and his clients, the Protestants were agreeable to the changes. Therefore, the Board accepted the revised site plan as Joint Exhibit 1 and will make it part of this decision.

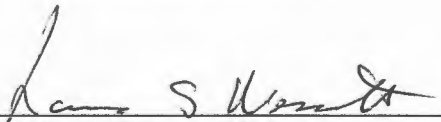
**ORDER**

**THEREFORE, IT IS THIS** 27<sup>th</sup> day of July, 2011 by the Board of Appeals of Baltimore County

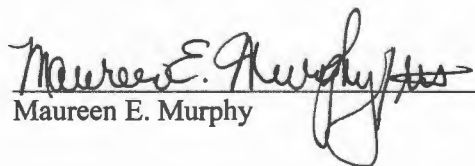
**ORDERED** that the Petition for Variance as set forth in the revised site plan known as Joint Exhibit 1 and attached to this decision hereto, will be **GRANTED**.

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  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Lawrence S. Wescott, Chairman

  
\_\_\_\_\_  
Andrew M. Belt

  
\_\_\_\_\_  
Maureen E. Murphy



Board of Appeals of Baltimore County

FILE COPY

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

July 27, 2011

COHB, LLC  
c/o Edward O'Keefe, Member  
2807 Haddaway Way  
Abingdon, MD 21009

J. Carroll Holzer, Esquire  
508 Fairmount Avenue  
Towson, MD 21286

RE: *In the Matter of: COHB, LLC – Legal Owner/Petitioner*  
Case No.: 11-114-A

Dear Mr. O'Keefe and Mr. Holzer:

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,

Theresa Shelton/kc

Theresa R. Shelton  
Administrator

TRS/klc  
Duplicate Original Cover Letter  
Enclosure

c: COHB, LLC c/o Thomas White, Member  
James and Barbara Hock  
Lisa Hoerger, Natural Resources Planner/State of Maryland  
Office of People's Counsel  
Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Planning  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney



# Petition for Variance

**to the Zoning Commissioner of Baltimore County for the property**  
**located at** 3939 New Section Road  
**which is presently zoned** RC - 5

Deed Reference: 20866 / 137 Tax Account # 1502005010

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

SEE ATTACHED EXHIBIT

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

SEE ATTACHED EXHIBIT

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

Case No. 2011-0114-A

REV 8/20/07

**ORDER RECEIVED FOR FILING**

Date

11-30-10

By

1003

## Legal Owner(s):

Thomas M. White, Member - COHB, L.L.C.

Name - Type or Print

Signature

Edward A. O'Keefe, Member - COHB, L.L.C.

Name - Type or Print

Signature

2807 Haddaway Way

410-882-8200

Address

Telephone No.

Abington

MD

21009

City

State

Zip Code

## Representative to be Contacted:

Geoffrey C. Schultz - McKee & Associates

Name

5 Shawan Road

410-527-1555

Address

Telephone No.

Cockeysville

MD

21030

City

State

Zip Code

## Office Use Only

Estimated Length of Hearing  
 Unavailable For Hearing

Reviewed by A TSUI Date 9/23/2010

3939 New Section Road  
Zoning Requests  
8/26/2010

1. Variance to Section 1A04.3.A. (RC-5 BCZR) to allow a building Height of 50 feet in lieu of the minimum required 35 feet.
2. Variance to Section 1A04.3.B.2.b. (RC-5 BCZR) to allow a frontyard setback of 36 feet to the centerline of the road in lieu of the minimum required 75 feet and sideyard setbacks of 6 feet for both sides in lieu of the minimum required 50 feet.
3. Variance to Section 1A04.3.B.3. (RC-5 BCZR) to allow a Lot Coverage of 25.1 percent in lieu of the maximum allowed 15 percent.

### Hardship and Practical Difficulty

The lot has existed since 1933, is 50 feet wide, and is too small to support a dwelling without the requested relief. Also, since the lot is in a flood plain, the additional height is required to get above the flood plain elevation.

2011-0114-A

# **McKEE & ASSOCIATES, INC.**

*Engineering • Surveying • Environmental Planning  
Real Estate Development*

Zoning Description of  
3939 New Section Road  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
Baltimore County, MD



Beginning at a point on the south side of New Section Road (30 foot wide right-of-way), said point being 990 feet northeast of the center of Seneca Road and being known and designated as Lot 327-Second Addition of Plat No. 2- Bowleys Quarters-recorded in Plat Book 10 Page 64.

Containing 8495 square feet or 0.195 acres and recorded in Deed Liber 20866 Folio 137.

2011-0114-A

#### NOTICE OF ZONING HEARING

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

Case: # 2011-0114-A

3939 New Section Road

S/side of New Section Road, 900 feet n/east of the centerline of Seneca Road

15th Election District - 6th Councilmanic District

Legal Owner(s): COHB, LLC

Variance: to allow a building height of 50 feet in lieu of the minimum required 35 feet; to allow a front yard setback of 36 feet to the centerline of the road in lieu of the minimum required 75 feet side yard setbacks of 6 feet for both sides in lieu of the minimum required 50 feet; to allow a lot coverage of 25.1 percent in lieu of the maximum allowed 15 percent.

Hearing: Friday, November 12, 2010 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

10/368 Oct. 28

259190

## CERTIFICATE OF PUBLICATION

10/28/, 2010

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 10/28/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

Department of Permits & Development Management  
Baltimore County  
111 W. Chesapeake Avenue  
Room 111  
Towson, MD 21204

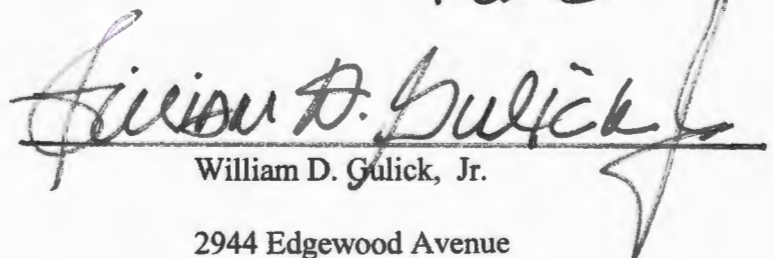
Date: OCT. 28, 2010

Attention: ZONING OFFICE  
MS. KRISTEN MATTHEWS

Re: Case Number: 2011-0114-A  
Petitioner/Developer: COHB, LLC  
Date of Hearing/Closing: NOV. 12, 2010

This is to certify under the penalties of perjury that the necessary sign (s) required by law  
were posted conspicuously on the property located at: 3939 NEW SECTION  
ROAD

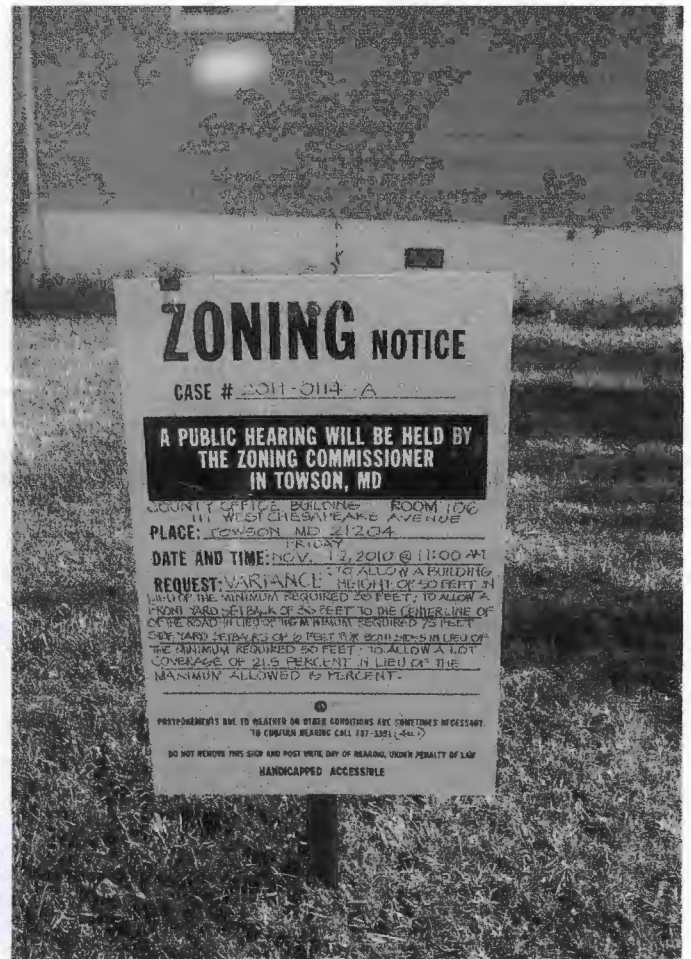
The sign (s) were posted on:  
OCT. 28, 2010



William D. Gulick, Jr.

2944 Edgewood Avenue  
Baltimore, MD 21234  
(410) 530-6293

**SEE ATTACHED SITE PHOTOS**





## Board of Appeals of Baltimore County

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

July 6, 2011

### **NOTICE OF ASSIGNMENT – SETTLEMENT ON THE RECORD**

CASE #: 11-114-A

IN THE MATTER OF: COHB, LLC

Legal Owner /Petitioner

3939 New Section Road/15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic District

Re: Petition for Variance to allow a building height of 50 ft ilo req'd 35 ft; to allow front yard setback of 36 ft to the centerline of the road ilo minimum req'd 75 ft and side yard setbacks of 6 ft on both sides ilo minimum req'd 50 ft; and to allow a lot coverage of 25.1% ilo the maximum allowed 15%.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner wherein the requested variance relief was GRANTED with conditions.

*This matter was heard on April 20, 2011 and is being held sub curia for the submission of a revised site plan. The matter has been assigned as follows to finalize and settle on the record.*

**ASSIGNED FOR: TUESDAY, JULY 26, 2011 AT 9:00 A.M.**

**No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.**

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: Petitioner/Legal Owner

: COHB, LLC

Thomas White, Member

Edward O'Keefe, Member

Counsel for Protestant/Appellant  
Protestant/Appellant

: J. Carroll Holzer, Esquire

: James and Barbara Hock

Office of People's Counsel  
Lawrence M. Stahl, Administrative Law Judge  
Andrea Van Arsdale, Director/Office of Planning  
Michael E. Field, County Attorney

James Hock, Jr.

Julie Roberts, Natural Resources Planner  
Arnold Jablon, Director/PAI  
Nancy C. West, Assistant County Attorney



# 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 - Suite 206

April 6, 2011

**NOTICE OF RE-ASSIGNMENT**  
**AND**  
**NOTICE OF DELIBERATION TO FOLLOW HEARING**

CASE #: 11-114-A

IN THE MATTER OF: COHB, LLC - Legal Owner /Petitioner  
3939 New Section Road/15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic District

Re: Petition for Variance to allow a building height of 50 ft ilo req'd 35 ft; to allow front yard setback of 36 ft to the centerline of the road ilo minimum req'd 75 ft and side yard setbacks of 6 ft on both sides ilo minimum req'd 50 ft; and to allow a lot coverage of 25.1% ilo the maximum allowed 15%.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner wherein the requested variance relief was GRANTED with conditions.

*This matter was originally scheduled for Wednesday, April 20, 2011 and has been re-assigned the date as shown below. Due to the time notification of the appeal and the nature of this matter, the Public Deliberation will follow at the conclusion of the hearing that is on the docket for Tuesday, April 6, 2011. This matter was re-assigned for a hearing and Public Deliberation on April 6, 2011; however due to a medical situation, this matter has been re-assigned to the original scheduled date on the docket as follows:*

**RE-ASSIGNED FOR: WEDNESDAY, APRIL 20, 2011 AT 10:00 A.M.**

**PUBLIC DELIBERATION TO FOLLOW THE HEARING ON APRIL 20, 2011**

***No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.***

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: Petitioner/Legal Owner

: COHB, LLC  
Thomas White, Member  
Edward O'Keefe, Member

Counsel for Protestant/Appellant  
Protestant/Appellant

: J. Carroll Holzer, Esquire  
: James and Barbara Hock

Office of People's Counsel James Hock, Jr.  
Lawrence M. Stahl, Administrative Law Judge  
Jeff Mayhew, Acting Director/Office of Planning  
Michael E. Field, County Attorney

Julie Roberts, Natural Resources Planner  
Arnold Jablon, Director/PAI  
Nancy C. West, Assistant County Attorney



# 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

April 6, 2011

## NOTICE OF DELIBERATION TO FOLLOW HEARING ON

**CASE #: 11-114-A**

**IN THE MATTER OF: COHB, LLC**

Legal Owner /Petitioner

3939 New Section Road/15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic District

Re: Petition for Variance to allow a building height of 50 ft ilo req'd 35 ft; to allow front yard setback of 36 ft to the centerline of the road ilo minimum req'd 75 ft and side yard setbacks of 6 ft on both sides ilo minimum req'd 50 ft; and to allow a lot coverage of 25.1% ilo the maximum allowed 15%.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner wherein the requested variance relief was GRANTED with conditions.

*Having concluded this matter on 4/20/2011 a public deliberation has been scheduled for the following:*

**DATE AND TIME : WEDNESDAY, APRIL 20, 2011, UPON**  
**CONCLUSION OF THE HEARING SCHEDULED**  
**ON THIS DATE**

**LOCATION :** Jefferson Building - Second Floor  
Hearing Room #2 - Suite 206  
105 W. Chesapeake Avenue

**NOTE:** The Deliberation will follow the close of the hearing docketed for this date.

**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: Petitioner/Legal Owner

: COHB, LLC  
Thomas White, Member  
Edward O'Keefe, Member

Counsel for Protestant/Appellant  
Protestant/Appellant

: J. Carroll Holzer, Esquire  
: James and Barbara Hock

James Hock, Jr.

Julie Roberts, Natural Resources Planner

Office of People's Counsel  
Arnold Jablon, Director/PAI  
Nancy C. West, Assistant County Attorney

Lawrence M. Stahl, Administrative Law Judge  
Jeff Mayhew, Acting Director/Office of Planning  
Michael E. Field, County Attorney



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

PP to  
4/20  
Medical

Hearing Room #2 - Suite 206

March 9, 2011

**AMENDED NOTICE OF ASSIGNMENT (AS TO DATE ONLY)**

**AND**

**NOTICE OF DELIBERATION TO FOLLOW HEARING**

CASE #: 11-114-A

IN THE MATTER OF: COHB, LLC

Legal Owner /Petitioner

3939 New Section Road/15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic District

Re: Petition for Variance to allow a building height of 50 ft ilo req'd 35 ft; to allow front yard setback of 36 ft to the centerline of the road ilo minimum req'd 75 ft and side yard setbacks of 6 ft on both sides ilo minimum req'd 50 ft; and to allow a lot coverage of 25.1% ilo the maximum allowed 15%.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner wherein the requested variance relief was GRANTED with conditions.

*This matter was originally scheduled for Wednesday, April 20, 2011 and has been re-assigned the date as shown below. Due to the time notification of the appeal and the nature of this matter, the Public Deliberation will follow at the conclusion of the hearing that is on the docket for Tuesday, April 6, 2011. This matter is re-assigned for a hearing and Public Deliberation as follows:*

**RE-ASSIGNED FOR: WEDNESDAY, APRIL 6, 2011 AT 10:00 A.M.**

**PUBLIC DELIBERATION TO FOLLOW THE HEARING ON APRIL 6, 2011**

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: Petitioner/Legal Owner

: COHB, LLC

Thomas White, Member  
Edward O'Keefe, Member

Protestant/Appellant

: James and Barbara Hock

Office of People's Counsel  
Lawrence M. Stahl, Administrative Law Judge  
Jeff Mayhew, Acting Director/Office of Planning  
Michael E. Field, County Attorney

James Hock, Jr.

Julie Roberts, Natural Resources Planner  
Arnold Jablon, Director/PAI  
Nancy C. West, Assistant County Attorney



## 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

March 9, 2011

### NOTICE OF DELIBERATION

**CASE #: 11-114-A**

**IN THE MATTER OF: COHB, LLC**

Legal Owner /Petitioner

3939 New Section Road/15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic District

Re: Petition for Variance to allow a building height of 50 ft ilo req'd 35 ft; to allow front yard setback of 36 ft to the centerline of the road ilo minimum req'd 75 ft and side yard setbacks of 6 ft on both sides ilo minimum req'd 50 ft; and to allow a lot coverage of 25.1% ilo the maximum allowed 15%.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner wherein the requested variance relief was GRANTED with conditions.

*Having concluded this matter on 4/6/2011 a public deliberation has been scheduled for the following:*

**DATE AND TIME : WEDNESDAY, APRIL 6, 2011**

**LOCATION :** Jefferson Building - Second Floor  
Hearing Room #2 - Suite 206  
105 W. Chesapeake Avenue

**NOTE:** The Deliberation will follow the close of the hearing docketed for this date.

**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: Petitioner/Legal Owner

: COHB, LLC  
Thomas White, Member  
Edward O'Keefe, Member

Protestant/Appellant

: James and Barbara Hock

James Hock, Jr. Julie Roberts, Natural Resources Planner

Office of People's Counsel  
Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Jeff Mayhew, Acting Director/Office of Planning  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney



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

Jefferson Building - Second Floor  
Hearing Room #2 - Suite 206  
105 W. Chesapeake Avenue

February 16, 2011

**NOTICE OF ASSIGNMENT**

CASE #: 11-114-A

IN THE MATTER OF: COHB, LLC

Legal Owner /Petitioner

3939 New Section Road/15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic District

Re: Petition for Variance to allow a building height of 50 ft ilo req'd 35 ft; to allow front yard setback of 36 ft to the centerline of the road ilo minimum req'd 75 ft and side yard setbacks of 6 ft on both sides ilo minimum req'd 50 ft; and to allow a lot coverage of 25.1% ilo the maximum allowed 15%.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner wherein the requested variance relief was GRANTED with conditions.

**ASSIGNED FOR: WEDNESDAY, APRIL 20, 2011 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: Petitioner/Legal Owner

: COHB, LLC

Thomas White, Member

Edward O'Keefe, Member

Protestant/Appellant

: James and Barbara Hock

Office of People's Counsel  
Lawrence M. Stahl, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Jeff Mayhew, Acting Director/Office of Planning  
Nancy C. West, Assistant County Attorney  
Michael E. Field, County Attorney

*Handled  
& to + filed  
+ Deliberation*

TO: PATUXENT PUBLISHING COMPANY  
Thursday, October 28, 2010 Issue - Jeffersonian

Please forward billing to:  
Thomas White  
COHB, LLC  
2807 Haddaway Way  
Abingdon, MD 21009

410-882-8200

---

## 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: 2011-0114-A**

3939 New Section Road

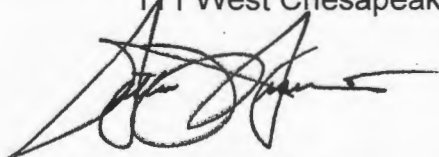
S/side of New Section Road, 900 feet n/east of the centerline of Seneca Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: COHB, LLC

Variance to allow a building height of 50 feet in lieu of the minimum required 35 feet; to allow a front yard setback of 36 feet to the centerline of the road in lieu of the minimum required 75 feet; side yard setbacks of 6 feet for both sides in lieu of the minimum required 50 feet; to allow a lot coverage of 25.1 percent in lieu of the maximum allowed 15 percent.

Hearing: Friday, November 12, 2010 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

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

October 15, 2010

**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: 2011-0114-A**

3939 New Section Road

S/side of New Section Road, 900 feet n/east of the centerline of Seneca Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: COHB, LLC

Variance to allow a building height of 50 feet in lieu of the minimum required 35 feet; to allow a front yard setback of 36 feet to the centerline of the road in lieu of the minimum required 75 feet side yard setbacks of 6 feet for both sides in lieu of the minimum required 50 feet; to allow a lot coverage of 25.1 percent in lieu of the maximum allowed 15 percent.

Hearing: Friday, November 12, 2010 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:kl

C: Geoffrey Schultz, 5 Shawan Road, Cockeysville 21030

Thomas White, Edward O'Keefe, COHB, LLC, 2807 Haddaway Way, Abingdon 21009

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 28, 2010.**
- (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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

**For Newspaper Advertising:**

Item Number or Case Number: 2011-0114-A  
Petitioner: COHB, LLC  
Address or Location: 3939 NEW SECTION ROAD

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Thomas M. White  
Address: 2807 Haddaway Way  
Abingten, MD 21009  
Telephone Number: 410-882-8200



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

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

November 3, 2010

Thomas White & Edward O'Keefe  
2807 Haddaway Way  
Abington, MD 21009

Dear: Thomas White & Edward O'Keefe

RE: Case Number 2011-0114-A, 3939 New Section Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 2010. 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  
Geoffrey Schultz: McKee & Associates; 5 Shawan Rd.; Cockeysville, MD 21030

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** October 7, 2010

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 18, 2010  
Item No. 2011-114

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

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

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

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

DAK:CEN:cab

cc: File

ZAC-ITEM NO 11-114-10182010.doc



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

State Highway  
Administration

Beverley K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 15, 2010

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

RE: Baltimore County  
Item No. 2011-0114-A  
3939 New SECTION RD  
WHITE PROPERTY  
VARIABLE -

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. 2011-0114-A.

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

Very truly yours,

For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/mb

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** October 28, 2010

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

RECEIVED

NOV 03 2010

**SUBJECT:** 3939 New Section Road

ZONING COMMISSIONER

**INFORMATION:**

**Item Number:** 11-114

**Petitioner:** Geoffrey Schultz- McKee and Associates

**Zoning:** RC 5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning requires at least 10-foot side yard setbacks in the RC 5 zoning for health and safety reasons. This office recommends the proposed structure be redesigned to allow for the required 10-foot side yard setbacks. However the office does not oppose the request for height and lot coverage. After revising the proposed structure the following applies:

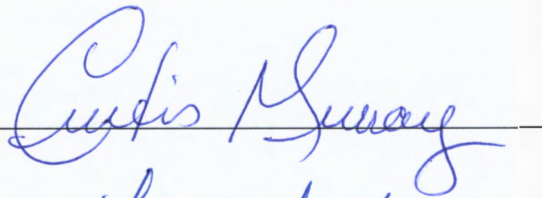
This office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

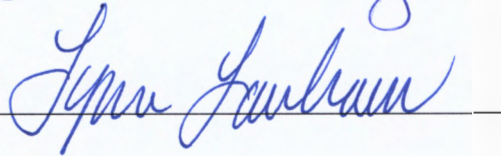
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

**Prepared By:**



**Division Chief:**



CM/LL

BW 11/12 11am

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM – Development Coordination  
DATE: October 26, 2010  
SUBJECT: Zoning Item #11-114-A  
Address 3939 New Section Road

**RECEIVED**

**OCT 26 2010**

**ZONING COMMISSIONER**

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Mitigation necessary to address the CBCA lot coverage limits and BMA requirements will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Regina Esslinger

Date: October 15, 2010



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

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

October 4, 2010

ATTENTION: Kristen Mathews  
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

|                |                   |
|----------------|-------------------|
| 2011-0102-A    | Kingston Park La. |
| 2011-0103-SPHA | Harrison Ave.     |
| 2011-0106-A    | Valleyfield Rd.   |
| 2011-0107-SPHA | Emmanuel Ct.      |
| 2011-0108-A    | Locust Ave.       |
| 2011-0110-A    | Woodland Dr.      |
| 2011-0111-A    | Monaghan Ct.      |
| 2011-0112-SPHA | Oakleigh Rd.      |
| 2011-0113-A    | Stoney Batter Rd. |
| 2011-0114-A    | New Section Rd.   |
| 2011-0115-SPH  | Hanover Pike      |
| 2011-0116-A    | Meandering Dr.    |
| 2011-0117-A    | Cockeys Mill Rd.  |
| 2011-0118-A    | Cedarside Dr.     |
| 2011-0119-A    | Linwood Ave.      |
| 2011-0120-A    | Sue Grove Rd.     |
| 2011-0121      | Burnbrae Rd.      |
| 2011-0122-A    | Mt. Carmel Rd.    |

Lt. Jimmie D. Mezick  
Fire Marshal's Office  
410-887-4880  
MS-1102F

cc: File



Printed with Soybean Ink  
on Recycled Paper

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

RE: PETITION FOR VARIANCE \* BEFORE THE  
3939 New Section Road; S/S New Section \* ZONING COMMISSIONER  
Road, 900' NE c/line of Seneca Road \*  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \* FOR  
Legal Owner(s): Thomas A. White \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2011-114-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

RECEIVED

OCT 12 2010

.....]

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030., Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



KEVIN KAMENETZ  
*County Executive*

ARNOLD JABLON  
*Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections*

Geoffrey Schultz  
McKee & Associates, Inc.  
5 Shawan Road  
Cockeysville, MD 21030

Dear Mr. Schultz:

RE: Case: 2011-0114-A, 3939 New Section Road

Please be advised that an appeal of the above-referenced case was filed in this office on . All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

Arnold Jablon  
Director

AJ:kl

c: Administrative Law Office  
People's Counsel  
Thomas White, 9404 Georgian Way, Owings Mills 21117  
Edward O'Keefe, 2807 Haddaway Court, Abingdon 21009  
James Hock, 3943 New Section Road, Middle River 21220  
Mr. & Mrs. Hock, 3941 New Section Road, Middle River 21220  
CBCA, 1804 West Street, Ste. 100, Annapolis 21401

Dec 13, 2010

To whom it may concern, Court of Appeals

We would like to appeal Case # 2011-0114-A  
3939 New Section Rd. 21220

Signed James N. Hock SR

Barbara L. Hock

410-335-3418  
15<sup>th</sup> Election District 6<sup>th</sup> Council District  
COHB LLC. Petitioner

re. Nov 30<sup>th</sup> from Zoning Commissioner Petition  
for Variance -

Appeal in accordance with Section 32-3-401 of  
the Balt's Co. Code B.C.C.

RECEIVED / paid

DEC 13, 2010

KL

## APPEAL

Petition for Variance  
3939 New Section Road  
S/S New Section Rd., 990' NE c/line Seneca Rd.  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: COHB, LLC

Case No.: 2011-0114-A

Petition for Variance (September 23, 2010)

Zoning Description of Property

Notice of Zoning Hearing (October 15, 2010)

Certification of Publication (The Jeffersonian – October 28, 2010)

Certificate of Posting (October 28, 2010) by William Gulick

Entry of Appearance by People's Counsel (October 12, 2010)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Amended Site Plan
2. Record Plat
3. Aerial Photo circa 2000
4. Flood Map

Protestants' Exhibits:

1. Photographs – Existing Conditions

Miscellaneous (Not Marked as Exhibit)

1. CD-R
2. Email Correspondence w/Photos dated November 30, 2010 from Joanne Hock

Zoning Commissioner's Order (GRANTED – November 30, 2010)

Notice of Appeal received on December 13, 2010 from Mr. & Mrs. Hock

c: People's Counsel of Baltimore County, MS #2010  
Administrative Law Judges  
Arnold Jablon, Director, PAI

*date sent February 7, 2011, kll*

## APPEAL

Petition for Variance  
3939 New Section Road  
S/S New Section Rd., 990' NE c/line Seneca Rd.  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: COHB, LLC

Case No.: 2011-0114-A

- ✓ Petition for Variance (September 23, 2010)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (October 15, 2010)
- ✓ Certification of Publication (The Jeffersonian – October 28, 2010)
- ✓ Certificate of Posting (October 28, 2010) by William Gulick
- ✓ Entry of Appearance by People's Counsel (October 12, 2010)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet - None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

### Petitioners' Exhibit

- ✓ 1. Amended Site Plan
- ✓ 2. Record Plat
- ✓ 3. Aerial Photo circa 2000
- ✓ 4. Flood Map

### Protestants' Exhibits:

- ✓ 1. Photographs – Existing Conditions

### Miscellaneous (Not Marked as Exhibit)

- ✓ 1. CD-R
- ✓ 2. Email Correspondence w/Photos dated November 30, 2010 from Joanne Hock

- ✓ Zoning Commissioner's Order (GRANTED – November 30, 2010)
- ✓ Notice of Appeal received on December 13, 2010 from Mr. & Mrs. Hock

RECEIVED

FEB 10 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

### Address List

#### *Petitioner:*

COHB, LLC  
c/o Thomas White, Member  
9404 Georgian Way  
Owings Mills, MD 21117

COHB, LLC  
c/o Edward O'Keefe, Member  
2807 Haddaway Way  
Abingdon, MD 21009

Geoffrey C. Schultz  
McKee & Associates

#### *Protestants:*

James and Barbara Hock  
3941 New Section Road  
Middle River, MD 21220

James Hock, Jr.  
3943 New Section Road  
Middle River, MD 21220

#### *Interested Persons:*

Lisa Hoerger  
Julie Roberts

*Holzer  
Replest*

*410-627-1220*

IN RE:  
IN THE MATTER OF: COHB, LLC  
Legal Owner/Petitioner

(3939 New Section Road)  
15th Election District  
6th Councilmanic District

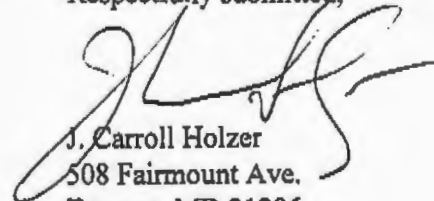
\* BEFORE THE  
\* BALTIMORE COUNTY  
\* BOARD OF APPEALS  
\*

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of J. Carroll Holzer on behalf of Appellants/Protestants, JAMES AND BARBARA HOCK, 3943 New Section Road, Baltimore MD 21220 in the above captioned case. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary, or final Order to undersigned counsel at the address contained herein. All parties should copy J. Carroll Holzer on all correspondence and documents in the instant matter.

Respectfully submitted,



J. Carroll Holzer  
508 Fairmount Ave.  
Towson, MD 21286  
(410) 825-6961  
Attorney for Appellants

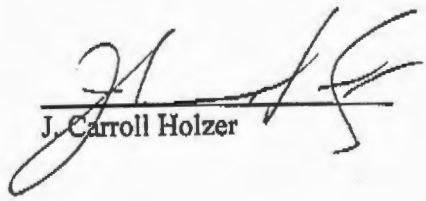
**RECEIVED**

APR - 5 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th day of April, 2011, a copy of the foregoing Entry of Appearance was faxed to Peter Max Zimmerman, People's Counsel for Baltimore County, 105 West Chesapeake Ave., Room 204 Towson, Maryland 21204; and County Board of Appeals for Baltimore County, Jefferson Building, Second Floor, 105 West Chesapeake Ave., Towson, MD 21204.

  
J. Carroll Holzer

IN THE MATTER OF:

COHB, LLC  
Legal Owner/Petitioner  
3939 New Section Road

15th Election District  
6th Council District

BEFORE THE  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY

Case No. 11-114-A

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wed., April 6, 2011 at 10:00 a.m. at Hearing Room #2, located at Jefferson Bldg., 2<sup>nd</sup> Floor, 105 West Chesapeake Ave., Towson 21204 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board. (See attached Notice of Hearing)

Witness: Regina Esslinger  
Address: DEPRM, 4<sup>th</sup> Floor  
Jefferson Bldg.  
Towson, MD 21204

Name: J. Carroll Holzer  
Firm: J. Carroll Holzer, PA  
Address: 508 Fairmount Ave. Towson, 21286 410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case.

Sunny Cannington  
County Board of Appeals of Baltimore County

RECEIVED  
APR - 1 2011  
Date BALTIMORE COUNTY  
BOARD OF APPEALS

IN THE MATTER OF:

COHB, LLC  
Legal Owner/Petitioner  
3939 New Section Road

15th Election District  
6th Council District

\*

BEFORE THE

\*

COUNTY BOARD OF APPEALS

\*

BALTIMORE COUNTY

\*

Case No. 11-114-A

\*

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wed., April 6, 2011 at 10:00 a.m. at Hearing Room #2, located at Jefferson Bldg., 2<sup>nd</sup> Floor, 105 West Chesapeake Ave., Towson 21204 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board. (See attached Notice of Hearing)

Witness: Dave Lykens  
Address: DEPRM, 4<sup>th</sup> Floor  
Jefferson Bldg.  
Towson, MD 21204

Name: J. Carroll Holzer  
Firm: J. Carroll Holzer, PA  
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case.

Sunny Cannington  
County Board of Appeals of Baltimore County

**RECEIVED**  
**APR - 1 2011**

Date  
**BALTIMORE COUNTY  
BOARD OF APPEALS**

IN THE MATTER OF:

COHB, LLC  
Legal Owner/Petitioner  
3939 New Section Road

15th Election District  
6th Council District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\*  
\* Case No. 11-114-A  
\*

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wed., April 6, 2011 at 10:00 a.m. at Hearing Room #2, located at Jefferson Bldg., 2<sup>nd</sup> Floor, 105 West Chesapeake Ave., Towson 21204 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board. (See attached Notice of Hearing)

Witness: Curtis Murray  
Address: Office of Planning  
Jefferson Bldg.  
Towson, MD 21204

Name: J. Carroll Holzer  
Firm: J. Carroll Holzer, PA  
Address: 508 Fairmount Ave. Towson, 21286 410-825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above case. The Board requests the Sheriff to issue the summons set forth herein.

Sunny Carrington  
County Board of Appeals of Baltimore County

RECEIVED  
Date APR - 1 2011  
BALTIMORE COUNTY  
BOARD OF APPEALS

**BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

**IN THE MATTER OF:** COHB, LLC 11-114-A

**DATE:** April 20, 2011

**BOARD/PANEL:** Lawrence Wescott, Chairman  
Maureen Murphy  
Andrew Belt

**RECORDED BY:** Sunny Cannington/Legal Secretary

**PURPOSE:** To deliberate the following:

1. Settlement Proposals as presented on the record at the hearing.

**PANEL MEMBERS DISCUSSED THE FOLLOWING:**

**STANDING**

- The Board discussed that after much discussion between the parties, the parties reached agreement as stated on the record at the hearing.
- The Petitioners will submit a revised Site Plan reflecting the changes as agreed by the parties. J. Carroll Holzer, Esquire, Counsel for Protestants, Mr. and Mrs. Hoak will review the revised Site Plan prior to submission to the Board.
- The Revised Site Plan upon submission will be marked as Petitioner's Exhibit No. 2.
- The Board stated that unless questions regarding the Revised Site Plan arise, upon submission the Board will review and approve the settlement as proposed without further deliberation.

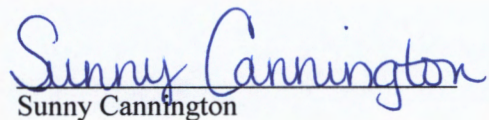
**DECISION BY BOARD MEMBERS:**

The Board determined that the settlement as agreed by the parties will be approved unless there is further question upon the submission of the Revised Site Plan as will be presented by the Petitioners.

**FINAL DECISION:** After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to approve the settlement as presented by the parties on the record.

**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



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

June 2, 2011

J. Carroll Holzer, Esquire  
508 Fairmount Avenue  
Towson, Md 21286

COHB, LLC  
c/o Thomas White, Member  
9404 Georgian Way  
Owings Mills, MD 21117

COHB, LLC  
c/o Edward O'Keefe, Member  
2807 Haddaway Way  
Abingdon, MD 21009

RE: COHB, LLC - Legal Owner /Petitioner  
3939 New Section Road / Case No.: 11-114-A

Dear Messrs. Holzer, White and O'Keefe:

On April 20, 2011 the Board convened for a hearing on the above captioned matter. At that time it was determined that the matter would be held *sub curia* for the submission to the Board of Petitioner's Exhibit 2, namely a revised site plan.

As of this date, the revised plan (Petitioner's Exhibit #2) has not been submitted to the Board and the matter remains open the docket.

Upon receipt of this letter, please advise as to the status.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton  
Administrator

Duplicate Originals

cc: James and Barbara Hock  
Geoffrey C. Schultz  
McKee & Associates  
Lawrence S. Wescott, Chairman  
Board of Appeals



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

June 17, 2011

J. Carroll Holzer, Esquire  
508 Fairmount Avenue  
Towson, Md 21286

COHB, LLC  
c/o Thomas White, Member  
9404 Georgian Way  
Owings Mills, MD 21117

COHB, LLC  
c/o Edward O'Keefe, Member  
2807 Haddaway Way  
Abingdon, MD 21009

RE: COHB, LLC - Legal Owner /Petitioner  
3939 New Section Road / Case No.: 11-114-A

Dear Messrs. Holzer, White and O'Keefe:

On June 2, 2011, this office requested a status on the instant case which has been held *sub curia* since April 20, 2011, for the submission to the Board of Petitioner's Exhibit 2, namely a revised site plan. It is my understanding that this document has not been finalized as of the date of this letter and is awaiting a minor change(s).

In order to bring this matter before the Board for the purpose of putting the 'Settlement Agreement' on the record; and to avoid any conflicts in schedules, the following dates are being provided which are currently open on the Board's docket:

Tuesday, July 19, 2011 @ 9:00 a.m.;  
Tuesday, July 26, 2011 @ 9:00 a.m.; and  
Tuesday, August 9, 2011 @ 9:00 a.m.

Please contact this office upon receipt of this letter to confirm availability.

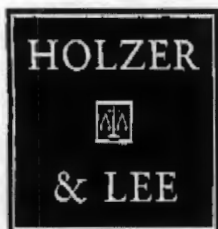
Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton  
Administrator

Duplicate Originals

cc: James and Barbara Hock  
Geoffrey C. Schultz  
McKee & Associates  
Lawrence S. Wescott, Chairman  
Board of Appeals



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTEL.NET

April 4, 2011  
#7968

Baltimore County Board of Appeals  
Jefferson Building  
105 West Chesapeake Avenue  
Second Floor, Suite 203  
Towson, Maryland 21204  
ATTN: Mr. Lawrence Westcott  
Chairman

RE: *In the Matter of: COHB, LLC  
James and Barbara Hock  
Before the Board of Appeals of Baltimore County*

Dear Mr. Westcott:

Please be advised that I am requesting a postponement of the above-referenced case for Wednesday, April 6, 2011. I am currently being treated for kidney stones and will be unavailable for this case.

Dr. Thomas Smyth has advised me against attending any hearing as I will be on narcotics until such time they are able to resolve my problem.

Thank your for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "J. Carroll Holzer", written over a horizontal line.

J. Carroll Holzer

JCH:mlg

cc: Mr. & Mrs. James Hock (sent via email)  
Thomas White, Member  
Edward O'Keefe, Member

RECEIVED  
APR - 4 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

Chesapeake  
UROLOGY  
ASSOCIATES, P.A.

RECEIVED

APR - 5 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

April 5, 2011

Baltimore County Board  
Of Appeals

RE: JOHN HOLZER

To Whom It May Concern:

Mr. John Holzer, a patient of mine, is currently under my care and will not be able to attend his court dates of Wednesday April 6 and Monday April 11 due to his present illness.

If you need any additional information, please give my office a call at 410-825-6310.

Sincerely,



Thomas B. Smyth, MD

Urologist

Chesapeake Urology Associates

8322 Bellona Avenue  
Suite 202  
Towson, MD 21204  
410.825.6310  
410.825.6320 Fax

7505 Osler Drive  
Suite 506  
Towson, MD 21204  
410.296.0167  
410.296.0099 Fax

6535 N. Charles Street  
Suite 625  
Towson, MD 21204  
410.825.5434  
410.825.5811 Fax

3339 N. Calvert Street  
Suite 608  
Baltimore, MD 21218  
410.467.7665  
410.467.7745 Fax

120 St. Pierre Drive  
Suite 102  
Towson, MD 21204  
410.494.1402

**From:** "Joanne Hock" <jnhock@comcast.net>  
**To:** <wwiseman@baltimorecountymd.gov>  
**CC:** "'Hock, James N'" <James.N.Hock@bge.com>, "'Barb Hock'" <barbara@nickhoc...  
**Date:** 11/30/10 8:40 PM  
**Subject:** FW: 3939 New Section Rd. House Site Pictures  
**Attachments:** IMG\_1813.JPG; IMG\_1814.JPG; IMG\_1819.JPG; IMG\_1823.JPG; IMG\_1846.JPG

-----Original Message-----

From: Joanne Hock [mailto:jnhock@comcast.net]  
Sent: Tuesday, November 30, 2010 8:13 PM  
To: 'Barb Hock'  
Cc: 'Hock, James N'  
Subject: FW: 3939 New Section Rd. House Site Pictures

To Bill Wiseman,

After reviewing the revised plan for the footprint for the dwelling at 3939 New Section Rd. Bowleys Quarters 21220, We James & Joanne Hock, Jr. and Barbara & James Hock, Sr. property owners on each side of the proposed dwelling do not feel that it will fit on the property without causing problems listed below:

1st photo shows house would exceed past the front of the boat, blocking the view of vehicles trying to back out onto roadway. This creates a safety hazard as well as a parking problem.

2nd photo shows the house at 3941 at 43 feet high. It is considered an elevated two and a half story house, the top floor is attic space for storage only, as noted by Baltimore County. According to their site plan, their plans have it marked 3941 as a 3 and half story house and their proposed dwelling as a three story house.

3rd photo again shows where the proposed house would end at the front of the boat (shown) minimizing parking spaces on their property.

4th photo shows how much longer the existing house already is and they want to make it 15 feet longer than what is already shown.

5th photo shows the residents of 3939, parking and blocking mailboxes, so no mail service was received. Notice also this becomes a narrow point in the roadway impeding the flow of traffic.

Impervious surface limitations exists to protect the bay from run off and over building on lots too small to support large structures. We feel the structure they want is too large and creates multiple hazards. We feel 10 feet side yard set backs are acceptable and conform to the neighborhood. We are hoping you do not grant the impervious surface to exceed the 15% and the front yard set back should remain where the existing building is. Thank you.

Sincerely,  
James & Joanne Hock, Jr.  
Barbara & James Hock, Sr.

**From:** Theresa Shelton  
**To:** Cannington, Krysundra  
**Date:** 3/16/2011 5:30 PM  
**Subject:** Misc.

Sunny:

Please mark me .50 comp time for 3/16/11. It's almost 5:30 and I'm still here UGH!

You may get a call from Mr. White 11-114-A about getting a copy of the hearing below. It is okay to copy (if we can - I'm really not good at this copying discs stuff and left a message to that effect with Mr. White). I asked him to call you to arrange for the pick up. But there will be no charge for the copy.

Thank you.

See you in the morning.

**From:** Theresa Shelton  
**To:** Esslinger, Regina; Lykens, David; Murray, Curtis  
**CC:** JCHOLZER@CAVTEL.NET  
**Date:** 4/5/2011 1:39 PM  
**Subject:** Cohb, LLC - Matter Postponed

Good Afternoon:

Please be advised that the matter scheduled for a hearing before the Board of Appeals on Wednesday, April 6, 2011, which you were issued a Subpoena to appear, has been postponed.

Please feel free to contact this office if you have any questions.

Theresa R. Shelton, Administrator  
Board of Appeals for Baltimore County  
Suite 203, The Jefferson Building  
105 W. Chesapeake Avenue  
Towson, MD 21204

410-887-3180  
410-887-3182 (FAX)  
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

#### Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential.

The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

EDWARD A. O'KEEFE, CLU, ChFC, CASL  
Field Agent  
2807 Haddaway Court  
ABINGDON, MARYLAND 21009  
Phone: Bus: (410) 569-6141  
Toll Free: 1 (888) 695-6372  
Fax: (410) 569-5669  
E-mail: [edward.okeefe@kofc.org](mailto:edward.okeefe@kofc.org)



## KNIGHTS OF COLUMBUS

MAKING A DIFFERENCE FOR LIFE



**RECEIVED**

**MAR - 7 2011**

**BALTIMORE COUNTY  
BOARD OF APPEALS**

March 4, 2011

To: Theresa Shelton, Administrator

County Board of Appeals of Baltimore County

101 West Chesapeake Ave

Towson, MD 21204

Reference: Case # 11-114-A

Dear Ms. Shelton,

I received the above notice of appeal and I am requesting that the zoning commissioners hold a public deliberation immediately following the appeals hearing. We make this request as we have been unduly delayed in the rebuild of our house for the following reasons:

1. At the original hearing the complainants' (Mr. and Mrs. James Hock and their son James Hock) agreed to a new variance after we made concessions and reduced our setbacks.
2. Arnold Jablon, Director, and his department failed to notify us that an appeal had been made until February 15, 2011 despite the appeal being filed on December 13, 2010. Because of this and the fact that the Hock's agreed to the revised variance we were working under the assumption that no appeal was made. As such, we commenced with architectural plans and the consultation of a structural engineer. Our expenses are already in excess of \$3500 based on the variance the Hock's agreed to in the zoning hearing.
3. We will not be able to have the appeal board review this case for five months after our variance was approved. We feel this in an excessive time and have put an undue burden upon us. Both the county and the complainants' are a party to this delay.
4. We have two disabled daughters who need an environment that is both safe and conducive to their disabilities. The current structure offers no disability access and lacks the safety features that are required of a child that use a wheel chair and of children that have an Autism diagnosis. This delay is not just an inconvenience; it has an effect on the treatment and care given to the children.

For these reasons we respectfully ask for the public deliberations to be held immediately after the appeal hearing while the commissioners are already seated. I appreciate your help in providing us with the opportunity to have our situation rectified.

Most Sincerely,

A handwritten signature in black ink, appearing to be 'E. O'Keefe', written in a cursive style.

Edward A. O'Keefe, CLU, ChFC

Cohb, LLC President

April 4, 2011

RECEIVED

APR - 4 2011

BALTIMORE COUNTY  
BOARD OF APPEALS

To: Mr. Lawrence Westcott, Director

Reference: Case number 11-114-A

Dear Mr. Westcott,

We just this afternoon received a call from the Hock's lawyer requesting a postponement of this hearing and public deliberation. We are opposed to this cancelation because we feel we have been unfairly treated from the beginning of this process. I have enclosed the letter in which we requested the public deliberation to be held immediately after the appeal. I will not repeat those reasons again.

We did not know the Hock's had hired an attorney, it is our understanding they did not have one up to today. They are using a medical excuse that their lawyer took ill today. Another lawyer from the same practice called us today with this notice of intent to postpone the appeals hearing. This will put us in a difficult situation and will further delay our plans. We have made arrangements to have both our disabled daughter miss school as well as therapy to attend this hearing. Our structural engineer and architect have also been scheduled to attend. We have not hired a lawyer as we are trying to make this a simpler process and quite frankly, to avoid excessive attorney fees.

Keep in mind that the county was negligent in notifying us in a timely matter that an appeal was made by the Hock's. This was done on December 13, 2010 and the county did not see fit to notify us until February 15<sup>m</sup>. Also, the Hock's agreed to the variance at the first hearing after we made changes to our plan. We already have substantial sums invested based on the granted variance. To further delay this would be an undue burden on us. The Hock's made this appeal five months ago and has had ample time to prepare. We were approved for this variance on November 30, 2011. If this hearing and public deliberation are delayed we would be looking at six months plus to have this matter rectified.

To ask for a delay less than 48 hours before the hearing due to a medical condition of a lawyer that has not had his name on any correspondence mailed to the county or the appeals board strikes me as suspicious.

We respectfully ask that the Hock's request for a postponement be denied.

Best Regards,

  
Ed O'Keefe

3-5-1

COHB

11-114-A

4/20

**Pet for Var**

- height 50' illo 35' [MOD 47' Height]
- front yd setback 36' to c/L Road - [MOD TO 35' f c/L (23' f row)]
- side yd setback 6' - [MOD TO 10' to]
- lot coverage of 25% -

PROPOSED SETTLE

Pkg pad mod from R to L side of Lot

65' Set back for rear/63'

Moving boat

No Permanent Residence

5' smaller house

ft print  
1834 sq ft

3- Appears accorn meets req of law

& Subject to Revised Site Plan

Unless q raised at that time -

Bd will review & approve settle

1- Agree

5- Agree

Holzer to review 1st then Bd

COHB

11-114-A

6/8/11

~ Re: status &

Sterling

~ Carroll ~ Schultzy

waiting minor changes to plan

& will want to put agree  
on record

Microsoft Access

File Edit View Insert Format Records Tools Window Help

GenInputFrm\_View : Form

## ZONING CASE HISTORY DATABASE (1939 - PRESENT)

**GIS Attribute Table ID (SEARCH ON THIS FIELD):** 20110114 **Case Type Prefix:** **Case Year:** 2011 **Case Number:** 0114 **Case Type Suffix:** A **Existing Use:** Commercial

**Legal Owners/Petitioner (SEARCH ON THIS FIELD):** Thomas A. White

| House/St. Number: | House/Street Number Range: | House/St. No. Suffix: | Prefix Dir.: | Pre. Type: | Street Name (SEARCH ON THIS FIELD): | Suf. Type: | Suffix Dir.: | Suite/Apt./Unit Number: |
|-------------------|----------------------------|-----------------------|--------------|------------|-------------------------------------|------------|--------------|-------------------------|
| 3939              |                            |                       |              |            | New Section                         | Rd         |              |                         |

**Property Description (SEARCH ON THIS FIELD):**  
South side of New Section Road; 900 feet north east of the centerline of Seneca Road.

Existing Zoning Classification: RC-5 Area: 0.195 Acre Election District: 15th Councilmanic District: 6th

Critical Area: YES Floodplain: YES Historic Area: NO Prior Zoning Cases:

Violation Cases: Concurrent Cases:

Tax Account ID: Deed Liber #: Deed Folio #: Miscellaneous Notes:

Find Record Next Record Previous Record Preview ZAC Agenda Report Open MS Word Exit Access Scanned Image

Record: 22476 of 26209

Form View

start No... QV... Mic... htt... Mic... 2:04 PM

CASE NAME COHR LLC  
CASE NUMBER 2011-014-A  
DATE 11-12-10

[illegible]

CASE NAME COHB LLC  
CASE NUMBER 2011-014-A  
DATE 11-12-10

CASE NAME COHB LLC  
CASE NUMBER 2011-014-A  
DATE 11-12-10

CASE NAME COHB LLC  
CASE NUMBER 2011-014-A  
DATE 11-12-10

[illegible]

Case No.: 2011-0114-A 3939 NEW SECTION ROAD

Exhibit Sheet

Petitioner/Developer

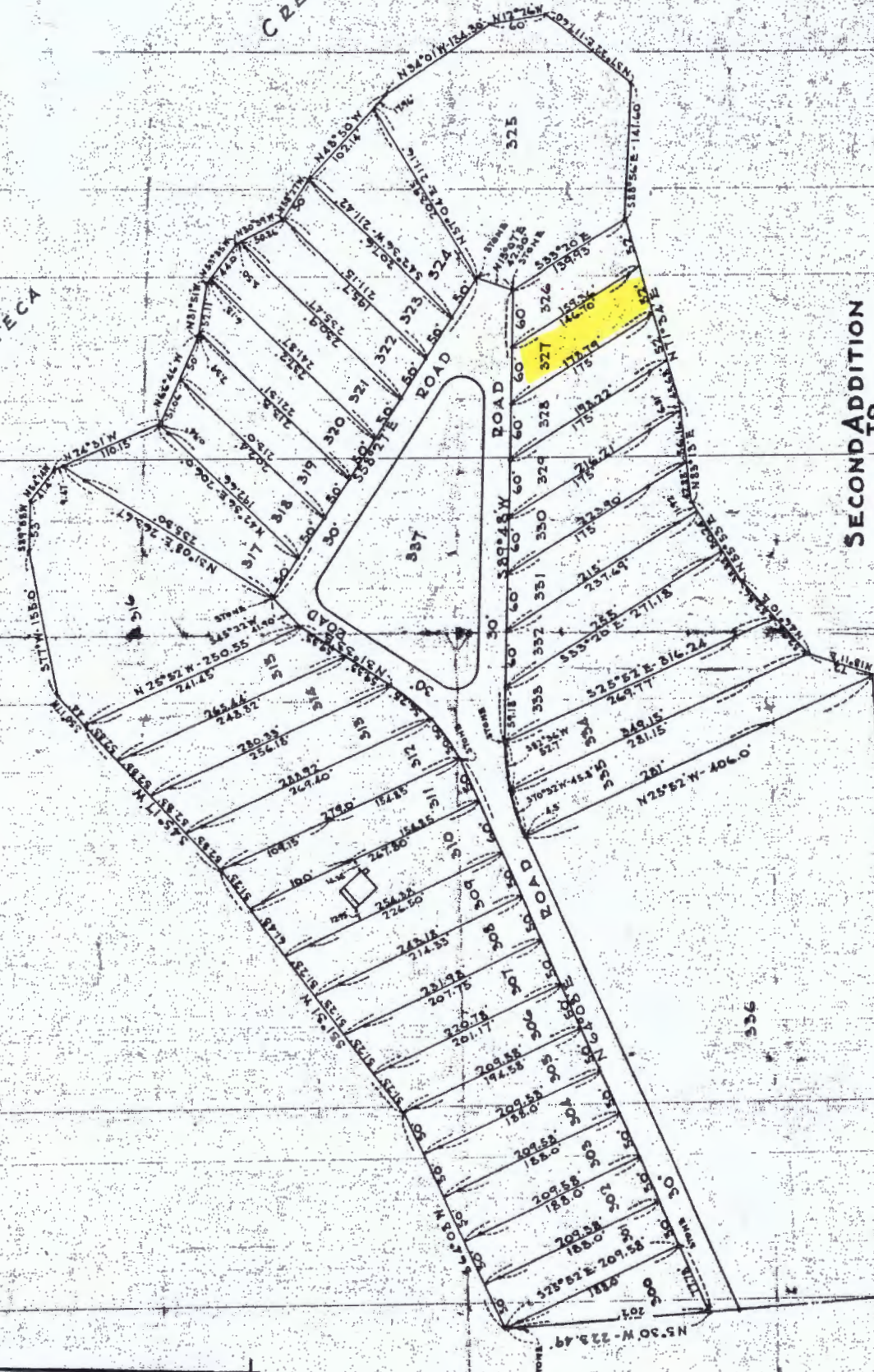
Protestant

|        |                                      |                                      |
|--------|--------------------------------------|--------------------------------------|
| No. 1  | AMENDED<br>SITE PLAN                 | Photographs - Existing<br>CONDITIONS |
| No. 2  | Record Plat                          |                                      |
| No. 3  | Aerial Photo<br>CIRCA 2000           |                                      |
| No. 4  | FLOOD MAP                            |                                      |
| No. 5  | <del>HEIGHT</del> <del>DIAGRAM</del> |                                      |
| No. 6  |                                      |                                      |
| No. 7  |                                      |                                      |
| No. 8  |                                      |                                      |
| No. 9  |                                      |                                      |
| No. 10 |                                      |                                      |
| No. 11 |                                      |                                      |
| No. 12 |                                      |                                      |



SENECA

CREEK



SECOND ADDITION  
TO  
PLAT NO. 2  
BOWLEYS QUARTERS

CIRCLES DENOTE STAKES  
SCALE 1"=100' JUNE 6, 1931.  
E. Y. COONAN & CO.  
SURVEYORS & CIVIL ENGINEERS  
231 ST. PAUL PLACE  
BALTO. MD.

PETITIONER'S

2

EXHIBIT NO.

3939 New Section Rd.

-95-156 2136- 2467

Red

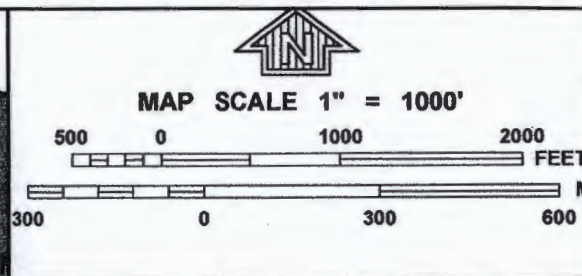
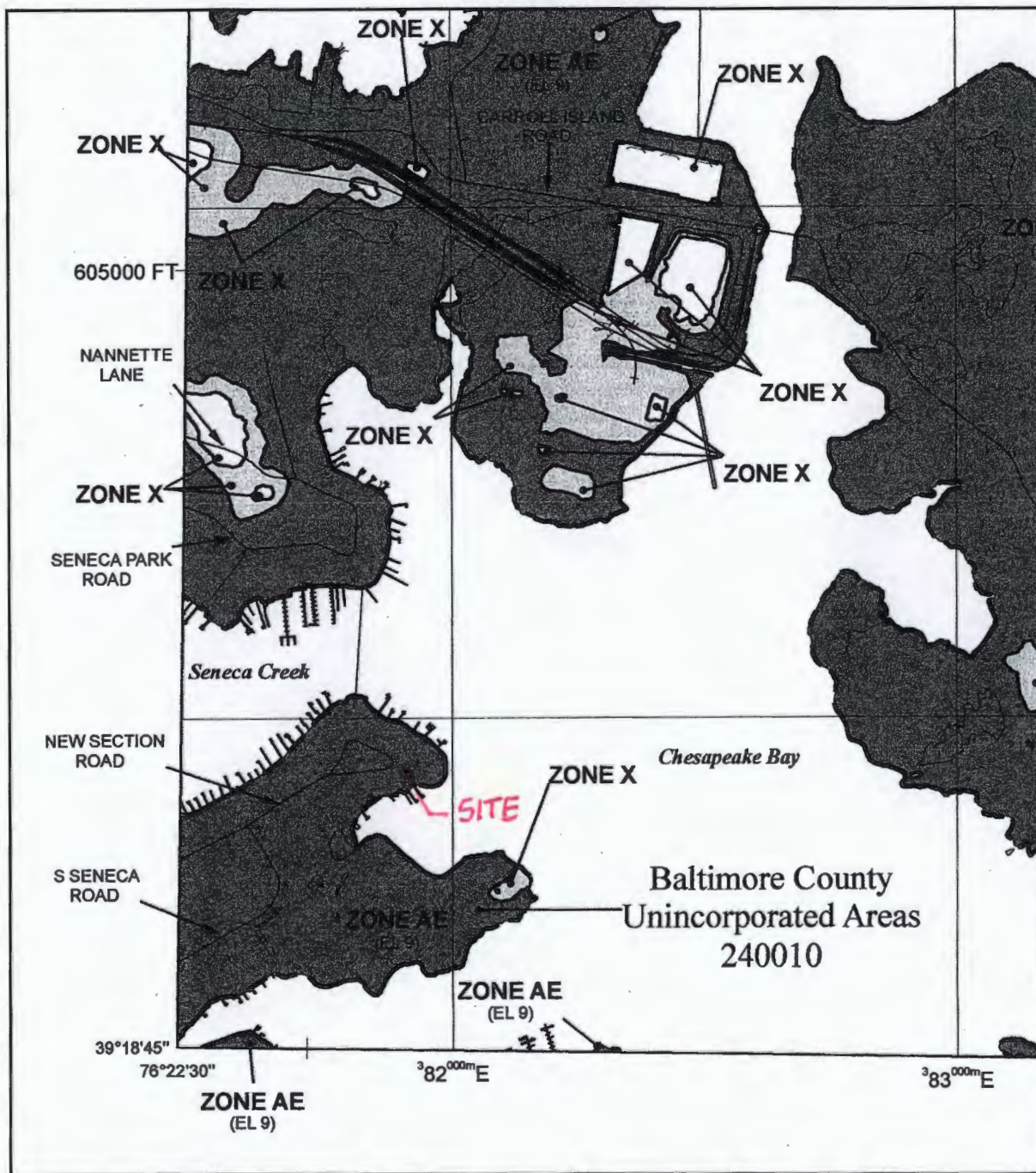
Baltimore County - My Neighborhood



3939 New Section Road

PETITIONER'S

EXHIBIT NO. 3



NFIP

PANEL 0455F

**FIRM**

**FLOOD INSURANCE RATE MAP**

**BALTIMORE COUNTY  
MARYLAND  
UNINCORPORATED AREAS**

**PANEL 455 OF 580**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

| COMMUNITY        | NUMBER | PANEL | SUFFIX |
|------------------|--------|-------|--------|
| BALTIMORE COUNTY | 240010 | 0455  | F      |

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



**MAP NUMBER  
2400100455F**

**MAP REVISED  
SEPTEMBER 26, 2008**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may be made to the map after the date of this title block. For the latest Program flood maps che

**PETITIONER'S**

**EXHIBIT NO.**

4

RD.

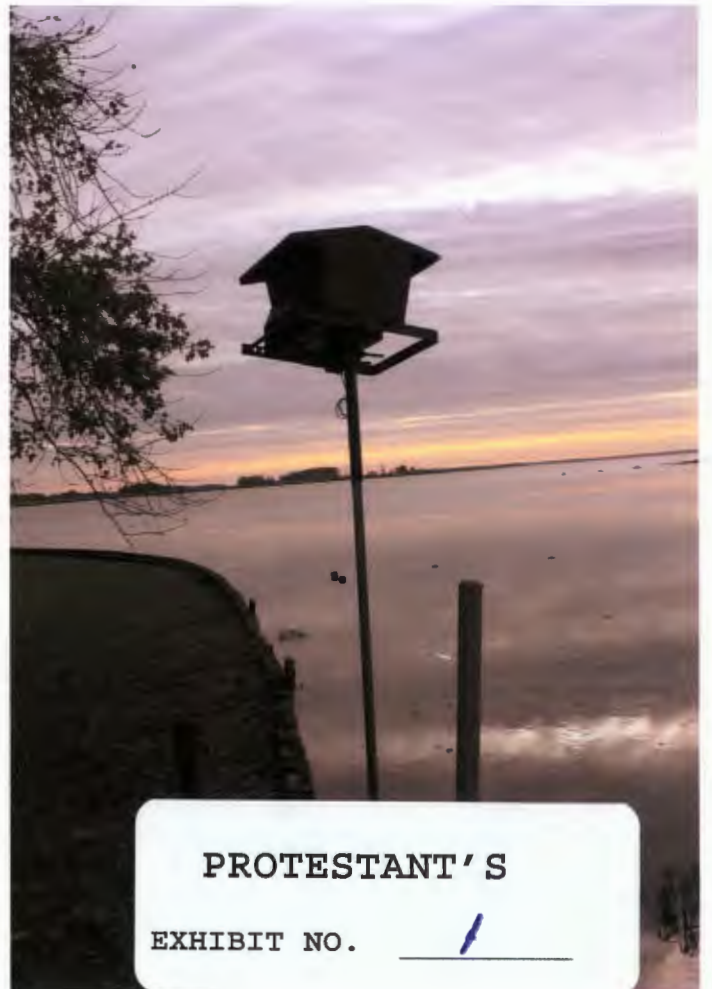
Case No.: 2011-0114-A 3939 NEW SECTION ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                            |                                      |
|--------|----------------------------|--------------------------------------|
| No. 1  | AMENDED<br>SITE PLAN       | Photographs - Existing<br>CONDITIONS |
| No. 2  | Record Plat                |                                      |
| No. 3  | Aerial Photo<br>CIRCA 2000 |                                      |
| No. 4  | FLOOD MAP                  |                                      |
| No. 5  | <del>HEIGHT DIAGRAM</del>  |                                      |
| No. 6  |                            |                                      |
| No. 7  |                            |                                      |
| No. 8  |                            |                                      |
| No. 9  |                            |                                      |
| No. 10 |                            |                                      |
| No. 11 |                            |                                      |
| No. 12 |                            |                                      |



PROTESTANT'S

EXHIBIT NO. 1





# ZONING NOTICE

CASE # 2011-0114-A

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

COUNTY OFFICE BUILDING ROOM 106  
111 WEST CHESAPEAKE AVENUE  
PLACE: TOWSON MD 21204

DATE AND TIME: NOV. 12, 2010 @ 11:00 AM  
FRIDAY

**REQUEST: VARIANCE** : TO ALLOW A BUILDING  
LIEU OF THE MINIMUM REQUIRED 35 FEET; TO ALLOW A  
FRONT YARD SETBACK OF 36 FEET TO THE CENTERLINE OF  
OF THE ROAD IN LIEU OF THE MINIMUM REQUIRED 75 FEET  
SIDE YARD SETBACKS OF 6 FEET FOR BOTH SIDES IN LIEU OF  
THE MINIMUM REQUIRED 50 FEET; TO ALLOW A LOT  
COVERAGE OF 21.5 PERCENT IN LIEU OF THE  
MAXIMUM ALLOWED 15 PERCENT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**





# ZONING NOTICE

CASE # 2011-0114-A

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

COUNTY OFFICE BUILDING ROOM 106  
111 WEST CHESAPEAKE AVENUE  
PLACE: TOWSON MD 21204

DATE AND TIME: FRIDAY NOV. 12, 2010 @ 11:00 AM

REQUEST: VARIANCE TO ALLOW A BUILDING  
HEIGHT OF 50 FEET IN  
LIEU OF THE MINIMUM REQUIRED 35 FEET; TO ALLOW A  
FRONT YARD SETBACK OF 36 FEET TO THE CENTERLINE OF  
THE ROAD IN LIEU OF THE MINIMUM REQUIRED 75 FEET  
SIDE YARD SETBACKS OF 6 FEET FOR BOTH SIDES IN LIEU OF  
THE MINIMUM REQUIRED 50 FEET; TO ALLOW A LOT  
COVERAGE OF 21.5 PERCENT IN LIEU OF THE  
MAXIMUM ALLOWED 15 PERCENT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW





Photo 1<sup>st</sup>



photo #2



Photo # 3

Photo #4



Photo # 5



Case No: 11-114-ACase Name: COHBLB

## Exhibit List

Party: PetitionerDate: 4/20/11

| Exhibit No:    | Description:                                   |
|----------------|------------------------------------------------|
| 1              | Site Plan/Revised                              |
| <del>2</del> 1 | To be submitted & included - Revised Site Plan |
|                | → Revised Site Plan 7/26/11                    |
|                | Unfiled 7/26/11 - placed                       |
|                | with Order                                     |
|                | ts                                             |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                |                                                |
|                | VERIFIED BY <u>ts</u> DATE: <u>4/20/11</u>     |

Joint  
Exhibit  
✓

Case No: 11-114 A

Case Name: COHB LLC

## Exhibit List

Party: Respondent / Hode

Date: 4/20/11

[illegible]

GENERAL NOTES:

- EXISTING ZONING: RC-5.
- GROSS AREA: 8,495 S.F.± = 0.195 AC.±  
NET AREA: 8,495 S.F.± = 0.195 AC.±
- 200 SCALE ZONING MAP NO. 091C3.
- THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
- TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
- THIS LOT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
- OWNER INFORMATION:  
COHB, LLC  
MAILING ADDRESS: 2807 HADDAWAY WAY  
ABINGDON, MD 21009  
DEED REFERENCE: 20866/137  
TAX ACCT.# 1502005010  
TAX MAP 91, GRID 24, PARCEL 99
- THIS SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE LIES ENTIRELY WITHIN A 100-YEAR FLOODPLAIN. THIS SITE LIES WITHIN FLOOD ZONE AE(EL 9) 10 AS PER FIRM PANEL NO. 2400100455F DATED SEPTEMBER 26, 2008.
- THIS SITE IS NOT HISTORIC.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO ZONING VIOLATIONS.
- THE OWNER OF THIS PARCEL DOES NOT OWN ANY CONTIGUOUS PROPERTIES.
- NEITHER NEW SECTION ROAD NOR BOWLEYS QUARTERS ROAD ARE COLLECTOR STREETS. THEREFORE, UNDER RC-5 BULK REGULATIONS, THE REQUIRED FRONT BUILDING SETBACK IS 75' TO THE CENTER OF THE PUBLIC ROAD.
- ALL EXISTING IMPERVIOUS AREAS ON-SITE ARE TO BE REMOVED.

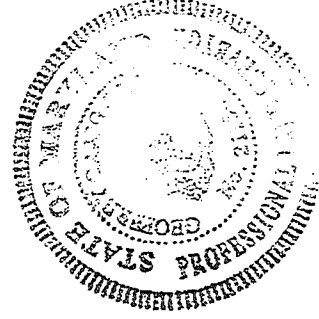
COHB, LLC  
MAILING ADDRESS: 2807 HADDAWAY WAY  
ABINGDON, MD 21009  
DEED REFERENCE: 20866/137  
TAX ACCT.# 1502005010  
TAX MAP 91, GRID 24, PARCEL 99

- THIS SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE LIES ENTIRELY WITHIN A 100-YEAR FLOODPLAIN. THIS SITE LIES WITHIN FLOOD ZONE AE(EL 9) 10 AS PER FIRM PANEL NO. 2400100455F DATED SEPTEMBER 26, 2008.

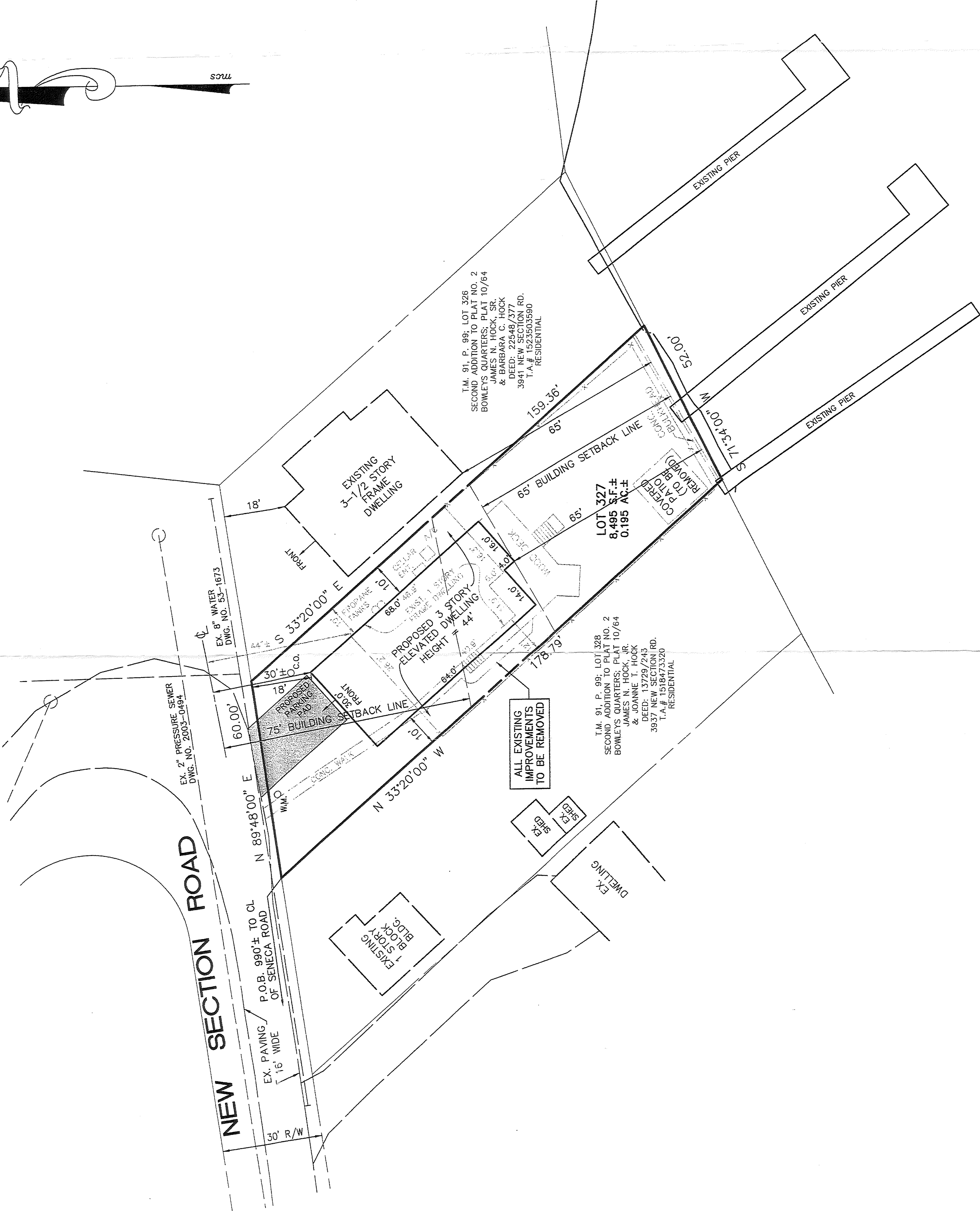
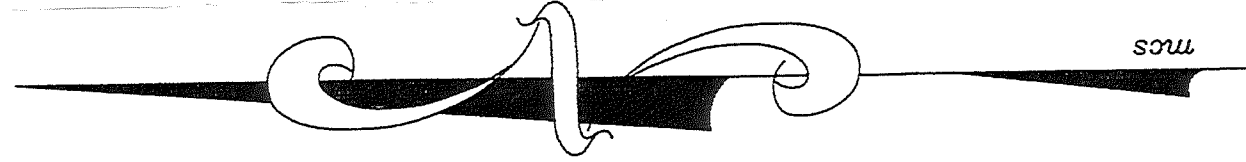
- THIS SITE IS NOT HISTORIC.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO ZONING VIOLATIONS.
- THE OWNER OF THIS PARCEL DOES NOT OWN ANY CONTIGUOUS PROPERTIES.
- NEITHER NEW SECTION ROAD NOR BOWLEYS QUARTERS ROAD ARE COLLECTOR STREETS. THEREFORE, UNDER RC-5 BULK REGULATIONS, THE REQUIRED FRONT BUILDING SETBACK IS 75' TO THE CENTER OF THE PUBLIC ROAD.
- ALL EXISTING IMPERVIOUS AREAS ON-SITE ARE TO BE REMOVED.

CRITICAL AREA NOTES:

- GROSS AREA OF SITE (PLAT)= 8,495 S.F./0.195 AC.+/-
- NET AREA OF SITE = 8,495 S.F. /0.195 AC+/-
- CRITICAL AREA DESIGNATION = LDA
- LOT COVERAGE PERMITTED = 2,654 S.F. (31.25%)
- EXISTING IMPERVIOUS AREA = 2,572 S.F.
- IMPERVIOUS AREA TO BE REMOVED = 2,572 S.F.
- PROPOSED IMPERVIOUS HOUSE  
PARKING PAD 670 S.F.  
TOTAL 2,654 S.F.
- PROPOSED LOT COVERAGE = 2,654 S.F. (31.25%)
- PROPOSED PLANTING: IN ACCORDANCE WITH C.B.C.A. REGULATIONS
- EXISTING VEGETATION SHALL BE RETAINED TO THE MAXIMUM EXTENT POSSIBLE.
- MAXIMUM BUILDING COVERAGE ALLOWED (RC-5) = 1,274 S.F. (15%)
- PROPOSED BUILDING COVERAGE = 1,984 S.F. (23.4%)



11/27/10



T.M. 91, P. 99, LOT 328  
SECOND ADDITION TO PLAT NO. 2  
BOWLEYS QUARTERS; PLAT 10/64  
JAMES N. HOOK, SR.  
& BARBARA C. HOOK  
DEED: 22548/2177  
3941 NEW SECTION RD.  
T.A.# 1523503290  
RESIDENTIAL

T.M. 91, P. 99, LOT 328  
SECOND ADDITION TO PLAT NO. 2  
BOWLEYS QUARTERS; PLAT 10/64  
JAMES N. HOOK, SR.  
& BARBARA C. HOOK  
DEED: 13729/243  
3937 NEW SECTION RD.  
T.A.# 1515433240  
RESIDENTIAL

ALL EXISTING  
IMPROVEMENTS  
TO BE REMOVED

EXISTING  
DWELLING

EXISTING  
BLOCK  
HOUSE

EXISTING  
3-1/2 STORY  
FRAME  
DWELLING

NEW SECTION ROAD

NEW SECTION ROAD

EX. 4" PRESSURE SEWER  
D.W.G. NO. 2003-0494

EX. 8" WATER  
D.W.G. NO. 53-1073

EX. 16" WIDE  
P.O.B. 980'± TO CL  
OF SENECA ROAD

EX. 16" WIDE  
P.O.B. 980'± TO CL  
OF SENECA ROAD

EX. 16" WIDE  
P.O.B. 980'± TO CL  
OF SENECA ROAD

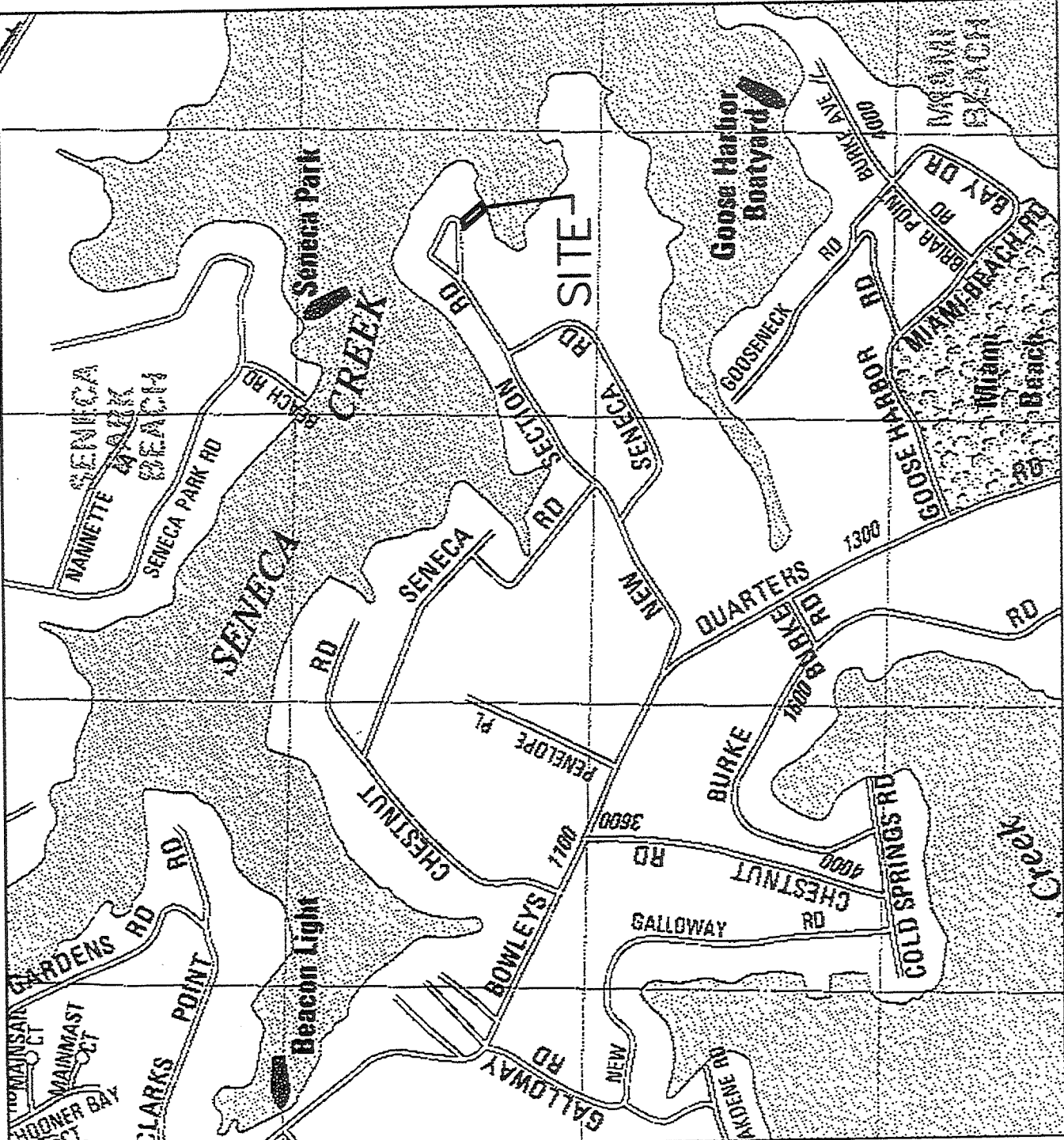
EX. 16" WIDE  
P.O.B. 980'± TO CL  
OF SENECA ROAD

EX. 16" WIDE  
P.O.B. 980'± TO CL  
OF SENECA ROAD

EX. 16" WIDE  
P.O.B. 980'± TO CL  
OF SENECA ROAD

VICINITY MAP

SCALE: 1"= 1000'



COPYRIGHT ADC THE MAP PEOPLE PERMITTED USE NUMBER 20402136

NOTE:

THE PROPERTY AS SHOWN ON  
THIS PLAT WAS CREATED ON  
JANUARY 25, 1933.  
PROPERTY TAX RECORDS  
INDICATE THE EXISTING DWELLING  
WAS BUILT IN 1957.

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
#3939 NEW SECTION ROAD

LOT 327  
SECOND ADDITION OF PLAT NO. 2  
BOWLEYS QUARTERS  
PLAT BOOK 10, PAGE 64

6TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
15TH ELECTION DISTRICT  
DATE: NOVEMBER 15, 2010  
SCALE: 1"= 20'

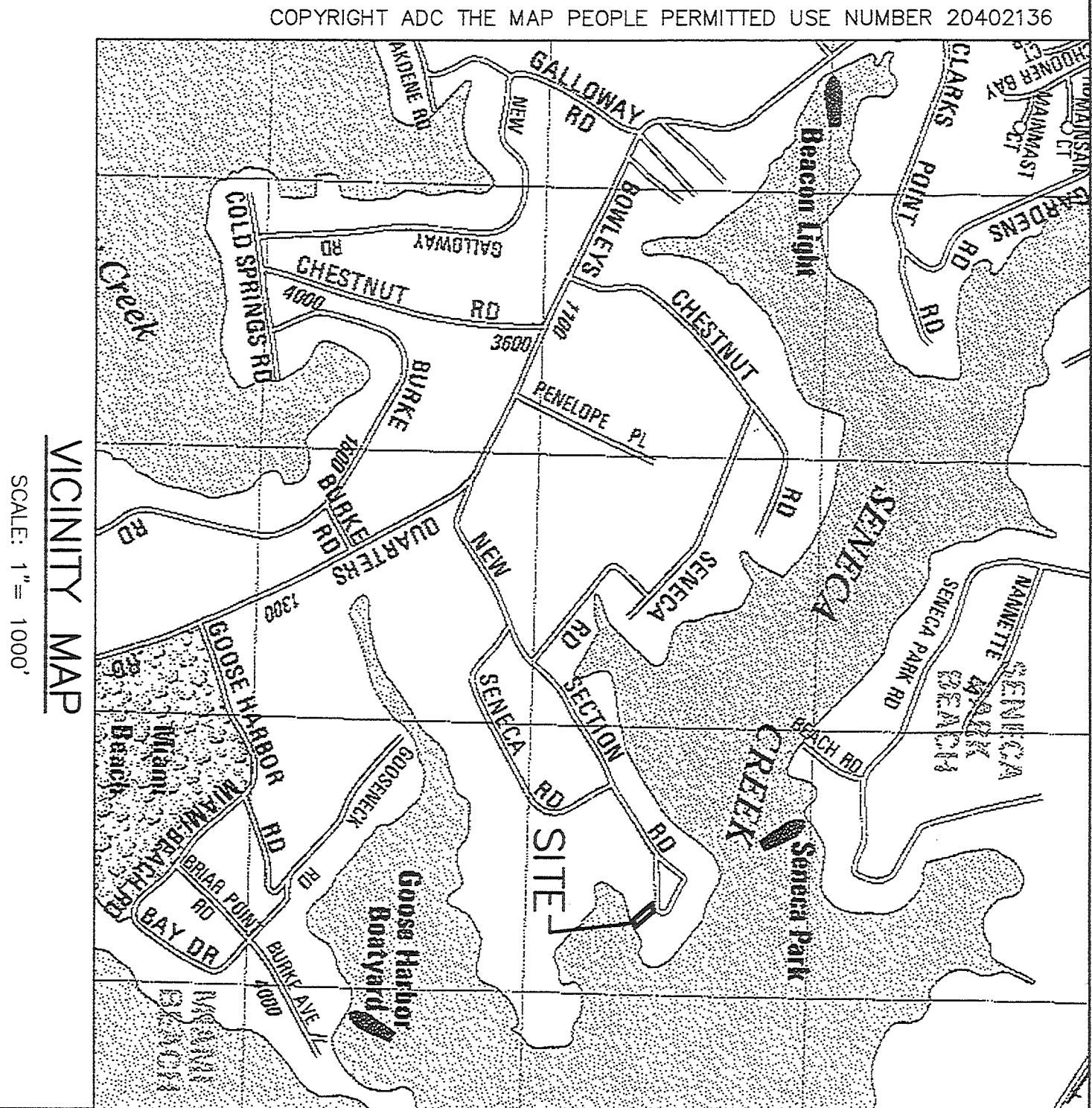
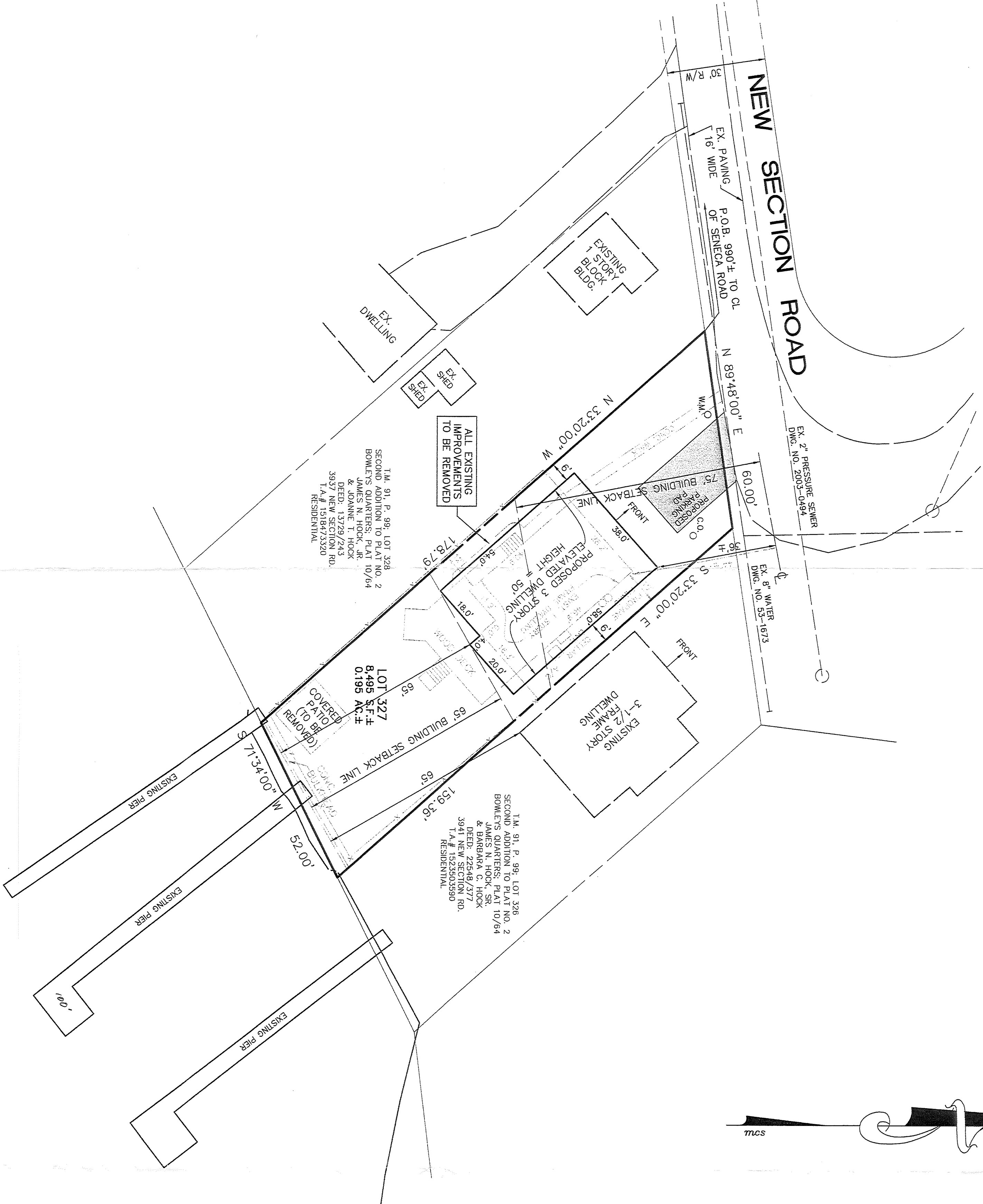
Ref # 11-114-A

GENERAL NOTES:

1. EXISTING ZONING: RC-5.
2. GROSS AREA: 8,495 S.F.± = 0.195 AC.±  
NET AREA: 8,495 S.F.± = 0.195 AC.±
3. 200 SCALE ZONING MAP NO. 091C3.
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
6. THIS LOT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
7. OWNER INFORMATION:  
COHB, LLC  
MAILING ADDRESS: 2807 HADDAWAY WAY  
ABINGDON, MD 21009  
DEED REFERENCE: 20866/137  
TAX ACCT # 1502005010  
TAX MAP 91, GRID 24, PARCEL 99
8. THIS SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
9. THIS SITE LIES ENTIRELY WITHIN A 100-YEAR FLOODPLAIN. THIS SITE LIES WITHIN FLOOD ZONE AE(EL 9) 10 AS PER FIRM PANEL NO. 2400100455F DATED SEPTEMBER 26, 2008.
10. THIS SITE IS NOT HISTORIC.
11. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO ZONING VIOLATIONS.
12. THE OWNER OF THIS PARCEL DOES NOT OWN ANY CONTIGUOUS PROPERTIES.
13. NEITHER NEW SECTION ROAD NOR BOWLEYS QUARTERS ROAD ARE COLLECTOR STREETS. THEREFORE, UNDER RC-5 BULK REGULATIONS, THE REQUIRED FRONT BUILDING SETBACK IS 75 TO THE CENTER OF THE PUBLIC ROAD.
14. ALL EXISTING IMPERVIOUS AREAS ON-SITE ARE TO BE REMOVED.

CRITICAL AREA NOTES:

1. GROSS AREA OF SITE (PLAT)= 8,495 S.F./0.195 AC.±/-
2. NET AREA OF SITE = 8,495 S.F. /0.195 AC.±/-
3. CRITICAL AREA DESIGNATION = LDA
4. LOT COVERAGE PERMITTED = 2,654 S.F. (31.25%)
5. EXISTING IMPERVIOUS AREA = 2,572 S.F.
6. IMPERVIOUS AREA TO BE REMOVED = 2,572 S.F.
7. PROPOSED IMPERVIOUS  
HOUSE 2,132 S.F.  
PARKING PAD 2,522 S.F.  
TOTAL 2,654 S.F.
8. PROPOSED LOT COVERAGE = 2,654 S.F. (31.25%)
9. PROPOSED PLANTING: IN ACCORDANCE WITH C.B.C.A. REGULATIONS
10. EXISTING VEGETATION SHALL BE RETAINED TO THE MAXIMUM EXTENT POSSIBLE.
11. MAXIMUM BUILDING COVERAGE ALLOWED (RC-5) = 1,274 S.F. (15%)
12. PROPOSED BUILDING COVERAGE = 2,132 S.F. (25.1%)



NOTE:  
THE PROPERTY AS SHOWN ON THIS PLAT WAS CREATED ON JANUARY 25, 1933.  
PROPERTY TAX RECORDS INDICATE THE EXISTING DWELLING WAS BUILT IN 1957.

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
#3939 NEW SECTION ROAD

LOT 327  
SECOND ADDITION OF PLAT NO. 2  
BOWLEYS QUARTERS  
PLAT BOOK 10, PAGE 64  
6TH COUNCILMANIC DISTRICT

15TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND  
DATE: AUGUST 24, 2010

PETITIONER'S  
EXHIBIT NO. 1

*Don Arnold*  
2-11-11  
11/15/10

MCKEE & ASSOCIATES, INC.  
Engineering - Land Planning - Land Surveying  
5 SHAWAN ROAD, Suite 1  
COCKEYSVILLE, MARYLAND 21030  
TELEPHONE: (410) 527-1555  
FACSIMILE: (410) 527-1553



GEOFFREY C. SCHULTZE  
PROFESSIONAL LAND SURVEYOR, No. 21154

DATE 9/23/10

SHEET 1 OF 1

COMPUTED BY:

DRAWN BY: JMB

CHECKED BY:

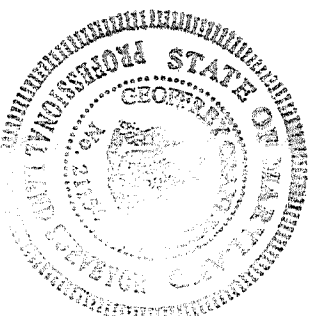
JOB No.-09-064

GENERAL NOTES:

- EXISTING ZONING: RC-5.
- GROSS AREA: 8,495 S.F.± = 0.195 AC.±  
NET AREA: 8,495 S.F.± = 0.195 AC.±
- 200 SCALE ZONING MAP NO. 091C3.
- THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
- TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
- THIS LOT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
- OWNER INFORMATION:  
COHB, LLC  
MAILING ADDRESS: 2807 HADDAMWAY WAY  
ABINGDON, MD 21009  
DEED REFERENCE: 20866/137  
TAX ACCT.# 1502005010  
TAX MAP 91, GRID 24, PARCEL 99
- THIS SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE LIES ENTIRELY WITHIN A 100-YEAR FLOODPLAIN. THIS SITE LIES WITHIN FLOOD ZONE AE(EL 9) 10 AS PER FIRM PANEL NO. 2400100455F DATED SEPTEMBER 26, 2008.
- THIS SITE IS NOT HISTORIC.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO ZONING VIOLATIONS.
- THE OWNER OF THIS PARCEL DOES NOT OWN ANY CONTIGUOUS PROPERTIES.
- NEITHER NEW SECTION ROAD NOR BOWLEY'S QUARTERS ROAD ARE COLLECTOR STREETS. THEREFORE, UNDER RC-5 BULK REGULATIONS, THE REQUIRED FRONT BUILDING SETBACK IS 75' TO THE CENTER OF THE PUBLIC ROAD.
- ALL EXISTING IMPERVIOUS AREAS ON-SITE ARE TO BE REMOVED.

CRITICAL AREA NOTES:

- GROSS AREA OF SITE (PLAT) = 8,495 S.F./0.195 AC.±/-
- NET AREA OF SITE = 8,495 S.F./0.195 AC.±/-
- CRITICAL AREA DESIGNATION = LDA
- LOT COVERAGE PERMITTED = 2,654 S.F. (31.25%)
- EXISTING IMPERVIOUS AREA = 2,572 S.F.
- IMPERVIOUS AREA TO BE REMOVED = 2,572 S.F.
- PROPOSED IMPERVIOUS  
HOUSE 1,984 S.F.  
PARKING PAD 670 S.F.  
TOTAL 2,654 S.F.
- PROPOSED LOT COVERAGE = 2,654 S.F. (31.25%)
- PROPOSED PLANTING: IN ACCORDANCE WITH C.B.C.A. REGULATIONS
- EXISTING VEGETATION SHALL BE RETAINED TO THE MAXIMUM EXTENT POSSIBLE.
- MAXIMUM BUILDING COVERAGE ALLOWED (RC-5) = 1,274 S.F. (15%)
- PROPOSED BUILDING COVERAGE = 1,984 S.F. (23.4%)



MCKEE & ASSOCIATES, INC.

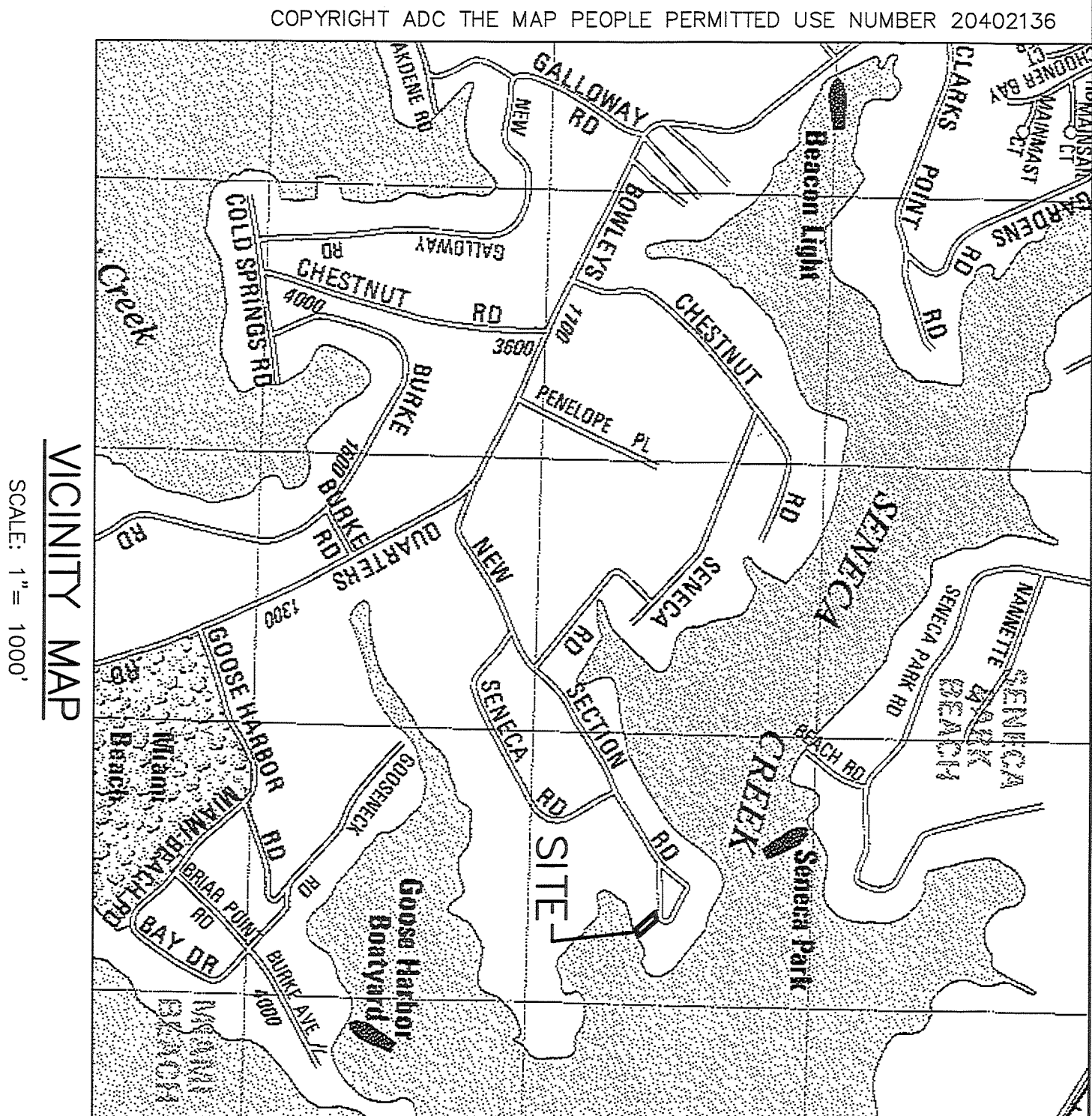
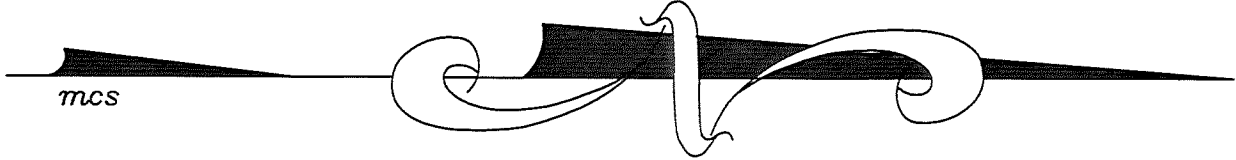
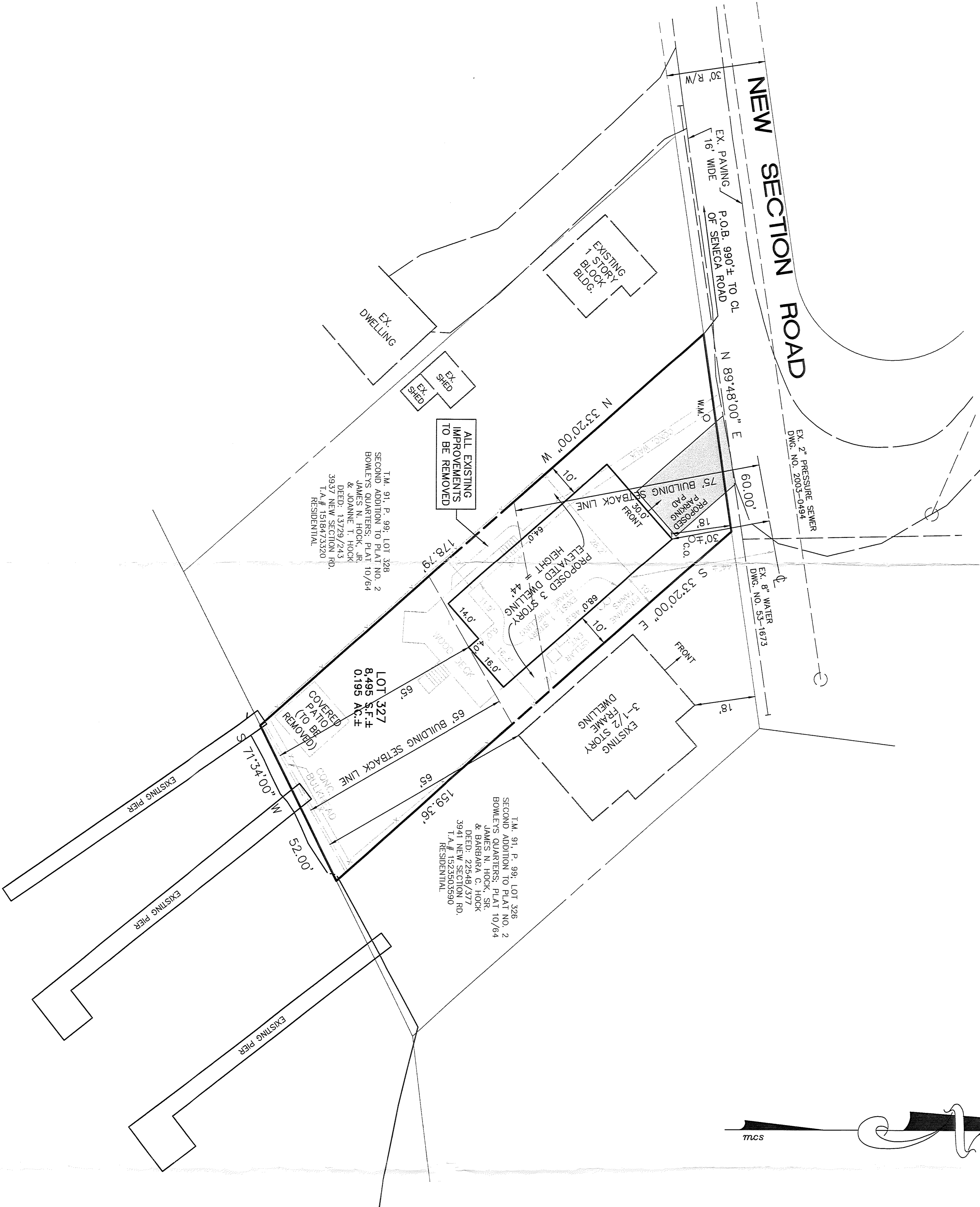
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development

5 SHAWAN ROAD, Suite 1 COOKESVILLE, MARYLAND 21030  
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

GEORGEY C. SCHULTZ  
PROFESSIONAL LAND SURVEYOR, No. 21154

DATE



NOTE:

THE PROPERTY AS SHOWN ON THIS PLAT WAS CREATED ON JANUARY 25, 1933. PROPERTY TAX RECORDS INDICATE THE EXISTING DWELLING WAS BUILT IN 1957.

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
#3939 NEW SECTION ROAD

LOT 327  
SECOND ADDITION OF PLAT NO. 2  
BOWLEY'S QUARTERS  
PLAT BOOK 10, PAGE 64  
6TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
DATE: NOVEMBER 15, 2010  
SCALE: 1" = 20'

PETITIONER'S

EXHIBIT NO.

Consolidated Plan

SHEET 1 OF 1

COMPUTED BY:

DRAWN BY: JMB

CHECKED BY:

JOB NO. 09-064

GENERAL NOTES:

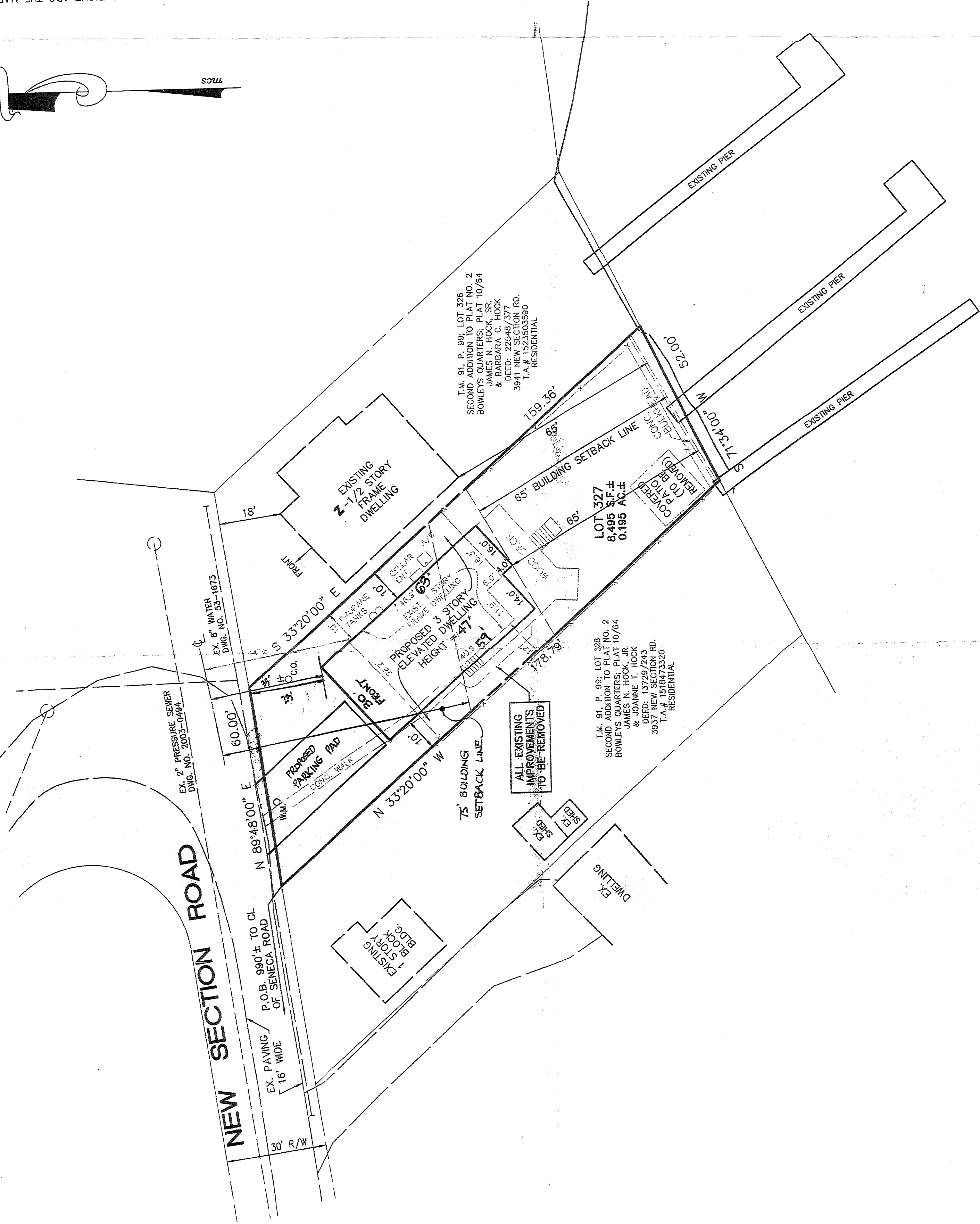
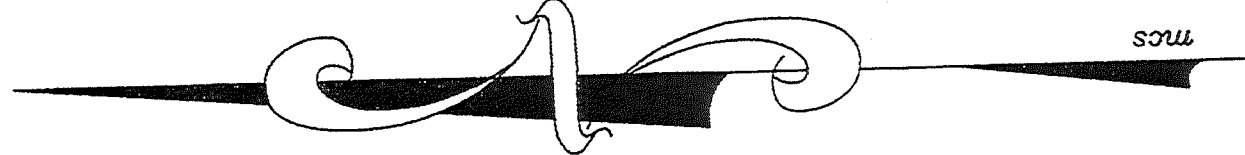
- EXISTING ZONING: RC-5.
- GROSS AREA: 8,495 S.F.± = 0.195 AC.±  
NET AREA: 8,495 S.F.± = 0.195 AC.±
- 200 SCALE ZONING MAP NO. 091C3.
- THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
- TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
- THIS LOT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
- OWNER INFORMATION:  
COHB, LLC  
MAILING ADDRESS: 2807 HADDAWAY WAY  
ABINGDON, MD 21009  
DEED REFERENCE: 20866/137  
TAX ACCT. # 1502005010  
TAX MAP 91, GRID 24, PARCEL 99
- THIS SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE LIES ENTIRELY WITHIN A 100-YEAR FLOODPLAIN. THIS SITE LIES WITHIN FLOOD ZONE AE(EL. 9) 10 AS PER FIRM PANEL NO. 2400100455F DATED SEPTEMBER 26, 2008.
- THIS SITE IS NOT HISTORIC.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO ZONING VIOLATIONS.
- THE OWNER OF THIS PARCEL DOES NOT OWN ANY CONTIGUOUS PROPERTIES.
- NEITHER NEW SECTION ROAD NOR BOWLEYS QUARTERS ROAD ARE COLLECTOR STREETS. THEREFORE, UNDER RC-5 BULK REGULATIONS, THE REQUIRED FRONT BUILDING SETBACK IS 75' TO THE CENTER OF THE PUBLIC ROAD.
- ALL EXISTING IMPERVIOUS AREAS ON-SITE ARE TO BE REMOVED.

CRITICAL AREA NOTES:

- GROSS AREA OF SITE (PLAT)= 8,495 S.F./0.195 AC.+/-
- NET AREA OF SITE = 8,495 S.F. /0.195 AC+/-
- CRITICAL AREA DESIGNATION = LDA
- LOT COVERAGE PERMITTED = 2,654 S.F. (31.25%)
- EXISTING IMPERVIOUS AREA = 2,572 S.F.
- IMPERVIOUS AREA TO BE REMOVED = 2,572 S.F.
- PROPOSED IMPERVIOUS  
HOUSE 1034 S.F.  
PARKING PAD 620 S.F.  
TOTAL 2654 S.F.
- PROPOSED LOT COVERAGE = 2,654 S.F. (31.25%)
- EXISTING VEGETATION SHALL BE RETAINED TO THE MAXIMUM EXTENT POSSIBLE.
- MAXIMUM BUILDING COVERAGE ALLOWED (RC-5) = 1,274 S.F. (15%)
- PROPOSED BUILDING COVERAGE = 1034 S.F.
- MAXIMUM BUILDING HEIGHT ALLOWED = 35'
- BUILDING HEIGHT = 47'

**McKEE & ASSOCIATES, INC.**  
Engineering - Land Planning - Land Surveying  
Natural Resource Planning - Real Estate Development  
5 SHAWAN ROAD, Suite 1  
COCKEYSVILLE, MARYLAND 21030  
TELEPHONE: (410) 527-1555  
FACSIMILE: (410) 527-1555

*Geoffrey C. Schulz*  
GEOFFREY C. SCHULZ  
PROFESSIONAL LAND SURVEYOR, No. 21154  
DATE 11/27/10 (REVISED 4/28/2011)



VICINITY MAP

SCALE: 1"= 1000'

NOTE:

THE PROPERTY AS SHOWN ON THIS PLAT WAS CREATED ON JANUARY 25, 1933. PROPERTY TAX RECORDS INDICATE THE EXISTING DWELLING WAS BUILT IN 1957.

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
**#3939 NEW SECTION ROAD**

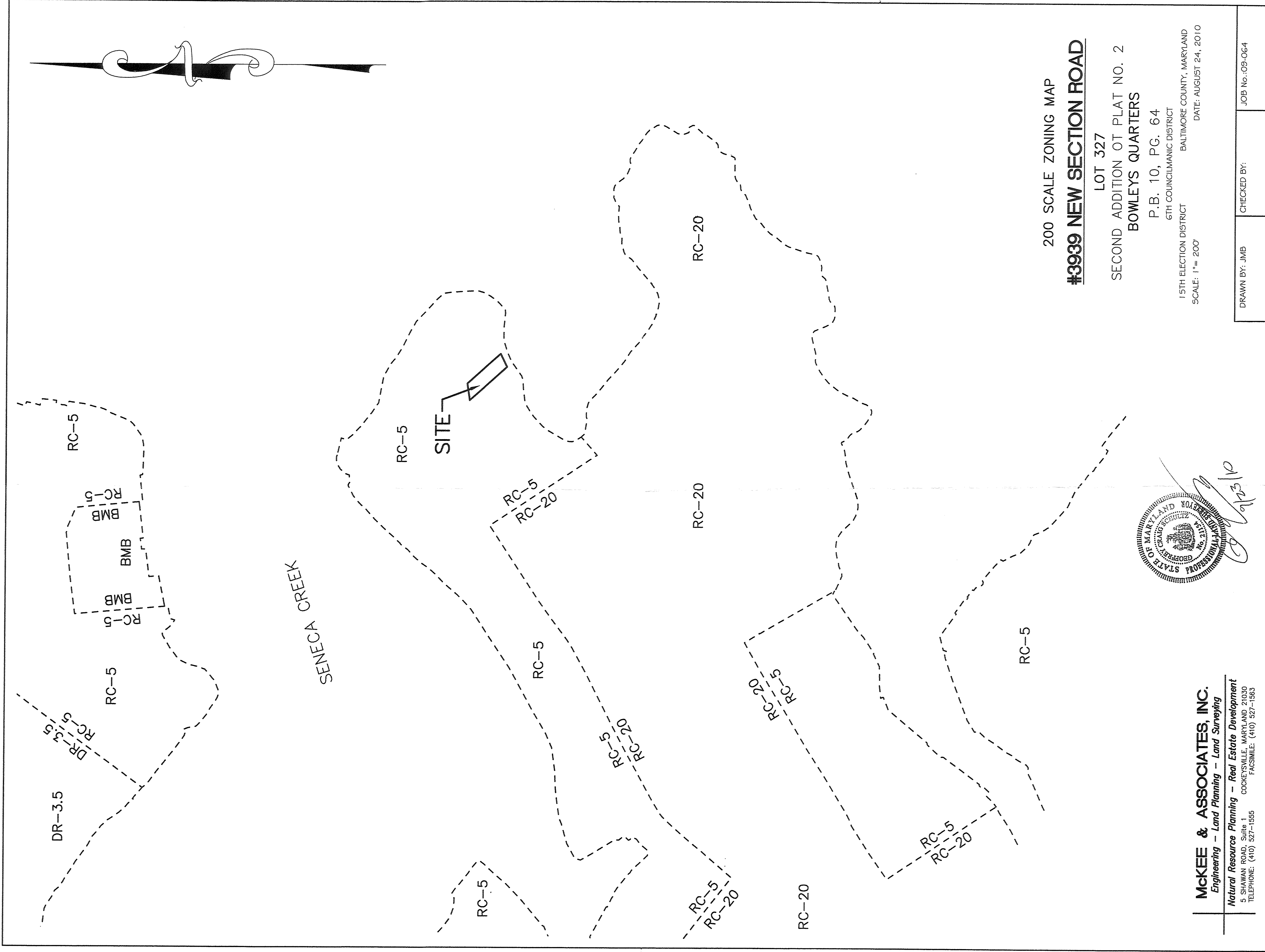
LOT 327  
SECOND ADDITION OF PLAT NO. 2  
BOWLEYS QUARTERS  
PLAT BOOK 10, PAGE 64

15TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
DATE: NOVEMBER 15, 2010  
SCALE: 1"= 20'

\* REVISED 6/20/11  
AS PER AGREEMENT AT  
BOARD OF APPEALS  
HEARING.  
\* REVISED 4/28/2011  
AS PER AGREEMENT AT  
BOARD OF APPEALS  
HEARING.

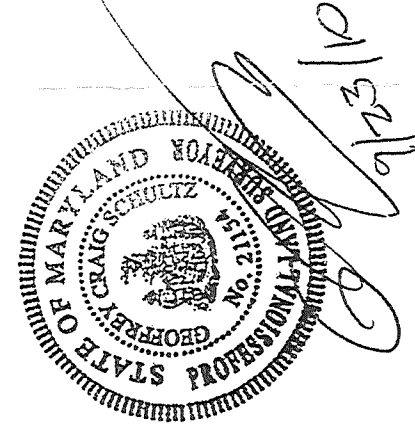
SHEET 1 OF 1  
COMPUTED BY:  
DRAWN BY: JMB  
CHECKED BY:  
JOB No. 09-064

Joint Exhibit #1  
Case No. 11-114-A



200 SCALE ZONING MAP  
**#3939 NEW SECTION ROAD**  
LOT 327  
SECOND ADDITION OT PLAT NO. 2  
BOWLEYS QUARTERS

P.B. 10, PG. 64  
6TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
15TH ELECTION DISTRICT  
SCALE: 1"= 200'  
DATE: AUGUST 24, 2010



**McKEE & ASSOCIATES, INC.**  
*Engineering - Land Planning - Land Surveying*  
**Natural Resource Planning - Real Estate Development**  
5 SHAWAN ROAD, Suite 1  
COCKEYSVILLE, MARYLAND 21030  
TELEPHONE: (410) 527-1555  
FACSIMILE: (410) 527-1553

DRAWN BY: JMB  
CHECKED BY:  
JOB No.:09-064

2011-0114-A