



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 16, 2011

MACK P. AND JOAN C. MCKINLEY
606 SEABROOK ROAD
TOWSON MD 21286

Re: Petition for Administrative Variance
Case No. 2011-0210-A
Property: 606 Seabrook Road

Dear Mr. and Mrs. McKinley:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a light blue horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE

N corner of the intersection of Seabrook Road
and Seabrook Court
9th Election District
5th Councilmanic District
(606 Seabrook Road)

Mack P. and Joan C. McKinley
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0210-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Mack P. and Joan C. McKinley for property located at 606 Seabrook Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 21 feet in lieu of the required 30 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 16 feet x 18 feet to provide additional living space for the family. Due to the interior layout of the dwelling, the addition can only be located and constructed as shown on the site plan. Petitioner's property is irregular in shape. None of the adjacent property owners expressed any concern about the proposal.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 18, 2011 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 2-16-11

By JP

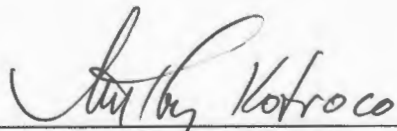
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 16th day of February, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 21 feet in lieu of the required 30 feet for an addition be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 2-16-11 2

By 



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 606 SEABROOK ROAD
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3.C.1; BCZR, TO PERMIT

A REAR YARD SETBACK OF 21 FT IN LIEU OF THE REQUIRED 30 FT. FOR AN ADDITION.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 _____
Date 2-16-11
Address _____ Telephone No. _____
By [Signature] City _____ State _____ Zip Code _____

Legal Owner(s):

Mark P. McKinley
Name - Type or Print _____
[Signature]
Signature _____
Jean C McKinley
Name - Type or Print _____
[Signature]
Signature _____
606 Seabrook Rd 410-832-0178
Address _____ Telephone No. _____
Towson MD 21286
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2011-0210-A

REV 10/25/01

Reviewed By [Signature] Date 1.12.11

Estimated Posting Date 1/23

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

606 Seabrook Rd
Address
Towson MD 21286
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

MORE LIVING SPACE REQUIRED AS PLAY
AREA FOR THE CHILDREN.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Mark P. McKinley, DDS

Signature

Joan C. McKinley

Name - Type or Print

MARK P. MCKINLEY, DDS

Name - Type or Print

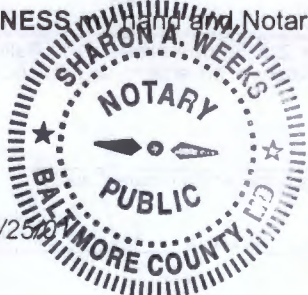
Joan C. McKinley

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of January, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark P. McKinley, DDS & Joan C. McKinley
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my Hand and Notarial Seal



Sharon A. Weeks
Notary Public

My Commission Expires May 1, 2011

Mark P. and Joan C. McKinley

12 January 2011

Zoning Description for 606 Seabrook Road.

Beginning at a point on the East side of Seabrook Road which is 50 feet wide at the distance of 25 feet South of the centerline of the nearest improved intersecting street, Seabrook Court which is 50 feet wide.

Being Lot #18, Block E, Section #South 2-A in the subdivision of Campus Hills as recorded in Baltimore County Plat Book # 22, Folio 22, containing .24 acres. Also known as 606 Seabrook Road and located in the 9th Election District, 5th Councilmanic District.



KEVIN KAMENETZ
County Executive

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

February 3, 2011

Mr. Mack P. & Mrs. Joan C. McKinley
606 Seabrook Road
Towson, MD 21204

Dear: Mr. & Mrs. McKinley

RE: 2011-0210-A; 606 Seabrook Road; Towson, MD 21204

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 12, 2011. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



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: 1/21/2011

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

RE: Baltimore County
Item No 2011-0210-A
606 SEABROOK ROAD
MCKINLEY PROPERTY
ADMIN. VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0210-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster Steven D. Foster, Chief
Access Management Division

SDF/mb



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, Chief
Fire Department

January 14, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **January 18, 2011**



Item No.:

Administrative Variance: 2011-0207, 2011-0210A, 2011-0211A

Special Hearing: 2011-0205-SPH, 2011-0209-SPH

Variance: 2011-0208A, 2011-0212A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Special Hearing / Exception: 2011-0214-SPHX

Comments:

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code dated July 19, 2010 prior to occupancy or the beginning of operation.

Other Comments:

Special Hearing: 2011-0206-SPH - No comments were made due to the plans being missing from the zoning packet.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 04 2011

ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 3, 2011

SUBJECT: Zoning Item # 11-210-A
Address 606 Seabrook Road
(McKinley Property)

Zoning Advisory Committee Meeting of January 18, 2011.

X The Department of Environmental Protection and Sustainability has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 2/3/11

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2011
Item Nos. 2011- 205, 206, 207, 208,
209, 210, 211, 212 and 214

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01242011 -NO COMMENTS.doc



DR 2

PDM # 090711

Pt. Bk./Folio # MP00021

0907470813

070B1

0905150190

Lot # 9

0903330410

Lot # 10

0923505430

Lot # 11

0904002860

Lot # 12

0903370160

Lot # 15

Pt. Bk./Folio # 026064

Pt. Bk. 22, Folio 64

0913858230

703

Lot # 21

0908652880

Pt. Bk./Folio # 022067

Lot # 22

0913404500

Lot # 23

0904201620

SCARLETT DR

0906100880

Lot # 20

0903371610

Lot # 21

0905340330

Lot # 22

0903471521

Lot # 23

0903370150

Lot # 24

711

Lot # 25

0918472530

DR 3.5

0923158150

Lot # 16

700

Pt. Bk./Folio # 022066

NE 10-B

5 CD

0904201630

Lot # 15

0919511830

Lot # 30

603

070B2

703

0903475520

Pt. Bk. 22, Folio 66

Lot # 14

705

Lot # 13

0902855350

601

0908798000

Lot # 31

Lot # 32

0923751080

Lot # 12

708

0904201650

Lot # 11

706

0912591360

Lot # 10

704

Lot # 9

0912001950

Pt. Bk. 22, Folio 28

SEABROOK RD

SEABROOK CT

PROVIDENCE RD

9 ED
609
19950434
0911891210

607

0919329780

Lot # 4

605

0905340340

Lot # 3

Lot # 2

0904003910

Lot # 1

0923751150

Lot # 16

0904003640

0911670430

Lot # 15

716

0913008370

Lot # 14

718

Pt. Bk. 59, Folio 126

2100010174

PDM # 090508

Pt. Bk./Folio # 059126

2100010173

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 606 SEABROOK ROAD

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

SUBDIVISION NAME CAMPUS HILLS

PLAT BOOK # 22 FOLIO # 66 LOT # 18 SECTION # SOUTH 2-A

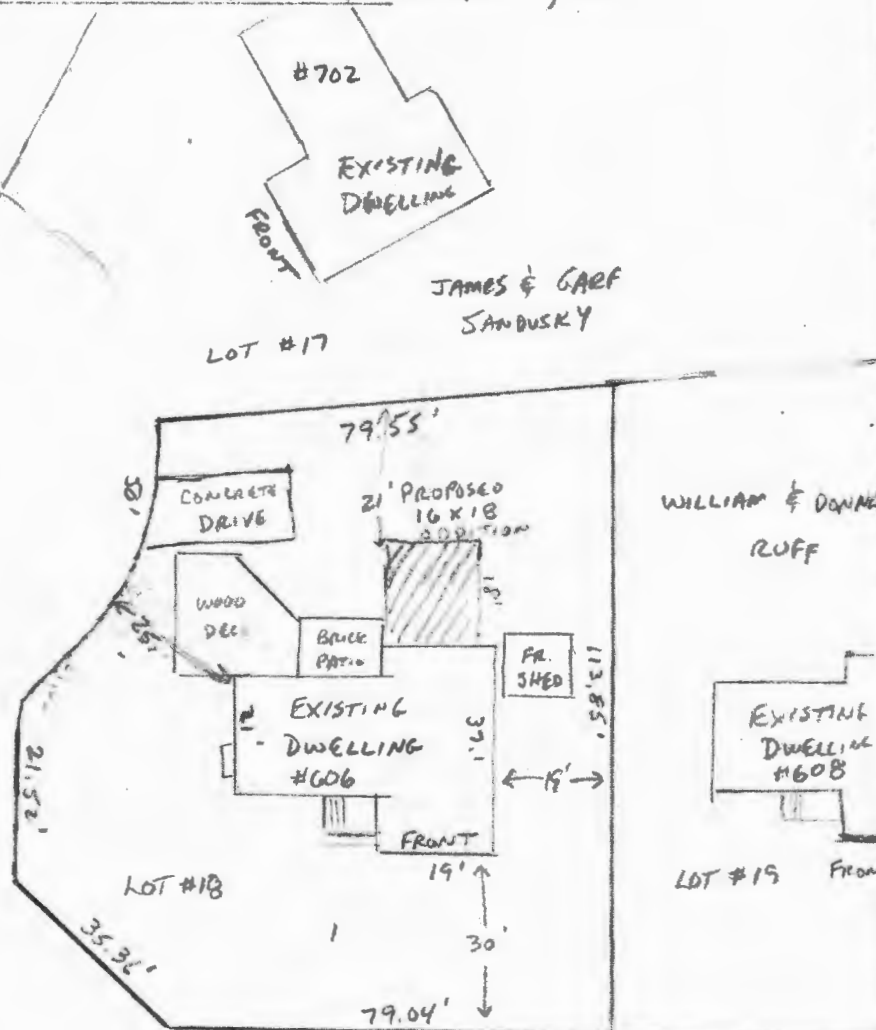
OWNER MARK P & JOAN C MCKINLEY JANUARY 12, 2011

SEABROOK CT

(50' R/W)



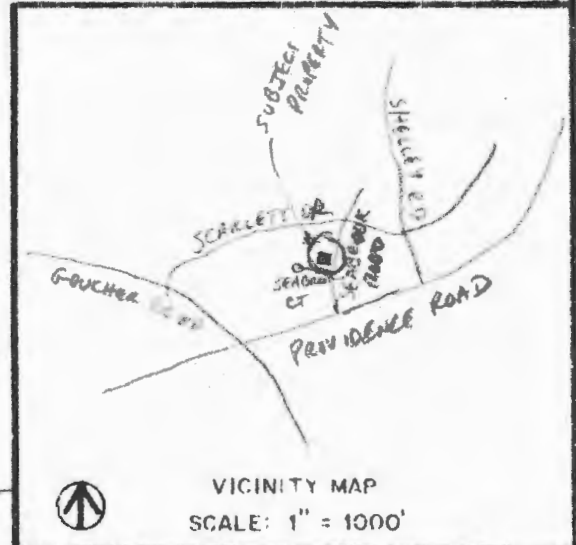
NORTH



SEABROOK ROAD (50' R/W)

PREPARED BY MPM

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9
COUNCILMANIC DISTRICT 5
1" = 200' SCALE MAP # 070B2
ZONING DR 3,5
LOT SIZE .24 10,446
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY / BUILDING ☐ ☒
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #