

4/10/13
IN THE MATTER OF
LINDA A. SENEZ

Legal Owner/Petitioner

341 Worton Road
Essex, MD 21221
15th Election District
6th Council District

RE: Petition for Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 13-014-A

*

* * * * *

OPINION

This case comes to the Board on appeal of the final decision of the Office of Administrative Hearings in which the Administrative Law Judge denied a Petition for Variance seeking relief from Section §400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing detached accessory structure to have a setback of 0' in lieu of the minimum required 2.5'. After OAH denied the Petition, the Petitioner/Legal Owner, Linda A. Senez (the "Petitioner"), wrote a letter to OAH requesting that the Petition for Variance be amended to permit the canopy to have a setback of 2.0' on the west side and 1.11' on the east side.

A public hearing was held on February 28, 2013. The Petitioner was represented *pro se*. There were two (2) Protestants, Stephen Collins and Ann Collins, his wife, who reside at 339 Worton Road, Essex, MD 21221. The Protestants were also *pro se*. A Public Deliberation was held on March 20, 2013.

Factual Background

The Petitioner is the owner of the property located at 341 Worton Road, Essex, MD 21221 in Baltimore County (the "Property"). The Property is improved with a single

family dwelling with a detached garage. The Property is 50' wide and approximately 365' long. It is a rectangle shape, flat lot with a pier, fronting on Norman Creek. It is zoned D.R. 3.5.

At issue in this case is a framed canopy measuring 10'x 20' which serves as shelter for firewood and is anchored into her driveway. The Petitioner measured the distance of the canopy from the property line and stated that it 2'0" off at one end and 1'11" off at the other end. (Pet. Exh. 1D).

According to the Petitioner, the canopy comes is a standard size and comes in a kit. Petitioner had the canopy assembled. She testified that it would be costly to have the canopy reduced in size. She further stated she does not prefer the look of a tarp covering the firewood. The previous canopy that she had collapsed with the weather.

Petitioner testified that the current location of the canopy permits her vehicle as well as lawn equipment to fit through her gate. (Pet. Exhs. 1F and 1G). The Petitioner explained that due to the lot size, there is no other location on the Property for the canopy. Chesapeake Bay Critical Area regulations ("CBCA") prohibit the Petitioner from covering any additional ground on the Property. The Department of Environmental Protection and Sustainability ("DEPS") determined that the location of the canopy on the existing driveway is in compliance with CBCA regulations. (Pet. Exh. 1B).

Testifying in opposition to the Variance were Petitioner's neighbors, Stephen and Ann Collins. There is a long history of legal disputes between the Petitioner and the Collins, this case being no exception. The Protestants argued that the fence is not located on the property line. A survey prepared by Brian Dietz shows the property line to be about 1 foot from the fence. The Board was not presented with a copy of this survey. At

the center of their opposition is that the Petitioner previously objected to the location of the shed on their property. As a result, the Protestants had to move their shed 6 inches away from the property line. The Protestants did not submit any exhibits to the Board.

Decision

In order for the Petitioner to obtain approval for an area variance for the canopy, the Board must be convinced that the Petitioner has satisfied §307.1 of the BCZR which states, in pertinent part, as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

This Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691, 698 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."

In requiring a finding of "uniqueness", the Court of Special Appeals in *Cromwell* referred to the definition of "uniqueness" provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

In the zoning context 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 has 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 in bearing or parting walls....

Id. at 710.

If the Property is determined to be "unique," then the issue is whether practical difficulties also exist. Toward this end, the Board acknowledges that an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

However, the law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell*, *supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.

Id., at 722.

The Petitioner argued that the Property is unique because it is 50' wide lot which is not large enough to contain her garage and canopy without violating the setback lines. The Petitioner further argued that the CBCA regulations prevents her from moving the canopy to any other location because she is prohibited from covering any more land. The Petitioner contends that the size of the canopy is standard that it would be too costly to reduce in size.

After reviewing all of the testimony and evidence presented, the Board has determined that the Petitioner has failed to prove that the Property is unique or that she has suffered any practical difficulty which is not a self-imposed hardship. As a result, the variance is denied for the following reasons.

The Petitioner's Property is identical to other houses and lots in the neighborhood. Like the Petitioner's lot, the lots on Worton Road are 50' wide, flat, and shaped in the form of rectangles. Indeed, the aerial photograph submitted by Petitioner demonstrates the lack of uniqueness of her property in comparison to others in the neighborhood. (Pet. Exh. 1C). Under *Cromwell*, there must be 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. No evidence was presented as to these factors affecting the land.

The Court in *Cromwell*, citing *North v. St. Mary's, supra*, held that the "extent of improvements on the property" can not be the reason for uniqueness unless there are architectural features associated with the structure which prove "unique." In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or partition walls.... *Id.* at 710. No evidence was presented as to any particular architectural features associated with the canopy. To the contrary, Petitioner had it erected in 2010 from a kit which she purchased.

While the Board has determined that there is no uniqueness with regard to the Petitioner's land and therefore the issue of practical difficulty need not be addressed, if the Board did address the issue of practical difficulty, it would have found that the Petitioner's professed practical difficulty is based solely on the self-imposed hardship of erecting a canopy without first obtaining a variance. Financial hardship incurred in reducing the size of the canopy, or the cost incurred in pursuing a variance request, are not the type of hardships envisioned by *Cromwell*. The Board finds that the Petitioner is not prevented from using her canopy, notwithstanding the fact that, according to her own sketch the additional 6" on one end and 7" on the other end may be more comfortable for movement of her vehicle or lawn equipment.

The Petitioners' photographs reveal that she uses the canopy for not only covering the firewood but for storing what appears to be crates or furniture as well as trash cans. In

any event, the canopy extends beyond the width of the items needed to be covered. (Pet. Exh. 1F and 1G).

Accordingly, the Board finds that, based on the evidence presented, the Petitioner has failed to meet her burden of proof for a variance under BCZR, §400.1/

ORDER

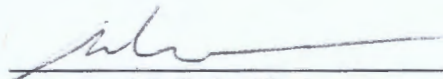
THEREFORE, IT IS THIS 10th day of April, 2013, by the County Board of Appeals of Baltimore County

ORDERED, that the Petition for Variance seeking relief from Section §400.1 of the Baltimore County Zoning Regulations to permit a canopy to be located within 2' 0" on the west end and 1' 11" on the east end in lieu of the required 2 ½ ' from the property line be, and the same is hereby **DENIED**.

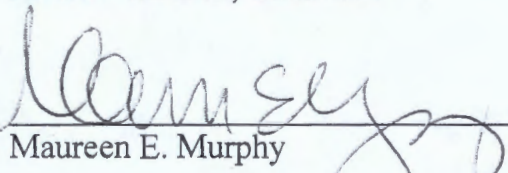
Any petition for judicial review from this decision must be made in accordance with Rule

7-201 through Rule 7-210 of the *Maryland Rules*.

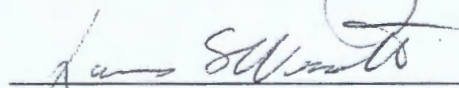
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman



Maureen E. Murphy



Lawrence S. Wescott



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 10, 2013

Linda Senez
341 Worton Road
Essex, MD 21221

Stephen and Ann Collins
339 Worton Road
Baltimore, MD 21221

RE: *In the Matter of: Linda Senez – Legal Owner/Petitioner*
Case No.: 13-014-A

Dear Ms. Senez and Mr. and Mrs. Collins.

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
Enclosure
Duplicate Original Cover Letter

c: Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

11/8
TO W
FY T
✓

RECEIVED
NOV 07 2012
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 5, 2012

Linda Ann Senez
341 Worton Road
Essex, Maryland 21221

RE: APPEAL TO BOARD OF APPEALS
Case No. 2013-0014-A
Location: 341 Worton Road

Dear Ms. Senez:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 23, 2012. 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 contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
✓ Arnold Jablon, Director, Department of Permits, Approvals, and Inspections
Stephen and Ann Collins, 339 Worton Road, Essex, MD 21221
Christina Frink, Code Inspector, Division of Code Inspections and Enforcement,
Department of Permits, Approvals, and Inspections

APPEAL

**Petition for Variance
(341 Worton Road)
15th Election District – 6th Councilmanic District
Legal Owner: Linda Ann Senez
Case No. 2013-0014-A**

Petition for Variance (July 19, 2012)

Zoning Description of Property

Notice of Zoning Hearing (August 16, 2012)

Certificate of Publication (The Jeffersonian – September 4, 2012)

Certificate of Posting (September 4, 2012) by SSG Robert Black

Entry of Appearance by People's Counsel (August 2, 2012)

Petitioner(s) / Citizen(s) Sign-in Sheet – Two Sheets

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. Color Photos

Protestant(s) Exhibits - None

Miscellaneous (Not Marked as Exhibits) – Letters, E-mails & Previous Orders for same address

Administrative Law Judge Order (DENIED – September 26, 2012)

Notice of Appeal received on October 23, 2012 from Linda A. Senez

9/26/12
IN RE: PETITION FOR VARIANCE
(341 Worton Road)
Linda Ann Senez
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0014-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Linda Ann Senez. The Petitioner is requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an existing detached accessory structure (framed canopy) to have a setback as close as 0' in lieu of the minimum required 2.5'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support for this case was Petitioner Linda Ann Senez. Appearing in opposition were adjacent neighbors, Stephen and Ann Collins, who reside at 339 Worton Road. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated August 8, 2012, indicating that Petitioner must comply with Baltimore County's various floodplain regulations and building code requirements.

ORDER RECEIVED FOR FILING

Date 9-26-12

By (signature)

Testimony and evidence revealed that the subject property is 17,990 square feet and is zoned DR 3.5. The Petitioner submitted photos of the structure, which she explained serves as a shelter for firewood she uses in heating her home. See Exhibit 2. The Petitioner testified that the canopy does not have a foundation, and could be moved elsewhere, but that she has it positioned in the most convenient place near her home.

Based upon the testimony and evidence presented, I will deny the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has not met this test. Even if one assumes the property is "unique" in the requisite sense, the Petitioner has simply failed to show that she would suffer a hardship or practical difficulty if relief were denied. Indeed, the Petitioner conceded the canopy could be moved without great difficulty, and convenience cannot justify a variance, as noted recently by the Maryland Court of Special Appeals. *Mills v. Godlove*, 200 Md. App. 213, 228 (2011).

In addition to the above, I am unable to grant variance relief in this case because the Petitioner did not present the requisite certification from the Department of Environmental Protection and Sustainability (DEPS). When property is situated in the Chesapeake Bay Critical Area (CBCA), a variance cannot be granted by the OAH unless the DEPS has certified that the Petitioner's proposal satisfies the CBCA regulations. B.C.Z.R. § 500.14.

ORDER RECEIVED FOR FILING

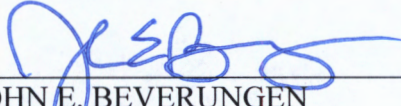
Date 9-26-12

By aw

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be denied.

THEREFORE, IT IS ORDERED, this 26 day of September, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an existing detached accessory structure (framed canopy) to have a setback as close as 0' in lieu of the minimum required 2.5', be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9-26-12

By dlw



KEVIN KAMENETZ
County Executive

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

September 26, 2012

Linda Ann Senez
341 Worton Road
Essex, Maryland 21221

RE: Petition for Variance
Case No.: 2013-0014-A
Property: 341 Worton Road

Dear Ms. Senez:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Stephen and Ann Collins, 339 Worton Road, Essex, MD 21221
Christina Frink, Code Inspector, Division of Code Inspections and Enforcement,
Department of Permits, Approvals and Inspections



CBCA

FLOOD PLAIN

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 341 WORTON RD ESSEX, MD which is presently zoned DR 3.5
 Deed References: 14851/00455 10 Digit Tax Account # 1503000240
 Property Owner(s) Printed Name(s) LINDA ANN SEWEZ

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) 400.1 - to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 1/2

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0014-A Filing Date 7, 19, 12

Do Not Schedule Dates: _____

Reviewer RD



CBCA

FLOOD PLAIN

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 341 Worton RD Essex MD which is presently zoned DR 3.5
Deed References: 14851/00455 10 Digit Tax Account # 1503000240
Property Owner(s) Printed Name(s) LINDA ANN SENEZ

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 400.1 - to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 1/2 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0014-A Filing Date 7/19/12

Do Not Schedule Dates:

Reviewer [Signature]

REV. 10/4/11

ORDER RECEIVED FOR FILING
9-26-12
[Signature]

Zoning Description for 341 Worton Road

Beginning for the same on the East side of Worton Road (30'R/W) at a distance of 50' North of Sassafras Road (30'R/W). Being Lot 134, Plat of Middleborough, Plat Liber 4, folio 191. Containing 0.413 Ac. or 17,990 sq. ft. Known as 341 Worton Road, located in the 15th Election District, 7th Councilmanic District.

Item #0014

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0014-A
Petitioner: LINDA ANN SENEZ
Address or Location: 341 WORTON RD ESSEX, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: LINDA ANN SENEZ
Address: 341 WORTON RD
ESSEX, MD 21221

Telephone Number: 410-409-5154

BALTIMORE COUNTY, MARYLAND
 DEPT. OF BUDGET AND FINANCE
 MISCELLANEOUS CASH RECEIPT

No. **87106**

Date: **7/19/14**

Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
306	0006		6150				\$75.00

Total: **\$75.00**

zoning hearing - case #2013-0014-A

CAUTION

CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL THE SUM
 7/20/2012 7/21/2012 15:04:07 2
 GEN ACCT 0001 0001 0001
 RECEIPT # 87106 7/19/2014 0014
 Dep 5 325 JUDICIAL VERIFICATION
 CR NO. 087106
 Recpt Tot 775.00
 \$77.00 OT
 Baltimore County, Maryland

CASHIER'S
 VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 29691

Date 10-23-12

PAID RECEIPT

RECEIVED
10/23/2012 09:38:59
BRIAN W. KIN
10/23/2012
553 ZONING VERIFICATION
1265.00
1265.00
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
000	200	000			5150			265.00

Total 265.00

Rec From: Linda Serra

For: Appeal - 2012-0014-A
366-6255-10, 2012

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS [ARDIII]

CASHIER'S
VALIDATION

RECEIVED

NOV 9 2012

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF POSTING

2013-0014-A

RE: Case No.: _____

Petitioner/Developer: _____

Linda Ann Senez

September 24, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

341 Worton Rd

September 4, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

September 4, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2013-0014-A

341 Worton Road

E/S Worton Road, 50 ft. N/of centerline of Sassafra Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Linda Ann Senez

Variance: to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 1/2.

Hearing: Monday, September 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 9/602 Sept. 4

872872



501 N. Calvert Street, Baltimore, MD 21278

September 6, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on September 4, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 4, 2012 Issue - Jeffersonian

Please forward billing to:
Linda Ann Senez
341 Worton Road
Essex, MD 21221

410-409-5154

NOTICE OF ZONING HEARING

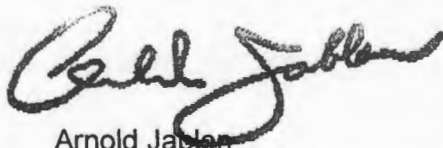
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0014-A

341 Worton Road
E/s Worton Road, 50 ft. N/of centerline of Sassafra Road
15th Election District – 7th Councilmanic District
Legal Owners: Linda Ann Senez

Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½.

Hearing: Monday, September 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

August 16, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0014-A

341 Worton Road

E/s Worton Road, 50 ft. N/of centerline of Sassafraz Road

15th Election District – 7th Councilmanic District

Legal Owners: Linda Ann Senez

Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½.

Hearing: Monday, September 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

AJ:kl

C: Linda Senez, 341 Worton Road, Essex 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., SEPTEMBER 4, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Board of Appeals of Baltimore County

PP

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

December 7, 2012

NOTICE OF ASSIGNMENT

CASE #: 13-014-A **IN THE MATTER OF: Linda A. Senez / Legal Owner / Petitioner**
341 Worton Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½ feet.

9/26/12 Opinion and Order of Administrative Law Judge DENYING requested variance.

ASSIGNED FOR: TUESDAY, JANUARY 8, 2013, AT 10:00 A.M.

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

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/LO/Appellant

: Linda Senez

Stephen and Ann Collins
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



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

December 14, 2012

NOTICE OF POSTPONEMENT

CASE #: 13-014-A IN THE MATTER OF: Linda A. Senez / Legal Owner / Petitioner
341 Worton Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½ feet.

9/26/12 Opinion and Order of Administrative Law Judge DENYING requested variance.

*This matter was assigned to Tuesday, January 8, 2013 and has been postponed. The matter will be re-assigned. **TO BE RE-ASSIGNED.***

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/LO/Appellant

: Linda Senez

Stephen and Ann Collins

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



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

December 19, 2012

NOTICE OF RE-ASSIGNMENT

CASE #: 13-014-A **IN THE MATTER OF: Linda A. Senez / Legal Owner / Petitioner**
341 Worton Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½ feet.

9/26/12 Opinion and Order of Administrative Law Judge DENYING requested variance.

This matter was scheduled for January 8, 2013 and was postponed. The matter has been re-assigned to an agreed date as follows:

RE-ASSIGNED FOR: THURSDAY, FEBRUARY 28, 2013, AT 10:00 A.M.

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

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/LO/Appellant

: Linda Senez

Stephen and Ann Collins

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



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 1, 2013

NOTICE OF DELIBERATION

CASE #: 13-014-A IN THE MATTER OF: Linda A. Senez / Legal Owner / Petitioner
341 Worton Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½ feet.

9/26/12 Opinion and Order of Administrative Law Judge DENYING requested variance.

Having concluded this matter on 2/28/13 a public deliberation has been scheduled for the following:

DATE AND TIME: WEDNESDAY, MARCH 20, 2013 at 9:30 a.m.

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

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/LO/Appellant

: Linda Senez

Stephen and Ann Collins
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

September 19, 2012

Linda Ann Senez
341 Worton Road
Essex MD 21221

RE: Case Number: 2013-0014 A, Address: 341 Worton Road

Dear Ms. Senez:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 19, 2012. 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, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2012
Item No. 2013-0014

DATE: August 08, 2012

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 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 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
cc: File
ZAC-ITEM NO 13-0014-08132012.doc

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 8-2-12

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

RE: Baltimore County
Item No 2013-0014-A
Variance
Linda Ann Senez
341 Worton Road.

Dear Ms. Lewis:

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. 2013-0014-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over a light blue rectangular background.

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

RE: PETITION FOR VARIANCE
341 Worton Road; E/S Worton Road, 50' N
of c/line of Sassafras Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Linda Ann Senez
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-014-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.

RECEIVED

AUG 03 2012

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2012, a copy of the foregoing Entry of Appearance was mailed to Linda Senez,, 341 Worton Road, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

June
2012

In the Matter of

Civil Citation No. 108449

Linda Ann Senez

341 Worton Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on June 27, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 400: failure to remove or relocate accessory structure two and a half feet from property line.

On June 1, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,600.00 (six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Linda Ann Senez, Respondent and, Stephen Collins, complainant and, Christina Frink, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 4/3/12, revealing illegal wire mesh on top of the fence on the site, as well as an accessory building located too close to the fence and underlying property line, in accordance with the property's DR3.5 zoning. A Correction Notice was issued. On 5/14/12, a re-inspection of the property noted that the mesh had been removed, but that the structure was still located in violation of zoning. A pre-hearing inspection was held on 6/26/12, noting that the situation was unchanged. Stephen Collins, the complainant, testified as to the boundary dispute that has existed between him and the Respondent. He stated that the zoning requires 2.5 feet of space between the accessory structure and the property line, which he believed it was not. The Respondent testified that her dispute with Mr. Collins goes back to 2006, and that she needed to have a survey redone, the fence moved and with it, the accessory structure.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$2,500.00 (two thousand five hundred dollars).

IT IS FURTHER ORDERED that \$2,400.00 of the \$2,500.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$2,400.00 civil penalty will be imposed if the subject property is not brought into compliance by August 13, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,400.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this _____ day of June 2012

Signed: _____
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 5, 2012

Linda Ann Senez
341 Worton Road
Essex, Maryland 21221

RECEIVED
NOV 5 2012

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2013-0014-A
Location: 341 Worton Road

Dear Ms. Senez:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 23, 2012. 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 contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

- c: ☒ Baltimore County Board of Appeals
People's Counsel for Baltimore County
Arnold Jablon, Director, Department of Permits, Approvals, and Inspections
Stephen and Ann Collins, 339 Worton Road, Essex, MD 21221
Christina Frink, Code Inspector, Division of Code Inspections and Enforcement,
Department of Permits, Approvals, and Inspections

APPEAL

**Petition for Variance
(341 Worton Road)
15th Election District – 6th Councilmanic District
Legal Owner: Linda Ann Senez
Case No. 2013-0014-A**

- ✓ Petition for Variance (July 19, 2012)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (August 16, 2012)
- ✓ Certificate of Publication (The Jeffersonian – September 4, 2012)
- ✓ Certificate of Posting (September 4, 2012) by SSG Robert Black
- ✓ Entry of Appearance by People's Counsel (August 2, 2012)
- ✓ Petitioner(s) / Citizen(s) Sign-in Sheet – Two Sheets
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioner(s) Exhibits
 - ✓ 1. Site Plan
 - ✓ 2. Color Photos
- ✓ Protestant(s) Exhibits - None
- ✓ Miscellaneous (Not Marked as Exhibits) – Letters, E-mails & Previous Orders for same address
- ✓ Administrative Law Judge Order (DENIED – September 26, 2012)
- ✓ Notice of Appeal received on October 23, 2012 from Linda A. Senez

Address List

Linda Senez
341 Worton Road
Essex, MD 21221

Interested Persons:

Stephen and Ann Collins
339 Worton Road
Baltimore, MD 21221

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Linda Senez

13-014-A

DATE: March 20, 2013

BOARD/PANEL: Andrew M. Belt, Chairman
Maureen E. Murphy
Lawrence S. Wescott

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to permit an existing detached accessory structure (framed wood canopy) to have a setback as close as 0 feet in lieu of the minimum required 2 ½ feet.
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

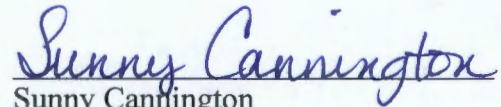
- The Board discussed that there is a long history for this matter. The Petitioner and her neighbors have not always gotten along and this case stems from a dispute between them.
- The Board discussed the requirements of Cromwell as well as the evidence and testimony provided. The burden of proving uniqueness pursuant to Cromwell is on the Petitioner. The Petitioner provided evidence that her situation is unique but admitted that her property is the same as the other properties in the neighborhood.
- The Board discussed the practical difficulty standard in Cromwell. The Petitioner admitted that she can move the structure. The Board discussed that this argument between neighbors is with regard to six inches.

DECISION BY BOARD MEMBERS: The Board determined that the property does not meet the standards as set forth in Cromwell v. Ward which would allow for a variance on the property.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Petition for Variance.

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

Respectfully Submitted,


Sunny Cannington



BALTIMORE COUNTY
Maryland

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approval and Inspections*

Telephone Number: (410) 887 3020
E-mail address: ajablon@baltimorecountymd.gov

16 January 2012

Ms. Linda A. Senez, CPCU
341 Worton Rd
Essex, Maryland 21221

Re: Senez Special hearing
Case No. 2012-0141 SPH

Dear Ms. Senez:

I read your letter to me, dated 5 January 2012, carefully and diligently. Pursuant to your request, the petition for special hearing you filed will be dismissed without prejudice. Should you wish to re-file the petition, you may do so at any time and no new filing fee will be required. You will, however, should you elect to proceed, be required to pay for the advertising of the hearing and the posting of the hearing date as otherwise required by law.

Unfortunately, while you describe your situation with clarity, ethically I can provide no advice to you. You are represented by legal counsel and are still obviously in litigation.

I apologize for not being able to help; however, it would appear that you have legitimate issues to present to the trial court.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

AEJ/aj

Item #0014

Linda A. Senez, CPCU
341 Worton Rd.
Essex, Maryland 21221
410-409-5154

Nov.
2011

November 28, 2011

Mr. Kevin Kamenetz, County Executive
400 Washington Avenue
Towson, Md. 21204

Re: Senez v. Collins
03-C-04-010227 OC

Dear Mr. Kamenetz,

*not up to him - he's county
OK A - Stolt*

I respectfully request a new trial in the above adverse possession case. In as much as the state won't prosecute for perjury in civil matters, I'm turning to you for help. The consequences of losing have created extreme hardship. It is also unlikely I will be able to comply with the courts ruling as it interferes with the Chesapeake Bay Critical Area, buffer zone and the enjoyment of my property. I can document the wall has been there since the late sixties and probably longer. The previous owners of 339 Worton Rd. basically relinquished the property in 1974. I have signed affidavits attesting to the walls length of time and the property not being disputed. From 1974 until 2004, the wall remained the property line, thirty years, well beyond the 20 years for adverse possession in Maryland.

I purchased my property 341 Worton Rd., in November 2000. The Collins purchased 339 Worton Rd. in 2000 however they tore the original house down and moved in upon completing in July 2001. The wall didn't become an issue until 2004. I had to replace a creosote railroad tie retaining wall on my property damaged by Hurricane Isabel. The Collins were unhappy about the construction and in their quest to have the work stopped, discovered that the property line wasn't the wall which physically separates our two properties. They decided to use this information in an effort to have me take down my boathouse which has been there since the 1930's, to enhance their view across my property.

when?

ok wall....

The Collins made numerous misstatements under oath in court. Those statements prejudiced the opinion and decisions made by the trial Judge. This isn't a case of it being my opinion versus the Collins. My lawyer, Mr. Carney's deposition states he didn't use the exhibits and witnesses I provided. He claims trial tactics which is ridiculous since he was unprepared and allowed the Collins to carry forth with their rants. Mr. Carney's billings will dispute his preconceived idea of the amount of time spent on my case, which was very little. Consequently the Judge was confused at the closing of the trial which can be confirmed in the court transcript

not issue

Bar Ass?

122000-11
trial

Collins testified the property line wall was a cooperative effort for the construction and mutual use of a boat ramp between Mr. Cook and Mr. Myers. Collins testified the property line wall jog was necessary because there was a jog in the railroad tie terrace wall on Mr. Myers property. Mr. Myers purchased his home in 1981. Mr. Myers stated in his deposition that the property line wall was there when he purchased the property. Furthermore, Mr. Myers said he put in the railroad tie terrace wall after he purchased the property. In addition, I now have seven signed affidavits from people with knowledge of the property stating that the walls were there in the late 60's and early 70's. Three of the affidavits state that the boat ramp was also there during that time. This is well beyond the 20 years needed to establish adverse possession which was the only real issue in the lawsuit. Nothing was ever said when I repaired the boat ramp on 6/22/02.

Mr. Myers never said I saw a survey; the house wasn't on the market when I had the realtor approach him. The Court of Special Appeals acknowledges that there's no evidence I ever saw a survey. I never saw a survey prior to settlement. The survey I received at settlement was a location survey. The two realtors involved when I bought the house are not aware of any survey provided by Mr. Myers.

The Collins said in their interrogatories that they had two surveys. I now have copies of both of those surveys; one with Spellman, Larson and the other with William Deegan. They are location surveys and don't show anything concerning the boat ramp or their property extending on my side of the wall. I have a copy of their plot plan filed with Baltimore County. It also doesn't show the boundaries as Collins indicated. Collins didn't introduce the surveys or plot plan in court as exhibits. Collins presented the boundary survey they had done in June of 2004.

Every measurement the Collins gave in court was inaccurate, all in their favor. This can be verified by the joint survey exhibits, exhibit #2 Senez and exhibit #3 Collins.

Baltimore County Office of Planning has a GIS aerial map dated April 2002. The map shows the ladder ramp which Collins had made and used since that time. The ladder ramp is significant from the standpoint that if Collins had free access to my boat ramp, they wouldn't have needed a ladder ramp. I also have pictures that I took right after Hurricane Isabel, 9/20/03, which shows my old creosote retaining wall and Collins ladder ramp. Steve Collins stated in court that he built the ladder ramp after I obtained the peace order on 6/25/04.

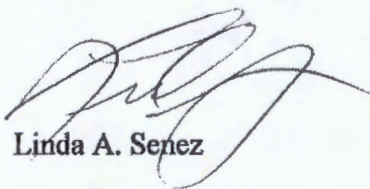
Ann Collins stated in court that I asked if my fence could follow the wall in lieu of the property line. The Court of Special Appeals overturned the trial courts decision with the exception of that one question and remanded the case back to the trial court. Ann Collins statement was not in her interrogatories. I never asked the question since I had no reason to believe the wall wasn't the property line. Would you or anyone put up a fence creating a situation where people you don't know, their family, friends and dogs would have to cross over that fence line to access their property, and be basically in your yard? The Collins and I were friends up until April of 2004. I put up a fence supposedly on their property and we remain friends however when I rebuild a damage wall on my property they take issue. Their whole time line given in court was erroneous.

122000-11
trial

fact Collins

There are other gross inaccuracies in the Collins testimony. All of the documents negating Collins erroneous assertions were given to my attorney however he didn't present them at trial, despite my pleadings. I can dispute most of what the Collins stated in court with the exhibits that were entered. Under the circumstances I shouldn't have to give up my property. I'm entitled to a fair trial which I didn't get as a result of Collins "misstatements" and my attorneys inadequacies. At the very least, I should be granted a new trial and given the opportunity to present the information which I made available as of the December 8th, 2006 trial date. I would appreciate your response as timely as possible since the Collins have filed a Petition for Contempt.

Respectfully,



Linda A. Senez

Nov.
2011

circuit course case
#03-C-04-
010277-0C

nd 21

e-mail from C.E. office
re: Linda Senez

November 28,

when was trial date?
lawyers involved &
their ph #

Mr. Kevin Ka
400 Washing
Towson, Md.

Re: Senez v.
03-C-0

left msg at
clerk's office
410-887-2614

Dear Mr. Kam

I respectfully r
won't prosecut
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my property. I
The previous o
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adverse possess

civil non jury trial
11-18-09 Judge Stander
show case 12-8-11

Ct of Special Appeals
10-5-11

Plaintiff
Neal Hange & Nick Jenkins

I purchased my
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in July 2001. T
tie retaining wal
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1930's, to enhanc

Conahey &
Boozes
410-504-6847
410-828-5525

neil hange
888-855-5298
x14

The Collins made
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Collins. My lawy
provided. He c
Collins to carry f
of the amount of

confused at the closing of the trial which can be confirmed in the court transcript

Bar Ass?

3 county
OK A-Plot

on case. In as much as the state
for help. The consequences of
be able to comply with the courts
uffer zone and the enjoyment of
late sixties and probably longer.
l the property in 1974. I have
roperty not being disputed. From
rs, well beyond the 20 years for

The Collins purchased 339
and moved in upon completing
ad to replace a creosote railroad
The Collins were unhappy
ed, discovered that the property
or two properties. They decided to use this
boathouse which has been there since the

oath in court. Those statements prejudiced the
his isn't a case of it being my opinion versus the
es he didn't use the exhibits and witnesses I
alous since he was unprepared and allowed the
ney's billings will dispute his preconceived idea
as very little. Consequently the Judge was

not issue

Linda A. Senez

341 Worton Rd.
Essex, Maryland 21221
410-409-5154

October 23, 2012

Ms. Debbie Wiley
Administrative Law Office
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Petition for Variance
Case No: 2013-0014-A
Property: 341 Worton Rd

Dear Ms. Wiley,

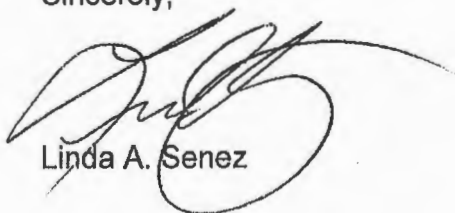
In addition to the letter I filed today for an appeal I would like to add:

I believe the definition of a structure given in the hearing on 6/27/12 by John E. Beverungen, Administrative Law Judge didn't apply to my situation. This is a temporary structure consisting of a roof.

The letter submitted by Dennis A. Kennedy, from the Bureau of Development Plans Review, indicates that the flood protection elevation is 8.7 feet. The area where the canopy sits is a flood elevation of 10 - 12 feet, based on GIS drawings. The construction is poles and a roof consisting of aluminum and is anchored. There is no floor that would create a floatation situation.

I received a copy of the letter from DEPS today. It is my understanding from DEPS that since the roof sits on the existing asphalt driveway it doesn't add to the impervious area of the property. I have written Regina Esslinger a letter, with a copy of the plot plan.

Sincerely,



Linda A. Senez

Linda A. Senez
341 Worton Rd.
Essex, Maryland 21221
410-409-5154

October 22, 2012

RECEIVED

OCT 23 2012

OFFICE OF ADMINISTRATIVE HEARINGS

John E. Beverungen
Administrative Law Judge Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Petition for Variance
Case No: 2013-0014-A
Property: 341 Worton Rd

Dear Judge Beverungen,

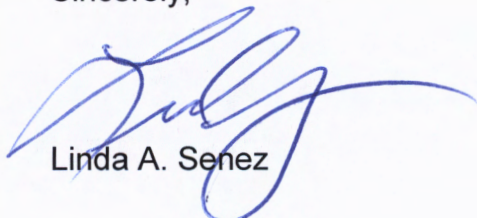
I would like to file an appeal and / or file a motion to amend the petition for variance on the decision made on September 26th, 2012.

I would like to amend the petition for the variance to where the canopy currently sits. The canopy is 2.0 ft. from the property line on the west side and 1.11 ft. from the property line on the east side.

I had originally met with zoning three times to prepare the drawing and documentation for the variance. I have never heard of the Department of Environmental Protection and Sustainability. (DEPS). Nor was I ever advised that I needed a letter from them. It may have been because this is a temporary structure with no floor.

I have an appointment 10/23/12 with the zoning / building codes department to determine what I need. In addition I believe that the area where the canopy sits is above the 8.7 feet.

Sincerely,



Linda A. Senez

LINDA A. SENEZ
341 Worton Road
Baltimore, Maryland 21221
410- 409-5154 Cell

RECEIVED

DEC 13 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

December 13, 2012

Ms. Theresa Shelton, Administrator
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Baltimore, Maryland 21204
FAX# 410-887-3182

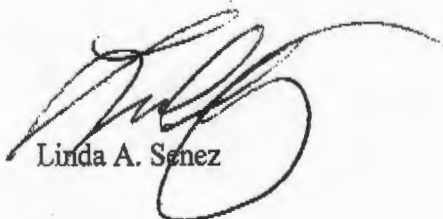
RE: Case# 13-014-A

Dear Ms. Shelton,

Thank you for getting back to me. I'm writing you with regards to postponing my appeal hearing date on January 8th. I registered for a continuing education class on November 5th, 2012. The class date is January 8th, 2013. I'm required to take continuing education classes for the renewal of my insurance license.

If there's anything else I need to do please let me know. I appreciate your assistance.

Regards,



Linda A. Senez

From: Linda Senez <linda.senez@dii-ins.com>
To: 'Theresa Shelton' <tshelton@baltimorecountymd.gov>
Date: 12/14/2012 12:16 PM
Subject: RE: PP Request for January 8, 2013

Thank you for all your help!

2-28-12

Happy Holidays!
Linda

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

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

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Friday, December 14, 2012 12:12 PM
To: Linda Senez
Subject: RE: PP Request for January 8, 2013

Thank you for your prompt response. The Re-assignment Notice will be issued shortly.

>>> Linda Senez <linda.senez@dii-ins.com> 12/14/2012 11:56 AM >>>
Theresa,

The 27th or 28th work! Either one is fine.

Thanks,
Linda

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

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

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Friday, December 14, 2012 11:53 AM
To: Linda Senez
Subject: RE: PP Request for January 8, 2013

Here are 4 more dates; hopefully one will work:

2/19; 2/21; 2/27 or 2/28. Please let me know as soon as you can. Thank you.

>>> Linda Senez <linda.senez@dii-ins.com> 12/14/2012 11:36 AM >>>

Theresa,

I'm scheduled to be in Virginia that day and several other days in January.

Linda

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

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

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]

Sent: Friday, December 14, 2012 11:34 AM

To: Linda Senez

Subject: RE: PP Request for January 8, 2013

Was the 1/23/13 date not good for you?

>>> Linda Senez <linda.senez@dii-ins.com> 12/14/2012 11:02 AM >>>
Good Morning Theresa,

Thank you for postponing the January 8th date. I have court dates of February 12th-15th, all related to issues with my neighbors. How far out can you postpone my appeal hearing date? I'm not trying to be difficult but I also travel a lot for work.

Please let me know.

Regards,
Linda

Linda A. Senez, CPCU
Vice President
Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

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

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]

Sent: Friday, December 14, 2012 8:55 AM

To: Linda Senez

Subject: RE: PP Request for January 8, 2013

Good Morning.

Your facsimile has been received and your case will be postponed from January 8, 2013. The next available date on the Board's docket is Wednesday, January 23, 2013 @ 10. Are you available on 1/23/13?

Thank you.

Theresa

>>> Linda Senez <linda.senez@dii-ins.com> 12/13/2012 12:22 PM >>>
RE: Case# 13-014-A

Ms. Shelton,

Thank you for getting back to me. I faxed over a letter requesting postponement of my hearing. I didn't realize that I was dealing with two different departments. I was anxious to understand the procedures for compliance and also not run out of time!

If I need to do anything else please let me know.

Happy Holidays!
Linda

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

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

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Thursday, December 13, 2012 9:48 AM
To: Linda Senez
Subject: PP Request for January 8, 2013

Ms. Senez:

Good Morning.

I have left a voice mail for you with regard to the postponement request. I will be out of the office this afternoon, but will be in on Friday if you have any questions or concerns.

Thank you.

Theresa

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.

Debra Wiley - Re: 341 Worton Rd. - Linda Ann Senez - Citation #108449

From: Christina Frink
To: Wiley, Debra
Date: 9/4/2012 3:00 PM
Subject: Re: 341 Worton Rd. - Linda Ann Senez - Citation #108449

Hi Debbie,

Ms. Senez has filed for a Variance for a zero set back of the accessory structure. The hearing is scheduled for 9-24-12 at 9:00 am. At this time I have not imposed any additional fines or issued additional notices. I will follow through with the case once I receive the final order after the Variance.

Christina

>>> Debra Wiley 9/4/2012 11:08 AM >>>
Good Morning Christina,

Please see attached Final Order from Judge Stahl in June. It appears this matter has been before our office for both code and zoning hearings in the past. I have attached a copy of the case description as well for a zoning case to come before us for Sept. 24th @ 10 AM for the same very thing.

Can you tell us if this case was appealed?

Can you tell us if the property was brought into compliance by August 13th per Order?

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Doc No./Seq No.: **65/0**

File Date: **03/23/2012** Close Date: **03/23/2012** Decision:

Document Name: **Settlement on Record**

March 23,2012 Hon. H. Patrick Stringer, Jr. Petition for contempt to consolidate moot. Consent order to be filed.

Doc No./Seq No.: **66/0**

File Date: **03/29/2012** Close Date: **03/29/2012** Decision: **Granted**

Document Name: **** Consent Order of Court directing defdt/counter pltff shall remove**

all fence posts, concrete and other items associated with the fence removed by her in or about February 2012 as specified etc

Doc No./Seq No.: **67/0**

File Date: **04/11/2012** Close Date: Decision:

Party Type: **Plaintiff** Party No.: **1**

Document Name: **Cross Petition for Contempt ***

Filed by PLT001-Collins, PLT002-Collins

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format

2013-004-A
9/24

Senez

Debra Wiley - zoning case 2013-0014

From: John Beverungen
To: Carl Richards; Lionel Van Dommelen
Date: 9/17/2012 3:53 PM
Subject: zoning case 2013-0014
CC: Debra Wiley
Attachments: 20120917153652547.pdf

Gentlemen,

I am attaching a copy of a recent order issued by ALJ Stahl, as well as a petition for zoning relief which relates to the same property. Deb tried to reach the inspector for more information, but was unable to do so. I have a hearing scheduled for Monday next week (9/24) on this case, and wanted to bring to your attention the unusual circumstances involved.

Briefly, on 6-27-12, the owner was fined \$2500 for having an accessory structure too close to a neighboring property line. The order gave the owner until mid-August to remedy, but it is obvious she has not done so, since on July 19 she filed a zoning petition seeking a variance to have the structure with "0" setback instead of the 2 1/2 feet required by BCZR.

So I guess my question is this: the code enforcement order does not contain a provision--as many do--allowing her to file for variance relief to "cure" or "legitimize" the violation. As such, and assuming she has not appealed the 6-27 code enforcement order, that ruling is now final and I cannot even entertain the variance petition. So I guess I am wondering why we let her file for variance relief in these circumstances? It seems like a waste of time and money to have the hearing, since the relief--unless I am mistaken on any of these background facts--is unavailable as a matter of law.

Can you please give me your thoughts on this.

Thanks, John.

Administrative Hearings - Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd

From: Linda Senez <linda.senez@dii-ins.com>
To: "Administrativehearings@baltimorecountymd.gov" <Administrativehearings...>
Date: 10/23/2012 12:41 PM
Subject: Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd
Attachments: 20121023122819198.pdf

Dear Ms. Wiley,

Attached is the letter we discussed this morning. Please confirm receipt.

Thank you for your help.

Regards,
Linda Senez

Linda A. Senez, CPCU
Vice President
Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

From: Debra Wiley
To: Cannington, Krysundra
Date: 11/9/2012 9:24 AM
Subject: Cashier's Receipt for 2013-0014-A
Attachments: Message from "zoneprt1"

Sunny,

Let me know if this is acceptable. If not, we can obtain the original from Zoning Review. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Appeals Board - RE: Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd

From: Administrative Hearings
To: Senez, Linda
Date: 12/13/2012 8:39 AM
Subject: RE: Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd
CC: appealsboard@baltimorecountymd.gov

Good Morning Ms. Senez,

The Office of Administrative Hearings (OAH) is an entirely different office than the Baltimore County Board of Appeals ("Board"); hence different rules. Therefore, you need to contact the Board to obtain their rules, policies, information, etc. OAH prepares and forwards the appeals to the Board, and we cannot and should not offer our opinion or try to answer questions on behalf of that office. As stated in the previous e-mail, you need to contact the Board at 410.887.3180 or by e-mail at appealsboard@baltimorecountymd.gov.

We are confident that the Board will answer any questions or concerns you have applicable to your appeal. Thank you.

>>> Linda Senez <linda.senez@dii-ins.com> 12/12/2012 4:53 PM >>>
 Dear Ms. Wiley,

Can't I just get a copy of the postponement rules? I have a Continuing Education Class on January 8th, for two CE Credits. I'm trying to figure out if that's a sufficient reason. Continuing Education credits are required for me to keep my Insurance License.

Regards,
 Linda

Linda A. Senez, CPCU
 Vice President

Diversified Insurance Industries, Inc.
 2 Hamill Rd. Suite 155 - Baltimore, MD 21210
 P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

From: Administrative Hearings [<mailto:administrativehearings@baltimorecountymd.gov>]
Sent: Wednesday, December 12, 2012 3:45 PM
To: Linda Senez
Cc: Appeals Board
Subject: RE: Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd

Ms. Senez,

By copy of this e-mail, I have taken the liberty of forwarding your postponement concern to the Board of Appeals. Please feel free to contact the Board directly at 410-887-3180.

Appeals Board - RE: Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd

From: Administrative Hearings
To: Senez, Linda
Date: 12/12/2012 3:45 PM
Subject: RE: Petition for appeal; Case No: 2013-0014-A; 341 Worton Rd
CC: Board, Appeals

Ms. Senez,

By copy of this e-mail, I have taken the liberty of forwarding your postponement concern to the Board of Appeals. Please feel free to contact the Board directly at 410-887-3180.

As far as hearing transcripts, the County does not offer that service. However, I do believe if you contact the Board of Appeals they may have a current listing of providers who could accomplish this for you. Also, please be advised that our office (OAH) can make a disk from your September 24th hearing; the cost is \$50.00. Please let me know if you'd like to proceed with this request.

Thanks.

>>> Linda Senez <linda.senez@dii-ins.com> 12/12/2012 11:19 AM >>>
Re: Hearing date January 8, 2013, 10:00 AM

Dear Ms. Wiley,

Can you or someone else let me know what the rules are for an appeal postponement. I received the attached Notice of Assignment which states Rule 2(b) and Rule 2(c) however I couldn't find them online.

Can you also let me know if there is a copy of the hearing transcript available?

Regards,
Linda Senez

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

As far as hearing transcripts, the County does not offer that service. However, I do believe if you contact the Board of Appeals they may have a current listing of providers who could accomplish this for you. Also, please be advised that our office (OAH) can make a disk from your September 24th hearing; the cost is \$50.00. Please let me know if you'd like to proceed with this request.

Thanks.

>>> Linda Senez <linda.senez@dii-ins.com> 12/12/2012 11:19 AM >>>

Re: Hearing date January 8, 2013, 10:00 AM

Dear Ms. Wiley,

Can you or someone else let me know what the rules are for an appeal postponement. I received the attached Notice of Assignment which states Rule 2(b) and Rule 2(c) however I couldn't find them online.

Can you also let me know if there is a copy of the hearing transcript available?

Regards,
Linda Senez

Linda A. Senez, CPCU
Vice President

Diversified Insurance Industries, Inc.
2 Hamill Rd. Suite 155 - Baltimore, MD 21210
P: 410-319-0651 | F: 410-433-3440 | E: linda.senez@dii-ins.com

IN RE: PETITION ZONING VARIANCES *
E/S of Worton Road, 70' N of *
Sassafras Road (341 Worton *
Road) - 15th Election District *
Arthur L. Myers, et ux, *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-188-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of one foot instead of the required 2½ feet and an average height of 19 feet instead of the required 15 feet, as more fully described on Petitioners' Exhibit 1.

The Petitioner, Arthur L. Myers, appeared and testified. There were no Protestants.

Testimony indicated that the property in question is zoned D.R.5.5. and is 50' x 350'. The Petitioners own and reside in the dwelling situated on the lot and have constructed a 24' x 24' garage to the rear of the home. The garage has a storage area on top with an outside entrance as shown on Petitioners' Exhibit 1. The garage was constructed at the end of the existing driveway to the left of the house and is attached to an existing 10' x 10' building.

The Petitioners received a building permit to construct the garage but were unaware of the height restriction imposed by the Baltimore County Zoning Regulations (BCZR). Since they wanted and needed more storage area, they decided to add the second story to the garage. The subject property is bordered on each side by a retaining wall necessitated by existing slopes. Although the Petitioners are unsure of how far the retaining wall is from the side property line, they believe it is about one foot inside. Since they constructed the garage 1½ feet from the wall, they thought the garage met the required side yard setback.

Item # 0014

1/2/07
IN RE: **PETITION FOR VARIANCE**

E/S Worton Road, 50' N of Sassafrass Rd.
(341 Worton Road)
15th Election District
6th Council District

Linda Ann Senez
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 05-298-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 owner of the subject property, Linda Ann Senez, by and through her attorney, John B. Gontrum, Esquire. The Petitioner requests variance relief from Section 400.1¹ of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached structure (deck and railing), to be located in the front yard in lieu of the required rear yard, and to permit a 0 foot side yard setback in lieu of the minimum required 2-½ feet. The subject property and requested relief are more particularly described on the amended site plan, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Linda Ann Senez, owner of the property, Brian R. Dietz, the land surveyor and consultant who prepared the site plan, and the attorney for the Petitioner, John B. Gontrum, Esquire. The requested approval was contested. The opponents are the adjacent neighbors Stephen E. Collins and his wife, Ann W.

¹ Section 400.1 of the B.C.Z.R. pertains to accessory buildings in residential zones and mandates their location only in the rear yard . . . Section 1B01.1A.18(g) more specifically pertains to accessory structures in the Density Residential Zones and specifically states "or other accessory structures or uses (all such accessory structures or uses subject to the height and area provisions for buildings as set forth in Section 400). As Section 1B01.1A.18(g) similarly prohibits accessory structures in front of any principal use, counsel for the Petitioner, at the outset of the hearing questioned whether his client's decking/planking used as an extension of the front yard terrace is actually an accessory structure subject to the provisions of Section 400 referring specifically to Page 4-1.5 of the Zoning Commissioner's Policy Manual (Z.C.P.M.). See Section 400.1.f - Things not considered as accessory . . . Photographic evidence, however, (Petitioner's Exhibits 11A & 11B) mitigates against such a contention.

COPIES RECEIVED FOR FILING

Date 1-2-07

By [Signature]

Item # 0014

IN RE: **PETITION FOR VARIANCE**

E/S Worton Road, 50' N of Sassafrass Rd.
(341 Worton Road)
15th Election District
6th Council District

Linda Ann Senez
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 05-298-A**

* * * * *

AMENDED ORDER

This matter came before the undersigned Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Linda Ann Senez, through her attorney, John B. Gontrum, Esquire, for the property located at 341 Worton Road. The Petitioner sought approval of certain variance relief to allow a structure in her front yard next to an adjacent property. Following the public hearing, I denied the requested variance relief by written Order dated January 2, 2007. Subsequently, on January 11, 2007, the Petitioner filed a Motion for Reconsideration. Essentially, it is pointed out that clarification is needed regarding the improvements constructed post-Isabel on the property as my Order erroneously included the stairs and landing, not intended as a part of this case, rather than focusing on only the 90 square foot "deck extension". In an effort to correct the record and address the concerns of the Petitioner, the Motion was granted and continued proceedings were resumed on Wednesday, March 14, 2007.

By way of background, the subject waterfront property contains 17,990 square feet, zoned D.R.3.5 and identified as Lot 134 on the Plat of Middleborough. Ms. Senez has owned and resided on the property for 6-1/2 years. Following the damage sustained in Hurricane Isabel, she commenced construction efforts to improve the front yard area by replacing a railroad tie retaining wall, which formed a division line between the terraced lawn area in front of the home and the landing and bulkhead six (6) feet below at its frontage on Norman Creek. In this regard, Errol A.

ORDER RECEIVED FOR FILING

Date

3-29-07

By

1942

Item #0014

CASE NAME 341 Worton
CASE NUMBER 2013-0014-A
DATE 9-24-12

[illegible]

CASE NAME 341 Worton
CASE NUMBER 2013-14-A
DATE 9-24-12

[illegible]

JB 9/24
10am

Case No.: 2013-0014-A

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	Color Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO.

2









Case No: 13-014-A Case Name: LINDA A. SENEZ

Exhibit List

Party: LINDA SENEZ Date: 2/28/2013

Exhibit No:	Description:
✓ 1A	Letter 2/27/13 to Buzgic
✓ 1B	
✓ 1C	
✓ 1D	
✓ 1E	2 Photos
✓ 1F	4 photos - Targets in top right
✓ 1G	4 Photos - Targets looking out
✓ 1H	3 Photos
✓ 1I	2 Photos - back of Home
✓ 1J	- 1 Photo for Collins property in May 2004
✓ 1K	Area of old well that was removed
✓ 2	Plant of Seneg Property
✓ 3	Photos of Firewood
✓ 4	" " Firewood
VERIFIED BY <u>tw</u> DATE: <u>2/28/13</u>	



KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

November 2, 2012

Ms. Linda Senez
341 Worton Road
Essex, Maryland 21221

Re: Lot Coverage at 341 Worton Road

Dear Ms. Senez:

I have received your October 23, 2012 letter request for lot coverage review on your property. Your lot is 17,100 square feet, with a maximum lot coverage limit of 31.25% (5,344 square feet). Based on the survey you provided and historical County aerial photographs, lot coverage on site appears to be approximately 50% and has been the same since the Critical Area regulations took effect. Therefore, you may retain the existing amount of lot coverage on site, but no increase in lot coverage is permitted. The photographs of the wood pile show it to be located on existing driveway surface, so a canopy over existing driveway does not increase the lot coverage. So long as the canopy is out of the 100-foot buffer and over existing driveway, the Critical Area requirements will be met.

Sincerely,

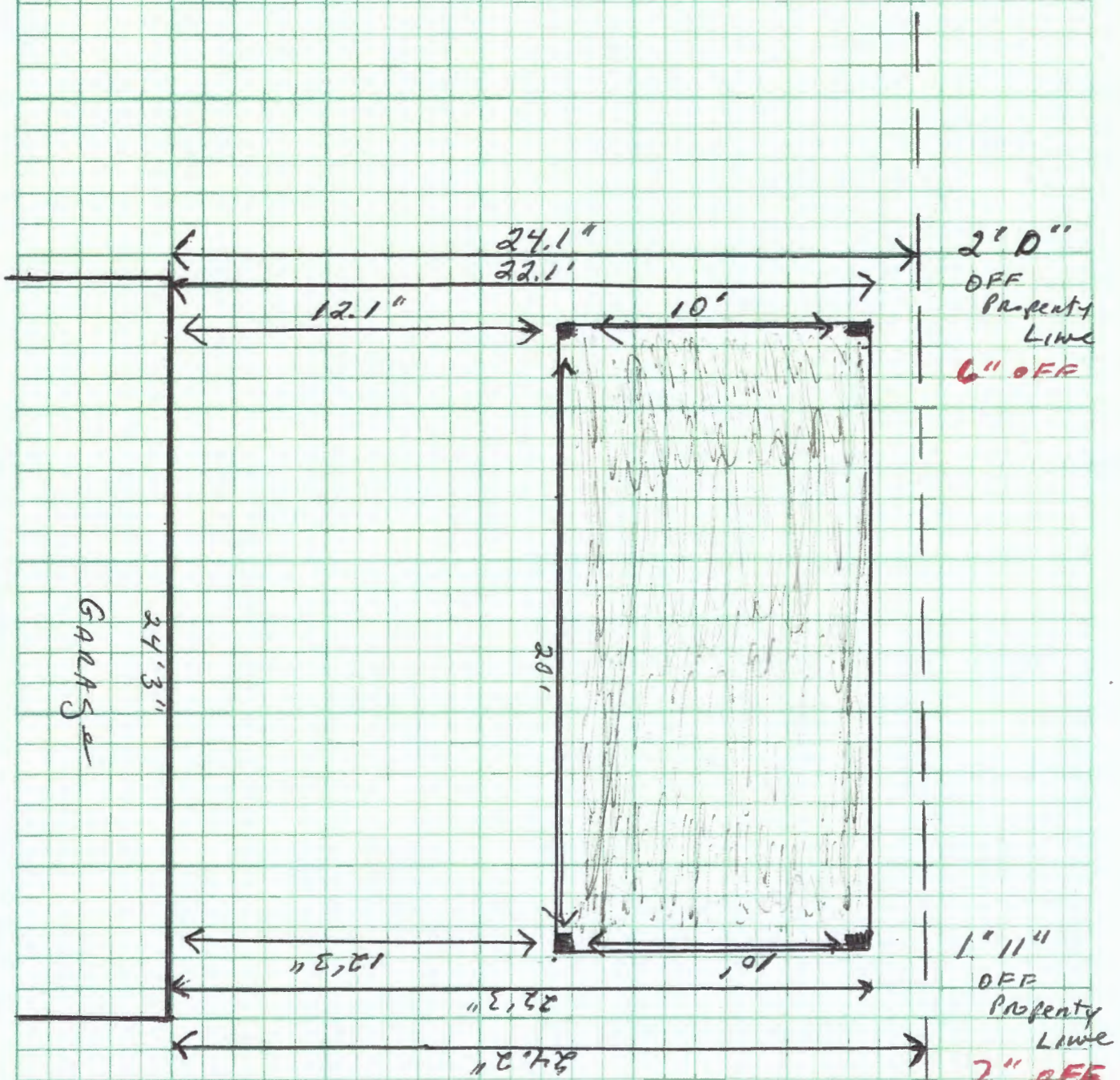
A handwritten signature in blue ink that reads "Regina A. Esslinger".

Regina A. Esslinger, Supervisor
Environmental Impact Review

341 Worton Rd 11.2.12.doc/LDA/rae/sheir

Put
1 B.





Plot ID.



Pt
1E.

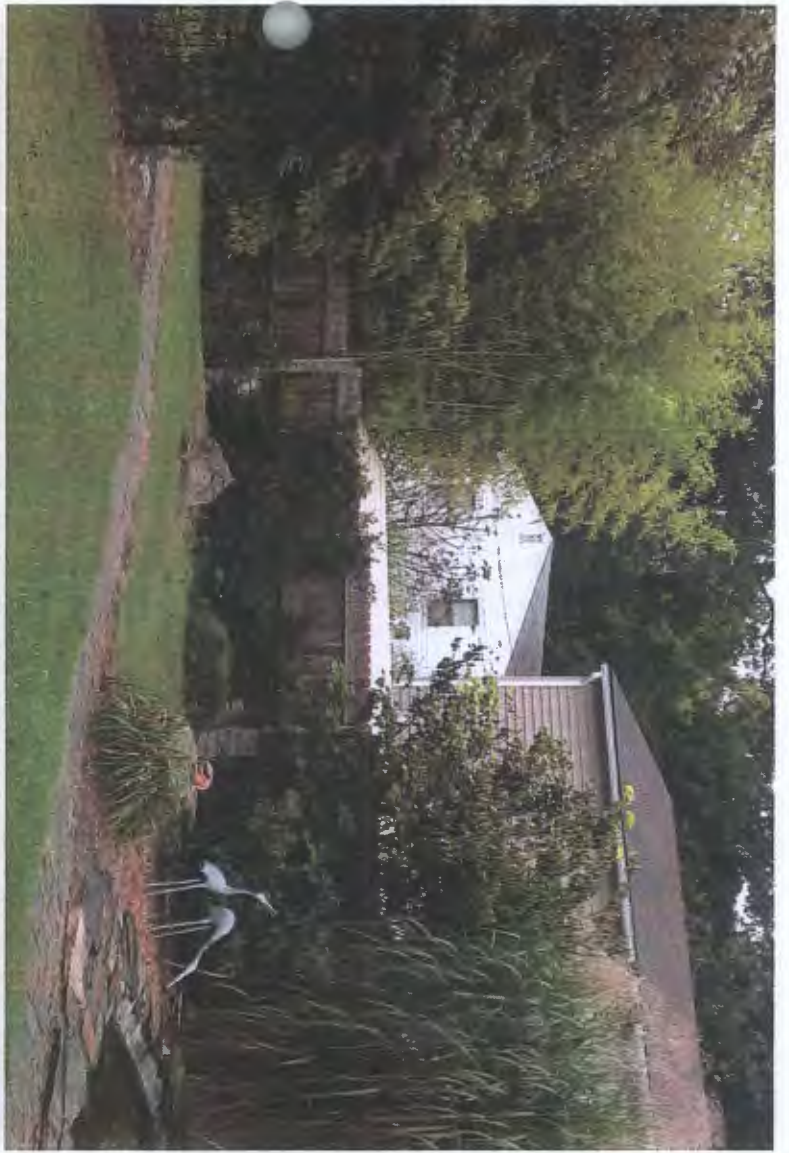




Pet
IF



Put
16.



Put
1H



0515



Pat 15

Pat 15

The wall dividing the two properties,
in 2000.

pt 1K.

Toxic
Creosote
Railroad
Ties

Wall



Area of old wall that was removed. New
Wall runs under front corner of house..

90 degree angle were property
Line crosses.





petex
9

JB 9/24 10am

CASE NO. 2013- 0014-A

C H E C K L I S T

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

8-8

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comments

CSCA missing

DEPS
(if not received, date e-mail sent 9-21)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

8-2

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. June 2012 - # 108449)

\$2,400 if prop not brought into compliance by 8/13

PRIOR ZONING

(Case No. 05-6298-A -2007)

NEWSPAPER ADVERTISEMENT

Date: 9-4-12

The Jeffersonian

SIGN POSTING

Date: 9-4-12

by Black

(20 days)

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

See Jefferson's correspondence to Seneg 1-16-12

9/24
10AM

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1503000240

Owner Information

Owner Name: SENEZ LINDA ANN **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 341 WORTON RD
BALTIMORE MD 21221-3026 **Deed Reference:** 1)/14851/00455
2)

Location & Structure Information

Premises Address **Legal Description**
341 WORTON RD
0-0000 341 WORTON RD
Waterfront MIDDLEBOROUGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0097	0012	0373		0000			134	3	Plat Ref: 0004/0191

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1927	3,272 SF	17,100 SF	34

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	203,200	203,200		
Improvements:	365,200	246,300		
Total:	568,400	449,500	568,500	449,500
Preferential Land:	0			0

Transfer Information

Seller: MYERS ARTHUR L	Date: 12/07/2000	Price: \$333,000
Type: ARMS LENGTH IMPROVED	Deed1: /14851/00455	Deed2:
Seller: JONES ROY E	Date: 04/06/1981	Price: \$49,900
Type: ARMS LENGTH IMPROVED	Deed1: /06274/00192	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1503000240



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

CBCA

Debra Wiley - Re: ZAC Comment - 2013-0014-A - 341 Worton Rd., 21221

From: Jeffrey Livingston
To: Wiley, Debra
Date: 9/21/2012 8:13 AM
Subject: Re: ZAC Comment - 2013-0014-A - 341 Worton Rd., 21221
Attachments: ZAC 13-0014-A-EIR 341 Worton Road.doc

Missing
DEPS
ZAC
Comment

Sorry. Not sure what happened there.

Jeff

>>> Debra Wiley 9/21/2012 8:05 AM >>>
Good Morning,

The above-referenced case is scheduled to come before Judge Beverungen on Monday, September 24th. In reviewing the case file, it appears this property is CBCA and there's no ZAC comment from your department.

Please submit your recommendations before the hearing. Thanks in advance.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

P

Debra Wiley - Fwd: Case No. 2013-0014-A - Sept. 24th @ 10 AM

From: Debra Wiley
To: Fisher, June; Lewis, Kristen
Date: 9/5/2012 1:31 PM
Subject: Fwd: Case No. 2013-0014-A - Sept. 24th @ 10 AM
Attachments: Case No. 2013-0014-A - Sept. 24th @ 10 AM

Hi there,

Kristen - Thanks for bringing over the file; I appreciate it.

We have reviewed the file and have obtained the information we needed.

FYI: I have placed this file in the pick-up box to be returned to your office for further processing, etc.

Thanks again.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - Re: Case No. 2013-0014-A - Sept. 24th @ 10 AM

From: June Fisher
To: Wiley, Debra
Date: 9/4/2012 11:17 AM
Subject: Re: Case No. 2013-0014-A - Sept. 24th @ 10 AM

ok

>>> Debra Wiley 9/4/2012 11:16 AM >>>
Good Morning,

It appears this matter has been before our office for both code and zoning hearings in the past. Can you please look in the case file to see whether counsel is involved on behalf of the Petitioner and/or Protestants. Also, if there are any comments for either of them as well. Or better yet, if June can bring the file over when she brings the Administrative Variances -- I'll just glance thru and make copies as appropriate.

Thanks in advance; we're putting together a packet beforehand since this has many years of controversy.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

9/24
10am
205

Debra Wiley - ZAC Comments - Distribution Mtg. of 7/30

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/14/2012 12:01 PM
Subject: ZAC Comments - Distribution Mtg. of 7/30

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0006-SPHA - 8227 Liberty Road
Hearing: 9/17 @ 10 AM

2013-0013-XA - 3716 Washington Blvd.
Hearing: 9/5 @ 10 AM

2013-0014-A - 341 Worton Road
No hearing in data base as of 8/14

2013-0015-A - 1414 Walnut Ave.
No hearing in data base as of 8/14

2013-0016-A - 901 Monaghan Ct.
Administrative Variance - Closing Date: 8/20

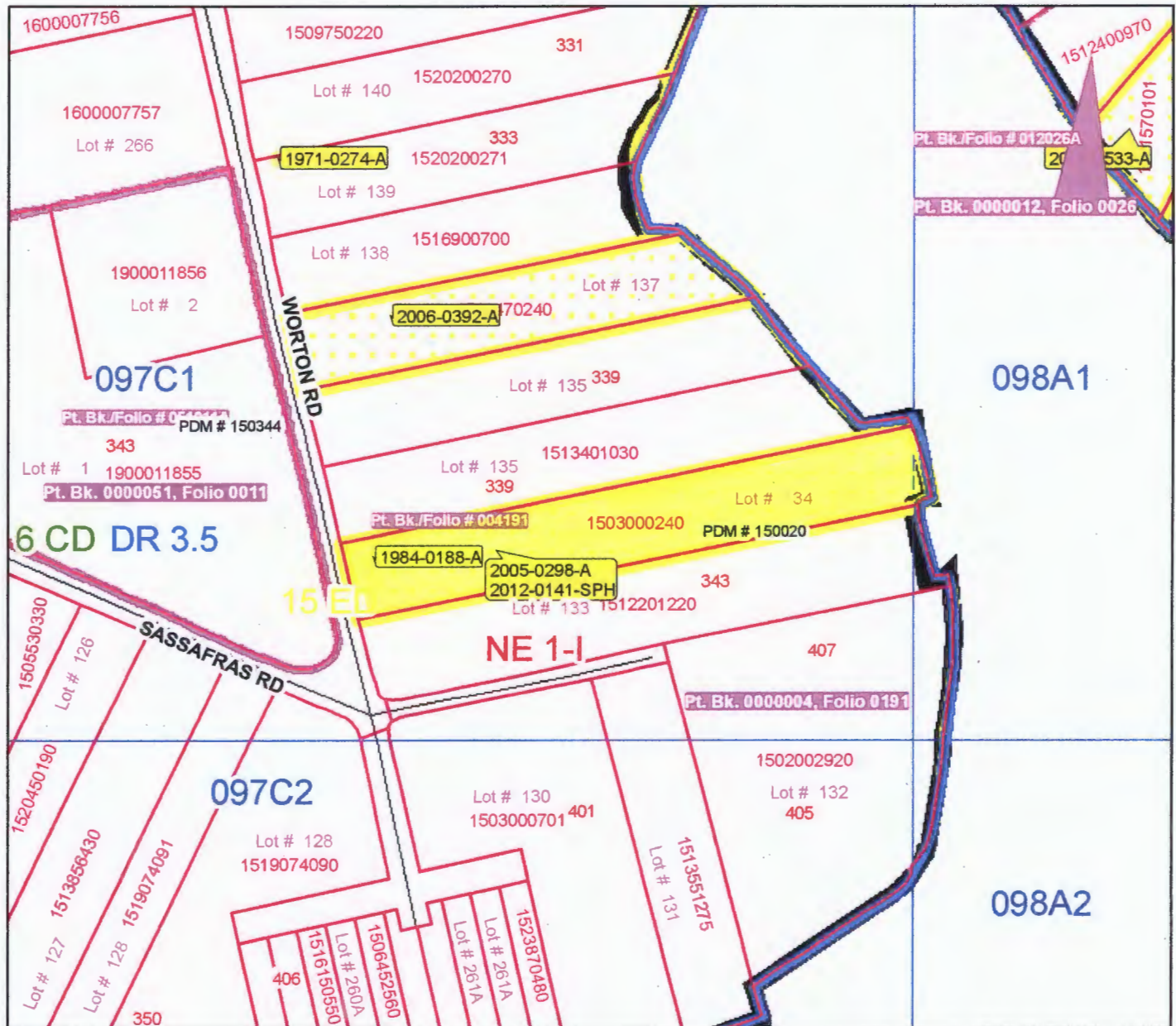
2013-0017-SPH - 119 Main St.
No hearing in data base as of 8/14

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



341 Worton Road



Publication Date: July 17, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

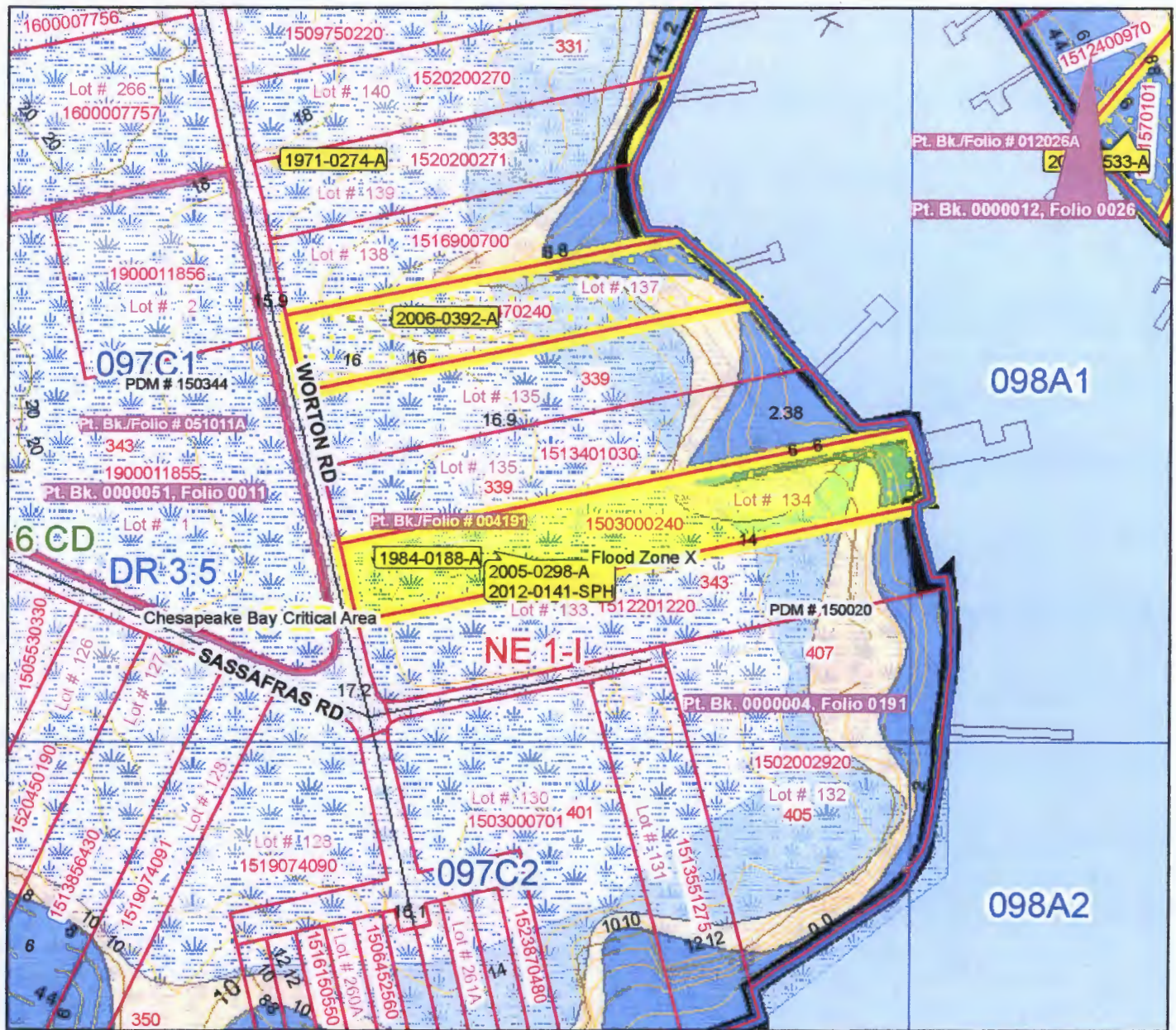


0 100 200
 Feet

1 inch = 100 feet

Item # 0014

Elevations and Flood Hazards



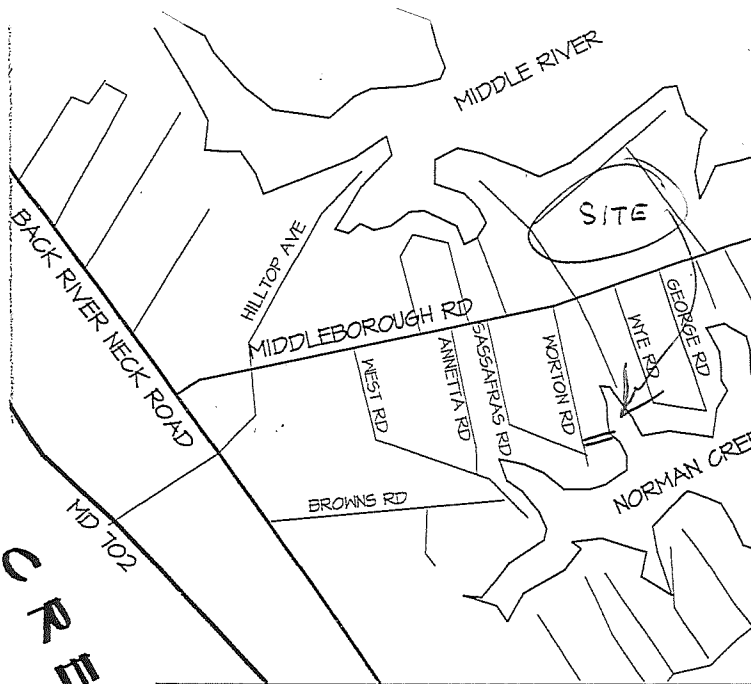
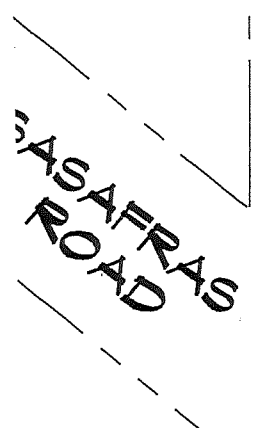
Publication Date: July 17, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200
 Feet

1 inch = 100 feet

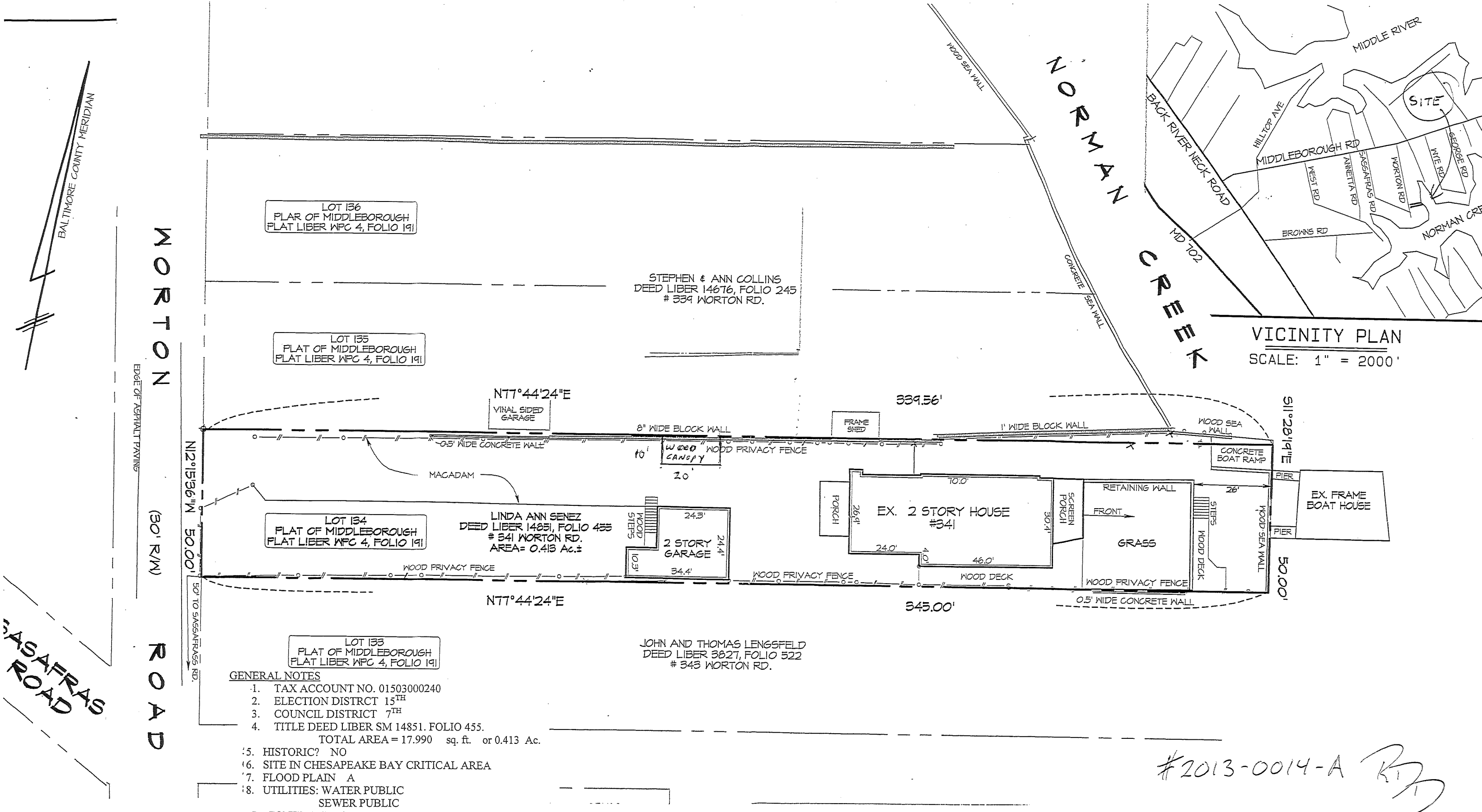
Item #0014



- GRAPHIC SCALE 1"=30'
- 
- A horizontal graphic scale bar with alternating black and white segments. Below the bar are numerical markings at 0, 30, 60, and 90. The text "GRAPHIC SCALE" is centered above the bar, and "1"=30'" is at the top right.

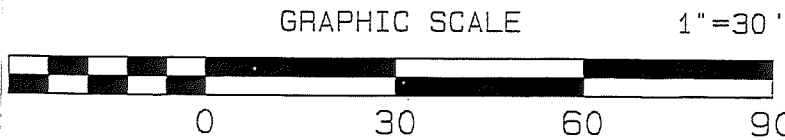
#2013-0014-A *BZ*

**PLAT TO ACCOMPANY
VARIANCE HEARING
OF THE
SENEZ PROPERTY
341 WORTON ROAD
BALTIMORE COUNTY, MARYLAND**



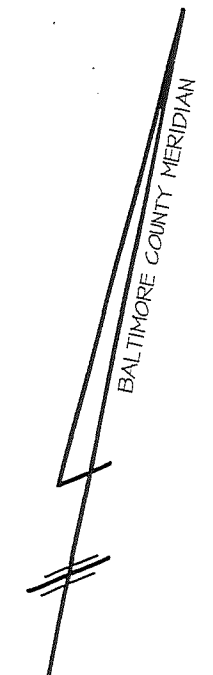
GENERAL NOTES

1. TAX ACCOUNT NO. 01503000240
2. ELECTION DISTRICT 15TH
3. COUNCIL DISTRICT 7TH
4. TITLE DEED LIBER SM 14851, FOLIO 455.
TOTAL AREA = 17.990 sq. ft. or 0.413 Ac.
5. HISTORIC? NO
6. SITE IN CHESAPEAKE BAY CRITICAL AREA
7. FLOOD PLAIN A
8. UTILITIES: WATER PUBLIC
SEWER PUBLIC
9. ZONED D.R. 3.5
10. 200' SCALE ZONING MAP NO. 097C1
11. PRIOR ZONING CASE 84-188-A
-VARIANCE TO PERMIT A SIDE YARD SETBACK OF 1' IN LIEU OF THE REQUIRED 2.5' AND AN AVERAGE HEIGHT OF 19' IN LIEU OF THE REQUIRED 15'
-GRANTED 2-10-1984
12. PRIOR ZONING CASE 05-298-A
-VARIANCE TO PERMIT A 90 SQUARE FOOT DETACHED STRUCTURE (DECK AND RAILING) TO BE LOCATED IN THE FRONT YOARD IN LIEU OF THE REQUIRED REAR YARD, AND TO PERMIT A ZERO (0) FOOT SIDE YARD SETBACK.
-GRANTED 3-29-2007
13. PRIOR ZONING CASE 2012-0141 SPH - WAS WITHDRAWN



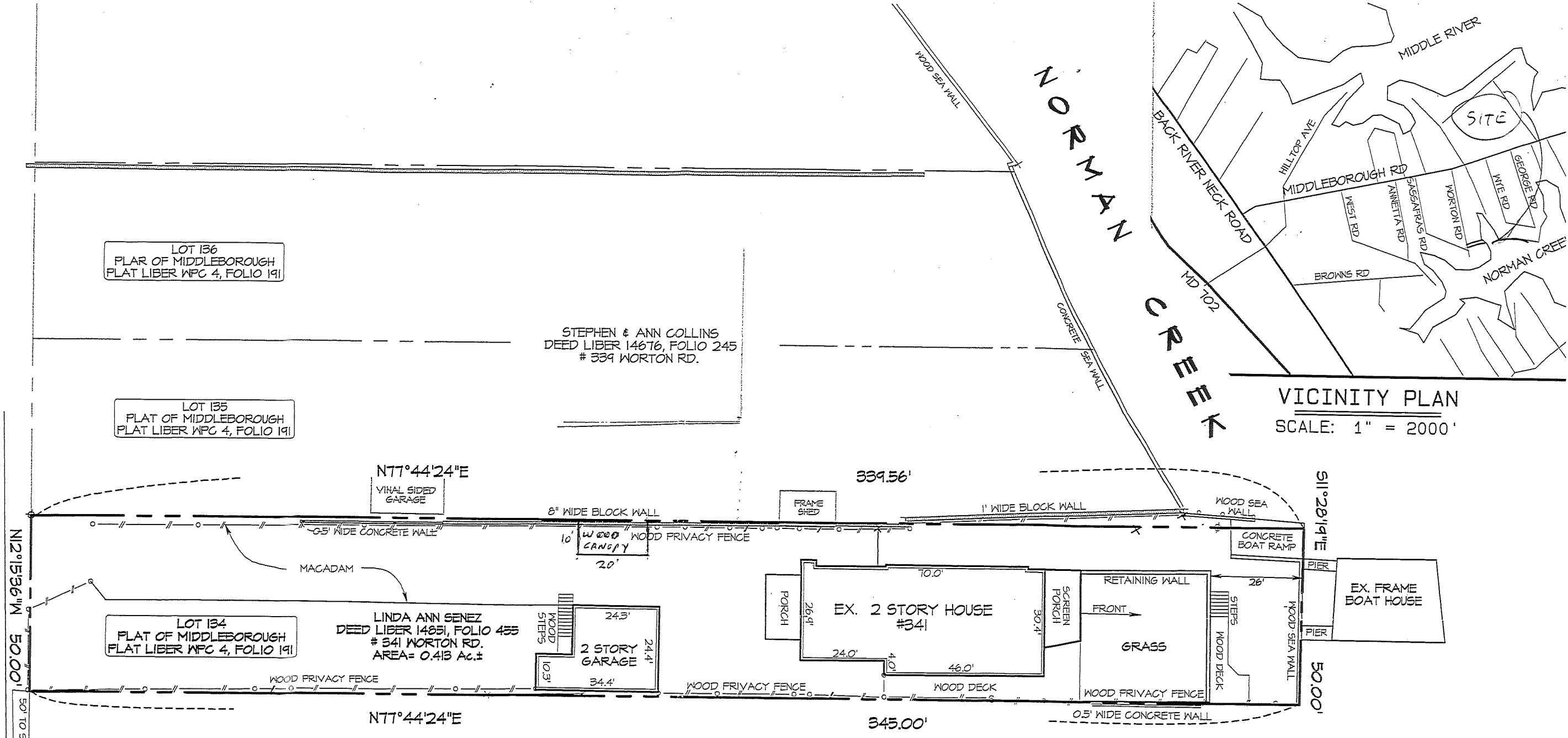
#2013-0014-A *RJD*

**PLAT TO ACCOMPANY
VARIANCE HEARING
OF THE
SENEZ PROPERTY
341 WORTON ROAD
BALTIMORE COUNTY, MARYLAND**



SASSAFRAS ROAD

MORTON ROAD (30' R/W)

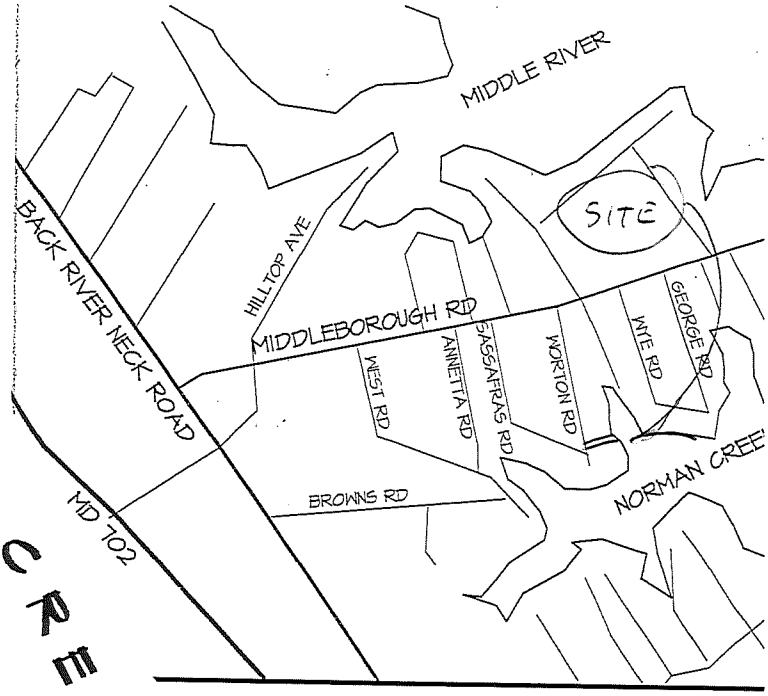
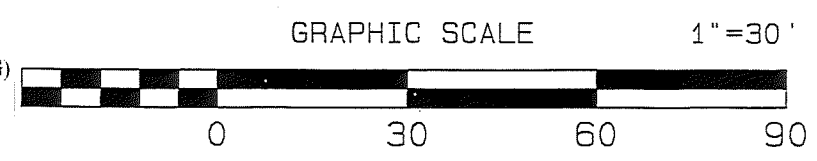


GENERAL NOTES

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3. COUNCIL DISTRICT 7TH
4. TITLE DEED LIBER SM 14851, FOLIO 455.
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6. SITE IN CHESAPEAKE BAY CRITICAL AREA
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-GRANTED 3-29-2007
13. PRIOR ZONING CASE 2012-0141 SPH - WAS WITHDRAWN

PETITIONER'S

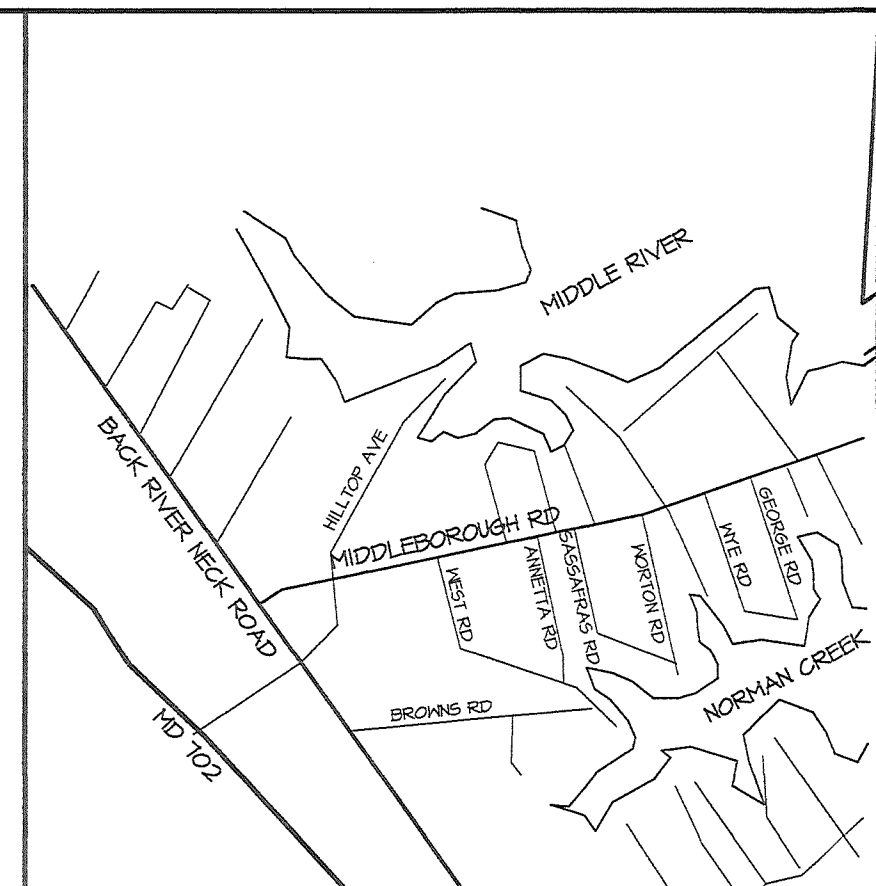
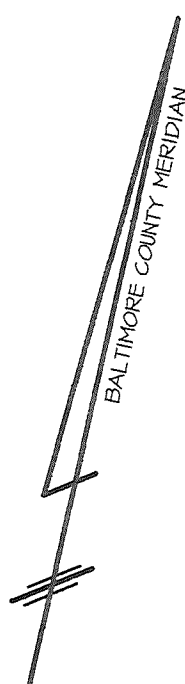
EXHIBIT NO. 1



VICINITY PLAN
SCALE: 1" = 2000'

#2013-0014-A RZ

PLAT TO ACCOMPANY
VARIANCE HEARING
OF THE
SENEZ PROPERTY
341 WORTON ROAD
BALTIMORE COUNTY, MARYLAND



VICINITY PLAN
SCALE: 1" = 2000'

NORTON ROAD (30' R/W)
EDGE OF ASPHALT PAVING
N12°15'36"W 50.00'
S0°10'54"W 148.00'

LOT 136
PLAT OF MIDDLEBOROUGH
PLAT LIBER MFC 4, FOLIO 191

STEPHEN & ANN COLLINS
DEED LIBER 14676, FOLIO 245
339 NORTON RD.

Collins

LOT 135
PLAT OF MIDDLEBOROUGH
PLAT LIBER MFC 4, FOLIO 191

N77°44'24"E
VINYL SIDED GARAGE

339.56'

8" WIDE BLOCK WALL

FRAME SHED

1" WIDE BLOCK WALL

WOOD SEA WALL

S11°28'19"E

CONCRETE BOAT RAMP

PIER

WOOD SEA WALL

PIER

WOOD SEA WALL

PIER

WOOD SEA WALL

PIER

WOOD SEA WALL

PIER

WOOD SEA WALL

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PIER

LOT 134
PLAT OF MIDDLEBOROUGH
PLAT LIBER MFC 4, FOLIO 191

LINDA ANN SENEZ
DEED LIBER 14851, FOLIO 455
341 NORTON RD.
AREA= 0.413 AC.±

2 STORY GARAGE

EX. 2 STORY HOUSE
#341

SCREEN PORCH

FRONT

GRASS

WOOD DECK

WOOD DECK

WOOD DECK

WOOD DECK

WOOD DECK

WOOD DECK

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WOOD DECK

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WOOD DECK

N77°44'24"E

345.00'

S11°28'19"E

CONCRETE BOAT RAMP

PIER

WOOD SEA WALL

PIER

WOOD SEA WALL

PIER

WOOD SEA WALL

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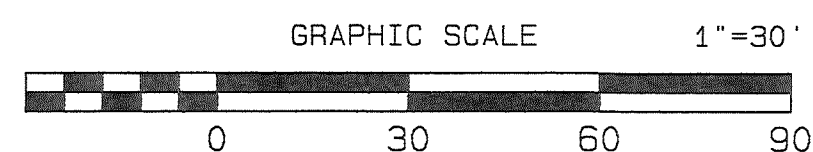
PIER

LOT 133
PLAT OF MIDDLEBOROUGH
PLAT LIBER MFC 4, FOLIO 191

JOHN AND THOMAS LENGSELD
DEED LIBER 3827, FOLIO 522
343 NORTON RD.

GENERAL NOTES

1. TAX ACCOUNT No. 01503000240
2. TITLE DEED LIBER SM 14851, FOLIO 455,
TOTAL AREA = 17,990 ± sq.ft. or 0.413 Ac.
3. ZONED D.R. 3.5
4. 200' SCALE ZONING MAP No. NE 1-I
5. CENSUS TRACT 4509 A.D.C. MAP & GRID 37-K-10
WATERSHED 24 SUBWATERSHED 57
SCHOOL DISTRICT 93 REGIONAL PLANNING DISTRICT 328
6. THIS SITE IS SERVICED BY PUBLIC SEWER AND WATER.
7. THIS SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA.
8. PRIOR ZONING CASE 84-188-A
-VARIANCE TO PERMIT A SIDE YARD SETBACK OF 1' IN LIEU OF THE REQUIRED 2.5'
AND AN AVERAGE HEIGHT OF 19' IN LIEU OF THE REQUIRED 15'
- GRANTED 2-10-1984



PLAT TO ACCOMPANY
A ZONING PETITION
FOR A
SPECIAL HEARING & VARIANCE
OF THE

SENEZ PROPERTY
341 NORTON ROAD
BALTIMORE COUNTY, MARYLAND

15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT
SCALE: 1"=30' DATE: AUGUST 10, 2004

BRIAN R. DIETZ
PROFESSIONAL LAND SURVEYOR #21080

7867 OAKDALE AVENUE
BALTIMORE MD 21237
PH 410-686-1198, FAX 410-682-6021

REVISE TITLE	04-23-04
REVISION	DATE
PLOT DATE: 9/29/2004	TECHNICIAN:
FILE NAME: C:\BRIAN\NORTON\NORTON_ZONE.pro	

pt #2