

IN RE: PETITION FOR VARIANCE

(970 Seneca Park)

15th Election District

6th Councilman District

Daniel T. Brulinski, Jr. for the

Estate of Theodore J. Brulinski

Legal Owners

Gast Construction Co., Inc.

Contract Purchaser

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0042-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David Billingsley on behalf of Daniel T. Brulinski, Jr. owner, and Gast Construction Co., Inc., contract purchaser. The Petitioners are requesting Variance relief from Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 38 feet and side yards of 10 feet and 11 feet in lieu of 35 feet, 50 feet and 50 feet, respectively for a new dwelling on an existing lot of record with an area less than 1.5 acres. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Cheryl Williams, V.P. Gast Construction Co., Inc. and David Billingsley of Central Drafting & Design, Inc., the firm that prepared the site plan. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS) and Bureau of Development Plans Review (DPR). The DOP did not oppose the request, and the

ORDER RECEIVED FOR FILING
Date

10/30/13

By

den

DEPS and DPR noted Petitioners were obliged to comply with the Critical Area and flood protection regulations.

Testimony and evidence established that the subject property is approximately 11,025 square feet and is zoned RC 5. The lot (like the others in the vicinity) is 50' wide. The property is improved with a foundation and the beginnings of a home construction project that was later abandoned. The contract purchaser proposes to clear the lot and construct an attractive single family dwelling (shown in the elevation drawings admitted as Exhibit 7), but requires variance relief to do so.

Based upon the testimony and evidence presented, I will grant the petition for variance. Under Maryland law, 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).

Petitioners have met this test. The waterfront property is narrow and deep, and was platted before the adoption of the B.C.Z.R. As such it is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would indeed suffer a practical difficulty, since they would be unable to construct a single family dwelling on the lot given the 50' RC 5 side yard requirements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of community and/or Baltimore County opposition.

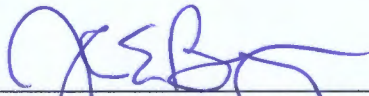
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 30th day of October, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit a height of 38 ft. and side yards of 10 ft. and 11 ft. in lieu of 35 ft., 50 ft. and 50 ft. respectively for a new dwelling on an existing lot of record with an area less than 1.5 acres, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comments of DEPS (dated 9-13-2013) and DPR (dated 9-4-2013).

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:slh

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Date 10/30/13

By slh



KEVIN KAMENETZ
County Executive

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

October 30, 2013

David Billingsley
601 Charwood Ct.
Edgewood, Maryland 21040

RE: Petition for Variance
Property: 970 Seneca Park Road
Case No.: 2014-0042-A

Dear Mr. Billingsley:

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:slh
Enclosure

c: Cheryl Williams, 11100 Pulaski Highway, White Marsh, Maryland 21162



CBCA

FLOOD

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 970 SENECA PARK ROAD which is presently zoned KC5Deed References: L. 2176 E. 35 10 Digit Tax Account # 1502651500Property Owner(s) Printed Name(s) DANIEL T. BRULINSKI, PERSONAL REPRESENTATIVE FOR ESTATE OF THEODORE J. BRULINSKI(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 approve2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for3. ☒ a Variance from Section(s)

SEE ATTACHED

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)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above 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:

GAST CONSTRUCTION CO., INC.

Name- Type or Print

Cheryl L. Williams →

Signature

11100 PULASKI HWY. WHITE MARSH, MD.

Mailing Address City State

21162 (410) 335-4200 cheryl@gast

Zip Code Telephone # Email Address

@aol.com

Attorney for Petitioner:

Name- Type or Print

Signature

Date 10/30/13

Mailing Address City State

BY

Zip Code Telephone # Email Address

Legal Owners (Petitioners): DANIEL T. BRULINSKI, PR. FOR THE ESTATE OF THEODORE J. BRULINSKI

Name #1 - Type or Print

Daniel T. Brulinski

Signature #1

Name #2 - Type or Print

1718 INGLESIDE RD. FOREST HILL, MD.

Signature #2

Mailing Address City State

21050

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

David Billingsley

Signature

601 CHARWOOD CT. EDGEWOOD, MD.

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0042-A Filing Date 8/21/13

Do Not Schedule Dates:

Reviewer JCM

REV. 10/4/11

SECTIONS 1A04.3.A AND 1A04.3.B.2.b (BCZR) TO PERMIT A HEIGHT OF 38 FEET
AND SIDE YARDS OF 10 FEET AND 11 FEET IN LIEU OF 35 FEET, 50 FEET AND 50
FEET RESPECTIVELY FOR A NEW DWELLING ON AN EXISTING LOT OF RECORD
WITH AN AREA LESS THAN 1 1/2 ACRES.

ZONING DESCRIPTION

970 SENECA PARK ROAD

Beginning at a point on the east side of Seneca Park Road (30 feet wide) distant 58 feet northerly from its intersection with the center of Nannette Lane (30 feet wide), thence being all of Lot 81 as shown on the plat entitled Seneca Park Beach recorded among the Baltimore County plat records in Plat Book 8 Folio 45.

Containing 11,025 square feet or 0.253 acre, more or less.

Being located in the 15TH Election District, 6TH Councilmanic District of Baltimore County,
Maryland

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: ~~2004~~ 2014-0042-A
Petitioner: DANIEL BRULINSKI
Address or Location: 970 JENECK PARK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CENTRAL DRAFTING & DESIGN, INC.
Address: 601 CHARWOOD CT.
EDGEWOOD, MD. 21040

Telephone Number: (410) 679-8719

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

No. **102556**

Date: **8/21/13**

PAID RECEIPT

BUSINESS ACTUAL TIME BWM
8/21/2013 8/21/2013 09:38:53 2

REC 1002 WALKIN JENA JEE
>>RECEIPT # 001099 8/21/2013 OFLN

Dept 5 028 ZONING VERIFICATION

CR NO. 102556

Receipt Tot \$75.00

\$75.00 CA \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.-

Total: **75.-**

Rec From

CENTRAL DRAFTING & DESIGN.

For

2014-0042-A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: CASE NO: 2014-0042-A

PETITIONER/DEVELOPER _____

DAVE BILLINGSLEY

DATE OF HEARING/CLOSING: _____

10/28/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

970 SENECA PARK ROAD

THIS SIGN(S) WERE POSTED ON October 8, 2013
(MONTH, DAY, YEAR.)

SINCERELY,
[Signature] 10/8/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2014-0042-A

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

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, OCTOBER 28, 2013
AT 10:00 A.M.

REQUEST:

VARIANCE TO PERMIT A HEIGHT OF 38 FEET AND SIDE
YARDS OF 10 FEET AND 11 FEET IN LIEU OF 3 FEET, 50
FEET AND 50 FEET RESPECTIVELY FOR A NEW
DWELLING ON AN EXISTING LOT OF RECORD WITH AN
AREA LESS THAN 1.5 ACRES

ENTRANCE TO ALL ZONING AND OTHER COMMISSIONS ARE, SOMETIMES NECESSARY
BY CERTAIN HEARING CALL 410-321-3100

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

MEETING IS HANDICAP ACCESSIBLE

Michael G. 10/8/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

October 10, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on October 8, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0042-A

970 Seneca Park Road

E/s Seneca Park Rd., 58 ft. +/- northerly from its

intersection with the centerline of Nannette Ln.

15th Election District - 6th Councilmanic District

Legal Owner(s): Daniel Bruunski, P.R. for the

estate of Theodore Bruunski

Contract Purchaser: Gast Construction Co., Inc.

Variance: to permit a height of 38 feet and side yards of 10 feet and 11 feet in lieu of 35 feet, 50 feet, and 50 feet respectively for a new dwelling on an existing lot of record with an area less than 1.5 acres.

Hearing: Monday, October 28, 2013 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 10/647 Oct. 8

951652



KEVIN KAMENETZ
County Executive

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

September 13, 2013

NOTICE OF ZONING HEARING

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E/s Seneca Park Rd, 58 ft. +/- northerly from its intersection with the centerline of Nannette Ln.

15th Election District – 6th Councilmanic District

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Hearing: Monday, October 28, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Gast Construction Co., 11100 Pulaski Highway, White Marsh, 21162
Daiel Bruunski, Jr., 1718 Ingleside Road, Forest Hill 21050
David Billingsley, 601 Charwood Court, Egdewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 8, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 8, 2013 Issue - Jeffersonian

Please forward billing to:
Central Drafting & Design, Inc.
Attn: David Billingsley
601 Charwood Court
Edgewood, MD 21040

410-679-8719

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CASE NUMBER: 2014-0042-A

970 Seneca Park Road

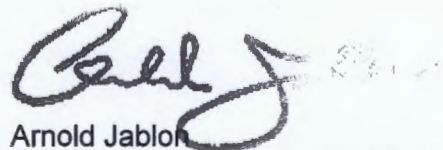
E/s Seneca Park Rd, 58 ft. +/- northerly from its intersection with the centerline of Nannette Ln.
15th Election District – 6th Councilmanic District

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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.

M E M O R A N D U M

DATE: December 2, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0042-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 29, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
970 Seneca Park Road; E/S Seneca Park		
Road, 58' N of Nannette Lane	*	OF ADMINISTRATIVE
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Estate of Theodore Brulinski	*	HEARINGS FOR
Contract Purchaser(s): Gast Construction Co, Inc		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-042-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

AUG 29 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/4/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>9/13/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
<u>9/10/13</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>8/28/13</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>NO Obj</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10/08/13</u>	
SIGN POSTING	Date: <u>10/08/13</u> by <u>OGLE</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 8-28-13

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

RE: Baltimore County
Item No 2014-0042-A
Variance
Daniel F. Brulinski, Jr.
for the Estate of Theodore J.
Brulinski
970 Seneca Park 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. 2014-0042-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 black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 970 Seneca Park Road

INFORMATION:

Item Number: 14-042

Petitioner: Daniel T. Bruunski, P.R. For The Estate of Theodore J. Bruunski

Zoning: RC 5

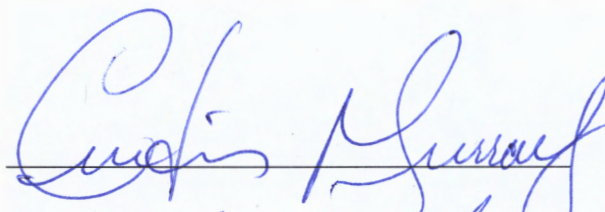
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

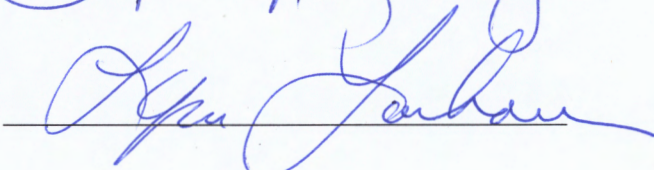
The Department of Planning has reviewed the petitioner's request, architectural elevations, and accompanying site plan. The Department of Planning finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations. As such, this department does not oppose the subject request.

For further information concerning the matters stated here in, please contact Matt Diana at 410-887-3480.

Prepared By:



Division Chief:
AVA/LL:cjm



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SEP 11 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 13 2013



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 13, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0042-A
Address 970 Seneca Park Road
(Brulinski Property)

Zoning Advisory Committee Meeting of August 26, 2013.

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

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow a replacement single family dwelling with reduced side yard and street setbacks, greater height, and less area than permitted. The lot is waterfront and is developed with a single family dwelling. The proposed dwelling encroaches into the 100-foot buffer 5 feet with an attached deck. Lot coverage on the entirety of this property is limited to 31.25%, with mitigation required for lot coverage above 25%. The proposed lot coverage is 2,180 square feet for a dwelling and driveway, below the 25% limit for both acreages. 15% afforestation is required in the LDA; existing trees may be counted towards this requirement. If the applicant can meet the 15% afforestation and BMA requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

ORDER RECEIVED FOR FILING

Date 10/30/13

By Den

This property is waterfront. If the afforestation and BMA requirements are met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Afforestation information was not included. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

ORDER RECEIVED FOR FILING

Date 10/30/13

By den

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 2, 2013
Item No. 2013-0042

DATE: September 4, 2013

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

The base flood elevation for this site is 10.2 feet [NAVD 83].

The flood protection elevation is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK: CEN.
Cc: file.
ZAC-ITEM NO 13-0042-09022013.doc

ORDER RECEIVED FOR FILING

Date 10/30/13

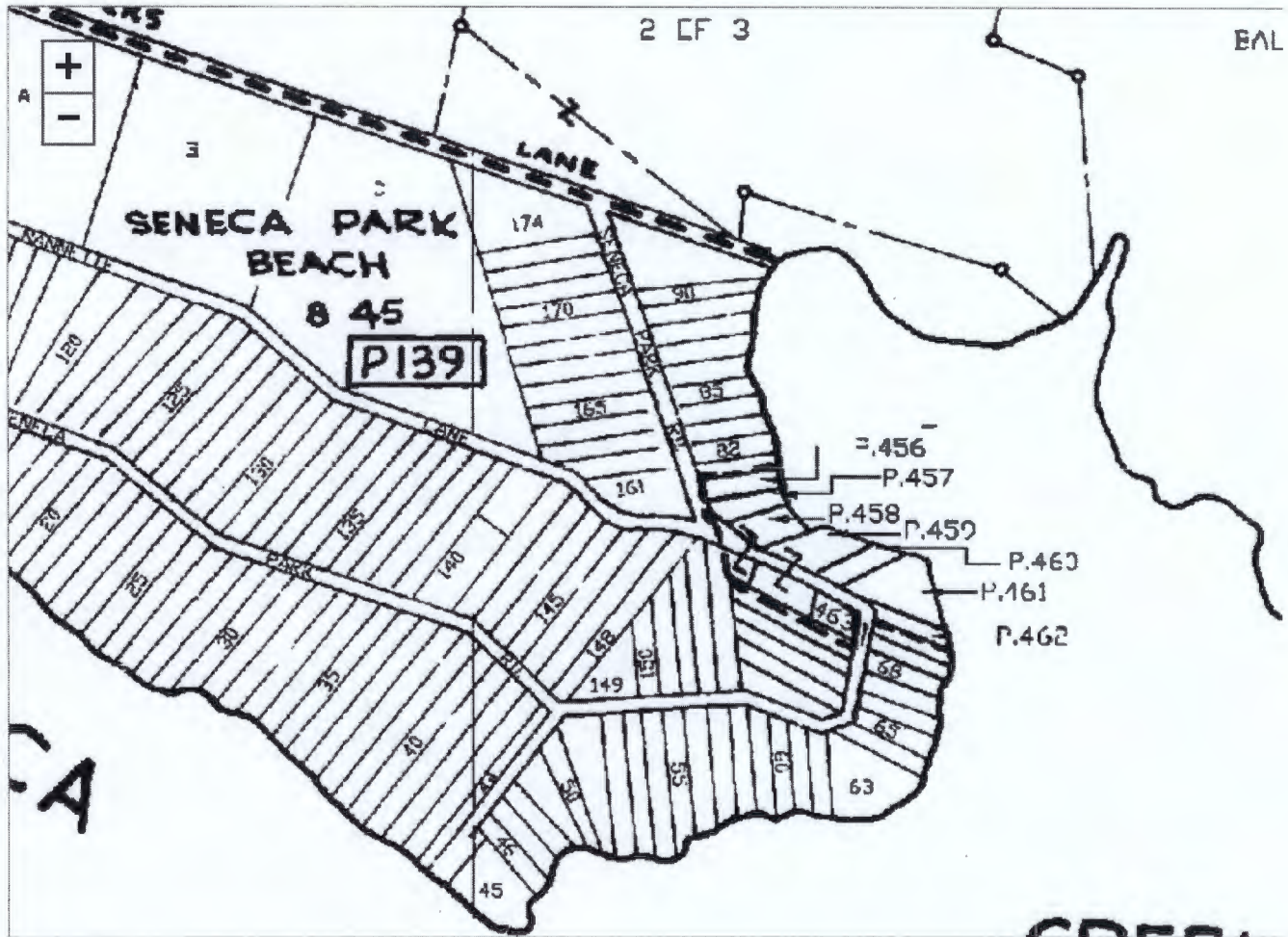
By Sen

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 15 Account Number - 1502651500	
Owner Information		
Owner Name:	BRULINSKI JOHN	Use: RESIDENTIAL
	C/O DANIEL BRULINSKI	Principal Residence: NO
Mailing Address:	1718 INGLESIDE RD	Deed Reference: 1) /02176/ 0003
	FOREST HILL MD 21050-2305	2)
Location & Structure Information		
Premises Address:	970 SENECA PARK RD	Legal Description: SENECA PARK
	BALTIMORE 21220-2314	
	Waterfront	
Map: 0091	Grid: 0017	Parcel: 0139
Sub District:	Subdivision: 0000	Section:
		Block: 81
		Lot: 2012
		Assessment Year:
		Plat No:
		Plat Ref: NONE
Special Tax Areas:		
	Town:	
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area
		10,000 SF
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	46,000	46,000
Improvements	0	0
Total:	46,000	46,000
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
Transfer Information		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

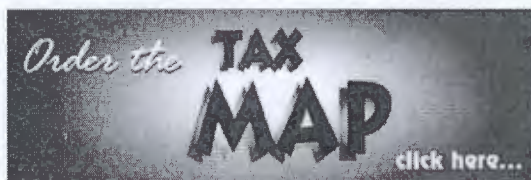
New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1502651500**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://lmsweb05.mdp.state.md.us/website/mosp/>)

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CASE NAME 970 SENECAPARK DR.
CASE NUMBER 2014-0942-A
DATE 10-28-2013

[illegible]

Case No.: 2014-0042-A

JB 10/28/13
10 am

Exhibit Sheet

Petitioner/Developer

192
12-2-13

Protestants

SNV
10/30/13

No. 1	Site plan	
No. 2	SDAT Sheet	
No. 3	Tax map	
No. 4	Deed to site	
No. 5	Aerial photo	
No. 6	BC Sewer plan drawing	
No. 7	Bldg. Elevations	
No. 8	8A-8E Color photos	
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

**970 SENECA PARK ROAD
CASE NO. 2014-0042-A**

- 1. PLAT TO ACCOMPANY PETITION DATED AUGUST 15, 2013 (NO CHANGES)**
- 2. MD. SDAT REAL DATA PROPERTY SEARCH**
- 3. PORTION OF TAX MAP 0091**
- 4. DEED OF RECORD – L.2176 F.035 DATED SEPTEMBER 11, 1952**
- 5. AERIAL PHOTO**
- 6. COPY OF PORTION OF BCBE SEWER PLAN NO. 2005-0314**
- 7. BUILDING ELEVATIONS**
- 8a - 8e. PHOTOS**

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 15 Account Number - 1502651500

Owner Information

<u>Owner Name:</u>	BRULINSKI JOHN	<u>Use:</u>	RESIDENTIAL
<u>Mailing Address:</u>	C/O DANIEL BRULINSKI 1718 INGLESIDE RD FOREST HILL MD 21050-2305	<u>Principal Residence:</u>	NO
		<u>Deed Reference:</u>	1) /02176/ 00035 2)

Location & Structure Information

Premises Address
970 SENECA PARK RD
BALTIMORE 21220-2314

Legal Description

Waterfront SENECA PARK BEACH

<u>Map</u>	<u>Grid</u>	<u>Parcel</u>	<u>Sub District</u>	<u>Subdivision</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Assessment Area</u>	<u>Plat No:</u>
0091	0017	0139		0000			81	3	<u>Plat Ref:</u> 0008/ 0045

Special Tax Areas

Town NONE
Ad Valorem
Tax Class

<u>Primary Structure Built</u>	<u>Enclosed Area</u>	<u>Property Land Area</u>	<u>County Use</u>
		10,000 SF	34

<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>
----------------	-----------------	-------------	-----------------

Value Information

	<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
<u>Land</u>	46,000	46,000		
<u>Improvements:</u>	0	0		
<u>Total:</u>	46,000	46,000	46,000	46,000
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>

Exemption Information

<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

<u>Tax Exempt:</u>	<u>Special Tax Recapture:</u>
<u>Exempt Class:</u>	NONE

Homestead Application Information

<u>Homestead Application Status:</u>	No Application
--------------------------------------	----------------

PETITIONER'S
EXHIBIT NO. 2

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1502651500**

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<http://imsweb05.mdp.state.md.us/website/mosp/>

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PETITIONER'S
EXHIBIT NO. 3

FILED, made this 11th day of September, in the year one thousand nine hundred and fifty-two, by and between William A. Plummer, her husband, of the City of Washington in the District of Columbia STEPHEN A. WILKINSON and JOHN A. WILKINSON, his wife, of Baltimore County in the State of Maryland, hereinafter referred to as grantors, and JOHN A. WILKINSON, of Baltimore City, State of Maryland, and hereinafter referred to as donee.

WITNESSETH that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey unto the said donee, his heirs and assigns in fee simple, all that certain lot or parcel of ground situate and lying in the Fifteenth Election District of Baltimore County, State of Maryland and more particularly mentioned or described as follows, to-wit: to-wit:

BEING known and designated as Lot No. 31 on the original plat of Survey hereon as prepared by Bailey A. Adams in 1821, said lot be: 31 having a frontage of 30 feet with a rearage line being northwesterly of 180 feet, more or less as the record of Deed Book 1000, said lot be: 31 being on the northeast side of the highway hereinafter as followed along the full course of said highway hereinafter as followed, it would meet the extreme southern junction of said road with the Park and West Harbor also delineated on said plat.

BEING also a part of the whole tract of land known as Scott's Improvement, which by a deed dated October 14, 1838, and recorded among the Land Records of Baltimore County in Liber B. 2, folio 130, was conveyed by Theodore F. Gibbons et al. to Thomas Wilkinson and Stephen A. Wilkinson, and being part of the same tract which the said Thomas Wilkinson by his last will and testament dated October 26, 1866 and recorded in the office of the Register of Wills for Baltimore County in Will Book 11, folio 305, devised to the said Stephen A. Wilkinson, who died intestate in the month of December 1879, leaving surviving a widow, Mary A. Wilkinson (who later married with George A. Hawks and is now deceased) and three children as his heirs at law, the said grantors, Stephen A. Wilkinson (who later married with said Mary A. Wilkinson) and Thomas A. Wilkinson, who died June 23, 1903 and by his last will and testament dated September 13, 1903 with Deed Book 11, folio 305, attached and of record in the office of the Register of Wills for Baltimore County in Will Book 11, folio 305, devised his estate, after the payment of debts, to the said Stephen A. Wilkinson and also George

TOGETHER with the buildings and improvements thereon; and with the rights, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

PETITIONER'S
EXHIBIT NO. 4



0 50 Feet



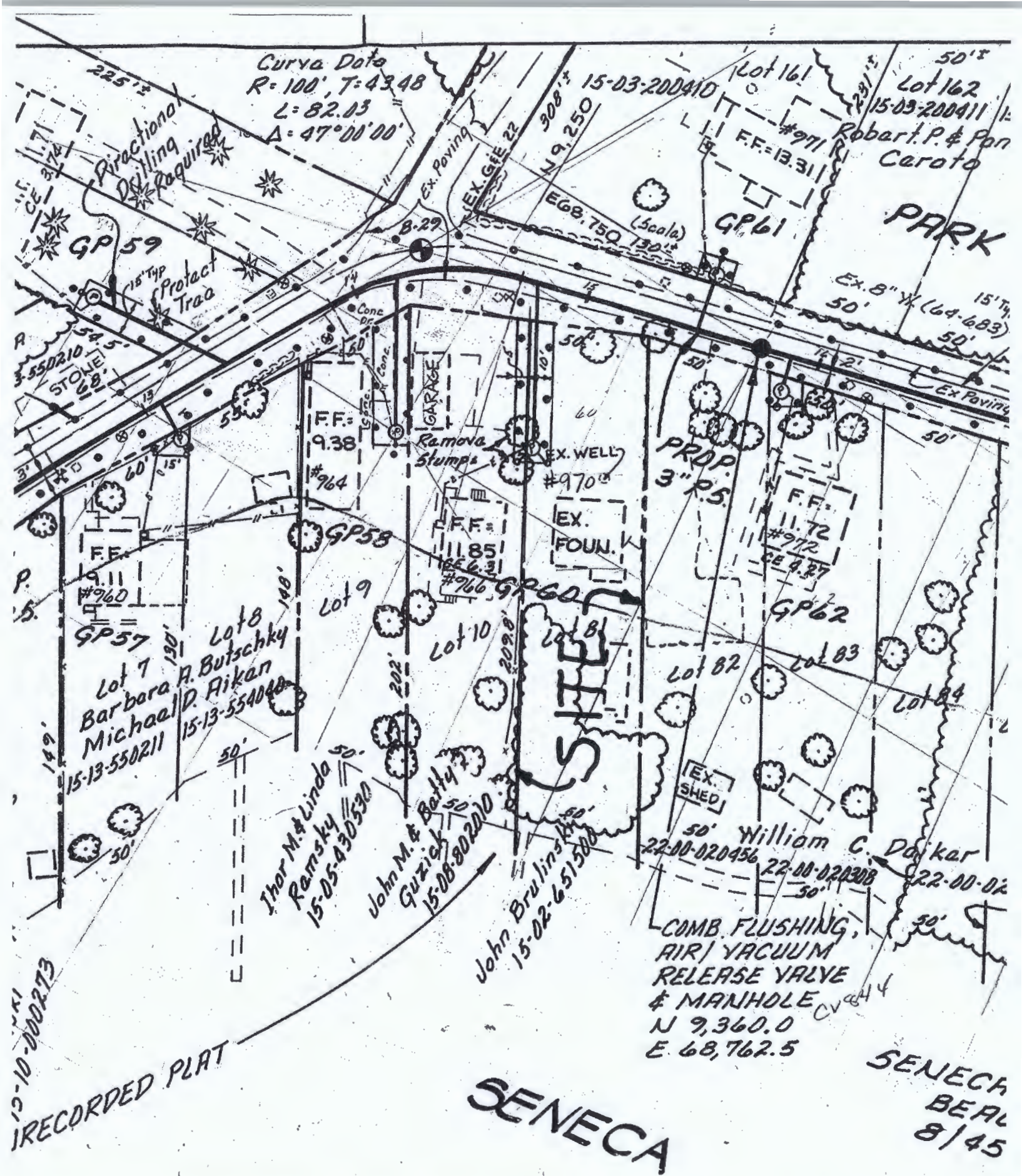
970 SENECA PARK
ROAD

Created By
Baltimore County
Good
PETITIONER'S
EXHIBIT NO. 5



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 10/24/2013



* Elev. @ Grinder Pump

GRINDER PUMP SCHEDULE

PETITIONER'S
EXHIBIT NO. **6**

IDER | EX. GROUND | INFLUENT



SCALE: 1/4"=1'-0"

DATE: 10/2015

SHEET NO.: X

GBL CUSTOM HOME DESIGN INC.
 PO BOX 127 PINEBURG, MO 21048
 PHONE: 410-833-8320

GAST CONSTRUCTION

GAST
 CONSTRUCTION COMPANY, INC.
 410-833-4200

PETITIONER'S EXHIBIT NO. 7



a



b



C



d



2

SENECA PARK BEACH

EDGARE KENLY
SALES AGENT
HONEYWOOD 2698

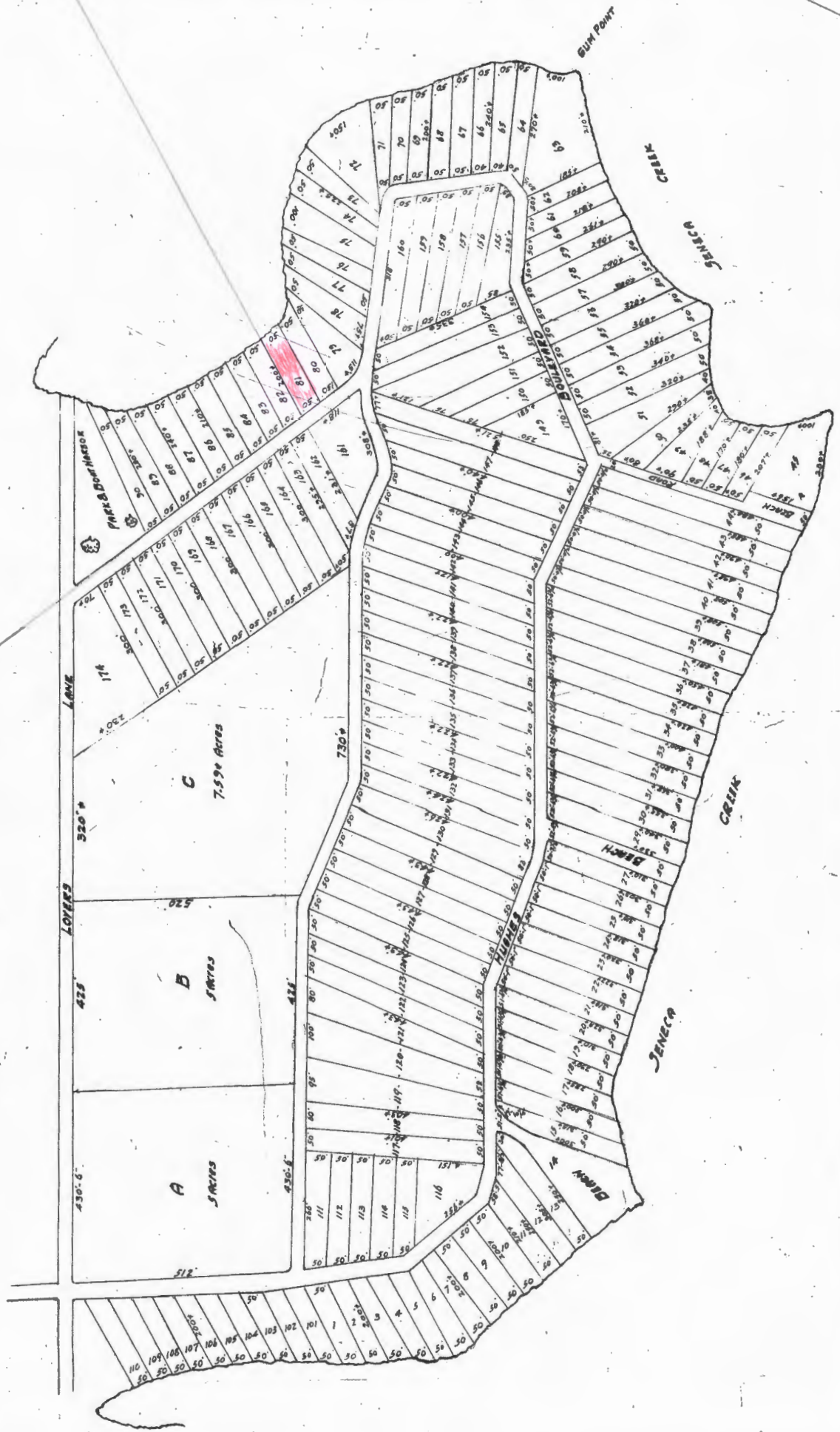
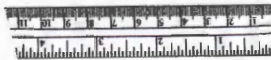
SCALE 1"=100'
TALLEY & BAYCO
CIVIL ENGINEERS
BOSTON, MASS.

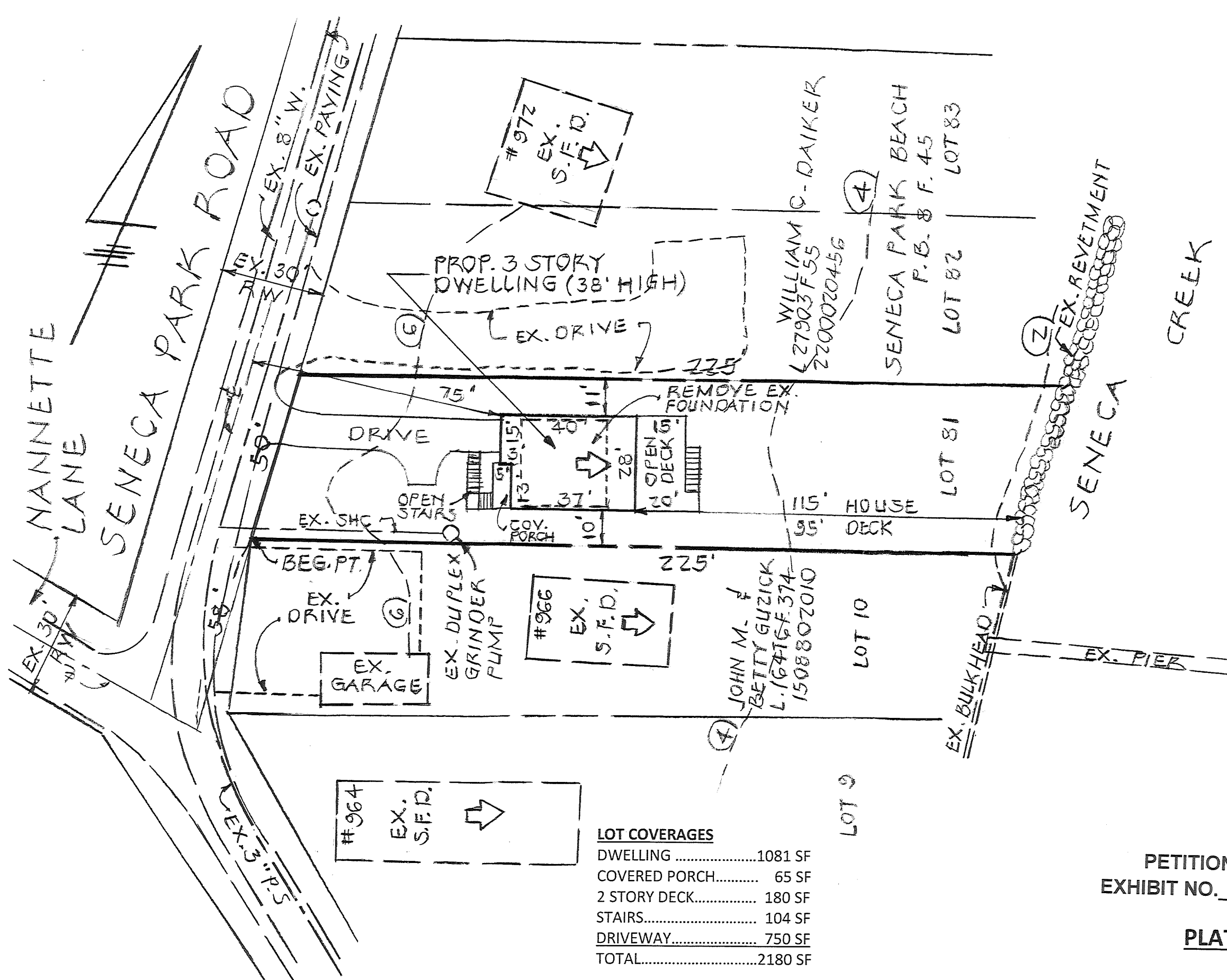
REVISED PLAN
APRIL 1926

CARROLL'S

ISLAND

ROAD

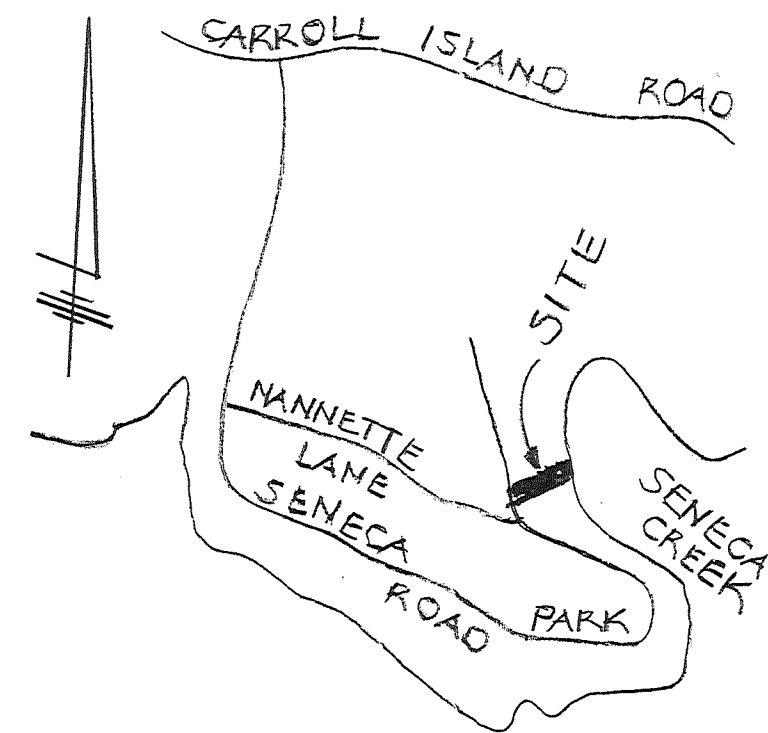




CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

LOT COVERAGE TABLE

LOT AREA	LOT COVERAGE PERMITTED	LOT COVERAGE PROPOSED	ADDITIONAL COVERAGE PERMITTED
11,025 SF	2756 SF (25 %)	2180 SF	576 SF
	3445 SF (31.25 %)	2180 SF	1265 SF
	WITH MITIGATION		



NOTES

1. ZONING.....RC 5 (MAP 091C3)
2. AREA.....11,025 S.F. = 0.253 ACRE
3. PUBLIC WATER AND SEWER IS AVAILABLE
4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
5. SITE IS LOCATED IN 100 YEAR FLOOD ZONE
6. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND STORAGE TANKS OR HISTORIC STRUCTURES EXIST
7. BUILDING COVERAGE.....1081 / 11,025 = 9.8 %
8. SITE IS LOCATED IN A LIMITED DEVELOPMENT AREA AND BUFFER MANAGEMENT AREA WITHIN THE CHESAPEAKE BAY CRITICAL AREA

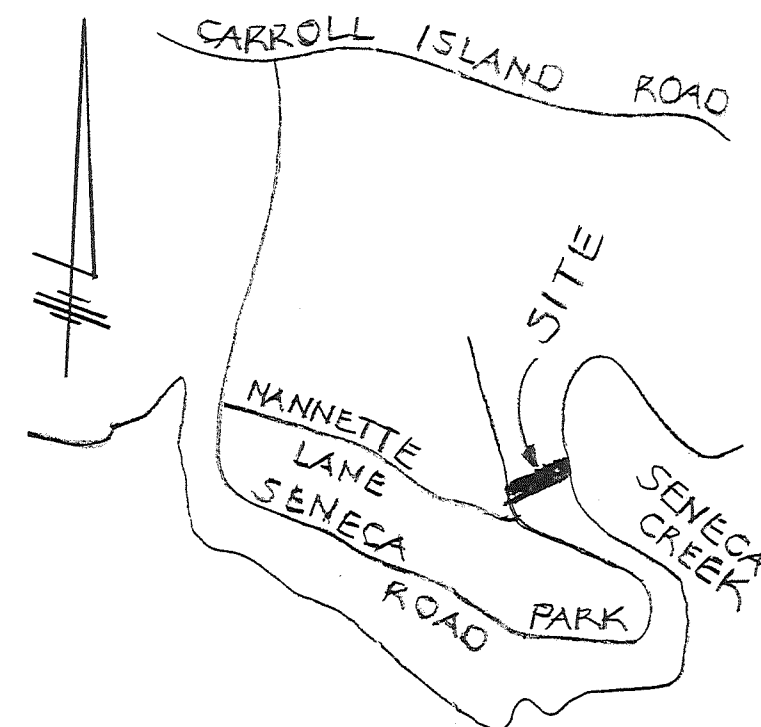
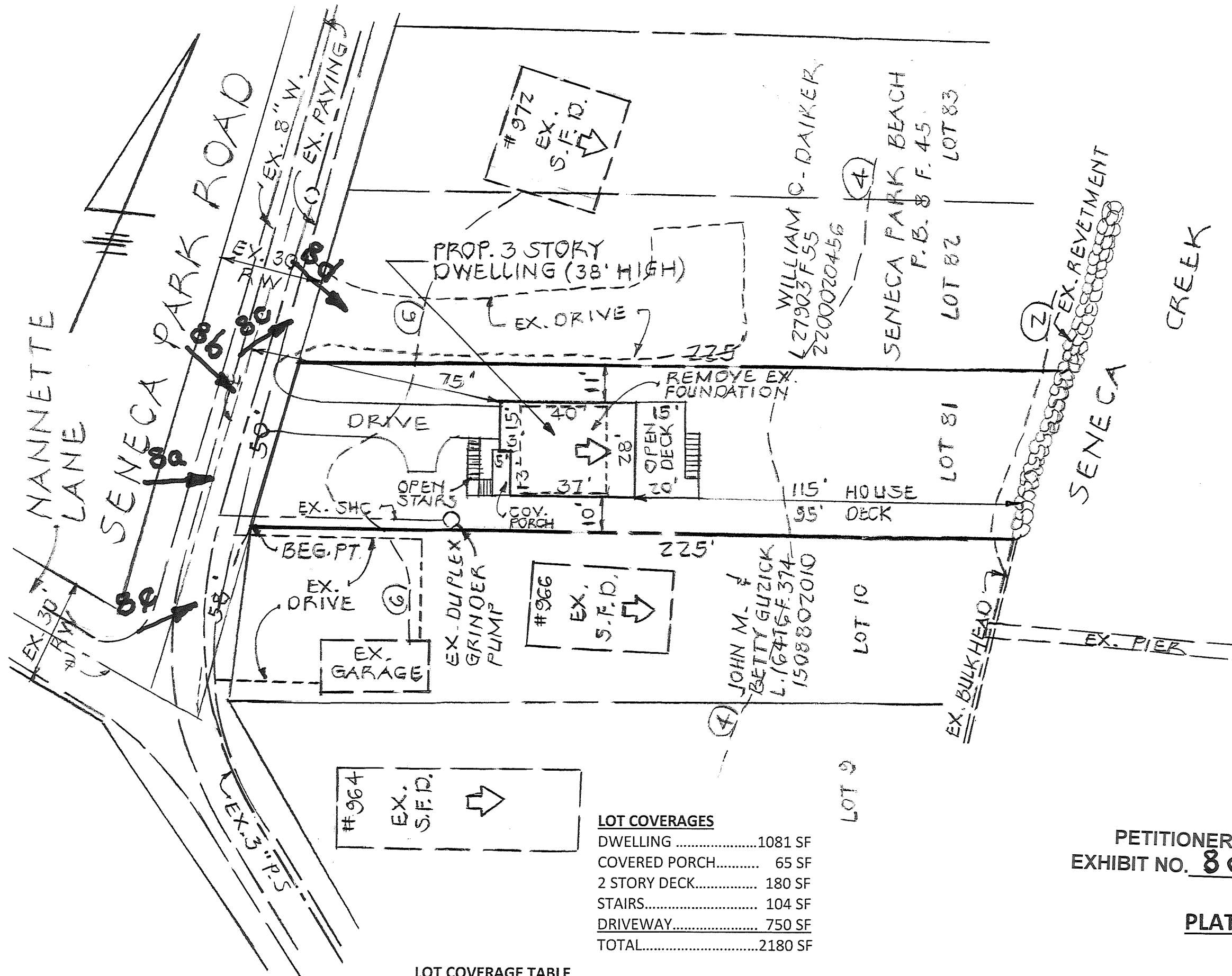
OWNER

DANIEL T. BRULINSKI, PERSONAL REPRESENTATIVE
FOR THE ESTATE OF THEODORE J. BRULINSKI
1718 INGLESIDE ROAD
FOREST HILL, MD. 21050
L.2176 F.35
ACCT. NO. 1502651500

**PETITIONER'S
EXHIBIT NO. 1**

PLAT TO ACCOMPANY PETITION FOR VARIANCE

970 SENECA PARK ROAD
LOT 81 SENECA PARK BEACH P.B. 8 F. 45
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 30 FEET AUGUST 15, 2013



NOTES

1. ZONING.....RC 5 (MAP 091C3)
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OWNER

DANIEL T. BRULINSKI, PERSONAL REPRESENTATIVE
FOR THE ESTATE OF THEODORE J. BRULINSKI
1718 INGLESIDE ROAD
FOREST HILL, MD. 21050
L.2176 F.35
ACCT. NO. 1502651500

PETITIONER'S
EXHIBIT NO. **8a-g**

PLAT TO ACCOMPANY PETITION FOR VARIANCE

PHOTOS
970 SENECA PARK ROAD

LOT 81 SENECA PARK BEACH P.B. 8 F. 45
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 30 FEET AUGUST 15, 2013

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

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	WITH MITIGATION		