

MEMORANDUM

DATE: July 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0256-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 15, 2016. 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

CASE NAME 830 SENEGA PARK RD
CASE NUMBER 2016-0256-A
DATE JUNE 13, 2016

CASE NAME 830 SENECA PARK RD
CASE NUMBER 2016-0256-A
DATE JUNE 13, 2016

[illegible]

IN RE: PETITION FOR VARIANCE
(830 Seneca Park Road)
15th Election District
6th Council District
Gordon K. & Katherine K. Harden
Legal Owner

Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2016-0256-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Gordon K. and Katherine K. Harden, legal owners of the subject property ("Petitioners"). Petitioners request Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.C.1 to permit side yard setbacks of 10 ft. with sum of 20 ft. in lieu of the required 10 ft. and 25 ft. respectively for a replacement dwelling. A site plan was marked as Petitioner's Exhibit 1.

Gordon and Katherine Harden and David Billingsley appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. Zoning Advisory Committee (ZAC) comments were submitted by the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 15,675 square feet and is zoned DR 3.5. The property is improved with a small dwelling constructed in 1929. Petitioners propose to raze the existing structure and in its place construct a new single-family dwelling. To do so Petitioners require zoning relief.

A variance request involves a two-step process, summarized as follows:

ORDER RECEIVED FOR FILING

Date 6-15-16

By Sen

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot is narrow and deep and was created by a plat recorded in 1926. Exhibit 4 (Plat of Seneca Park Beach). As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the replacement dwelling. 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.

THEREFORE, IT IS ORDERED, this 15th day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) §1B02.3.C.1 to permit side yard setbacks of 10 ft. with sum of 20 ft. in lieu of the required 10 ft. and 25 ft. respectively for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with the Chesapeake Bay Critical Area (CBCA) regulations.
3. Prior to issuance of permits Petitioners must contact the Department of Public Works (DPW) to determine the flood protection elevation for the property.

ORDER RECEIVED FOR FILING

Date 6-15-16

By Sen

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/sln

ORDER RECEIVED FOR FILING

Date 6-15-14

By sln



CBCA

PETITION FOR ZONING HEARING(S)

FLOOD

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 830 SENECA PARK RD. which is presently zoned DR 3.5
 Deed References: L. 78198 F. 009 10 Digit Tax Account # 1519640040
 Property Owner(s) Printed Name(s) GORDON K. HARDEN, JR. & KATHERINE K. HARDEN

(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)
1302.3.C.1 (BCZR) TO PERMIT SIDE YARD SETBACKS OF 10 FEET WITH SUM OF 20 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET RESPECTFULLY FOR A REPLACEMENT DWELLING.

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:

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):

GORDON K. HARDEN JR. KATHERINE K. HARDEN

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

830 SENECA PARK RD. BALTO MD.

Mailing Address City State

21220 410 568-2525 gordon.harden@gmail.com

Zip Code Telephone # Email Address

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

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD ST. EDGEWOOD MD.

Mailing Address City State

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

Zip Code Telephone # Email Address

CASE NUMBER 2016-0256-1 Filing Date 4/21/16Do Not Schedule Dates: Reviewer JS

ZONING DESCRIPTION

830 SENECA PARK ROAD

Beginning for the same at a point on the south side of Seneca Park Road (30 feet wide), distant 980 feet westerly from its intersection with the center of Beach Road, thence being all of Lot 25 as shown on the plat entitled Seneca Park Beach recorded among the Baltimore County plat records in Plat Book 8 Folio 45.

Containing 15,675 square feet of o.360 acre of land, more or less.

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



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4196528

Sold To:

Gordon Harden - CU00539309
830 Seneca Garden Rd
Baltimore, MD 21220

Bill To:

Gordon Harden - CU00539309
830 Seneca Garden Rd
Baltimore, MD 21220

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 24, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2016-0256-A
830 Seneca Park Road
S/S Seneca Park Road, west of centerline of intersection with Seneca Beach Road
15th Election District - 6th Councilmanic District
Legal Owner(s) Gordon & Katherine Harden

Variance: to permit side yard setbacks of 10 ft. with sum of 20 ft. in lieu of the required 10 ft. and 25 ft. respectfully for a replacement dwelling.

Hearing: Monday, June 13, 2016 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 5/787 May 24 4196528

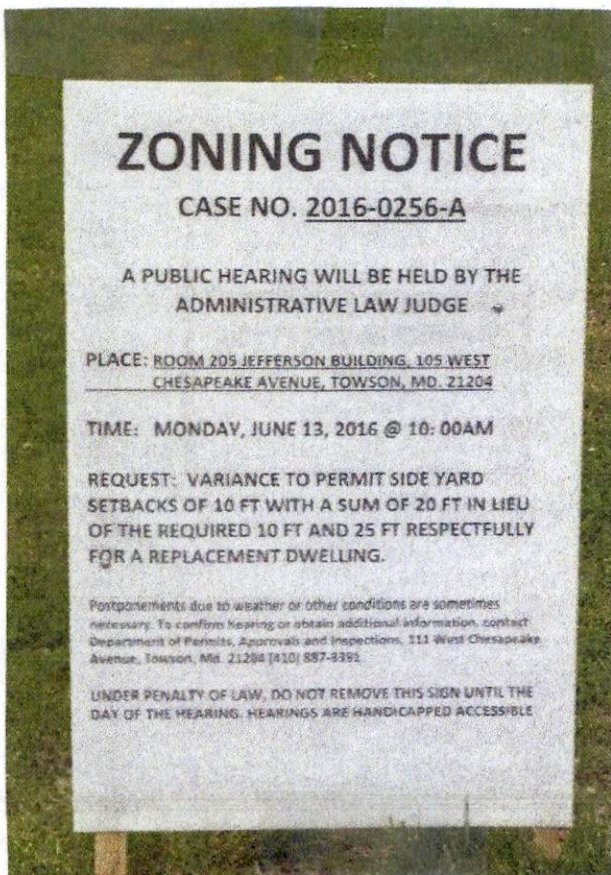
CERTIFICATE OF POSTING

Date: MAY 23, 2016

RE: Project Name: 830 SENECA PARK ROAD
Case Number /PAI Number: 2016-0256-A
Petitioner/Developer: GORDON AND KATHERINE HARDEN
Date of Hearing/Closing: JUNE 13, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 830 SENECA PARK ROAD

The sign(s) were posted on MAY 23, 2016
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

May 4, 2016

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:

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15th Election District – 6th Councilmanic District

Legal Owners: Gordon & Katherine Harden

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Hearing: Monday, June 13, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Harden, 830 Seneca Park Road, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 24, 2016**
- (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, May 24, 2016 Issue - Jeffersonian

Please forward billing to:
Gordon Harden
830 Seneca Garden Road
Baltimore, MD 21220

410-808-2525

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: 2016-0256-A

830 Seneca Park Road

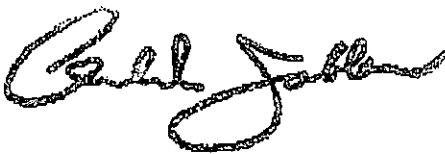
S/s Seneca Park Road, west of centerline of intersection with Seneca Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Gordon & Katherine Harden

Variance to permit side yard setbacks of 10 ft. with sum of 20 ft. in lieu of the required 10 ft. and 25 ft. respectfully for a replacement dwelling.

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105 West Chesapeake Avenue, Towson 21204



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

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RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
830 Seneca Park Road; S/S Seneca Park Road, *
980' W of intersection Seneca Beach Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s):Gordon & Katherine Harden * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-256-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

RECEIVED

APR 29 2016

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 29th day of April, 2016, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, MD 21040, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0256-A
Property Address: 830 SENECA PARK RD.
Property Description: S.S. SENECA PARK ROAD 980' W.
OF BEACH RD
Legal Owners (Petitioners): GORDON HARDEN
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: GORDON HARDEN
Company/Firm (if applicable): _____
Address: 830 SENECA GARDEN ROAD
BALTO. MD. 21220
Telephone Number: (410) 808-2525

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

No. **134742**

Date: _____

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/22/2016 4/21/2016 11:13:26 3

		Rev		Sub							
		Source/		Rev/							
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount		
001	806	0000		6150					\$ 75.00		

RE: NS03 WALKIN CHET CAY
 >> RECEIPT # 675009 4/21/2016 GFLH
 5 SSB JOURNAL VERIFICATION
 LR NO. 134742

Receipt Tot 175.00
 175.00 CR 1.00 CR
 Baltimore County, Maryland

Total: 175.00

Rec From: **HARDEN**

For: **2016-0756-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

May 4, 2016

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: 2016-0256-A

830 Seneca Park Road

S/s Seneca Park Road, west of centerline of intersection with Seneca Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Gordon & Katherine Harden

Variance to permit side yard setbacks of 10 ft. with sum of 20 ft. in lieu of the required 10 ft. and 25 ft. respectfully for a replacement dwelling.

Hearing: Monday, June 13, 2016 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", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Harden, 830 Seneca Park Road, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 24, 2016**
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- (3) 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*

June 8, 2016

Gordon K Jr. & Katherine Harden
830 Seneca Park Road
Baltimore MD 21220

RE: Case Number: 2016-0256 A, Address: 830 Seneca Road

Dear Mr. & Ms. Harden:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 21, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr..
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 4/27/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0256-A

Variance
Gordon K. & Katherine K. Harden
830 Seneca Park Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink that reads "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-256

RECEIVED

MAY 12 2016

INFORMATION:

Property Address: 830 Seneca Park Road
Petitioner: Gordon K. Harden, Jr., Katherine K. Harden
Zoning: DR 3.5
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for variance to permit a dwelling with side yard setbacks of 10 feet with a sum of 20 feet in lieu of the required 10 feet and 25 feet respectively.

A site visit was conducted on May 4, 2016.

The Department has no objections to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

6-13

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAY 06 2016

OFFICE OF ADMINISTRATIVE HEARINGS



M. Stahl;
Administrative Law

Administrative Hearings

gston, Department of Environmental Protection and
ility (EPS) - Development Coordination

16

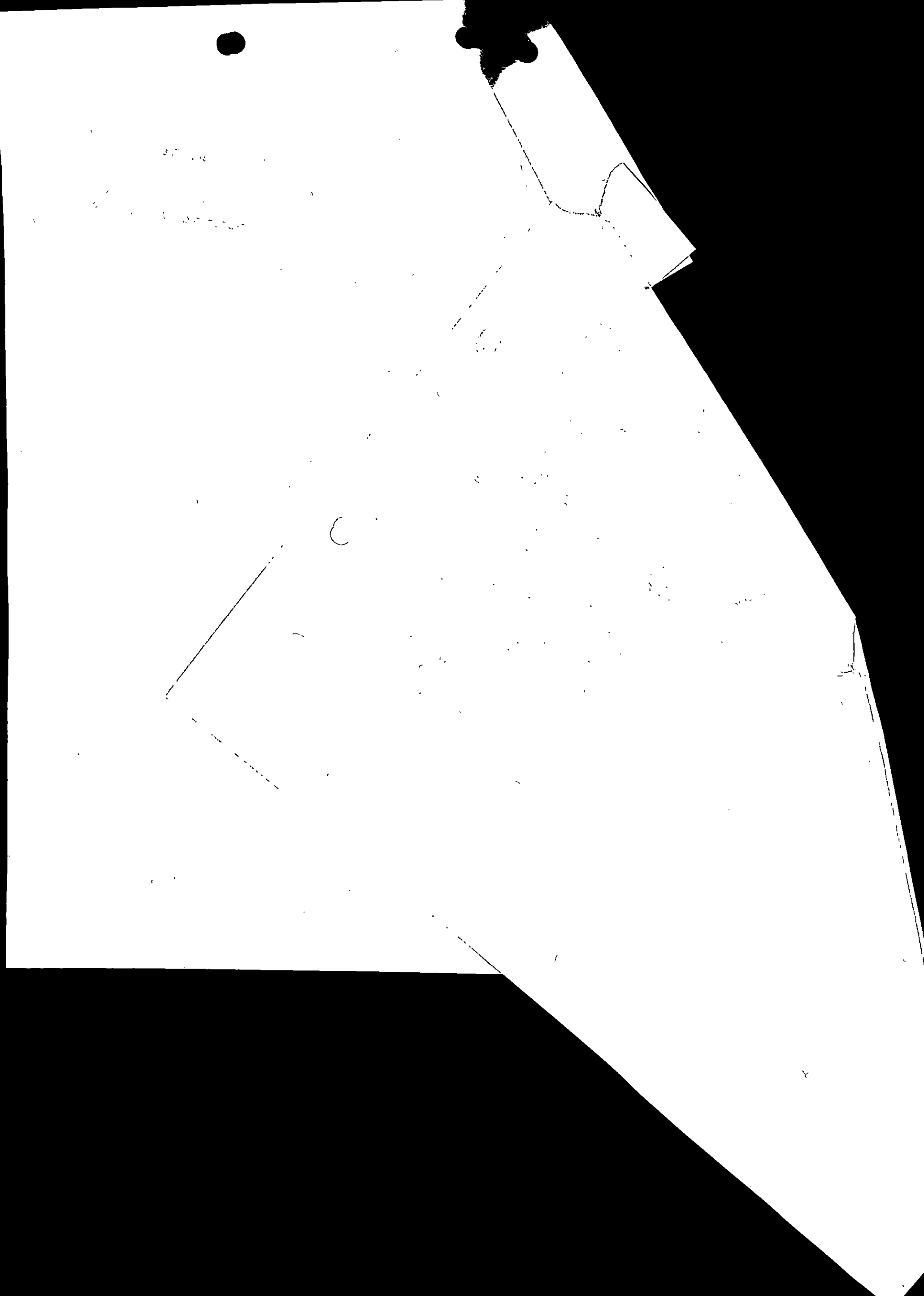
ment for Zoning Item # 2016-0256-A
830 Seneca Park Road
(Harden Property)

ning Advisory Committee Meeting of **May 2, 2016**.

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

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 construct a replacement single family dwelling with
reduced side yard setbacks. The lot is waterfront, and the dwelling must meet all
LDA and BMA requirements, including lot coverage limits, afforestation, and
mitigation. The dwelling is not proposed within the 100-foot buffer. The
property acreage shown on the plan differs from the amount in the tax records.
Existing and proposed lot coverage information was not provided; however, the
lot is limited to 25% lot coverage with no mitigation and a maximum of 31.25%
lot coverage with mitigation for the amount between 25% and 31.25%. 5 trees
are required on site to meet the afforestation requirement, existing trees to remain
can count towards this requiement. At this time we cannot determine if the
proposal can meet all LDA and BMA requirements and therefore we cannot
determine if the relief requested by the applicant will result in minimal adverse
impacts to water quality.



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 2, 2016
Item No. 2016-0256

DATE: May 2, 2016

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

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 16-0256-0502016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-256

INFORMATION:

Property Address: 830 Seneca Park Road
Petitioner: Gordon K. Harden, Jr., Katherine K. Harden
Zoning: DR 3.5
Requested Action: Variance

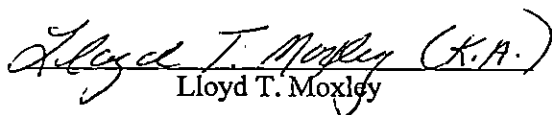
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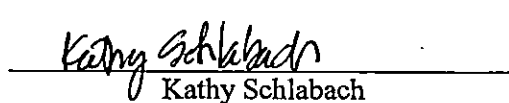
The Department has no objections to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 6, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0256-A
830 Seneca Park Road
(Harden Property)

Zoning Advisory Committee Meeting of May 2, 2016.

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 construct a replacement single family dwelling with reduced side yard setbacks. The lot is waterfront, and the dwelling must meet all LDA and BMA requirements, including lot coverage limits, afforestation, and mitigation. The dwelling is not proposed within the 100-foot buffer. The property acreage shown on the plan differs from the amount in the tax records. Existing and proposed lot coverage information was not provided; however, the lot is limited to 25% lot coverage with no mitigation and a maximum of 31.25% lot coverage with mitigation for the amount between 25% and 31.25%. 5 trees are required on site to meet the afforestation requirement, existing trees to remain can count towards this requirement. At this time we cannot determine if the proposal can meet all LDA and BMA requirements and therefore we cannot determine if the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. As there is incomplete information regarding lot size, lot coverage, afforestation, and mitigation, at this time we cannot determine if lot coverage, BMA, afforestation and mitigation requirements will be met and therefore 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;

As submitted, the Critical Area information is incomplete, and therefore we cannot say the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: May 6, 2016

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

5/2

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

C

5/6

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

C

FIRE DEPARTMENT

5/11

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

no obj

4/27

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/24/16

SIGN POSTING

Date:

5/23/16

by

Bullingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

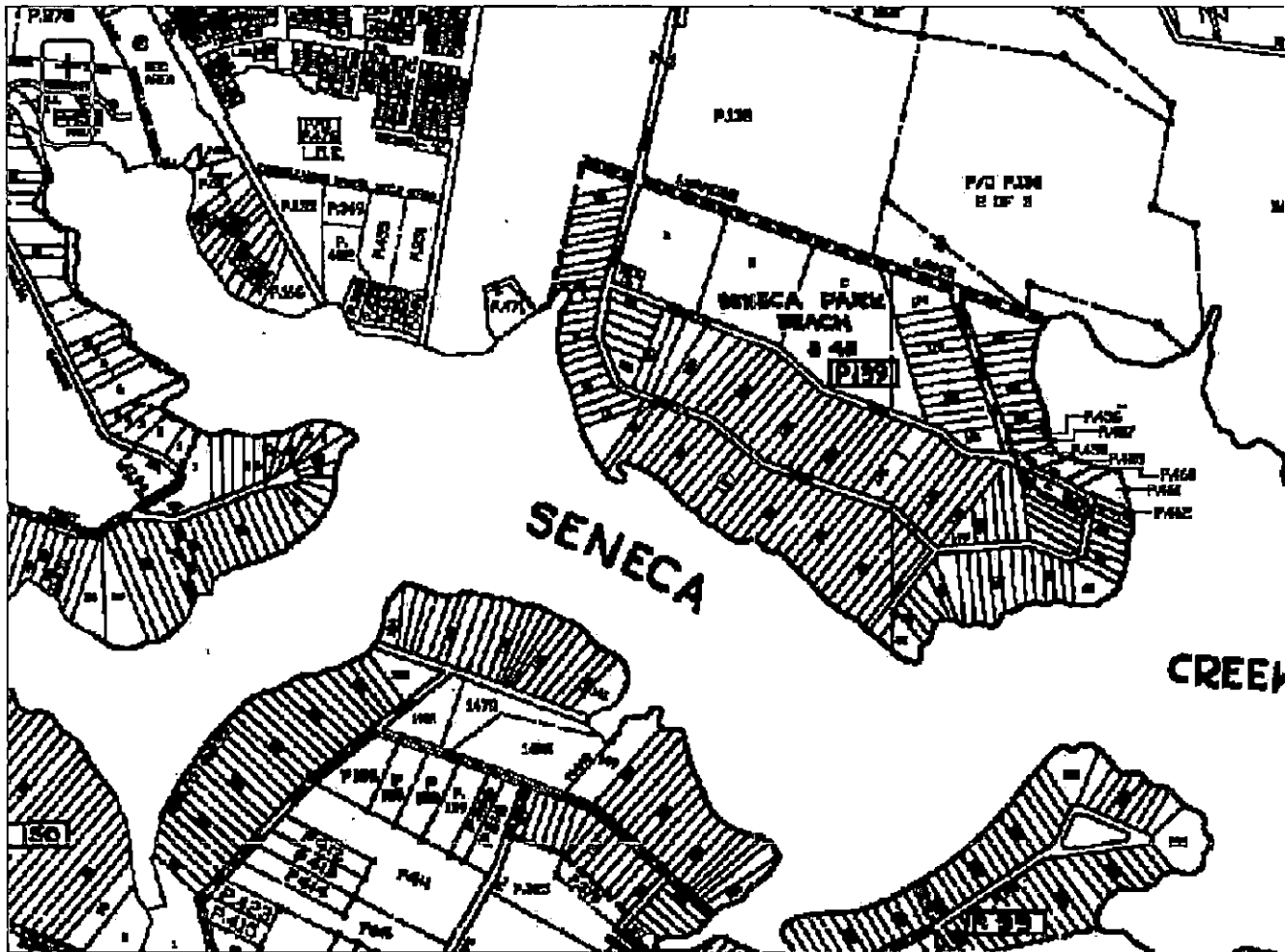
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519640040			
Owner Information					
Owner Name:	HARDEN GORDON K JR HARDEN KATHERINE K		Use:	RESIDENTIAL	
Mailing Address:	830 SENECA PARK RD BALTIMORE MD 21220-2312		Principal Residence:	YES	
			Deed Reference:	/28198/ 00009	
Location & Structure Information					
Premises Address:		830 SENECA PARK RD 0-0000 Waterfront		Legal Description: 830 SENECA PARK RD SENECA PARK BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0091	0017	0139		0000	25 2015 0008/0045
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1929	836 SF		15,900 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	179,400	179,400			
Improvements	41,000	49,200			
Total:	220,400	228,600	223,133	225,867	
Preferential Land:	0			0	
Transfer Information					
Seller: SWISHER JAMES T		Date: 06/09/2009		Price: \$262,500	
Type: ARMS LENGTH IMPROVED		Deed1: /28198/ 00009		Deed2:	
Seller: SWISHER JAMES T,SR		Date: 03/20/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25378/ 00310		Deed2:	
Seller: SPLEIDT AUGUST H,SR		Date: 06/12/1973		Price: \$7,500	
Type: ARMS LENGTH IMPROVED		Deed1: /05365/ 00496		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1519640040**

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.

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>).

PW
1-18-1

slr
6-15-16

PETITIONER'S EXHIBITS

**830 SENECA PARK ROAD
CASE NO. 2016-0256-A**

- 1. PLAT TO ACCOMPANY PETITION DATED MARCH 26, 2016 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. PORTION OF TAX MAP 0091**
- 4. PLAT OF SENECA PARK BEACH PB 8 F 45 RECORDED 5/28/1926**
- 5. DEED OF RECORD L 28198 F 9**
- 6. AERIAL PHOTO**
- 7a-d. PHOTOS**

Real Property Data Search (w4)

Guide to searching the database

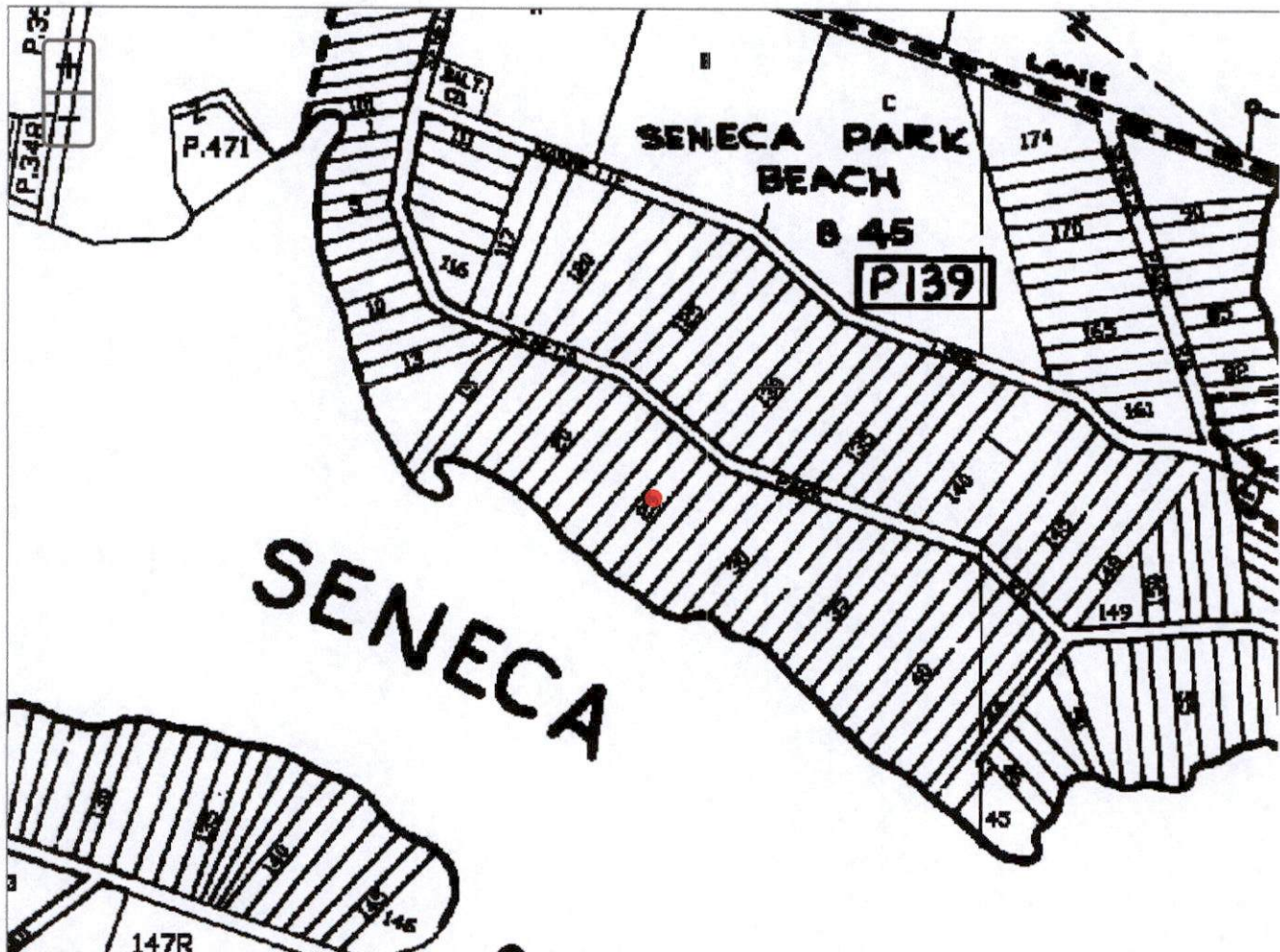
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519640040			
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Owner Name:		HARDEN GORDON K JR HARDEN KATHERINE K		Use:	RESIDENTIAL
Mailing Address:		830 SENECA PARK RD BALTIMORE MD 21220-2312		Principal Residence:	YES
				Deed Reference:	/28198/ 00009
Location & Structure Information					
Premises Address:		830 SENECA PARK RD 0-0000 Waterfront		Legal Description: 830 SENECA PARK RD SENECA PARK BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0091	0017	0139		0000	25
				Assessment Year:	Plat No:
				2015	0008/0045
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1929	836 SF				15,900 SF
				County Use	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
		Base Value	Value As of	Phase-in Assessments	
			01/01/2015	As of	As of
				07/01/2015	07/01/2016
Land:		179,400	179,400		
Improvements		41,000	49,200		
Total:		220,400	228,600	223,133	225,867
Preferential Land:		0			0
Transfer Information					
Seller: SWISHER JAMES T		Date: 06/09/2009		Price: \$262,500	
Type: ARMS LENGTH IMPROVED		Deed1: /28198/ 00009		Deed2:	
Seller: SWISHER JAMES T,SR		Date: 03/20/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25378/ 00310		Deed2:	
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Type: ARMS LENGTH IMPROVED		Deed1: /05365/ 00496		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding

PETITIONER'S
EXHIBIT NO. 2

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1519640040**

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PETITIONER'S
EXHIBIT NO. 3



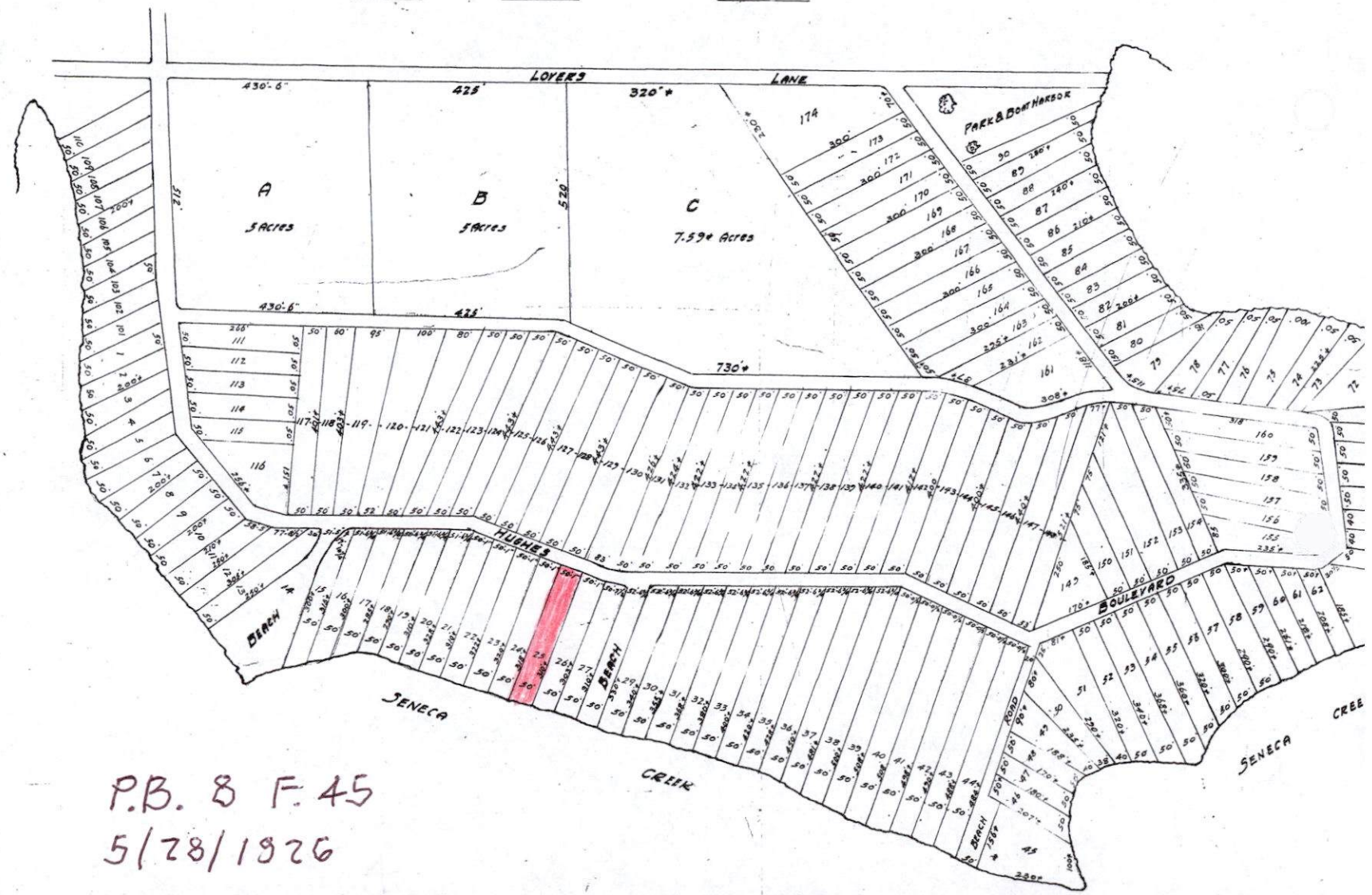
SENECA PARK BEACH

EDGAR E. KENLY
SALES AGENT
HOMewood 2695

SCALE 1"=100'
TOLLEY & BAYES CO.
CIVIL ENGRS.
BALTO. MD.

REVISED PLAN
APRIL 1926

CARROLL'S ISLAND ROAD



P.B. 8 F. 45
5/28/1926

PETITIONER'S
EXHIBIT NO. 4

Baltimore Maryland
15-1519640040

THIS DEED made this 1st day of May, 2009 by and between James T. Swisher, party of the first part, Grantor and Gordon K. Harden Jr. and Katherine K. Harden, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum Two Hundred Sixty Two Thousand Five Hundred dollars and Zero cents (\$262,500.00) the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which are hereby acknowledged, the said party of the first part does grant and convey to the said Gordon K. Harden Jr. and Katherine K. Harden, as Tenants by the Entirety, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

Being known and designated as Lot No. 25, as laid out and shown on the revised Plat of Seneca Park Beach, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W. P. C. No. 8, folio 6.

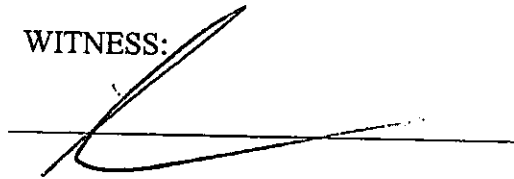
TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Gordon K. Harden Jr. and Katherine K. Harden, as Tenants by the Entirety, in fee simple.

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand(s) and seal(s) of Grantor.

WITNESS:



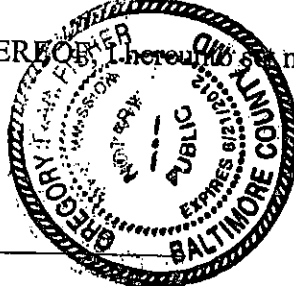
James T. Swisher
James T. Swisher, Grantor

(Seal)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 1st day of May, 2009, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared James T. Swisher, known to me (or satisfactorily proven) to be person whose name is the subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



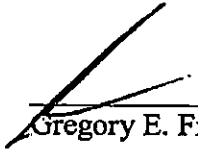
My Commission
Expires:

Notary Public

PETITIONER'S
EXHIBIT NO. 5

0028198 010

This is to certify that the within instrument has been prepared (i) by or under or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.



Gregory E. Fisher, Attorney

RETURN TO:

Hillside Title and Escrow, LLC
201 W. Padonia Road, Suite 300
Timonium, Maryland 21093
(410) 560-7406
File No. 7017



PETITIONER'S
EXHIBIT NO. 6

218



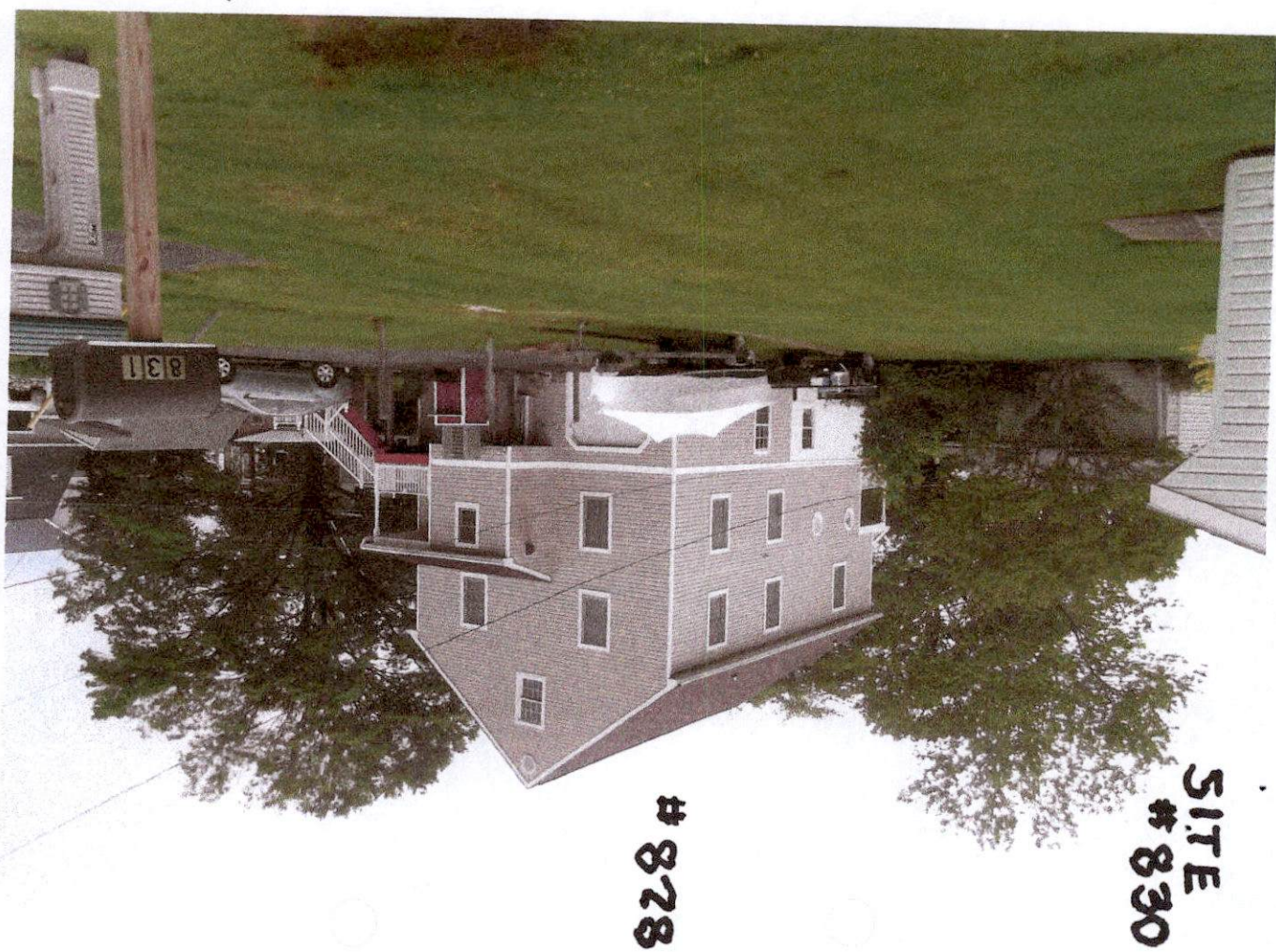
a



b

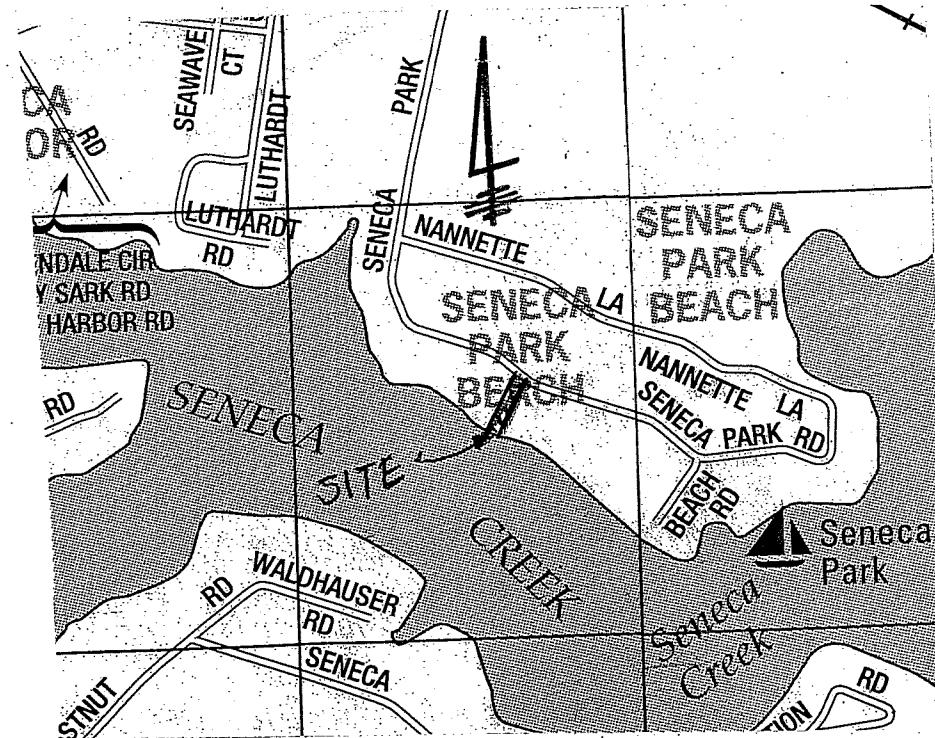
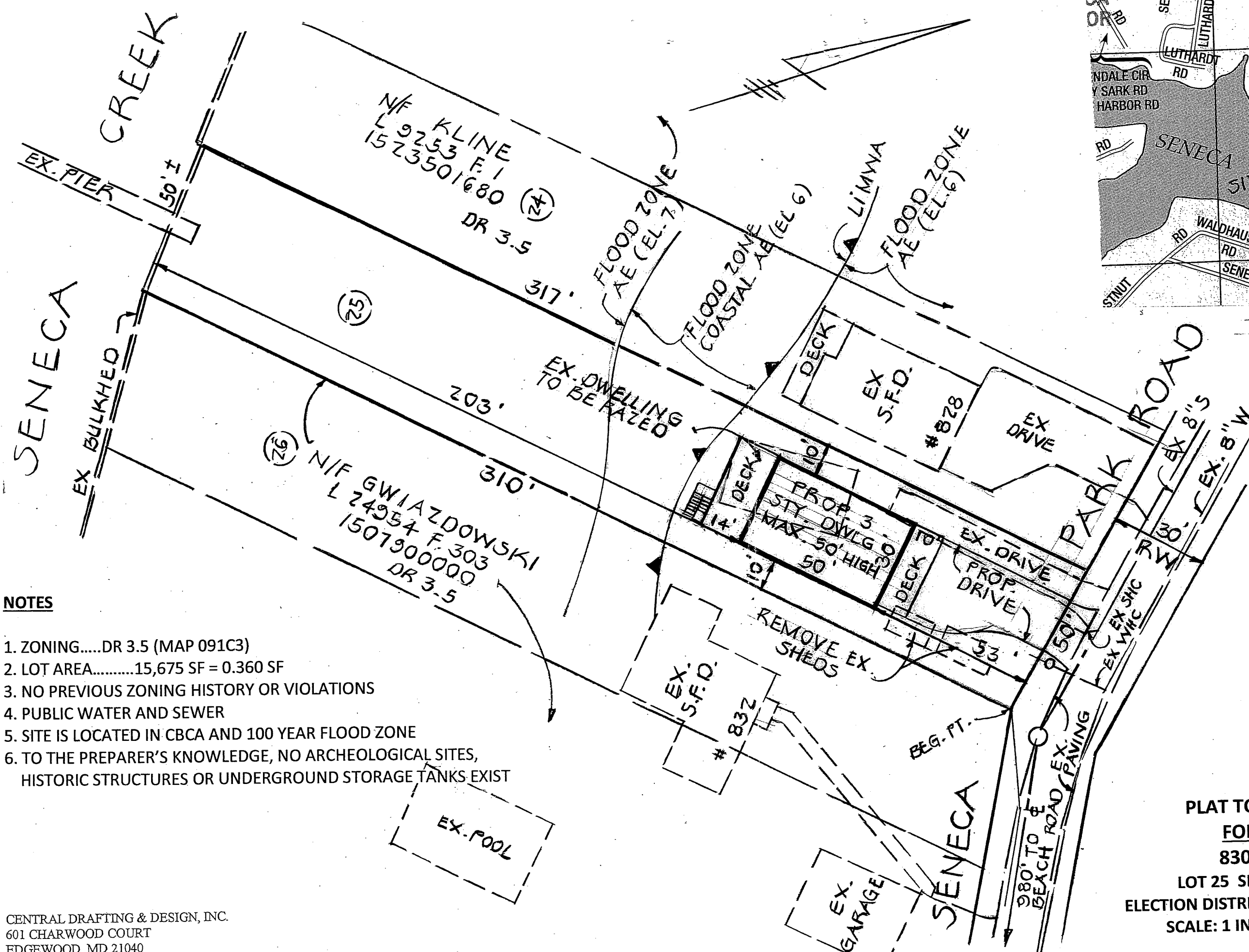


c



d





VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....DR 3.5 (MAP 091C3)
2. LOT AREA.....15,675 SF = 0.360 SF
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
4. PUBLIC WATER AND SEWER
5. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
6. TO THE PREPARER'S KNOWLEDGE, NO ARCHEOLOGICAL SITES, HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

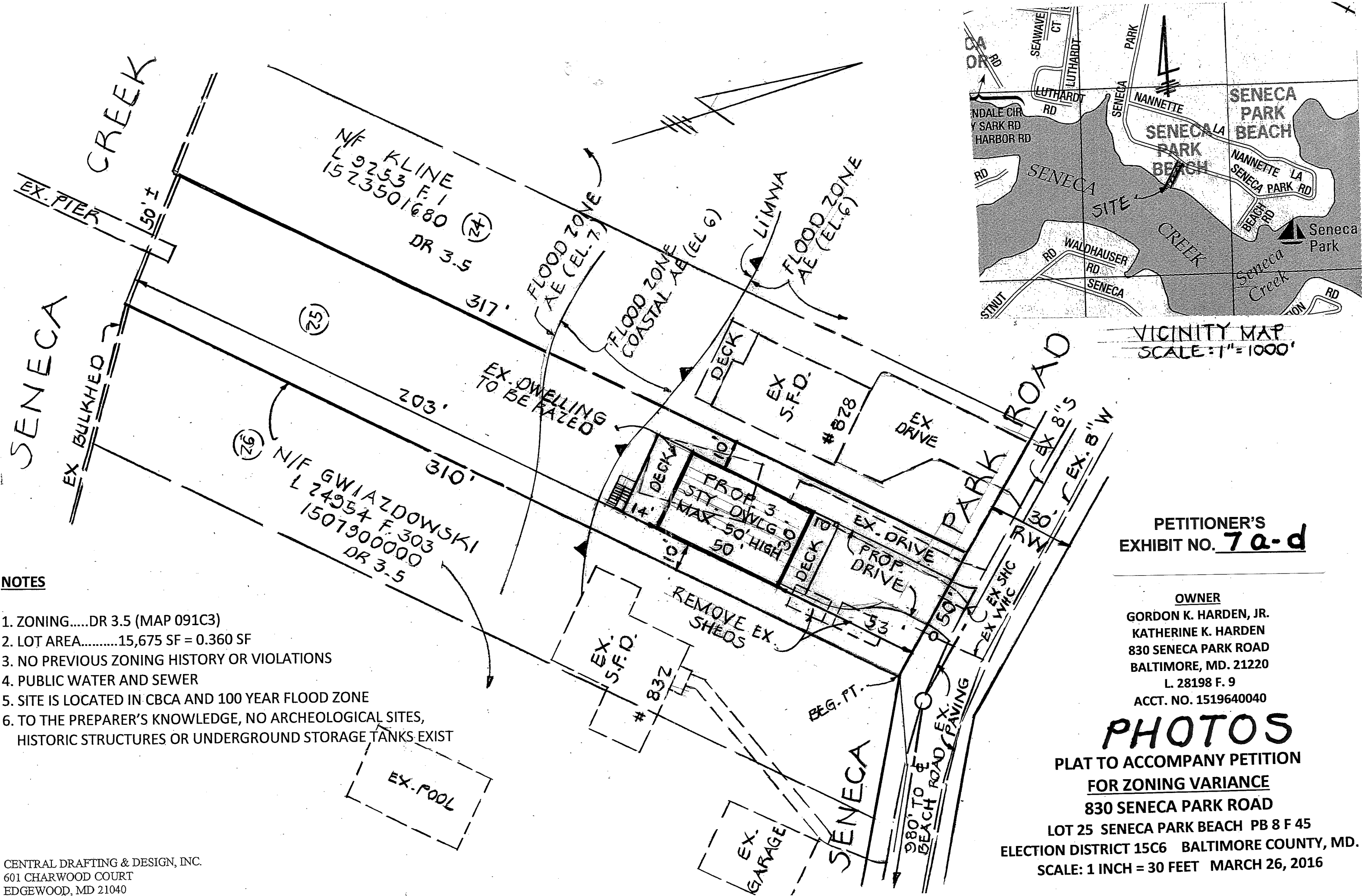
PETITIONER'S
EXHIBIT NO. 1

OWNER
GORDON K. HARDEN, JR.
KATHERINE K. HARDEN
830 SENECA PARK ROAD
BALTIMORE, MD. 21220
L. 28198 F. 9
ACCT. NO. 1519640040

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE**
830 SENECA PARK ROAD
LOT 25 SENECA PARK BEACH PB 8 F 45
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 26, 2016

NOTES

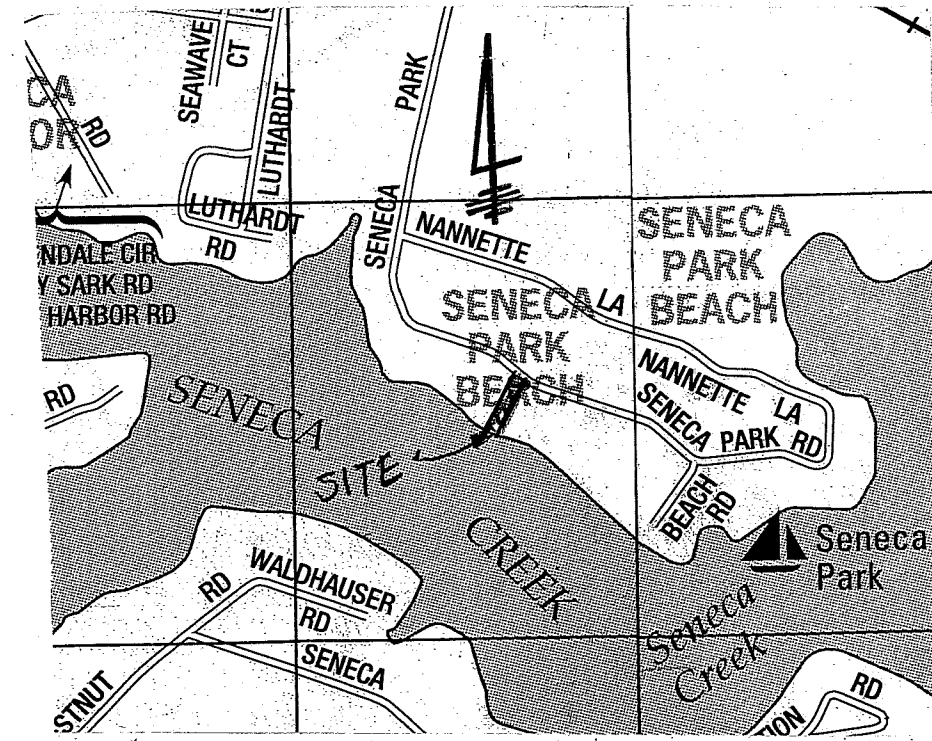
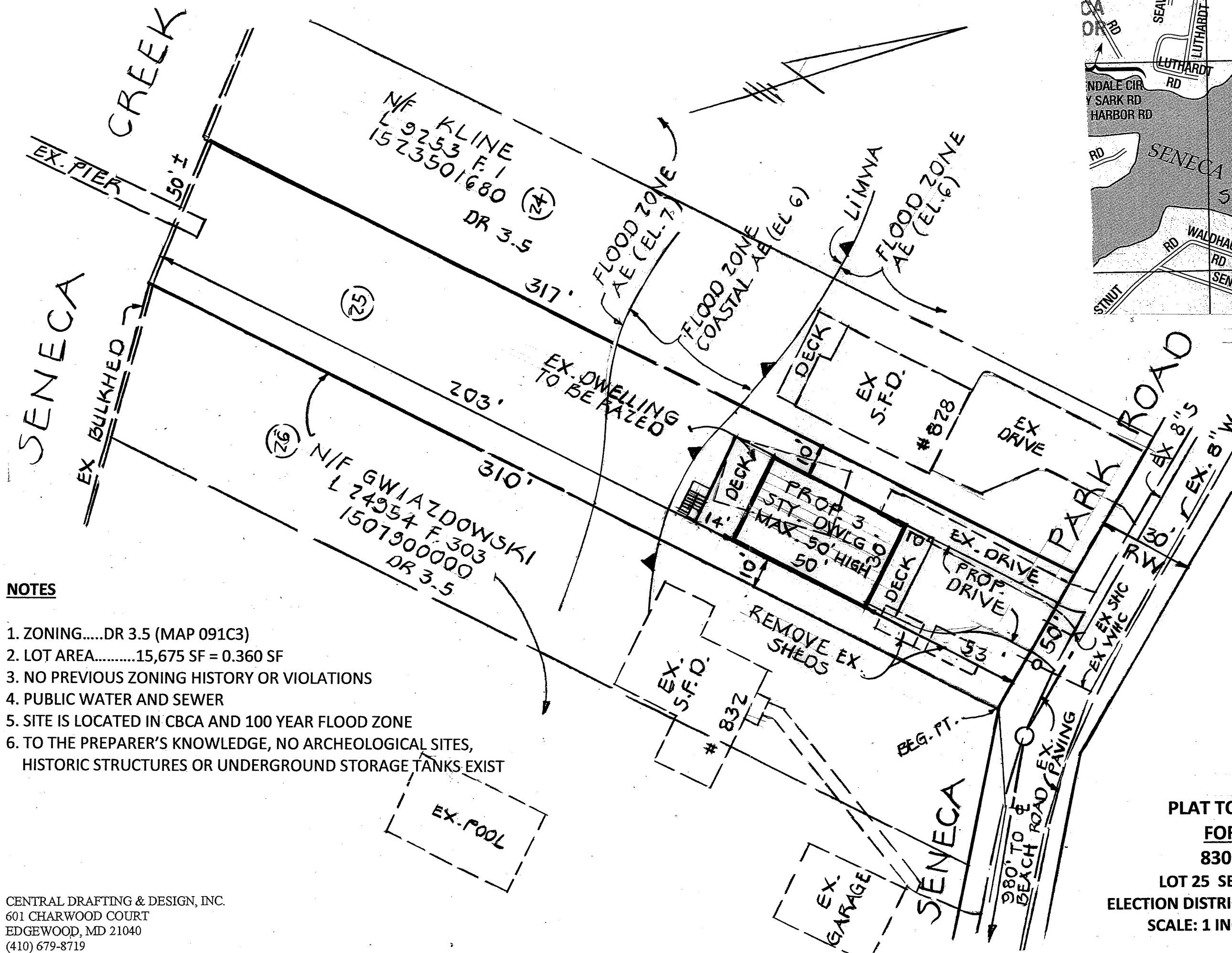
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PETITIONER'S
EXHIBIT NO. **7a-d**

OWNER
GORDON K. HARDEN, JR.
KATHERINE K. HARDEN
830 SENECA PARK ROAD
BALTIMORE, MD. 21220
L. 28198 F. 9
ACCT. NO. 1519640040

PHOTOS
PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
830 SENECA PARK ROAD
LOT 25 SENECA PARK BEACH PB 8 F 45
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 26, 2016



VICINITY MAP
SCALE: 1"=1000'

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OWNER
GORDON K. HARDEN, JR.
KATHERINE K. HARDEN
830 SENECA PARK ROAD
BALTIMORE, MD. 21220
L. 28198 F. 9
ACCT. NO. 1519640040

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
830 SENECA PARK ROAD
LOT 25 SENECA PARK BEACH PB 8 F 45
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 26, 2016**