

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(1153 Seneca Road)
15th Election District
6th Council District
Jimmy & Jayne Shannon
Legal Owners

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0234-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Jimmy & Jayne Shannon, legal owners, ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure; and (2) to permit an accessory (in-law) apartment as living quarters in an existing detached accessory structure. In the alternative, a Petition for Variance seeks to permit a proposed addition with a side yard setback as close as 9 ft. in lieu of the minimum required 50 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Jimmy Shannon appeared in support of the requests. John Gontrum, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS).

The subject property is approximately 14,150 square feet in size and zoned RC-5. The property is improved with a modest single-family dwelling constructed in 1932 and a detached two-story garage

ORDER RECEIVED FOR FILING

Date 4/26/17

By SEN

in the rear yard. Petitioners propose to construct an addition (approximately 12' x 26') at the rear of the existing dwelling. In addition, Petitioners seek approval for an accessory apartment in the two-story garage, which would be used by their son.

SPECIAL HEARING

The accessory apartment (formerly known as an "in-law apartment") is permitted under B.C.Z.R. §400.4, subject to a public hearing. Here the existing garage will be used for the apartment, so no new construction is proposed. Petitioners submitted letters of support from each of the adjacent neighbors. See Exhibit 4. In these circumstances I do not believe the use would be detrimental to the neighborhood and the petition will be granted.

VARIANCE

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

- (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 waterfront lot is narrow and deep (approximately 50' x 295') and is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed addition. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the requests would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 26th day of April, 2017, by this Administrative Law Judge, that the petition for special hearing filed pursuant to § 500.7 of the Baltimore County Zoning

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Date 4/26/17

By Sen

Regulations ("B.C.Z.R) to permit an accessory (in-law) apartment as living quarters in an existing detached accessory structure, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for special hearing to approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure, be and is hereby DISMISSED without prejudice as moot;

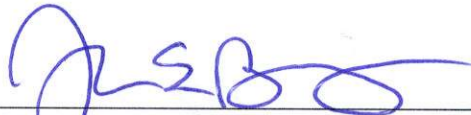
IT IS FURTHER ORDERED that the petition for variance to permit a proposed addition to an existing single-family dwelling with a side yard setback as close as 9 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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. Petitioners must prior to issuance of permits comply with critical area and flood protection regulations.
3. Petitioners must file among the land records of Baltimore County the requisite Declaration of Understanding pertaining to the accessory apartment, and obtain from the Department of Permits, Approvals, and Inspections a use permit (which must be renewed every 2 years) for the apartment.

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

JEB/sln


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

4/26/17

By

sln



KEVIN KAMENETZ
County Executive

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

April 26, 2017

John Gontrum, Esq.
Whiteford, Taylor, Preston
1 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case No. 2017-0234-SPHA
Property: 1153 Seneca Road

Dear Mr. Gontrum:

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



CBCA

PETITION FOR ZONING HEAR... 3(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 1153 Seneca Rd, Middle River 21220 which is presently zoned RC5

Deed References: 3237 / 36 10 Digit Tax Account # 1516602250

Property Owner(s) Printed Name(s) Jimmy Shannon, Jayne Shannon

(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. See Attached a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

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

3. 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)

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

Signature #1

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

ORDER RECEIVED FOR FILING 4/26/17

CASE NUMBER 2017-0234-SP4A Filing Date 3/3/17

Do Not Schedule Dates: Reviewer

ZONING HEARING REQUEST

2017-0234-SPHA

SPECIAL HEARING-...that the Administrative Law Judge should: 1) approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure; and 2) permit an accessory (in-law) apartment as living quarters in an existing detached accessory structure

VARIANCE-...in the alternate, to permit a proposed addition with a side yard setback as close as 9 ft. in lieu of the minimum required 50 ft.

ZONING PROPERTY DESCRIPTION FOR 1153 SENECA ROAD

Beginning at a point on the northeast side of Seneca Road, which has a 30-foot right of way, at a distance of 1580 feet southeast of the centerline of the nearest improved intersecting street Chestnut Road, which has a 50-foot right of way. Being Lot #159 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #7, Folio 13, containing 14,150 square feet. Located in the 15th Election District and the 6th Councilmanic District.

Item #0234

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

Nº 150318

Date: 3/13/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$150 ⁰⁰

Total: \$150⁰⁰

Rec From: J. J. Shannon

For: zoning hearing - case # 2017-0234-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
3/06/2017 3/03/2017 11:13:17 5
REG W505 WALKIN LRB
>>RECEIPT # 890205 3/03/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150318
Recpt Tot \$150.00
\$1.00 CK \$150.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/2/2017

Case Number: 2017-0234-SPHA

Petitioner / Developer: JIMMY SHANNON

Date of Hearing (Closing): APRIL 24, 2017

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:
1153 SENECA ROAD

The sign(s) were posted on: APRIL 1, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



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 4873211

Sold To:

Jimmy Shannon - CU00209012
1110 S Philadelphia Blvd
Aberdeen, MD 21001

Bill To:

Jimmy Shannon - CU00209012
1110 S Philadelphia Blvd
Aberdeen, MD 21001

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

Apr 04, 2017

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: # 2017-0234-SPHA

1153 Seneca Road
NE/s Seneca Road, 1580 ft. SE of centerline of Chestnut Road
15th Election District - 6th Councilmanic District
Legal Owner(s) Jimmy & Jayne Shannon

SPECIAL HEARING: to approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure and permit an accessory (in-law) apartment as living quarters in an existing detached accessory structure.

VARIANCE: (in the alternative) to permit a proposed addition with a side yard setback as close as 9 ft. in lieu of the minimum required 50 ft.

Hearing: Monday, April 24, 2017 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 4/6/17 April 4

4873211

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 4, 2017 Issue - Jeffersonian

Please forward billing to:
Jimmy Shannon
1153 Seneca Road
Middle River, MD 21220

410-808-3954

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: 2017-0234-SPHA

1153 Seneca Road
NE/s Seneca Road, 1580 ft. SE of centerline of Chestnut Road
15th Election District – 6th Councilmanic District
Legal Owners: Jimmy & Jayne Shannon

Special Hearing to approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure and permit and accessory (in-law) apartment as living quarters in an existing detached accessory structure. Variance (in the alternative) to permit a proposed addition with a side yard setback as close as 9 ft. in lieu of the minimum required 50 ft.

Hearing: Monday, April 24, 2017 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*

March 22, 2017

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: 2017-0234-SPHA

1153 Seneca Road
NE/s Seneca Road, 1580 ft. SE of centerline of Chestnut Road
15th Election District – 6th Councilmanic District
Legal Owners: Jimmy & Jayne Shannon

Special Hearing to approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure and permit and accessory (in-law) apartment as living quarters in an existing detached accessory structure. Variance (in the alternative) to permit a proposed addition with a side yard setback as close as 9 ft. in lieu of the minimum required 50 ft.

Hearing: Monday, April 24, 2017 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: John Gontrum, One West Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Shannon, 1153 Seneca Road, Middle River 21220

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 4, 2017.
- (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.

**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/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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) 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: 2017-0234-SPHA

Property Address: 1153 Seneca Rd

Property Description: northeast side of Seneca Rd, 1580'
southeast of Chestnut Rd

Legal Owners (Petitioners): Jimmy and Jayne Shannon

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jimmy Shannon

Company/Firm (if applicable): _____

Address: 1153 Seneca Rd.
Middle River, Md 21220

Telephone Number: 410-808-3954



KEVIN KAMENETZ
County Executive

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

April 18, 2017

Jimmy & Jayne Shannon
1153 Seneca Road
Middle River MD 21220

RE: Case Number: 2017-0234 SPHA, Address: 1153 Seneca Road

Dear Mr. & Ms. Shannon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 3, 2017. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
John Gontrum, Esquire, One West Pennsylvania Avenue, Towson MD 21204

Date: 3/20/17

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. 2017-0234-SPHA

*Special Hearing Variance
Timothy & Joanne Shannon
1153 Seneca 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,

Richard A Zeller

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/4/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-234

INFORMATION:

Property Address: 1153 Seneca Road
Petitioner: Jimmy Shannon, Jayne Shannon
Zoning: RC 5
Requested Action: Special Hearing, Variance

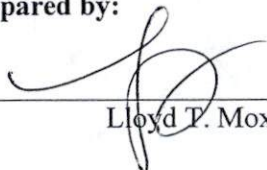
The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure and to permit an accessory in-law apartment as living quarters in an existing detached accessory structure. The Department also reviewed the petition for variance, in the alternative, to permit a proposed addition with a side yard setback (property line setback) as close as 9' in lieu of the required minimum 50'.

A site visit was conducted on March 21, 2017.

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

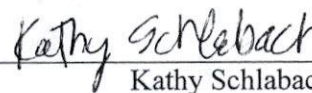
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

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

RECEIVED
MAY 01 2017

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-234

DATE: 4/4/2017



INFORMATION:

Property Address: 1153 Seneca Road
Petitioner: Jimmy Shannon, Jayne Shannon
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an addition with a non-conforming setback that extends more than 25% of the ground area of the original structure and to permit an accessory in-law apartment as living quarters in an existing detached accessory structure. The Department also reviewed the petition for variance, in the alternative, to permit a proposed addition with a side yard setback (property line setback) as close as 9' in lieu of the required minimum 50'.

A site visit was conducted on March 21, 2017.

The Department has no objection 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
John Gontrum
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: March 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0234-SPHA
Address 1153 Seneca Road
(Shannon Property)

Zoning Advisory Committee Meeting of **March 20, 2017.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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 is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

- 1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;*
- 2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;*
- 3. A wood mulch pathway; or*
- 4. A deck with gaps to allow the water to pass freely.*

The subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and within a Modified Buffer Area (MBA), and comprises approximately 14,500 square feet (sf). The petitioner is requesting a side yard setback reduction associated with an addition to the dwelling; to approve a proposed addition to an existing garage with a non-conforming setback that extends more than 25% of the ground area of the original structure, and to permit an accessory apartment as living quarters in an existing, detached accessory structure. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage limits, which, for a property this size, is 31 ¼% (4,531 sf). According to the plan submitted for this review, and our recent field review of the proposed addition to the detached garage, the property contains a greater amount of lot coverage than the 31 ¼% maximum, however, it appears that the existing lot coverage is grandfathered because it predates the Critical Area regulations. Any proposed, additional lot coverage above the existing amount on site will require the removal of a corresponding amount of lot coverage from elsewhere on the property in order to maintain compliance with the LDA lot coverage regulations. In addition the LDA regulations require minimum afforestation of 15%, which equates to four trees for a property this size. Two were observed on site. Two additional trees will be required. The MBA requirements further restrict lot coverage and structures within the Critical Area Buffer, which on this property is measured 100 feet landward of mean high water. According to the plan, buffer impacts are not currently proposed, and these regulations are not applicable. As stated above, compliance with the LDA lot coverage limits is required, and therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

- 2. Conserve fish, wildlife, and plant habitat; and*

The current development proposal for the property will be reviewed for application of the LDA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Seneca Creek.

- 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.*

The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; Date: March 16, 2017
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 20, 2017
Item No. 2017-0234

DATE: March 21, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items 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 17-0234-03202017.doc

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-234-SPHA

ENTRY OF APPEARANCE

Peter Max Zimmerman

Conte S. Demilio

RECEIVED

MAR 20 2017

I HEREBY CERTIFY that on this 20th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, One West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: May 30, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0234-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 26, 2017. 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

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1516602250							
Owner Information										
Owner Name:		SHANNON JIMMY D SHANNON JAYNE M				Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		1153 SENECA RD BALTIMORE MD 21220-4031				Deed Reference:		/32377/ 00036		
Location & Structure Information										
Premises Address:		1153 SENECA RD BALTIMORE 21220-4031 Waterfront				Legal Description:		1153 SENECA RD BOWLEYS QUARTERS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	2
0091	0022	0150		0000			159	2015	Plat Ref:	0007/0013
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use		
1939		1,632 SF				14,150 SF		34		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Detached					
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of 01/01/2015		As of 07/01/2016		As of 07/01/2017	
Land:			262,500		262,500					
Improvements			116,500		224,000					
Total:			379,000		486,500		450,667		486,500	
Preferential Land:			0						0	
Transfer Information										
Seller: MONTAGUE TIMOTHY ALLEN				Date: 08/03/2012				Price: \$379,000		
Type: ARMS LENGTH IMPROVED				Deed1: /32377/ 00036				Deed2:		
Seller: WANTLAND WILLIAM GEORGE,SR				Date: 07/23/2003				Price: \$460,000		
Type: ARMS LENGTH IMPROVED				Deed1: /18437/ 00142				Deed2:		
Seller: DEVILBISS WILLIAM				Date: 10/26/2000				Price: \$310,000		
Type: ARMS LENGTH IMPROVED				Deed1: /14773/ 00660				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
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										

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Seneca Road, 1550' E
of Chestnut Road
15th Election District
5th Councilmanic District
(1153 Seneca Road)

Jessica & William Wantland
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-071-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Jessica and William Wantland, the legal owners of the subject property. The variance request is for property located at 1153 Seneca Road in the Bowleys Quarters area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing accessory building (garage) with a proposed height of 25 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

SEALED FOR FILING

9/25/01

R. J. Jones

ACCESSORY APARTMENT (In-law) APPLICATION / DECLARATION OF UNDERSTANDING GUIDE

BALTIMORE COUNTY, MD

FYI: If your relatives live in your dwelling and share your kitchen facilities with you, the use is often not considered to be an accessory apartment. Speak to a Planner for more information.

New legislation regarding new Accessory Apartments under Bill No. 49-11 became effective Oct. 23rd 2011. Also, existing in-law apartments lawfully approved prior to the effective date of this Act must obtain a use permit in accordance with the Bill on or before October 1, 2012. The purpose of this Guide is to assist in coordinating the various actions and procedures needed to obtain the necessary use permit and / or approval by the Administrative Law Judge after public hearing.

There are 2 possible procedures required for an Accessory Apartment approval:

- 1.) A use permit for the apartment within an existing single-family detached dwelling**
OR
- 2.) A special hearing / use permit for the apartment in an accessory building.**

In either case, other zoning hearings may be required if determined to be necessary for approval. Please remember that all setback, use, height, area and permitting agencies regulations **MUST** be met for new construction and in all cases for section 400 BCZR compliance for apartments placed in existing or proposed accessory buildings.

The staff strongly suggests contacting all building permit review agencies well in advance of filing.

A list of these agencies is available in the Single Family Residential Lot Hearing Checklist. **

Remember! The use permit must be renewed every two years!

THE PROCESS:

An appointment is required for an application filing review. When you have the required information for filing prepared, please **call Zoning Review at 410-887-3391** to make the appointment or for questions. Be aware that issues may arise at the review indicating that revisions to the application or related information will be necessary. Discuss the appropriate fees with staff before filing. Once an application has been formally accepted by this office, continue to use the same review intake planner as your contact person for this use permit process.

A special hearing filing requires a Declaration of Understanding be provided with the application for filing review. The Petitioner shall provide the Declaration of Understanding on a form approved by the Department, to include at least the information required by law, which is dependent on whether the request is for the accessory apartment to be within an existing single-family detached dwelling or located in an accessory building on the same owner-occupied property as the principal single-family detached dwelling. Prior to the application for a use permit, the Declaration of Understanding must be approved by the Director, and include all conditions and restrictions as determined by either the Director or the Administrative Law Judge after a public hearing. A copy of the executed Declaration of Understanding, with liber and folio noted, must be submitted to the Department prior to issuance of the use permit.

Be aware that this guide is for zoning review information only and it is not intended as legal advice. The applicant is responsible for the accuracy of all information filed with Baltimore County.

**** Zoning Forms and Checklists are available from the Zoning Counter or Online at:**
http://www.baltimorecountymd.gov/Agencies/permits/pdm_zoning/zonforms.html

Item #0234

SECTION 101.1 DEFINITIONS

ACCESSORY APARTMENT – A SECOND LIVING QUARTER WITHIN A PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY BUILDING SITUATED ON THE SAME LOT AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING AND IN COMPLIANCE WITH SECTION 400, WITH DEDICATED BATHING AND COOKING FACILITIES, AND LOCATED ON OWNER-OCCUPIED PROPERTY, SUBJECT TO THE FOLLOWING:

(A) THE OWNER MAY OCCUPY EITHER THE PRINCIPAL DWELLING OR THE ACCESSORY APARTMENT;

(B) THE OCCUPANT(S) OF THE ACCESSORY APARTMENT AND THE OCCUPANT(S) OF THE PRINCIPAL SINGLE FAMILY DETACHED DWELLING SHALL BE IMMEDIATE FAMILY, RELATED AS GRANDPARENTS, PARENTS, OR PARENTS' CHILDREN BY BLOOD, MARRIAGE OR ADOPTION;

(C) THE ACCESSORY APARTMENT IS PROVIDED WITHOUT COMPENSATION; AND

(D) THE ACCESSORY APARTMENT, WHETHER LOCATED WITHIN THE PRINCIPAL DWELLING OR IN THE ACCESSORY BUILDING, SHALL COMPLY WITH ALL LAWS, REGULATIONS, AND CODES AFFECTING RESIDENTIAL OCCUPANCY.

SECTION 400.4 ACCESSORY APARTMENT.

AN ACCESSORY APARTMENT IS PERMITTED AS A TEMPORARY USE WITHIN A PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY BUILDING SITUATED ON THE SAME OWNER-OCCUPIED LOT AS THE PRINCIPAL DWELLING IN ANY ZONE THAT PERMITS SINGLE-FAMILY DWELLINGS, SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. IF LOCATED WITHIN AN EXISTING SINGLE-FAMILY DETACHED DWELLING:

1. AN APPLICANT SHALL FILE WITH THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS AN APPLICATION FOR A USE PERMIT FOR AN ACCESSORY APARTMENT, ON A FORM APPROVED BY THE DEPARTMENT. WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT A DECLARATION OF UNDERSTANDING, ON A FORM APPROVED BY THE DEPARTMENT, INCLUDING BUT NOT NECESSARILY LIMITED TO THE FOLLOWING TERMS AND CONDITIONS:

A. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED ONE THIRD OF THE OVERALL FLOOR AREA OF THE DWELLING OR 2,000 SQUARE FEET, WHICHEVER IS LESS;

B. ANY AND ALL IMPROVEMENTS TO BE DEDICATED AS AN ACCESSORY APARTMENT SHALL BE USED SOLELY AS A SINGLE-FAMILY RESIDENCE; AND

C. THE ACCESSORY APARTMENT MAY NOT HAVE SEPARATE UTILITY METERS, SUCH AS GAS AND ELECTRIC SERVICE.

2. THE DIRECTOR MAY APPROVE THE APPLICATION UPON A FINDING THAT THE SIZE, LOCATION, AND PURPOSE OF THE ACCESSORY STRUCTURE WILL NOT NEGATIVELY AFFECT THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY.

B. IF LOCATED WITHIN AN ACCESSORY BUILDING ON THE SAME OWNER-OCCUPIED PROPERTY AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING:

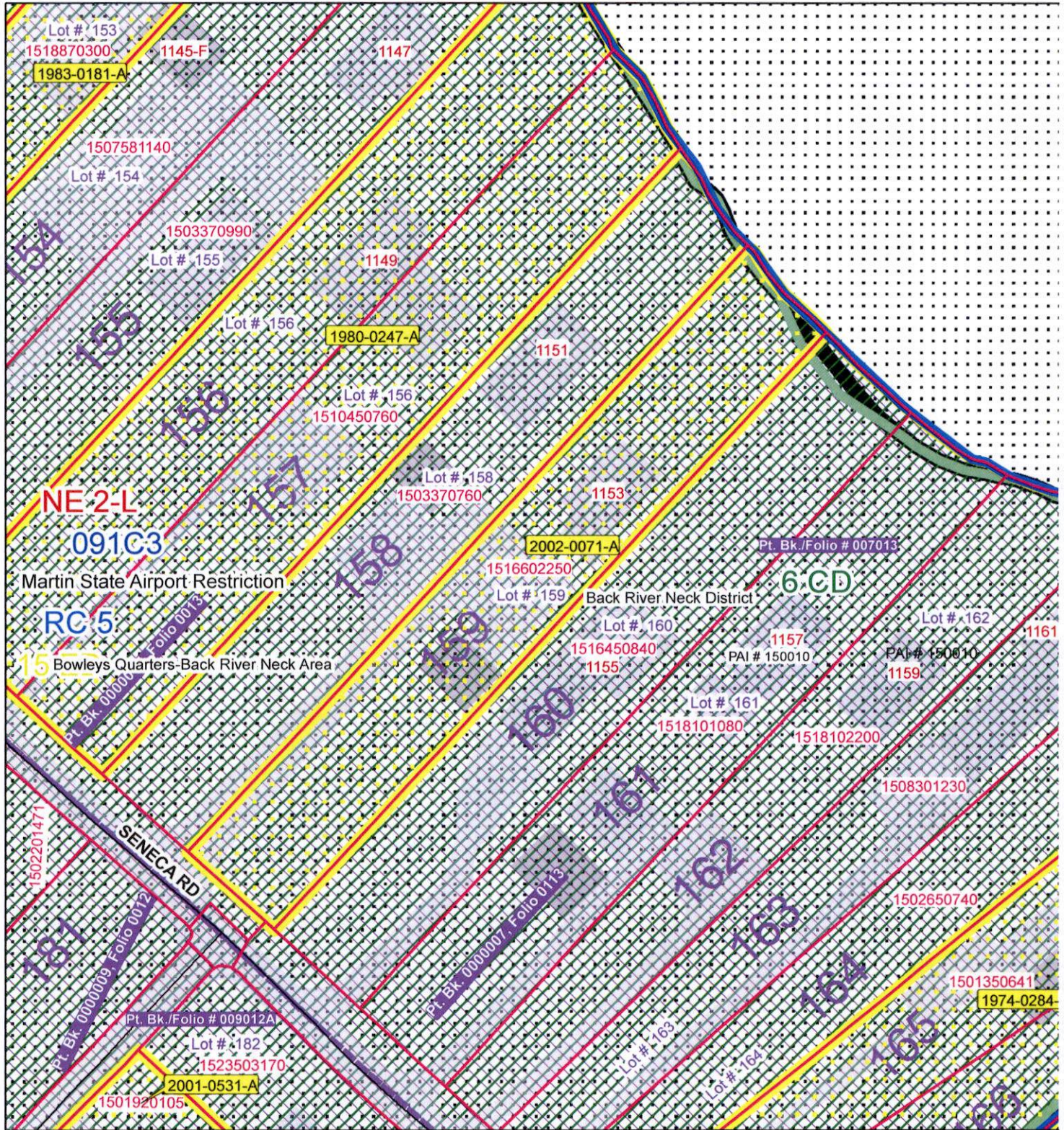
1. AN APPLICANT SHALL FILE A REQUEST FOR SPECIAL HEARING AND USE PERMIT WITH THE DEPARTMENT, TOGETHER WITH A DECLARATION OF UNDERSTANDING AS REQUIRED BY SUBSECTION A.1 OF THIS SECTION AND A PUBLIC HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS IS REQUIRED.

2. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED 1,200 SQUARE FEET, AND THE ACCESSORY BUILDING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 400.

3. FOLLOWING A PUBLIC HEARING, THE OFFICE OF ADMINISTRATIVE HEARINGS MAY GRANT A REQUEST UPON A FINDING THAT THE SIZE, LOCATION, AND PURPOSE OF THE ACCESSORY APARTMENT CONFORMS WITH SECTION 502.1. AND MAY IMPOSE SUCH CONDITIONS, RESTRICTIONS OR REGULATIONS CONSISTENT WITH SECTION 502.2 AS MAY BE DEEMED NECESSARY OR ADVISABLE FOR THE PROTECTION OF SURROUNDING AND NEIGHBORING PROPERTIES, INCLUDING THE EXPRESS PROHIBITION THAT THE ACCESSORY APARTMENT NOT BE CONVERTED TO A SECOND DWELLING BEYOND THE SCOPE OF THIS SECTION.

4. THE ACCESSORY APARTMENT MAY NOT HAVE SEPARATE UTILITY METERS OR WATER AND SEWERAGE SERVICES UNLESS APPROVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS BASED ON SPECIFIC FINDINGS OF NECESSITY FOR THE ACCESSORY BUILDING.

1153 Seneca Road



Publication Date: 2/22/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

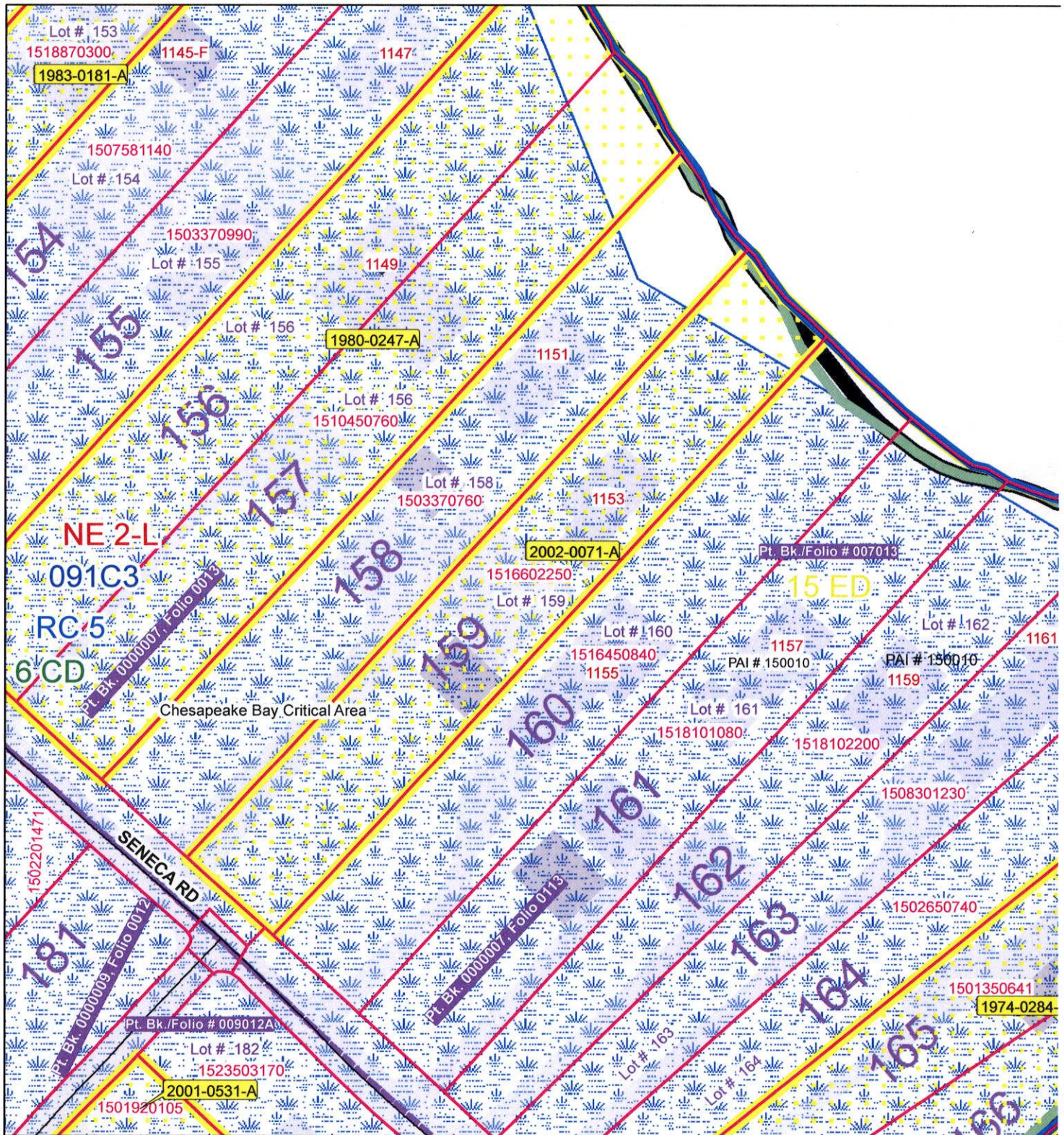


0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0234

Chesapeake Bay Critical Area



Publication Date: 2/22/2017



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

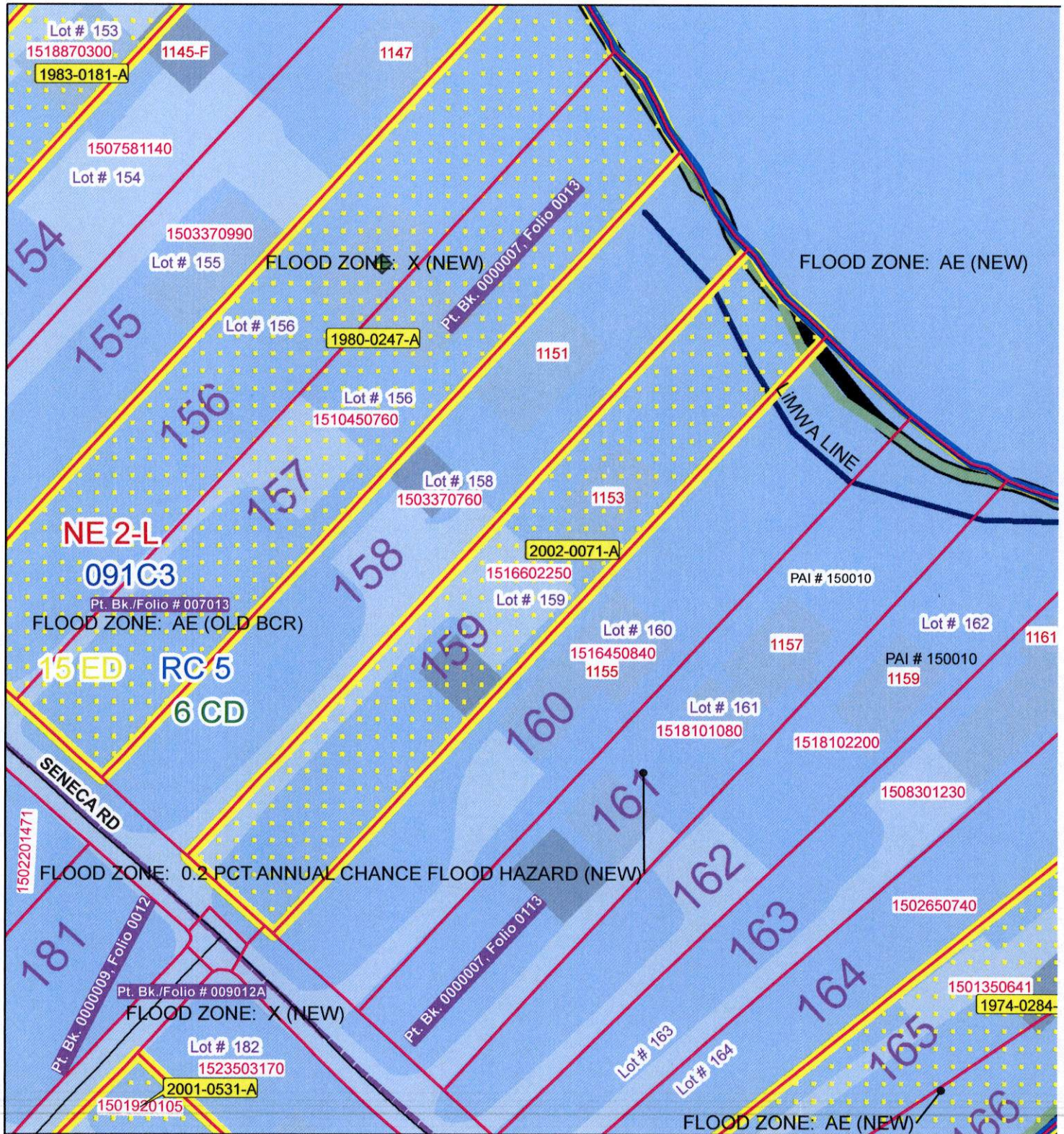


0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0234

Flood Hazard Areas



Publication Date: 2/22/2017



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

Item #0234

CASE NAME _____
CASE NUMBER 2017-0234
DATE 4-24-2017

[illegible]

Case No.: 2017-0234-SPHA

Exhibit Sheet

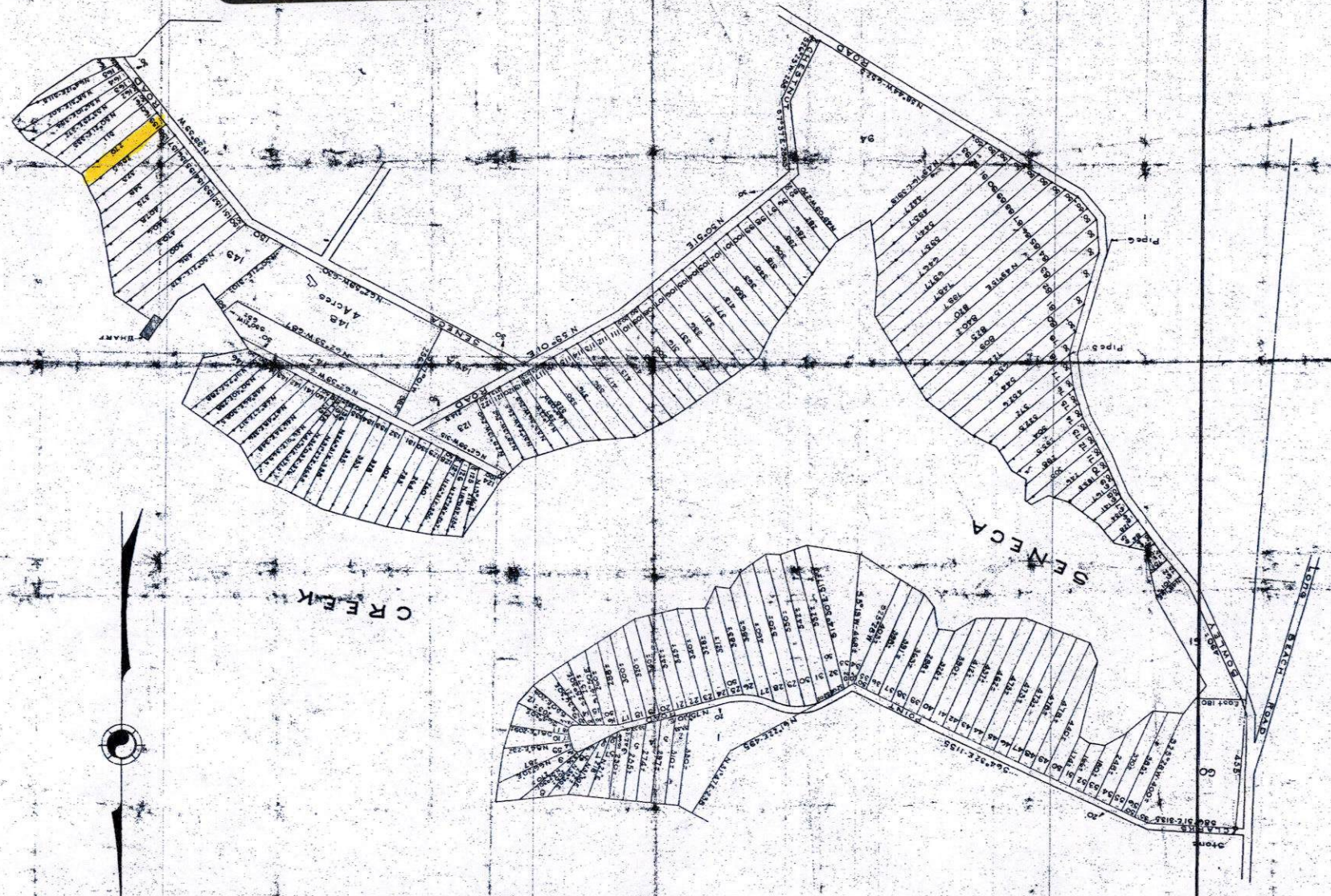
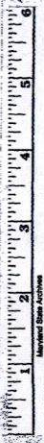
Petitioner/Developer

5-30-17
BW

Protestant

Sen
4-26-17

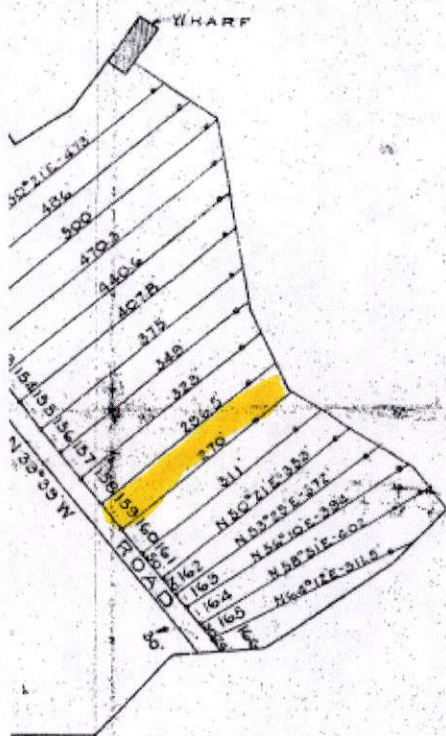
No. 1	site plan	
No. 2	ZA + ZB Bowleys Quarters plat	
No. 3	Aerial photo	
No. 4	statement of support signed by neighbors	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



tabbies
EXHIBIT
2A

* Indicates Location of Stakes

BOWLEYS QUARTER
PLAT NO. 2
Scale: 200
April 16, 1921
Edward V. Coonan and Company
Surveyors and Civil Engineers
Baltimore, Md.



BOWLEYS & JARVIS PLAT NO. 2

Scale 1"=200' + Apr

Edward V. Coonan and Company
Surveyors and Civil Engineers
Baltimore, Md.

f Stake





EXHIBIT
 tabbies' 3



My Neighborhood Map

Created By
 Baltimore County
 My Neighborhood



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 4/19/2017

Baltimore County Hearing

April 2017

Subject: Jimmy Shannon

Address: 1153 Seneca Rd

Middle River, Md. 21220

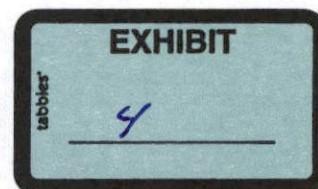
I am a neighbor that lives very close to Jimmy Shannon, I am aware of the apartment above the garage. It was there many years before he moved in. It is very seldom used and I have no issues with it remaining. I know he wants it for family use only and never to be rented as a separate dwelling. I also have no problem with the Kitchen addition and improvements he has planned for the property.

Address

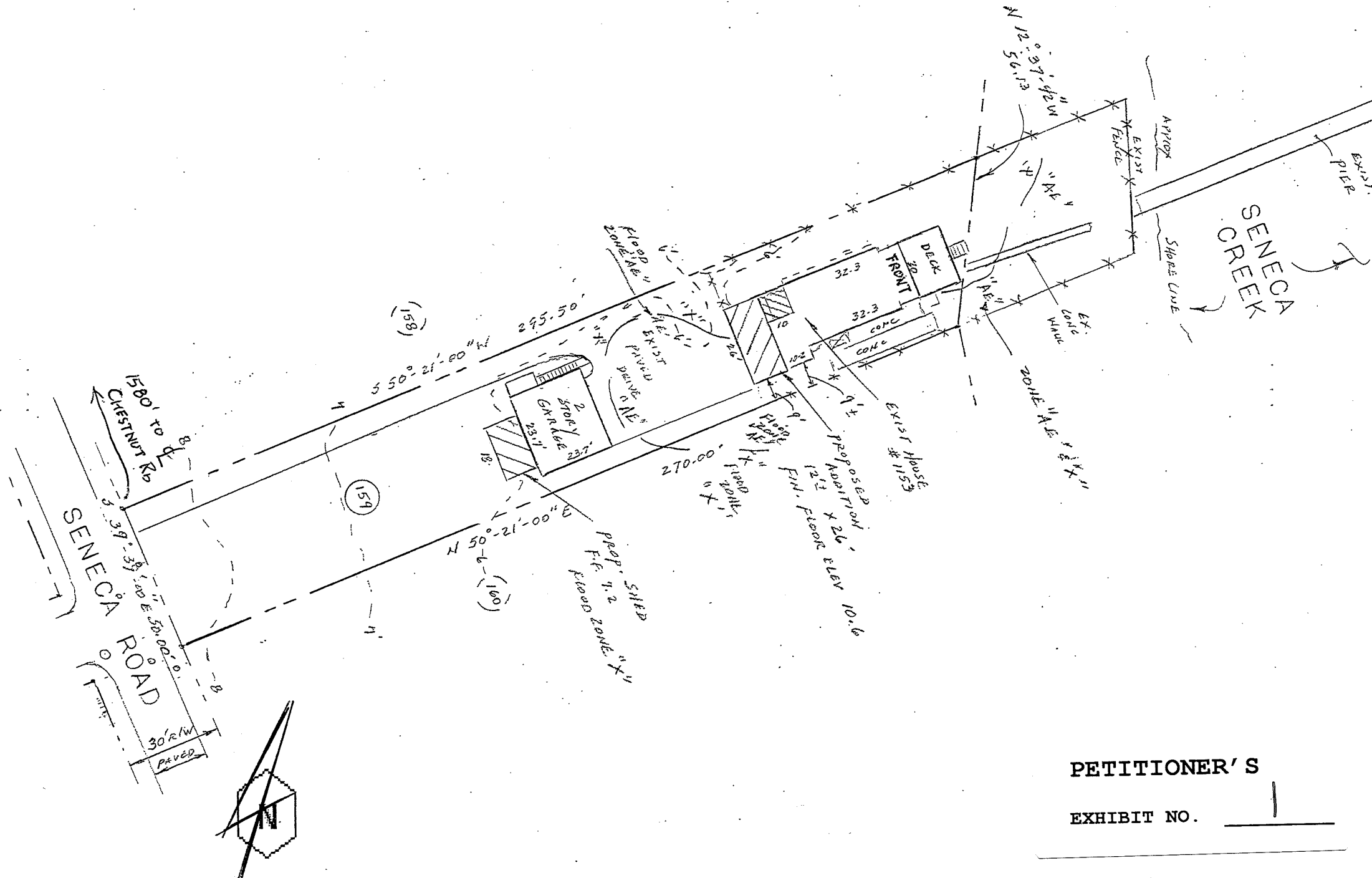
Owner

Signed

1151 SENECA RD 21220	GERALD KAMINSKI	Gerald Kaminski
1151 SENECA RD 21220	MARIA KAMINSKI	Maria Kaminski
1155 Seneca Rd 21220	LAURA BETTER	Laura Better
1157 Seneca Rd 21220	Steve Hamilton	Steve Hamilton
1149 Seneca Rd 21220	William Sudek NANCY Sudek	William Sudek



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
 ADDRESS 1153 Seneca Rd. Middle River 21220 OWNER(S) NAME(S) Jimmy Shannon, Jayne Shannon
 SUBDIVISION NAME B.C.Z.R. "Bowleys Quarters" LOT # 159 BLOCK # SECTION #
 PLAT BOOK # 7 FOLIO # 13 10 DIGIT TAX # 1516602250 DEED REF. # 32327/- - -36

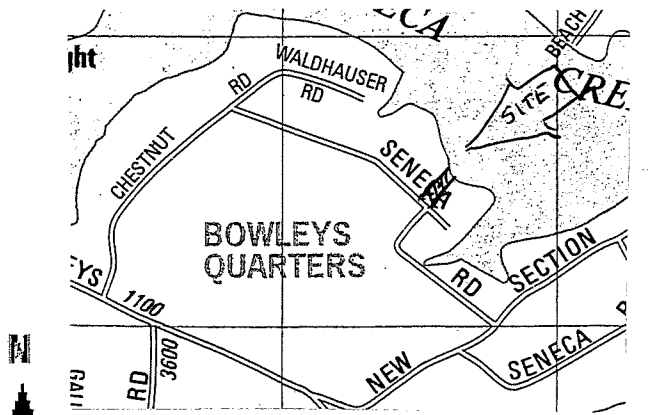


PETITIONER'S

EXHIBIT NO. 1

PLAN DRAWN BY DATE SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 091C3

SITE ZONED RC5

ELECTION DISTRICT 15 ED

COUNCIL DISTRICT 6CD

LOT AREA ACREAGE

OR SQUARE FEET 14,150

HISTORIC? N

IN CBCA? Y

IN FLOOD PLAIN? Partial

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? Y

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

02-071-A

VIOLATION CASE INFO:

C01700058

Handwritten signature/initials

#2017-0234-SPHA