

M E M O R A N D U M

DATE: December 5, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0087-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 4, 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

IN RE: PETITION FOR VARIANCE

(976 Seneca Park Road)

15th Election District

6th Council District

Jeffrey & Jenna Streib

Legal Owners

Petitioners

*
*
*
*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0087-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Jeffrey & Jenna Streib, the legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building having a height of 48 ft. in lieu of the maximum 35 ft. A site plan was marked as Petitioners’ Exhibit 1.

Jeffrey and Jenna Streib and professional engineer John Motsco appeared in support of the petition. Howard Alderman, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). None of the reviewing agencies opposed the request.

The site is approximately 0.253 acres in size and zoned RC-5. The property is shown as Lot 85 on the plat of Seneca Park Beach, recorded in 1926. The waterfront lot is unimproved and is served by public water and sewer. Petitioners propose to construct a single family dwelling on the lot with a height of 48 ft., to allow for the necessary elevation of the structure to comply with

ORDER RECEIVED FOR FILING

Date 11/3/17

By SEN

the Baltimore County Building Code and flood protection regulations. To do so requires a 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).

The property is narrow and deep (approximately 50' x 200') and is therefore unique. Indeed, in a 2005 zoning case involving this property (i.e., No. 2005-0410-SPH, admitted as Petitioners' Exhibit 2) Deputy Zoning Commissioner Murphy found the property was "unique in a zoning sense." *Id.* at p. 7. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct an appropriate dwelling on the lot in compliance with modern flood protection regulations.

Finally, I find that the variances 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 lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 3rd day of **November, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from B.C.Z.R. §1A04.3.A to permit a principal building having a height of 48 ft. in lieu of the maximum 35 ft., 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

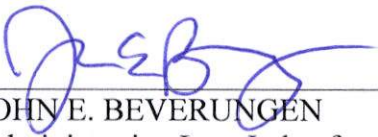
ORDER RECEIVED FOR FILING

Date 11/3/17
By sen

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 flood protection and Chesapeake Bay Critical Area Regulations.
3. Prior to issuance of building permit(s) Petitioners must submit elevation drawings to the DOP and obtain from that agency a positive finding with respect to the RC5 Performance Standards.
4. Petitioners must obtain approval from the Bureau of DPR for use and installation of a grinder pump at the property.

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 11/3/17
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 976 SENECA PARK ROAD which is presently zoned RC 5
 Deed References: 39115/218 10 Digit Tax Account # 2 4 0 0 0 1 0 0 0 1
 Property Owner(s) Printed Name(s) JEFFREY & JENNA STREIB

(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. a **Variance** from Section(s)

SEE ATTACHMENT #1

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):

JEFFREY STREIB / JENNA STREIB
 Name #1 - Type or Print Name #2 - Type or Print
 Signature #1 _____ Signature #2 _____
2596 LAUREL BROOK ROAD FALLSTON MD
 Mailing Address City State
21047 / (443) 243-1691 / jstreib@yahoo.com
 Zip Code Telephone # Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, INC., GEORGE McCUBBIN
 Name - Type or Print
 Signature _____
1055 TAYLOR AVENUE TOWSON MD
 Mailing Address City State
21286 / (410) 296-1636 / georgem@littleassociates.com
 Zip Code Telephone # Email Address

CASE NUMBER 2018-0087-A Filing Date 9/29/17 Do Not Schedule Dates: _____ Reviewer JF

ORDER RECEIVED FOR FILING
 11/3/17
 JEN

ATTACHMENT #1
REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1A04.3 AS FOLLOWS:

"A" VARIANCE FROM BCZR§ 1A04.3.A TO PERMIT A PRINCIPAL BUILDING
HAVING A HEIGHT OF 48 FEET IN LIEU OF THE REQUIRED 35 FEET;

TOGETHER WITH ANY REQUIRED MODIFICATION OF THE RELIEF GRANTED IN
THE PRIOR CASE AND SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE
MAY REQUIRE FOR APPROVAL OF THE PROPOSED IMPROVEMENTS SHOWN ON
THE PLAN WHICH ACCOMPANIED THIS PETITION.

August 29, 2017

ZONING DESCRIPTION FOR
#976 SENECA PARK ROAD

Beginning at a point on the east side of Seneca Park Road, which is 30 feet wide, at the distance of 260 feet north of the centerline of Nannette Lane, which is 30 feet wide. Being Lot 85 in the subdivision of Seneca Park Beach as recorded in Baltimore County Plat Book No. 8, Folio 45, containing 11,024 square feet of land, more or less. Located in the Fifteenth Election District and Sixth Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018



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 5232378

Sold To:

Jeffrey Streib - CU00622404
2596 Laurel Brook Rd
Fallston, MD 21047-2337

Bill To:

Jeffrey Streib - CU00622404
2596 Laurel Brook Rd
Fallston, MD 21047-2337

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

Oct 12, 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: # 2018-0087-A
976 Seneca Park Road
E/s Seneca Park Road, 260 ft. N/of centerline of Nannette Lane
15th Election District - 6th Councilmanic District
Legal Owner(s) Jeffrey & Jenna Streib

Variance to permit a principal building having a height of 48 ft. in lieu of the required 35 ft. Together with any required modification of the relief granted in the prior case and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this petition.

Hearing: Thursday, November 2, 2017 at 11:00 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.

10-043 October 12 5232378

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

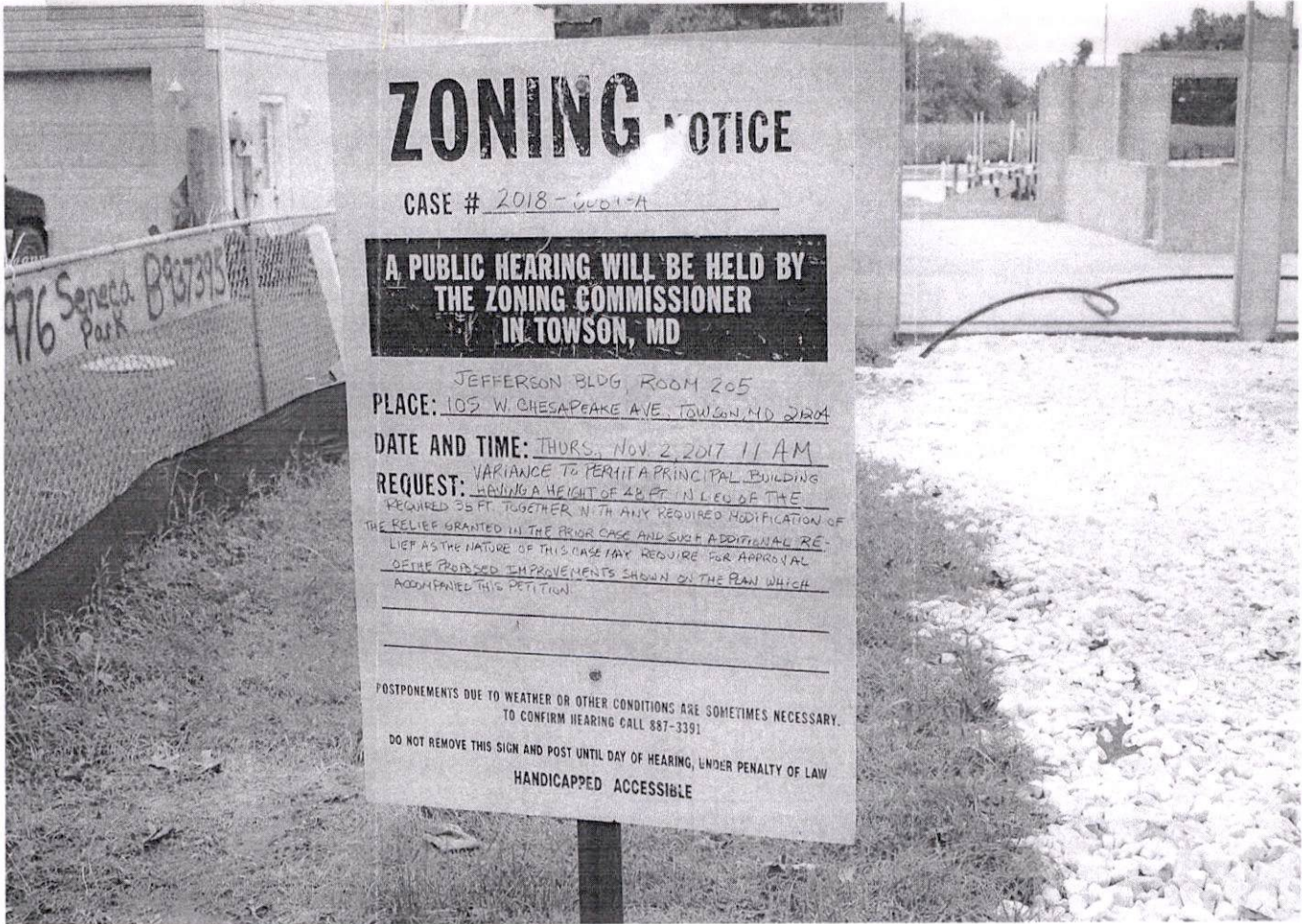
Date: 10-13-17

RE: Case Number: 2018-0087-A

Petitioner/Developer: Jeffrey Strub

Date of Hearing/Closing: Nov 2, 2017 11 AM

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 971 E. D.B.R.





KEVIN KAMENETZ
County Executive

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

October 4, 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: 2018-0087-A

976 Seneca Park Road
E/s Seneca Park Road, 260 ft. N/of centerline of Nannette Lane
15th Election District – 6th Councilmanic District
Legal Owners: Jeffrey & Jenna Streib

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Hearing: Thursday, November 2, 2017 at 11:00 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: Little & Associates, Inc, George McCubbin, 1055 Taylor Avenue, Ste. 307, Towson 21286
Mr. & Mrs. Streib, 2596 Laurel Brook Road, Fallston 21047

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 13, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 12, 2017 Issue - Jeffersonian

Please forward billing to:

Jeffrey Streib
2596 Laurel Brook Road
Fallston, MD 21047

443-243-1691

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: 2018-0087-A

976 Seneca Park Road
E/s Seneca Park Road, 260 ft. N/of centerline of Nannette Lane
15th Election District – 6th Councilmanic District
Legal Owners: Jeffrey & Jenna Streib

Variance to permit a principal building having a height of 48 ft. in lieu of the required 35 ft. Together with any required modification of the relief granted in the prior case and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this petition.

Hearing: Thursday, November 2, 2017 at 11:00 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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
976 Seneca Park Road; E/S Seneca Park Road,	*	OF ADMINSTRATIVE
260' N of c/line of Nannette Lane	*	HEARINGS FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Jeffrey & Jenna Streib	*	2018-087-A
Petitioner(s)		

* * * * *

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
SEP 27 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Representative 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: 2018-0087-A
Property Address: 976 SENECA PARK ROAD
Property Description: LOT 85 OF THE SUBDIVISION OF SENECA PARK
BEACH
Legal Owners (Petitioners): JEFFREY STREIB & JENNA STREIB
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEFFREY STREIB
Company/Firm (if applicable): N/A
Address: 2596 LAUREL BROOK ROAD
FALLSTON, MD 21047
Telephone Number: (443) 243-1691

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

NO 157257

Date: 9/20/17

PAID RECEIPT

BUSINESS ACTUAL TIME CRN
9/21/2017 9/20/2017 10:26:14 5
REG NO:05 WALKTH LRB
>>RECEIPT # 921792 9/20/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 157257
Receipt Tot \$75.00
\$75.00 CR \$4.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 75.00

Rec From: Jeffrey Steib

For: Perk for Variance
976 Seasonal Perk P1

CASE # 2018-0087-A

**CASHIER'S
VALIDATION**

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



KEVIN KAMENETZ
County Executive

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

October 26, 2017

Jeffrey & Jenna Streib
2596 Laurel Brook Road
Fallston MD 21047

RE: Case Number: 2018-0087 A, Address: 976 Seneca Park Road

Dear Mr. & Ms. Streib:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 20, 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 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
Little & Associates Inc., George McCubbin, 1055 Taylor Avenue, Suite 307, Towson MD 21286

Date: 9/25/17

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. 2018-0087-A

Variance
Jeffrey & Jenna Streib
976 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

11-2

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2017

RECEIVED
OCT 26 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-087

INFORMATION:

Property Address: 976 Seneca Park Road
Petitioner: Jeffrey & Jenna Streib
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a principal building having a height of 48 feet in lieu of the required 35 feet.

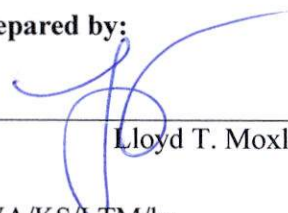
A site visit was conducted on September 29, 2017. This site was the subject of a previous zoning case no. 2005-410, in which relief was granted to approve a lot area of .25 acres with a setback of 59 feet to the street centerline, and side property line setbacks of 9.5 feet each. The site plan in the instant case appears to be utilizing the relief granted in the aforementioned prior case.

The Department of Planning has no objections to granting the petitioned zoning relief provided all conditions set in the Order for prior zoning case no. 2005-410 are met.

Please be advised that the property is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations shall be submitted to the Department for review at the time of building permit application.


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
George McCubbin, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

11-2-11 11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
OCT 12 2017
OFFICE OF
ADMINISTRATIVE HEARINGS



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: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0087-A
Address 976 Seneca Park Road
(Streib Property)

Zoning Advisory Committee Meeting of **October 2, 2017**.

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 Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a dwelling with greater height than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The property is 11,024 square feet. Lot coverage is limited to a maximum of 31.25%, with mitigation required for any lot coverage between 25% and 31.25%. 15% afforestation of three trees is required. The applicants have already satisfactorily addressed lot coverage, afforestation, and MBA requirements as part of their building permit review. Allowing greater height to the dwelling does not affect these items. Therefore, 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 and will meet all lot coverage, MBA, and afforestation requirements. Therefore, this request will currently 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;

The applicants are meeting their lot coverage, MBA, and afforestation requirements with this application. The relief requested will be consistent with established land-use policies.

Additional Comments:

Reviewer: Regina Esslinger

Date: October 10, 2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 2, 2017
Item No. 2018-0087-A

DATE: October 11, 2017

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

Prior to building permit application, the petitioner must contact the office of Director of Public Works in writing to determine the Flood Protection elevation, so that the first floor elevation can be established.

Use and installation of grinder pump requires written approval from the Director of Public Works. Request must be submitted in writing along with Plans indicating the location of the proposed grinder pump.

* * * * *

VKD: CEN
cc: file

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: October 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0087-A
Address 976 Seneca Park Road
(Streib Property)

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The applicants are meeting their lot coverage, MBA, and afforestation requirements with this application. The relief requested will be consistent with established land-use policies.

Additional Comments:

Reviewer: Regina Esslinger

Date: October 10, 2017

C H E C K L I S T

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

10/11

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

Comment

10/12

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

Comment

FIRE DEPARTMENT

no objection
w/ conditions

10/26

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

9/25

STATE HIGHWAY ADMINISTRATION

no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 10/12/17

SIGN POSTING Date: 10/13/17 by Pulson

PEOPLE'S COUNSEL APPEARANCE Yes No

PEOPLE'S COUNSEL COMMENT LETTER Yes No

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 15 Account Number - 2400010001								
Owner Information										
Owner Name:	STREIB JEFFREY M STREIB JENNA M				Use:	RESIDENTIAL NO				
Mailing Address:	2596 LAUREL BROOK RD FALLSTON MD 21047-				Principal Residence:					
					Deed Reference:	/39115/ 00218				
Location & Structure Information										
Premises Address:		SENECA PARK RD MIDDLE RIVER 21220-			Legal Description:		.229 AC ES SENECA PARK RD SENECA PARK BEACH			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0091	0017	0139		0000			85	2018	Plat Ref: 0008/ 0045	
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						10,000 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
			Base Value	Value	Phase-in Assessments					
				As of	As of		As of			
				01/01/2015	07/01/2017		07/01/2018			
Land:			46,000	46,000						
Improvements			10,700	10,700						
Total:			56,700	56,700	56,700					
Preferential Land:			0							
Transfer Information										
Seller: SPEAR LINDA DAIKER				Date: 06/21/2017		Price: \$115,000				
Type: ARMS LENGTH VACANT				Deed1: /39115/ 00218		Deed2:				
Seller: DAIKER WILLIAM C				Date: 04/01/2005		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /21652/ 00150		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class	07/01/2017		07/01/2018					
County:		000	0.00							
State:		000	0.00							
Municipal:		000	0.00		0.00					
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application Date:										

Case No.: 2018-0087-A

Exhibit Sheet

Petitioner/Developer

DW
12-5-17

Protestants

slu
11-3-17

No. 1	Plan	
No. 2	Order in Case # 2005-0410	
No. 3	3A-3C Orders from zoning cases in same neighborhood	
No. 4	My Neighborhood Map	
No. 5	Elevations	
No. 6	8-15-17 letter from DEPS	
No. 7	Declaratory of Land Restrictions	
No. 8	DOP ZAC comment	
No. 9		
No. 10		
No. 11		
No. 12		

100

100

IN RE: PETITION FOR SPECIAL HEARING
W/S of Seneca Park Road, 275 ft. N
centerline of Nanett Lane
15th Election District
6th Councilmanic District
(976 Seneca Park Road)

Linda D. & Thomas W. Spear, Sr.
Petitioners

* * * * *

IN RE: PETITION FOR SPECIAL HEARING
W/S of Seneca Park Road, 225 ft. N
centerline of Nanett Lane
15th Election District
6th Councilmanic District
(974 Seneca Park Road)

Melissa & Mark Nickles
Petitioners

* * * * *

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-410-SPH
*
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-411-SPH
*

Blumberg No. 5186
PETITIONER'S
EXHIBIT
2

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as Petitions for Special Hearing filed by the legal owners of the subject properties as set forth in the above-captioned cases. The Petitioners are requesting special hearing relief as follows:

Case No. 05-410 SPH This case was filed by the legal owners of the subject property, Linda D. and Thomas W. Spear, Sr. The Petitioners are requesting special hearing relief for property located at 976 Seneca Park Road in Baltimore County. Special Hearing relief is requested pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 1/2 ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively).

Case No. 05-411-SPH This case was filed by the legal owners of the subject property, Melissa and Mark Nickles. The Petitioners are requesting special hearing relief for property

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located at 974 Seneca Park Road in Baltimore County. Special Hearing relief is requested pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively).

Each property was posted with Notice of Hearing on March 19, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 22, 2004 to notify any interested persons of the scheduled hearing date

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of these cases and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated March 8, 2005, copies of which are attached hereto and made a part hereof. ZAC comments were also received from the Office of Planning dated March 15, 2005, copies of which is attached hereto and made a part hereof. Finally, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 17, 2005, copies of which are attached hereto and made a part hereof.

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Interested Persons

Appearing at the hearing on behalf of the variance requests were Scott Chilton, Planning Consultant, and Linda and Thomas Spear, William Daiker and Mark Nickles, Petitioners. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

By agreement, all testimony and evidence given in Case No. 05-410 SPH is applicable to Case No. 05-411-SPH. Mr. Chilton indicated that each lot is vacant, each consists of .25 acres, more or less and is zoned RC 5. Case No. 05-410-SPH involves lot 85 and Case No. 05-411-SPH involves lot 84 of the "Seneca Park Beach" subdivision, which was recorded in the Land Records of Baltimore County in 1926. See Exhibit No. 2. The Petitioners would like to build a new single-family dwelling on each lot. See Exhibit No. 1. Each lot is approximately 50 feet wide and the new homes would be 30 feet wide. This leaves side yard setbacks of 9.5 feet. The Petitioners indicated that the full 30 feet is needed for their new homes because of the need for handicapped accessible facilities in the homes.

The Petitioners are the children of William Daiker whose home is on lot 83. He indicated that he would like his children to be able to move close to him on the two lots to the south of his home. He noted that he has been paying real estate taxes on these two lots since he purchased the properties in 1954. The proposed homes are modest in size compared to others being built in the area. Mr. Chilton presented letters of support from neighbors behind the proposed homes whose water view might be affected by the new homes. See Exhibit No. 7.

Mr. Chilton presented evidence that having one home on each lot would be consistent with the pattern of development of the neighborhood. He indicated that waterfront lots 80, 81, 82,

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83, 86, 87, and 88 have one home on each 50 foot wide lot. Across Seneca Park Road, the pattern is one home on two or more lots for these water view lots.

The availability of public sewerage on each lot was discussed at length. Mr. Chilton indicated that the public sewer line was actually installed in Seneca Park Road but that it was not yet operational. Obviously, the lots are not large enough for septic systems. He indicated that he discussed the added cost and inconvenience of building a temporary holding tank for sewerage which would have to be pumped out every two weeks while waiting for the public sewer line to become operational. According to his conversations with County officials, he indicated that this could take a year or more. He indicated that Mr. and Mrs. Spears were without a home at the moment and desperately wanted to build and move into the new home.

Findings of Fact and Conclusions of Law

The Petitioners filed a quest for Special Hearing pursuant to Section 1A04.3.B.1.b, which allows altering the minimum lot size for lots of record before September 2, 2003. In each case the lot size is 0.25 acres while the required size is 1.5 acres. The regulations are not precise as to whether the setback regulations may also be altered in the same hearing. However, if only the size may be altered, the Petitioner would have to file for both a variance and special hearing for essentially the same relief. This would double the cost to the Petitioner for filing fees and postings without any additional information given to the public regarding the relief requested. Consequently, I find that the County Council intended that the setback regulations are also subject to the provision allowing the size of the lot to be altered.

I also note that the regulations impose "Performance Standards" of Section 1A04.4A on all residential development including single lots of record and minor subdivisions. The regulations indicate that the Office of Planning should receive information that will allow it to make findings regarding these standards, and transmit these findings to the Hearing Officer who is then bound

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[Signature]

by the findings. Presumably, this means the Office of Planning's findings would be available for the special hearing to alter lot size and setbacks. Unfortunately, the process involving minor subdivisions and single lots does not work this way. As one example, in this particular case the Petitioners indicated that they did not receive the Office of Planning's request for information until the day of the hearing. Obviously, they had not submitted anything to the Office of Planning, nor had the Office of Planning have a basis for any findings and rightfully submitted no findings before the special hearing. Having said this, I make no criticism of the Planning Office. As I understand the situation, the ordinary flow of cases involving minor subdivisions and single lots do not allow sufficient time to send the list of information needed to the Petitioner, receive information from the Petitioner, discuss short comings, review revised submittals and make a finding. To provide the needed time would require a separate administrative hearing and scheduling process distinct from the existing review process for these small developments. In addition, Petitioners for small developments universally complain that providing the information the Planning Office needs pursuant to the Performance Standards is very costly and ordinarily should not be expended until they know they have zoning approval. The costs include substantial architectural effort, which traditionally is not authorized until the zoning issues are resolved for small developments. This scheduling problem has also occurred in applying the Performance Standards in RC 8 cases. In the RC 8 situation, the Planning Office has interpreted the regulations to have review for Performance Standards before building permits and not for the special hearing.

In stark contrast to the above, the process for review of development plans of large subdivisions under the development regulations has incorporated Performance Standards for many years. As one example, developers regularly submit pattern books describing the architectural features of proposed new homes to the Planning Office for review. These pattern

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books become part of the Hearing Officer's review of development plans. While developers are not joyous about submitting such information to the Office Planning, the scale and value of large new developments seems to justify the requirement. In addition, the developer has months to prepare the material and face to face review of its Performance Standard submittals with the Planning Office weeks before the Development Plan Conference.

While the subject properties are technically in a "subdivision" (Seneca Park Beach subdivision recorded in the Land Records in 1926), traditionally we have treated these old land record subdivisions as simply lots of record. Development in these "subdivisions" usually consists of in-fill lots in existing neighborhoods. These land record subdivisions have never been reviewed by any County agency but rather were simply recorded in the land records by the owner before any County review was established. Consequently the County has traditionally processed applications for zoning relief as lots of record, not the full development plan review.

In summary, I do not believe the County Council intended to impose a new separate review process on single lots of record and minor subdivisions similar to the Development Plan review imposed on large new residential developments. The cost to the County and Petitioner would be prohibitive. I believe the County Council wanted Performance Standards to apply to minor subdivision and single lots of record, but only after the zoning hearing is resolved. Consequently, I find that the Petitioner may satisfy requirements of the Performance Standards of RC 5 to Planning's satisfaction before building permit.

Finally, I note that this Commission has been very reluctant to do by special hearing what ordinarily should be done by variance or special exception. Each of the latter has specific criteria to consider and long history of Board of Appeals and Court review. Section 500.7, which authorizes special hearings, on the other hand does not give any specific criteria, allows the widest discretion and has the least history of review. Said another way, if every variance,

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which is difficult to justify, could be filed as a special hearing there would be no requests for variances. I do not believe that the County Council intended to eliminate the criteria and history associated with variances and special exceptions to start over again with a blank slate of special hearings. Consequently, I will treat this special hearing as essentially a request for variance.

Considering all the testimony and evidence in this case, I find the lots were laid out in 1926 many years before the RC zoning was imposed and so I find that the RC zoning impacts these properties differently from lots laid out in conformance to the RC regulations. Therefore, these lots are unique in a zoning sense. I also find that strict enforcement of the RC regulations would impose a hardship on the Petitioners, as they would not be able to build a shed much less a home on the lot. The lots are 50 feet wide. Clearly, no one can build a home with a side yard setback of 50 feet on each side as required by the RC 5 regulations.

I also find that the requested relief can be granted within the spirit and intent of the regulations as homes are allowed by right in RC 5 zones. Finally, I find there will be no adverse effect on the neighborhood as the pattern of development at least along the waterfront is one home on each 50 foot lot.

However, there is a perennial problem with new homes on this section of the County. There are no gravity sewer lines and the new force main will not be operational for perhaps a year. Mr. Chilton indicates his clients will apply to DEPRM for a temporary holding tank arrangement until the public sewer is ready, realizing that this doubles the cost of waste disposal system and will require pumping the holding tank every two weeks. He indicates that the Spears are desperate for a home and are willing to pay the added cost of the interim system. Nevertheless, as I expressed at the hearing, I think this is a great mistake and worry that in spite of best intent, these interim systems will create more health problems along the waterfront when the tanks are not pumped for any number of reasons. The public sewer was extended to these

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areas not to open them for development but to relieve existing health problems. That said, I will approve the special hearing but on condition that no building permit should be issued until the public sewer system is operational for this property. However, if DEPRM approves an interim system, I will approve the interim system by letter as being within the spirit and intent of the regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 29 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioners' requests for special hearing as follows:

Case No. 05-410 SPH for Special Hearing relief for property located at 976 Seneca Park Road filed pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively); AND

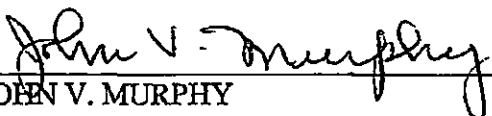
Case No. 05-411-SPH for Special Hearing relief for property located at 974 Seneca Park Road filed pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line setbacks of 9 ½ ft. each (in lieu of the minimum required 1.5 acre, 75 ft. and 50 ft. each respectively)

be and they are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

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1. No building permits shall be issued until the public sewer system that serves these lots is fully operational. Note however if DEPRM approves an interim system, I will approve the interim system by means of a spirit and intent letter.
2. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 8, 2005 before building permit is issued, copies of which are attached hereto and made a part hereof.
3. Compliance with the ZAC comments submitted by the Office of Planning dated March 15, 2005 before building permits are issued, copies of which are attached hereto and made a part hereof.
4. Compliance with the ZAC comments made by DEPRM dated March 17, 2005, copies of which are attached hereto and made a part hereof.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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5/15/05
Raj

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Seneca Park Road, 440' SE of the c/l
Nannette Lane
(944 Seneca Park Road)
15th Election District
6th Council District

Martin W. Lotz, III and
Mark S. Lotz - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-604-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Martin W. Lotz, III and Mark S. Lotz. The Petitioners seek relief from Sections 1A04.3A&B.2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling in an R.C.5 zone with a height of 42' feet in lieu of the maximum allowed 35', and side yard setbacks of 5' and 11'3" in lieu of the required 50' each. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this regard, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the

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Date: 8/16/04
By: [Signature]

Baltimore No. 5138
PETITIONER'S
EXHIBIT
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documentation contained within the case file. That information, including pictures and affidavits, is sufficient to support a finding that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale. I find that the relief requested is appropriate and that the height of the proposed dwelling will not block the view of any adjacent properties. There were no adverse comments from any County reviewing agency and signed statements of support for the request were received from several of the Petitioners' neighbors. Thus, it appears that relief can be granted without detrimental impact upon the adjacent properties. However, given the property's waterfront location on Seneca Creek, the proposed construction must comply with Federal Flood Insurance and Chesapeake Bay Critical Areas requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management and the Development Plans Review Division of the Department of Permits and Development Management, copies of which are attached hereto and made a part hereof.

It is also to be noted that the Office of Planning initially raised an issue within its ZAC comment concerning the height of the proposed dwelling and recommended a denial of the variance. After detailed discussions on this issue, the Petitioners amended their building elevation drawings to address the concerns raised by the Office of Planning and a revised comment was received from that agency indicating their support of the request.

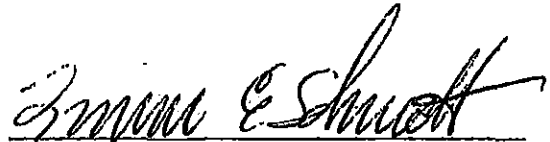
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of August 2004 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.A&B2, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling in an R.C.5 zone with a height of 42' feet in lieu of the maximum allowed 35', and side yard setbacks of 5' and 11'3" in lieu of the required 50' each, in

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Date 8/10/04
By [Signature]

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) The proposed dwelling shall be constructed substantially in accordance with the revised building elevation drawings reviewed and approved by the Office of Planning.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/16/04
By [Signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

August 6, 2004

Mr. Martin W. Lotz, III
Mr. Mark S. Lotz
944 Seneca Park Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Seneca Park Road, 440' SE of the c/l Nannette Lane
(944 Seneca Park Road)
15th Election District – 6th Council District
Martin W. Lotz, III and Mark S. Lotz - Petitioners
Case No. 04-604-A

Dear Messrs. Lotz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM
Office of Planning; People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info



IN RE: PETITION FOR VARIANCE
of the East side of
of the 15th Planic District
of the 6th Planic District
(Seneca Park Road)
and Phyllis Lagna
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2008-0570-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, William and Phyllis Lagna. Petitioners are requesting variance relief as follows:

- From Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot having an area of 0.3430 acres in lieu of the required 1.5 acres; and
- From Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow sideyard setbacks of 13 feet in lieu of the required 50 feet; and
- From Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dwelling height of 38 feet in lieu of required 35 feet.

The subject property and requested relief are more fully described on the site plan, which was marked and accepted into evidence as Petitioners' Exhibit I.

Appearing at the requisite public hearing in support of the variance request were Petitioners William and Phyllis Lagna. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence revealed that the subject property is an irregular-shaped property containing approximately 0.34 acres of land, more or less, zoned R.C.5. The property is located north of Seneca Creek off the east side of Seneca Park Road in the Middle River area of Baltimore County. The waterfront property is improved with an existing single-family dwelling,

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Date 10-8-08
By [Signature]

Baltimore No. 5156
PETITIONER'S EXHIBIT
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and Petitioners are proposing to raze the existing structure and build a new home, which will require a variance from several of the requirements in the R.C.5 Zone. Petitioners submitted a series of photographs of the subject property and surrounding area, which were marked and accepted into evidence as Petitioners' Exhibits 2A through 2F.

The evidence demonstrated that the subject property was originally recorded in approximately 1915 as part of the Seneca Park Beach subdivision. Each of the lots in the subdivision is 50 feet wide, and the subject property actually comprises 1.5 lots for a total width of 75 feet. The existing single-family dwelling, which is clearly depicted in Petitioners' Exhibit 2A, was originally constructed in 1920. The home was damaged during Hurricane Isabel in 2003, and Petitioners testified that they wished to rebuild the home at that time but were unable to do so because they were providing full time care to an elderly family member for several years, which delayed the project. After consulting with a builder, Petitioners discovered that the structure would need to be raised higher to meet flood elevation standards, and given that many of the wood beams have deteriorated, it would be more cost effective to raze the existing structure and build a new home. Petitioners submitted architectural renderings with elevations, which were marked and accepted into evidence as Petitioners' Exhibit 3.

Further testimony and evidence revealed that a number of the homes in the surrounding neighborhood have either been razed and replaced or completely renovated. According to Petitioners, there were originally eight homes on the point surrounding the subject property, and five have already been razed and rebuilt; additionally, there are already over 30 new homes in the surrounding neighborhood. Prior to filing the petition for variance, Petitioners consulted with several neighbors, who each signed a letter indicating no objection to the relief sought by Petitioners. The letters were marked and accepted into evidence as Petitioners' Exhibits 4A through 4E.

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Date 10-8-08
By [Signature]

The Zoning Advisory Committee (ZAC) comment received from the Office of Planning dated August 8, 2008 does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated August 19, 2008 indicates that the property must comply with the Chesapeake Bay Critical Area (CBCA) regulations. The property is located within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA and impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met. Comments from the Bureau of Development Plans Review dated July 28, 2008 indicate that in conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least one foot above the flood plain elevation in all construction, and 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 comments also states that the building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage, and that flood-resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.

Considering all the testimony and evidence presented, I am convinced that the requested relief should be granted. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property was plotted and recorded in approximately 1915, well before the adoption of zoning in Baltimore County. Each

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BALTIMORE COUNTY
PLANNING DEPARTMENT

of the surrounding lots is uniquely shaped and affected by the contours of the Seneca Creek shoreline. Additionally, the subject property is only 75 feet wide, and the R.C.5 zone requires 50-foot side yard setbacks. Since virtually *any* construction on the property would require a variance from the R.C.5 setback requirements, I find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

I further find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The R.C.5 designation was originally placed on shoreline properties to prevent infill development so as to decrease the impact of human elements on the neighboring waterfront and reduce the strain on available services, including water and sewer access and the impact on ground water septic systems. However, with technological advances and the addition of grinder pumps for sewage, the imposition of the R.C.5 requirements now appears at times to be overly burdensome.

In this case, the existing conditions currently do not meet the R.C.5 requirements since the lot is undersized and the dwelling does not maintain 50-foot side setbacks. After consulting with a builder, Petitioners also discovered they would need to raise the level of the home in order to meet flood elevation standards, so they are further constrained when trying to meet the 35-foot height limitation in the R.C.5 zone. These factors, along with the fact that five of the eight homes surrounding the subject property have already been razed and rebuilt, and that Petitioners' neighbors have no objection to the request for zoning relief, convince me that this variance can be granted in such a manner as to meet the spirit and intent of the regulations, as well as the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

SEARCHED INDEXED FOR PLANS
DATE 10-18-08
BY [signature]

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 5th day of October, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request as follows:

- From Section 1A04.3.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a lot having an area of 0.3430 acres in lieu of the required 1,5000 acres; and
- From Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow sideyard setbacks of 13 feet in lieu of the required 50 feet; and
- From Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dwelling height of 38 feet in lieu of required 35 feet

be and are hereby GRANTED, subject to the following:

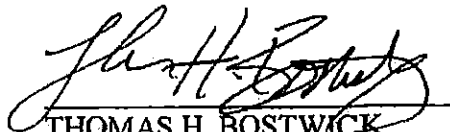
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, the Petitioners shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards.
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.

RECEIVED FOR FILING
Date 10-8-08
BY 103

3. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
4. The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.
5. The base flood elevation for this site is 10.2 feet Baltimore County Datum. The flood protection elevation for this site 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.
6. 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.
7. 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.

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

Order.


 THOMAS H. BOSTWICK
 Deputy Zoning Commissioner
 for Baltimore County

THB:pz

Date 10-8-08
 BY [Signature]

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



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:

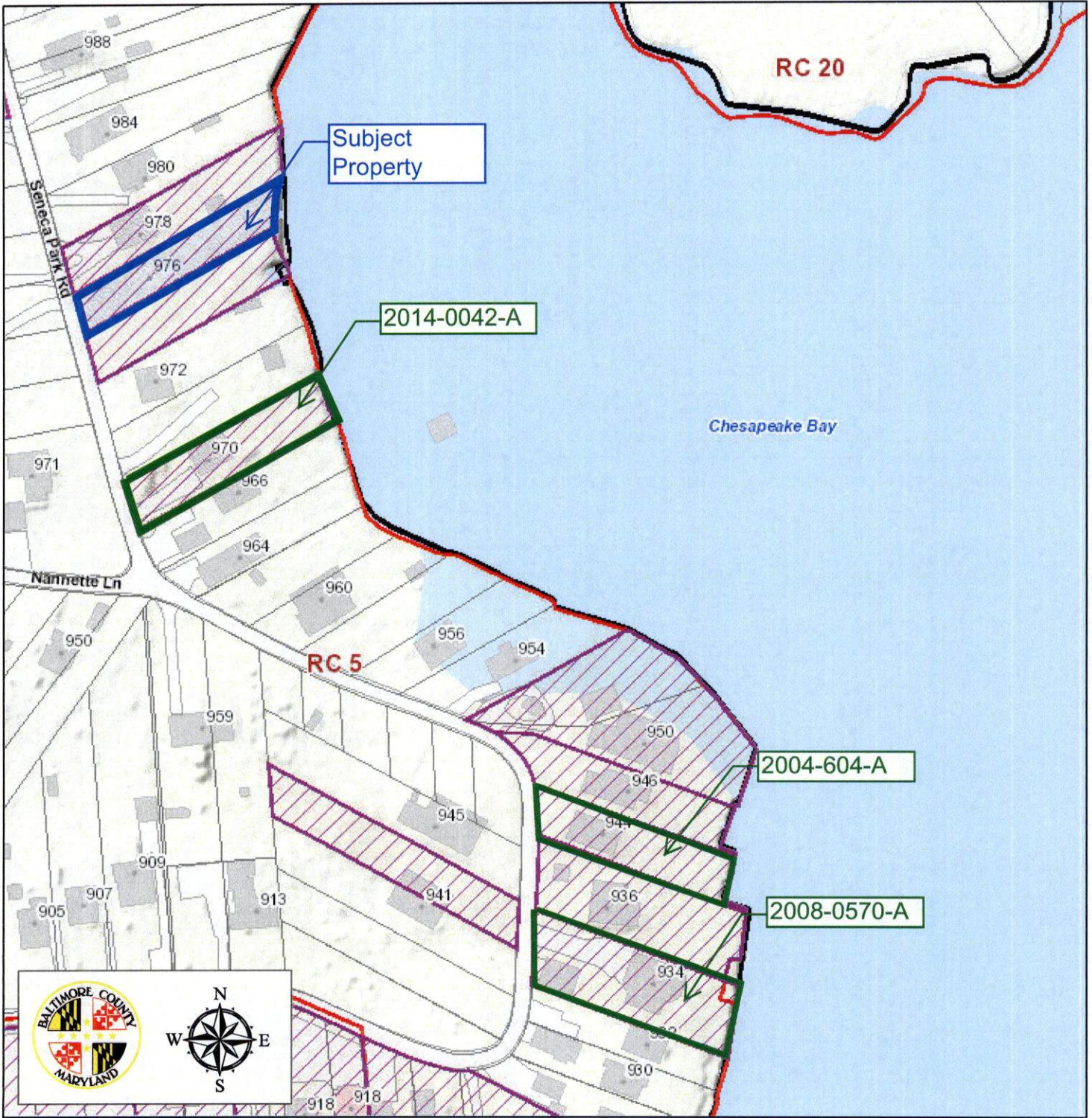
- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order 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.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County





JEB:sln

Seneca Park Road

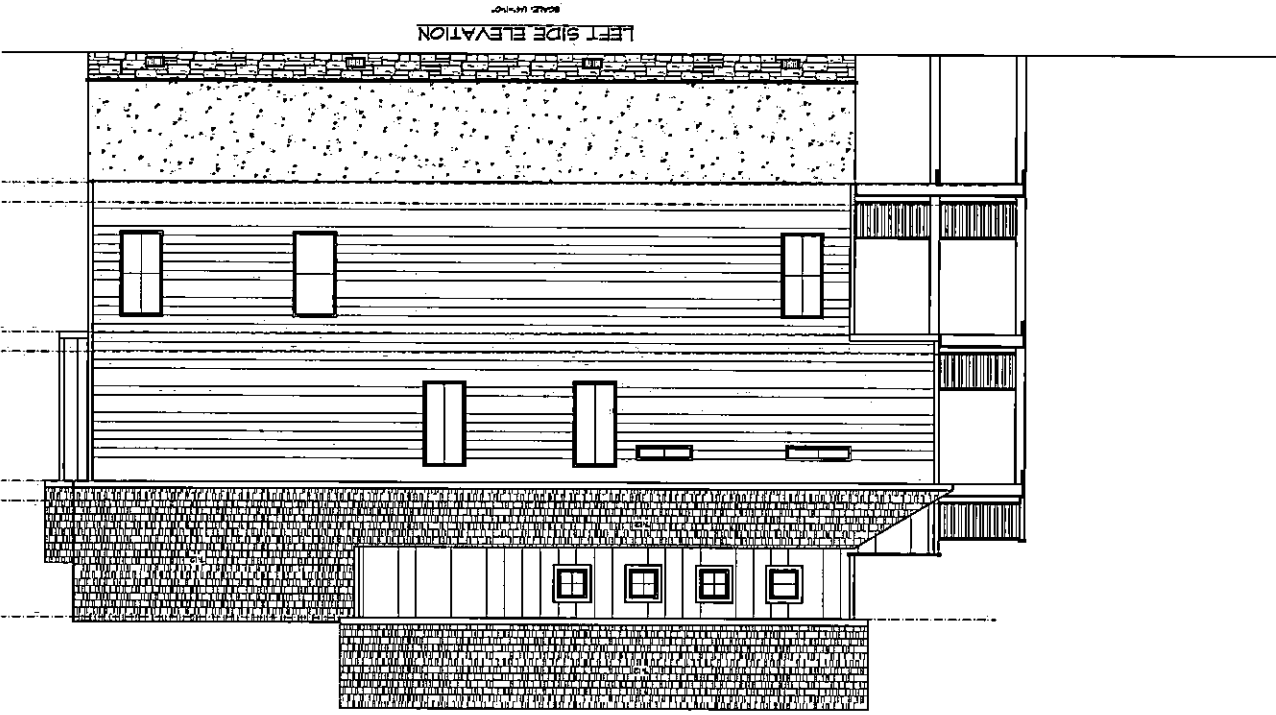


October 24, 2017

Legend

- House Numbers
-  Zoning History Cases
-  Zoning
-  Property
-  County Boundary





LEFT SIDE ELEVATION

SCALE 1/8"=1'-0"

THIS DRAWING IS UNLESS OTHERWISE NOTED

DATE: 1/14/11	1'-0"
DATE: 8/2/2011	
PROJECT NO.: 10-001	
GHL CUSTOM HOME	
BY: GH DESIGN, INC.	
1000 N. 10TH ST. SUITE 100	
DALLAS, TX 75242-1000	

NO. 1000
NO. 1000
NO. 1000
NO. 1000
NO. 1000

THE STREIB RESIDENCE

Professional Engineer
 I hereby certify that these
 documents were prepared
 or approved by me, and
 that I am duly licensed
 professional engineer under
 the laws of the State of
 Maryland, License No. 22273.
 Expiration Date: 07/31/11.

1/11



KEVIN KAMENETZ
County Executive

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

August 15, 2017

Jenna Streib
2596 Laurel Brook Road
Fallston, MD 21047

RE: Building Permit Application - #933591
Single Family Dwelling
976 Seneca Park Road

Dear Mrs. Streib:

Environmental Impact Review (EIR) received the revised site plan for the above referenced permit application to construct a single family dwelling at 976 Seneca Park Road. The revised site plan was required because the location of the existing road right-of-way was shown incorrectly on the original site plan submitted with the permit. Based on the revised site plan, the lot is 11,024 square feet. The Limited Development Area (LDA) regulations impose a lot coverage limit of 25% or 2,756 square feet on this lot. The lot coverage limit may be increased to 31.25% or 3,445 square feet with on-site mitigation or payment of a fee-in-lieu for the amount above 25%.

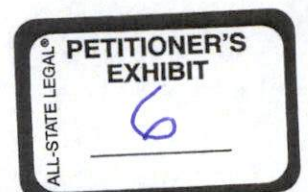
The lot is currently vacant, so there is no existing lot coverage. The proposed lot coverage based on construction of the house, decking, walkway and driveway is 2,655 square feet or 24.1%. Since your proposed lot coverage is less than 2,756 square feet or 25%, no mitigation is required to address the LDA regulations. Lot coverage available for all future additions, accessory structures, etc. is 790 square feet. No lot coverage over the limit of 3,445 square feet will be permitted.

There is a 15% forest cover requirement for LDA properties that requires a minimum of three trees to be maintained on this lot at all times. Currently, there is one tree on the property. In order to satisfy the 15% forest cover requirement, two Maryland native deciduous trees five to six feet tall must be planted on the property.

As mentioned in the previous letter, this property is located within a Modified Buffer Management Area (MBA). Properties within the MBA have a 100-foot buffer from tidal waters. Structures are not allowed in the buffer unless the property owner performs on-site mitigation or pays a fee-in-lieu. The proposed development will impact 562.5 square feet of the buffer, so mitigation for this impact is required. Please note, the 100-foot buffer shown on the site plan is incorrect. I have attached a copy of the site plan showing the correct buffer.

Based on the above findings, the property owner must sign this letter below agreeing to complete the following mitigation to bring the site into compliance with the CBCA requirements:

111 West Chesapeake Avenue, Main Office | Towson, Maryland 21204
www.baltimorecountymd.gov



Jenna Streib
House Permit
976 Seneca Park Road
August 15, 2017
Page 2

1. Plant two Maryland native deciduous trees five to six feet tall on the property to satisfy the 15% afforestation requirement by April 30, 2018.
2. Plant 18 Maryland native deciduous trees five to six feet tall (three native deciduous trees per 100 square feet of disturbance) in the 100-foot buffer on the property by April 30, 2018 or pay a fee-in-lieu of \$843.75 (\$1.50 per square-foot of disturbance) to address the 562.5 square feet of impact to the MBA. If you are interested in addressing the MBA mitigation requirements through a combination of planting trees and paying a fee-in-lieu, please contact me for details. Please note, if you choose to pay a fee-in-lieu for the entire or part of the mitigation requirement, the fee must be received by our office before we will release the permit. Any tree planted to address the MBA requirements can be utilized to satisfy the 15% afforestation requirement listed in Mitigation Item #1.

Once you sign this letter and return it to our office indicating your acceptance of the mitigation requirements and pay the appropriate fee-in-lieu amount, EIR will release the permit

If you have any questions regarding this correspondence, please contact me at 410-887-3980.

Sincerely,



Gris Batchelder
Environmental Impact Review

I/We agree to meet the requirements outlined in this letter to bring the referenced property in to compliance with Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Areas Protection:

Property Owner(s) Signatures

Date

Printed Names: _____

FEMA FLOOD
ZONE 'AE' LIMIT
ELEVATION (7.0)

IE LOOK ABILL.
SENECA PARK ROAD
T: 1512591790

FREDERICK & CAROLYN
OSBRIGKEIT
#978 SENECA PARK ROAD
TAX ACCT: 1508004520

MELISSA WELLS &
DEBORAH WALTON
#974 SENECA PARK ROAD
TAX ACCT: 2200020309

WALTER STAWNSKI
#972 SENECA PARK ROAD
TAX ACCT: 2200020308

WALTER STAWNSKI
#972 SENECA PARK ROAD
TAX ACCT: 2200020456

EX. 8' W (1964-0684)
EX. 2" P.S. (2005-0314)
N15°29'40"W 50.00'

SENECA PARK ROAD
N15°29'40"W

64

163

85

84

83

82

86

PROP. WHC

2ND FLOOR DECK

PROP. DRIVE

3RD FLOOR BUMP OUT

PROP. 3' WALK

PROP. PUBLIC SIMPLEX GRINDER PUMP

PROP. DRAINAGE AND UTILITY EASEMENT

EX. STORY DWELLING

N63°15'59"E 232.19'

LIMIT OF DISTURBANCE (TYP.)

3RD FLOOR OVERHANG

4TH FLOOR DECK

S63°15'59"W 216.94'

FEMA COASTAL HIGH HAZARD LIMIT ELEVATION (6.0)

FEMA F ZONE ELEVATION

EX. BOAT RAMP

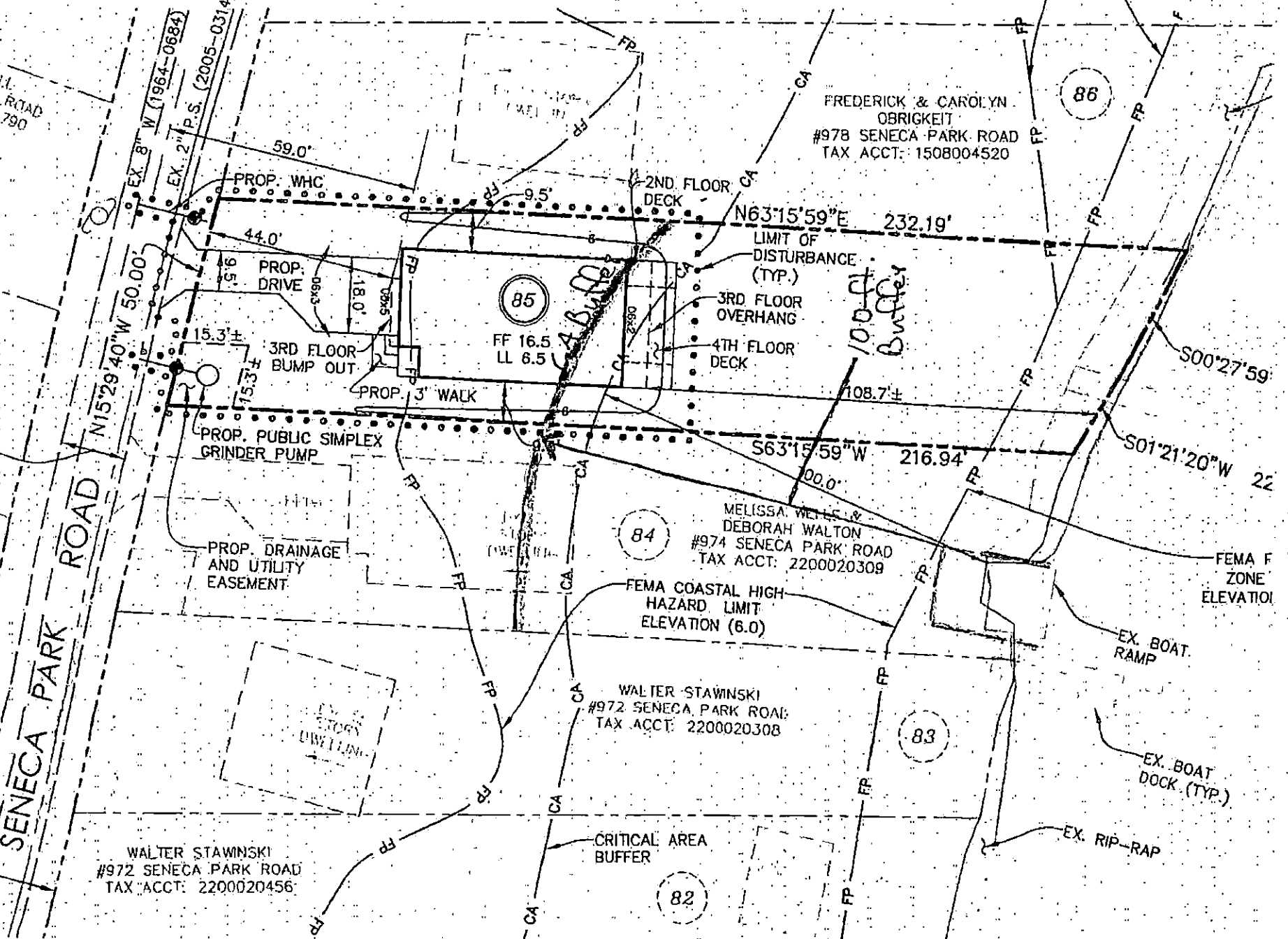
EX. BOAT DOCK (TYP.)

EX. RIP-RAP

100' Buffer

25' Buffer

CRITICAL AREA BUFFER



DECLARATION OF LAND RESTRICTIONS FOR CERTAIN STRUCTURES IN THE FLOOD PLAIN

THIS DECLARATION made this 23 day of March by JEFFREY AND JENNA STREIB having an address at 2596 LAUREL BROOK RD, FAIRFAX MD 21047

LR - Declaration/Covenant Recording Fee 20.00 Declarant Name: Streib Ref: LR2017 Surcharge 40.00 SubTotal: 60.00 Total: 60.00 06/30/2017 02:35 CC03-AN #8661316 CC0301 - Baltimore County/CC03.01.01 - Register 01

RECITALS

A. The Owner is the record owner of all that real property located at 976 SENECA PARK RD. in the 15th Election District of Baltimore County, designated in the Tax Records as map 0091, parcel 0139, plat 08, block 045, lot no. 85, and being the same, and recorded among the Land Records of Baltimore County, Maryland at Liber 21652, Folio 0150. (hereinafter called the "Property").

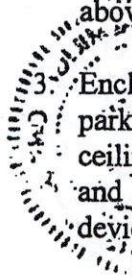
B. The Owner has applied for a Permit, Conditioned permit, or Variance to place a structure on the Property that either (1) does not conform, or (2) may be made noncompliant by later conversion, to the elevation requirements of Baltimore County Council Bill #40-15, Parts 123 and 124, construction in areas subject to flooding and under Permit Number. 6933591

C. The Owner agrees to record the DECLARATION and certifies and declares that the Property shall be held, sold and conveyed subject to the covenants, conditions and restrictions set forth below.

1. The structure or part thereof to which these conditions apply is SINGLE FAMILY DWELLING



2. This structure has been allowed without conformance with the elevation requirement of the Ordinance. Conversion to habitable space shall not occur unless the enclosed area below the Flood Protection Elevation (FPE) is brought into full compliance with this Ordinance. At this site, the Flood Protection Elevation (FPE) is 9.5 feet above mean sea level; one foot above (FPE) for new building is 10.5 feet.



3. Enclosed areas below the Flood Protection Elevation (FPE) shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings, and floors below the Flood Protection Elevation (FPE) shall be unfinished and constructed of flood resistant materials. Mechanical, electrical, or plumbing devices shall not be installed below the Flood Protection Elevation (FPE).

4. The walls of the enclosed areas below the Flood Protection Elevation (FPE) shall be equipped with at least two (2) vents which permit the automatic entry and exit of flood waters with total openings of at least one square inch for every square foot of enclosed area below flood level. The vents shall be on at least two (2) different walls, and the bottoms of the vents shall be no more than one foot (12 inches) above grade.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39172, p. 0450, MSA_CE62_39029. Date available 07/07/2017. Printed 08/29/2017.

5. Other conditions: _____

GENERAL CONDITIONS

- 1. The above covenants, conditions and restrictions (the "Covenants") shall run with and bind the Property and shall be enforced by the owner of all or any portion of the Property and by Baltimore County, Maryland, a body politic.
- 2. Enforcement of the Covenant shall be by proceedings at law or equity against any person or persons violating or attempting to violate any covenant, to restrain or remove the violation, including revocation of any permit or approval allowing the structure or use.

WITNESS:

 Owner JEFFREY STREIB (Seal)

 Owner JENNA STREIB (Seal)

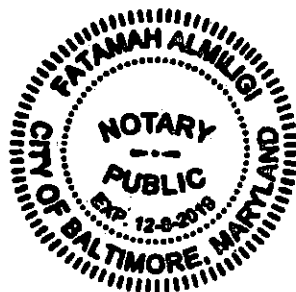
STATE OF MARYLAND City OF Baltimore TO WIT:

I hereby certify that on this 23rd day of March, 2017
 Before me the subscriber, a Notary Public of the State aforesaid, personally appeared Jeffrey Streib and Jenna Streib known to me, or satisfactorily proven to be the person (s) whose name is subscribed to the foregoing instrument, who acknowledged that he has executed it for the purposes therein set forth, and that it is his act and deed.

In witness whereof, I have set my hand and Notarial Seal, the day and year first written above.

[Signature]
 NOTARY

My Commission expires on 12-8-2019



BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39172, p. 0451, MSA_CE62_39029. Date available 07/07/2017. Printed 08/29/2017.

State of Maryland Land Instrument Intake Sheet
 Baltimore City County:
 Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
 (Type or Print in Black Ink Only--All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1	Type(s) of Instruments	<input type="checkbox"/> Check Box if addendum Intake Form is Attached.			
		Deed Deed of Trust	Mortgage Lease	Other	Other
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale Arms-Length [1]	<input type="checkbox"/> Unimproved Sale Arms-Length [2]	<input type="checkbox"/> Multiple Accounts Arms-Length [3]	<input type="checkbox"/> Not an Arms- Length Sale [9]
		3 Tax Exemptions (if applicable) Cite or Explain Authority			
		Recordation			
		State Transfer			
		County Transfer			

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration		
		Purchase Price/Consideration	\$	Transfer Tax Consideration	\$	
		Any New Mortgage	\$	X () % =	\$	
		Balance of Existing Mortgage	\$	Less Exemption Amount	\$	
		Other:	\$	Total Transfer Tax	\$	
		Other:	\$	Recordation Tax Consideration	\$	
		Full Cash Value:	\$	X () per \$500 =	\$	
			TOTAL DUE	\$		

5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent:
		Recording Charge	\$	\$	
		Surcharge	\$	\$	Tax Bill:
		State Recordation Tax	\$	\$	
		State Transfer Tax	\$	\$	C.B. Credit:
		County Transfer Tax	\$	\$	
		Other	\$	\$	Ag. Tax/Other:
		Other	\$	\$	

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG		
		15	24-00010001					<input type="checkbox"/> (5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)	
		Location/Address of Property Being Conveyed (2)							
		976 SENECA FALLS RD, WOODLAWN MD 21780							
		Other Property Identifiers (if applicable)						Water Meter Account No.	
		Residential <input type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:							
		Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred:							
		If Partial Conveyance, List Improvements Conveyed:							
		Doc. 1 - Grantor(s) Name(s)				Doc. 2 - Grantor(s) Name(s)			

7	Transferred From	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		JEFFREY STREIB JENNA STREIB	
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Transferred To	Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		BALTIMORE COUNTY	
		New Owner's (Grantee) Mailing Address	

9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10	Contact/Mail Information	Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person
		Name: JENNA STREIB		<input type="checkbox"/> Hold for Pickup
		Firm		<input type="checkbox"/> Return Address Provided
		Address: 2596 LAUREL BROOK RD, FAHISTON MD 21047	Phone: (410) 528-4477	

11	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	Does transfer include personal property? If yes, identify:
		<input type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line							
Terminal Verification	Agricultural Verification	Whole	Part	Tran. Process Verification			
Transfer Number	Date Received:	Deed Reference:		Assigned Property No.:			
Year	20	20	Geo.	Map	TAX NOT REQUIRED	Block	
Land			Zoning	Director of Budget and Finance			
Buildings			Use	BALTIMORE COUNTY			
Total			Town Cd.	Ex. Cd.			
REMARKS:							
				COUNTY TRANSFER TAX			
				ART 11 TITLE 3			
				SUBTITLE 2, 11-3-202			
				RECORDATION TAX			
				ART 12-108			
				Date 4/21/17			

BALTIMORE COUNTY CIRCUIT COURT (Land Records) J.E. 39172, p. 0452, MSA CE62 39029, Date available 07/07/2017, Printed 08/29/2017.

Space Reserved for County Validation

DEED

THIS DEED is made this 1st day of June, 2017, by and between **Linda Daiker Spear, Grantors, and Jeffrey M. Streib and Jenna M. Streib, Grantees.**

WITNESSETH

THAT for and in consideration of the sum of **ONE HUNDRED FIFTEEN THOUSAND DOLLARS 00/100 (\$115,000.00)**, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said, Grantees, as tenants by the entireties, unto the survivor of them, and to the personal representatives and assigns of the survivor, in fee simple.

All that lot or parcel of land lying and situate in the Fifteenth District of Baltimore County, Maryland and described as Lot 85 as shown on a plat entitled "Revised Plat Seneca Park Beach" recorded among the Land Records of Baltimore County at Plat Book No. 8, folio 45. Property Tax Id No. 2400010001.

Being the same property described and conveyed in a deed dated December 14, 2004 which is recorded at Liber SM No. 21652, folio 150, from William C. Daiker and William R. Daiker, also known as William R. Daiker, Sr., to Linda Daiker Spear and Thomas William Spear, Sr. as tenants by the entireties, in fee simple. Thomas William Spear, Sr., having departed this life on October 15, 2006, vesting full title to Linda Daiker Spear, a surviving tenant by the entirety. See also Estate No. 143003 in the Orphan's Court for Baltimore County.

TOGETHER with the buildings and improvements thereon erected, made or being, and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said **Jeffrey M. Streib and Jenna M. Streib**, as tenants by the entireties, unto the survivor of them, and to the personal representatives and assigns of the survivor

And the said party of the first part, hereby covenant that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

LR - Deed (w Taxes)	
Recording only ST20.00	
Name: SPEAR/STREIB	
Ref:	
LR - Deed (with Taxes)	
Surcharge	40.00
LR - Deed State	
Transfer Tax	575.00
LR - NR Tax - 1kd 0.00	
SubTotal:	635.00
Total:	695.00
06/21/2017 04:03	
#8604457 CC0301 -	
Baltimore	
County/CC03.01.06 -	
Register 06	
CC03-LL	

AS WITNESS the hand and seal of said Grantor, the day and year first above written.

WITNESS:

Elizabeth H. Thompson

Linda Daiker Spear (seal)
Linda Daiker Spear

STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

I hereby certify that on this 2nd day of June 2017, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Linda Daiker Spear**, Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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



MICHELLE NICOLE COCCA
NOTARY PUBLIC
HARFORD CO., MARYLAND
My Comm. Exp. 01/24/21

Michelle Nicole Cocca

Notary Public

My Commission Expires: 01/24/21

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Elizabeth H. Thompson
Elizabeth H. Thompson, Attorney

After Recording Return to:

Stark and Keenan, P.A.
30 Office Street
Bel Air, MD 21014
File No. 17-022

2017

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Linda Daiker Spear

2. Reasons for Exemption

- Resident Status [X] I, Transferor, am a resident of the State of Maryland. [] Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf. Principal Residence [] Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Elizabeth Thompson Witness

Linda Daiker Spear Name Linda Daiker Spear Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39115, p. 0220, MSA_CE62_38972. Date available 06/28/2017. Printed 08/29/2017.

State of Maryland Land Instrument Intake Sheet

Baltimore City County, Baltimore
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if applicable)

4 Consideration and Tax Calculations
Consideration Amount
Finance Office Use Only
Transfer and Recordation Tax Consideration

5 Fees
Amount of Fees
Recording Charge
Surcharge
State Recordation Tax
State Transfer Tax
County Transfer Tax

6 Description of Property
SDAT requires submission of all applicable information.
A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
Doc. 2 - Grantee(s) Name(s)
New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: Susan Mogavero c/o MP Recordings.
Firm Stark and Keenan, P.A.
Address: 30 Office Street, Bel Air, MD 21014
Phone: (410) 879-2222

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information
Will the property being conveyed be the grantee's principal residence?
Does transfer include personal property? If yes, identify:
Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line
Terminal Verification
Agricultural Verification
Whole Part
Tran. Process Verification
Transfer Number
Date Received:
Deed Reference:
Assigned Property No.:

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39115, p. 0221, MSA, CE62, 38972, Date available 06/28/2017, Printed 08/29/2017.

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 10/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-087

INFORMATION:

Property Address: 976 Seneca Park Road
Petitioner: Jeffrey & Jenna Streib
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a principal building having a height of 48 feet in lieu of the required 35 feet.

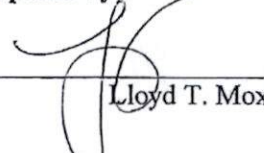
A site visit was conducted on September 29, 2017. This site was the subject of a previous zoning case no. 2005-410, in which relief was granted to approve a lot area of .25 acres with a setback of 59 feet to the street centerline, and side property line setbacks of 9.5 feet each. The site plan in the instant case appears to be utilizing the relief granted in the aforementioned prior case.

The Department of Planning has no objections to granting the petitioned zoning relief provided all conditions set in the Order for prior zoning case no. 2005-410 are met.

Please be advised that the property is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations shall be submitted to the Department for review at the time of building permit application.

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


Prepared by:



Lloyd T. Moxley

AVA/KS/ETM/ka

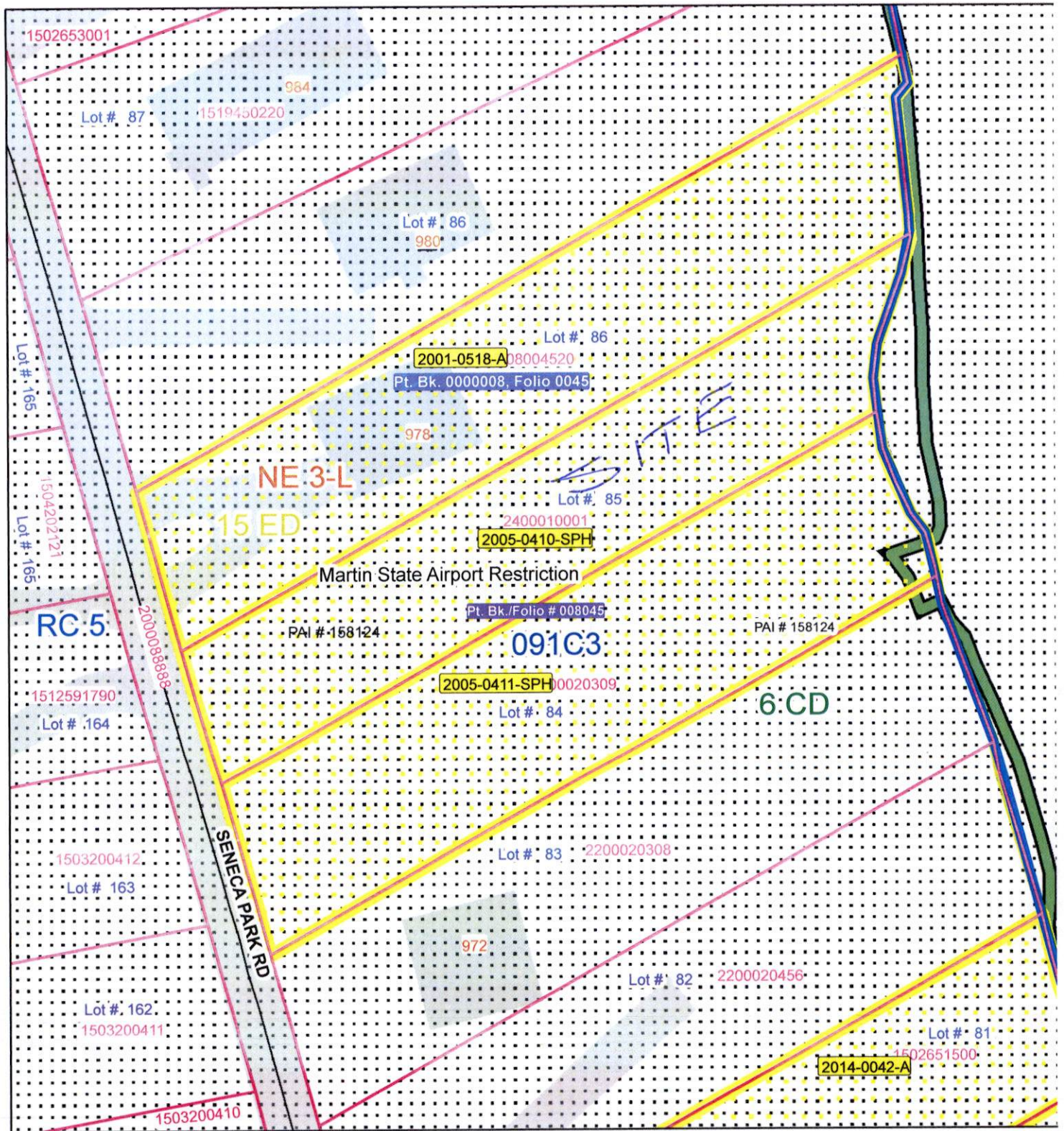
Division Chief:



Kathy Schlabach

c: Krystle Patchak
George McCubbin, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County





Publication Date: 8/29/2017

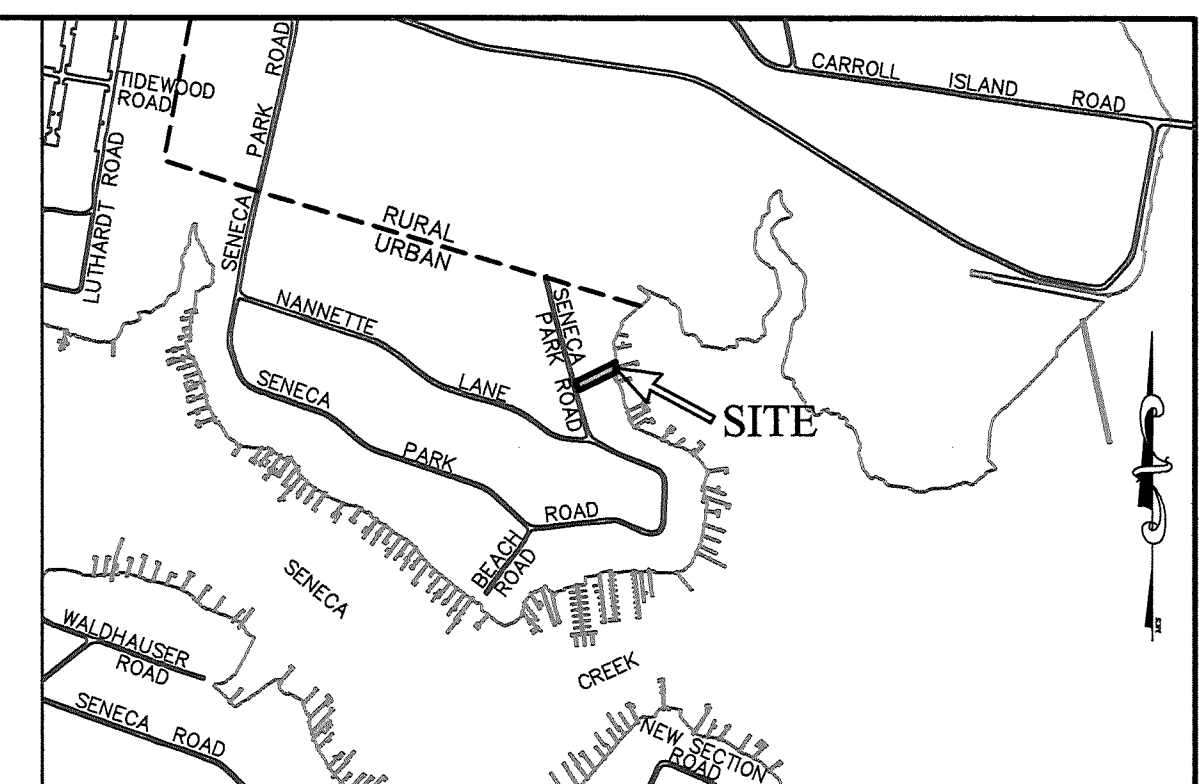


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet



VICINITY MAP
SCALE: 1"=1000'

SITE DATA

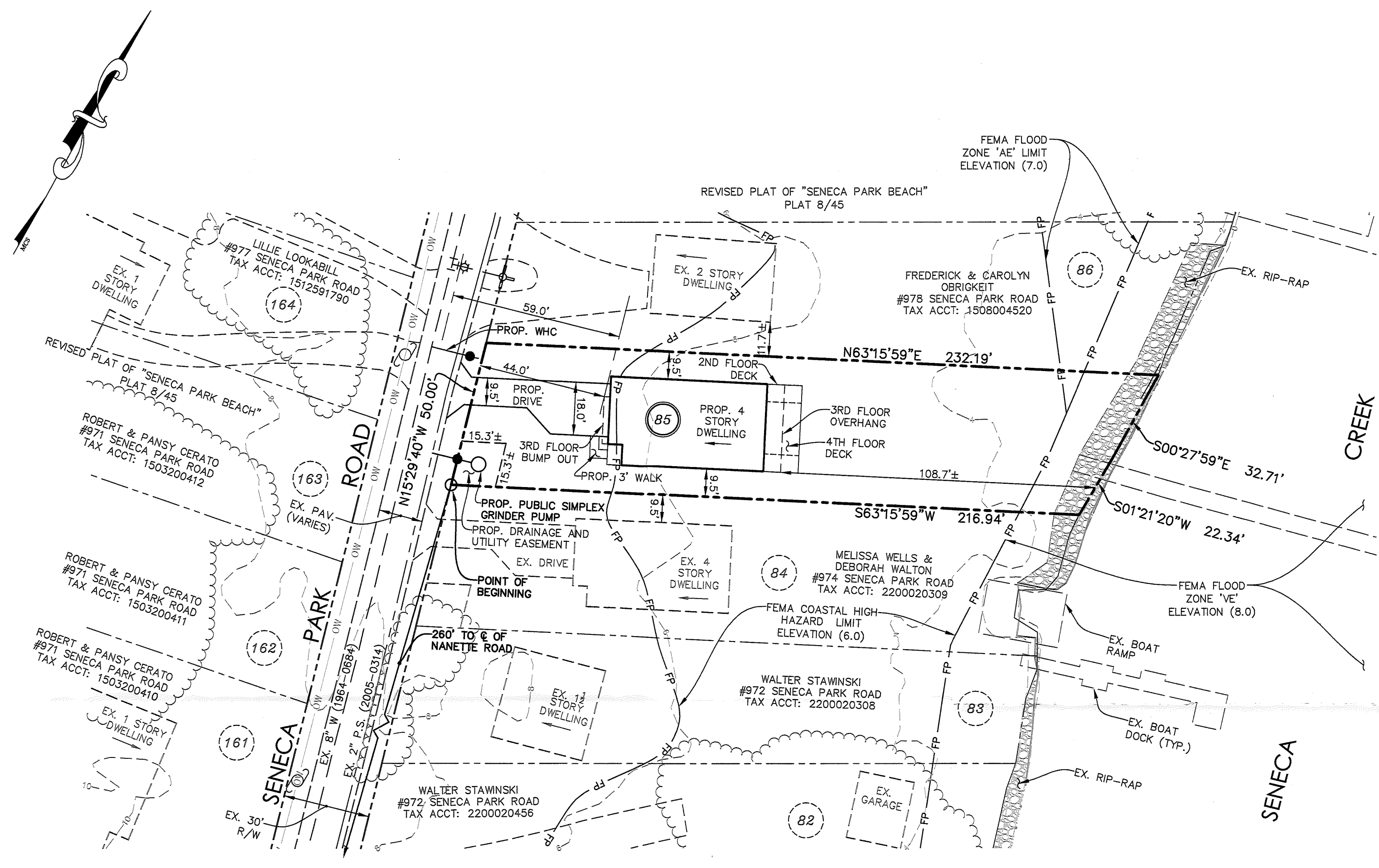
1. OWNERSHIP: JEFFREY & JENNA STREIB
2596 LAUREL BROOK ROAD
FALLSTON, MD 21047
2. TAX ACCOUNT #: 2400010001
3. THE ENTIRE SITE IS ZONED RC-5, 200 SCALE MAP #091C3 AND IS LOCATED WITHIN THE GUNPOWDER RIVER WATERSHED.
4. DEED REF: 39115/218
5. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 6
6. SITE AREA: 0.253 AC.±/11,024 S.F.±
7. THE ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED AS LIMITED DEVELOPMENT AREA (LDA).
8. THERE ARE NO TIDAL WETLANDS ON THIS SITE.
9. TIDAL FLOODPLAIN IS AS SHOWN ON THE PLAN.
10. THIS SITE IS NOT HISTORIC.
11. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2017 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
12. THIS SITE HAS ONE PRIOR ZONING CASE.

ZONING HISTORY: CASE 05-410-SPH
GRANTED APRIL 29, 2005

SPECIAL HEARING RELIEF PURSUANT TO SECTION 1A04.3.B.1.b OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.), APPROVED A LOT HAVING AN AREA OF 0.25 ACRES WITH A SETBACK OF 59 FEET TO THE STREET CENTERLINE, AND SIDE PROPERTY LINE SETBACKS OF 9.5 FEET EACH (IN LIEU OF THE MINIMUM REQUIRED 1.5 ACRE, 75 FEET AND 50 FEET EACH RESPECTIVELY)

THE FOLLOWING RESTRICTIONS WERE CONDITIONS TO THE RELIEF GRANTED:

- 1) NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PUBLIC SEWER SYSTEM THAT SERVES THESE LOTS IS FULLY OPERATIONAL. NOTE HOWEVER IF DEPRM APPROVES AN INTERIM SYSTEM, THE INTERIM SYSTEM WILL BE APPROVED BY MEANS OF A SPIRIT AND INTENT LETTER.
- 2) COMPLIANCE WITH THE ZAC COMMENTS SUBMITTED BY THE BUREAU OF DEVELOPMENT PLANS REVIEW DATED MARCH 8, 2005 BEFORE BUILDING PERMITS ARE ISSUED.
- 3) COMPLIANCE WITH THE ZAC COMMENTS SUBMITTED BY THE OFFICE OF PLANNING DATED MARCH 15, 2005 BEFORE BUILDING PERMITS ARE ISSUED.
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- 5) WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.



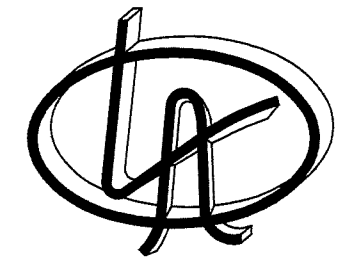
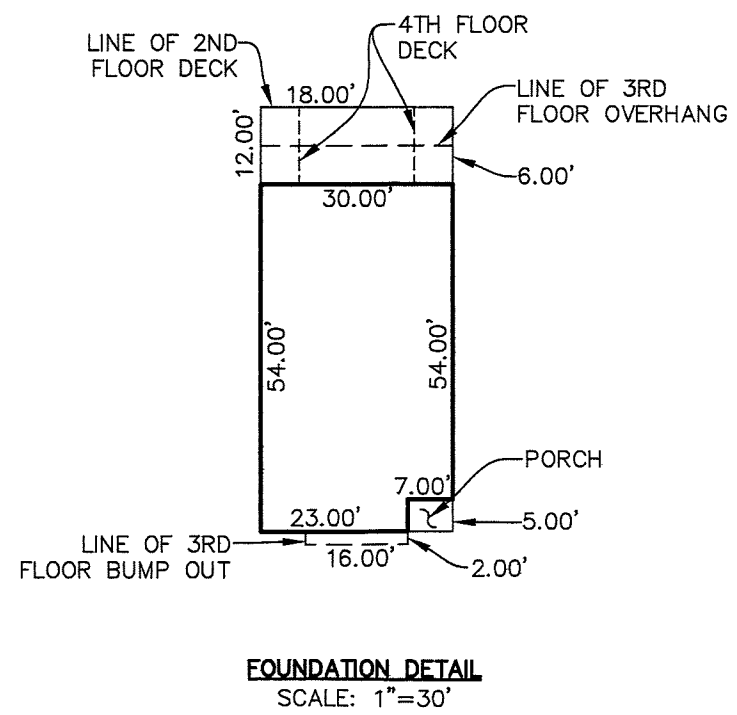
100 YEAR FLOOD ELEVATIONS

FEMA DESIGN FLOOD ELEVATION - ZONE AE	6.0
BALTIMORE COUNTY BASE FLOOD ELEVATION	8.5
BALTIMORE COUNTY FLOOD PROTECTION ELEVATION	10.5
LOWEST PROPOSED FLOOR ELEVATION	16.5

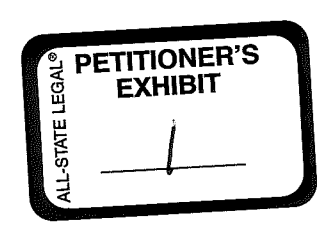
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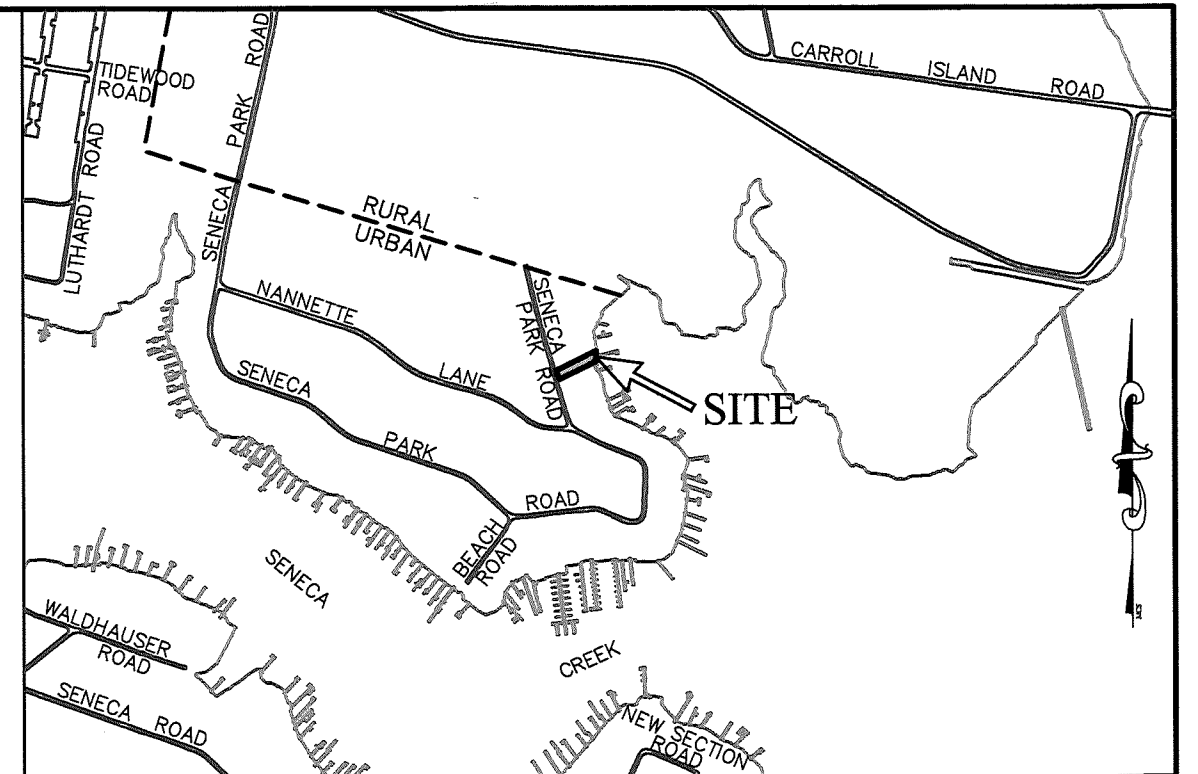
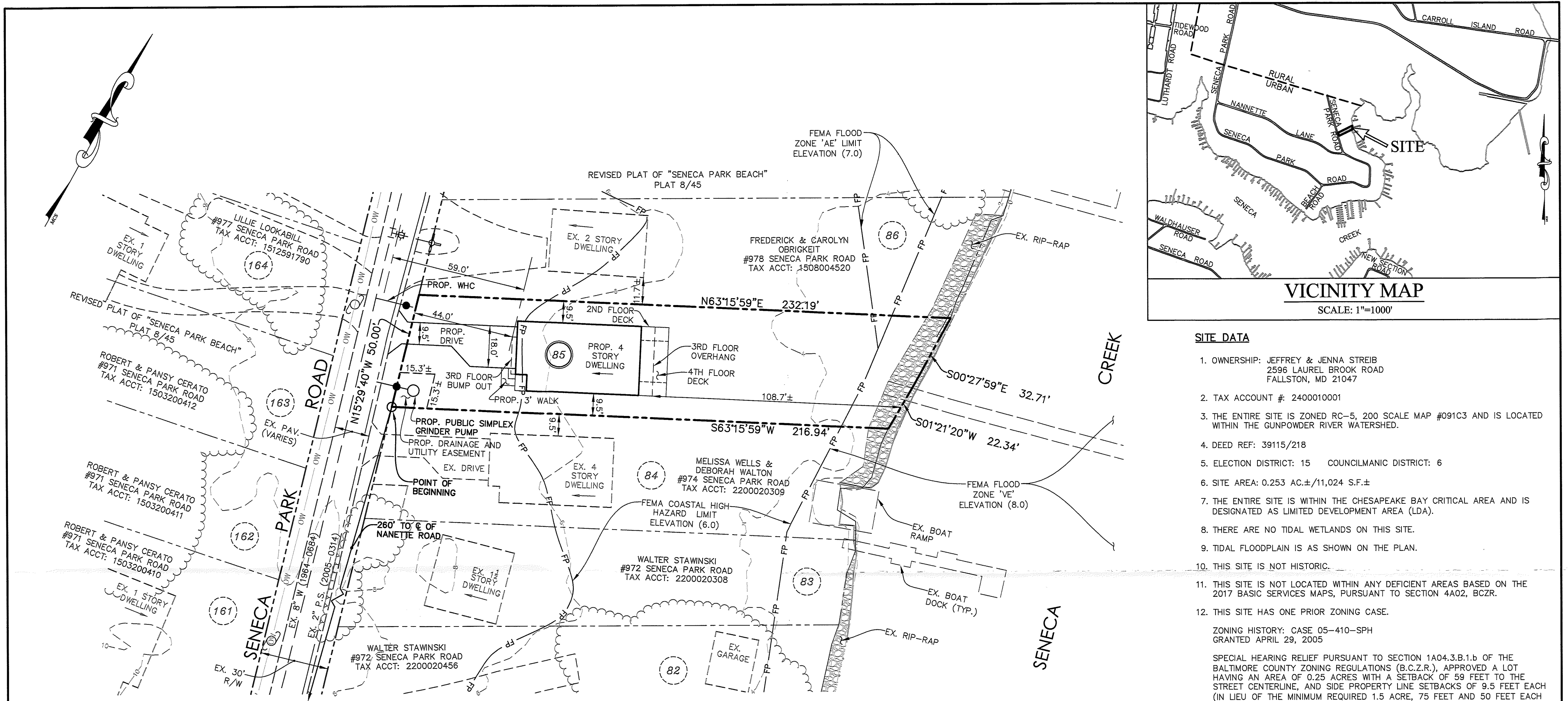
LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



CASE NO.: 2018-0087-A
**PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#976 SENECA PARK ROAD
SENECA PARK BEACH**

LOT #: 85
DISTRICT: 15c6
PLAT: 08/045
SCALE: 1"=30'

BALTIMORE COUNTY, MD
SEPTEMBER 1, 2017



VICINITY MAP
SCALE: 1"=1000'

SITE DATA

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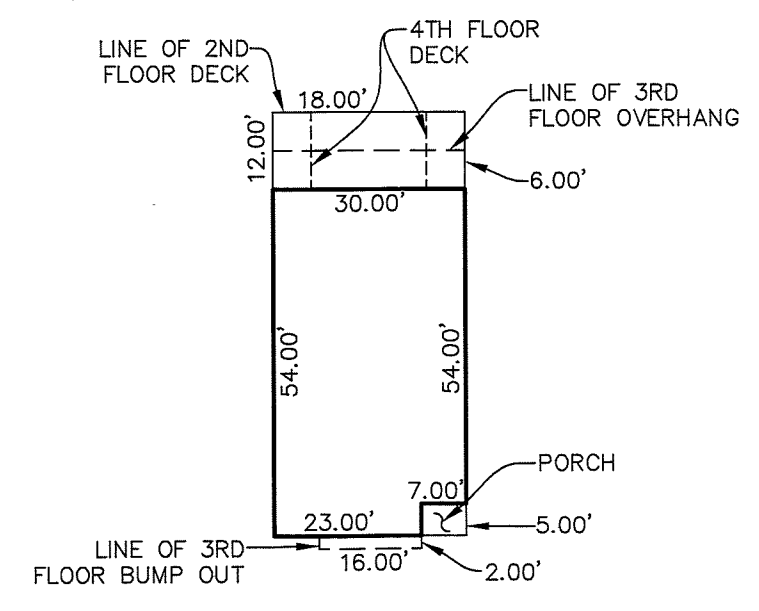
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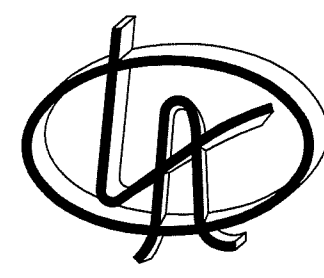
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FOUNDATION DETAIL
SCALE: 1"=30'



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