

MEMORANDUM

DATE: November 2, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0032-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 1, 2018. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(974 Seneca Park Road)

15th Election District

6th Council District

Tobias Ott

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0032-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Tobias Ott, the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from the Baltimore County Zoning Regulations ("BCZR"): (1) to permit a principal building having a height of 48 ft. in lieu of the maximum 35 ft.; and (2) 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. A site plan was marked as Petitioner's Exhibit 1.

Tobias Ott and professional engineer John Motsco appeared in support of the petition. Howard L. Alderman, Jr., Esq. represented the Petitioner. No protestants or interested citizens were in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP"), Bureau of Development Plans Review ("DPR") and the Department of Environmental Protection and Sustainability ("DEPS"). None of the reviewing agencies opposed the request.

The site is approximately 10,385 square feet (0.238 AC.) in size and zoned RC-5. The

ORDER RECEIVED FOR FILING

Date

10/2/18

By

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property is unimproved and is within a tidal floodplain, as shown on the site plan. Petitioner proposes to construct a single-family dwelling on the lot, which was created in 1926 upon the filing of the Plat of Seneca Park Beach. In order to comply with the flood protection regulations Petitioner seeks a variance for a dwelling height of 48 ft. in lieu of the maximum 35 ft.

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 has irregular dimensions and the building envelope is constrained by the floodplain. As such, the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct a single-family dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, 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 County and/or community opposition. In addition, the adjoining lot is improved with a single-family dwelling 48 ft. in height (*See Case No. 2018-0087-A*), so I do not believe the proposed dwelling would be incompatible with its surroundings.

THEREFORE, IT IS ORDERED, this 2nd day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance 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. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is

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Date

10/24/18

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at his 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, Petitioner would be required to return the subject property to its original condition.

2. Petitioner must comply with the ZAC comments of the DPR and DEPS, copies of which are attached.

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

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Date 10/2/18

By sen



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 974 SENECA PARK ROADwhich is presently zoned RC 5Deed References: 39753/49510 Digit Tax Account # 2 2 0 0 0 2 0 3 0 9Property Owner(s) Printed Name(s) TOBIAS OTT(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

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

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

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

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):

TOBIAS OTT

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

815 MARTIN ROAD

ESSEX

MD

Mailing Address

City

State

21221

(443) 716-6563

otttobias@hotmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, INC., GEORGE McCUBBIN

Name - Type or Print

Signature

1055 TAYLOR AVENUE

SUITE 307

TOWSON

MD

Mailing Address

City

State

21286

(410) 296-1636

georgem@littleassociates.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2019-0032-A

Filing Date

7.30.18

Do Not Schedule Dates:

Reviewer

AT

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.

2019-0032 - A

July 27, 2018

ZONING DESCRIPTION FOR
#974 SENECA PARK ROAD

Beginning at a point on the east side of Seneca Park Road, which is 30 feet wide, at the distance of 210 feet north of the centerline of Nannette Lane, which is 30 feet wide. Being Lot 84 in the subdivision of Seneca Park Beach as recorded in Baltimore County Plat Book No. 8, Folio 45, containing 10,385 square feet of land, more or less. Located in the Fifteenth Election District and Sixth Council District.

2019-0032-A

CERTIFICATE OF POSTING

Date: 9-27-18

RE: Case Number: 2019-0032-A RECERT

Petitioner/Developer: OTT

Date of Hearing/Closing: 10-1-18 10AM

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 974 Seneca Park Rd

The signs(s) were posted on Recert on 9-27-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2019-0032-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. OCT 1, 2018 10AM

REQUEST: VARIANCE TO PERMIT A PRINCIPAL BUILD-
ING HAVING A HEIGHT OF 48 FT. IN LIEU OF THE RE-
QUIRED 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

CONDITIONS ARE SOMETIMES NECESSARY.

#2

ZONING NOTICE

CASE # 2019-0032-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. OCT 1, 2018 10AM

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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

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/11/2018

Order #: 11614803
Case #: 2019-0032-A
Description:

CASE NUMBER: 2019-0032-A Baltimore County, NOTICE OF ZONING HEARING



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0032-A

874 Seneca Park Road

E/s Seneca Road Road, 210 ft. N/of centerline of Nannette Lane

16th Election District - 6th Councilmanic District

Legal Owners: Tobias Ott

Variance to permit a principal building having a height of 48 ft. In lieu of the required 36 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: Monday, October 1, 2018 at 10:00 a.m. In Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon,

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3888.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

sl1

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Thursday, September 27, 2018 11:38 AM
To: Administrative Hearings; June Wisnom; Chris Prescop
Subject: 2019-0032A Recert
Attachments: Seneca Park Recert.pdf; DSC_0548.JPG; DSC_0549.JPG



CERTIFICATE OF POSTING

Date: 9-27-18

RE: Case Number: 2019-0032-A RECERT

Petitioner/Developer: OTT

Date of Hearing/Closing: 10-1-18 10AM

RECEIVED

SEP 27 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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 974 Seneca Park Rd

The signs(s) were posted on Recert on 9-27-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2019-0032-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. OCT 1, 2018 10AM

REQUEST: VARIANCE TO PERMIT A PRINCIPAL BUILD-
ING HAVING A HEIGHT OF 48 FT. IN LIEU OF THE RE-
QUIRED 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

CONDITIONS ARE SOMETIMES NECESSARY.

ZONING NOTICE

CASE # 2019-0032-A

OFFICE OF
ADMINISTRATIVE HEARINGS

SEP 27 2018

RECEIVED

#2

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

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PROPOSED IMPROVEMENTS SHOWN ON THE PLAN WHICH
ACCOMPANIED THIS PETITION

CERTIFICATE OF POSTING

Date: 9-10-18

RE: Case Number: 2019-0032-A

Petitioner/Developer: OTT

Date of Hearing/Closing: 10-1-18 10 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 974 Seneca Park Rd

The sign(s) were posted on 9-10-18

ZONING NOTICE

CASE # 2019-0032-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CALSAPPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. OCT. 1, 2018 10AM

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QUIRED 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



DONALD I. MOHLER III
County Executive

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

August 29, 2018

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: 2019-0032-A

974 Seneca Park Road
E/s Seneca Road Road, 210 ft. N/of centerline of Nannette Lane
15th Election District – 6th Councilmanic District
Legal Owners: Tobias Ott

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: Monday, October 1, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Tobias Ott, 815 Martin Road, Essex 21221
Little & Associates, 1055 Taylor Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., SEPTEMBER 11, 2018**
- (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: THE DAILY RECORD
Tuesday, September 11, 2018 -Issue

Please forward billing to:
Tobias Ott
815 Martin Road
Essex, MD 21221

443-716-6563

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: 2019-0032-A

974 Seneca Park Road
E/s Seneca Road Road, 210 ft. N/of centerline of Nannette Lane
15th Election District – 6th Councilmanic District
Legal Owners: Tobias Ott

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: Monday, October 1, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
974 Seneca Park Road; E/S Seneca Park Road,	*	OF ADMINISTRATIVE
210' N of c/line of Nannette Lane	*	HEARINGS FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Tobias Ott	*	2019-032-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.

RECEIVED
AUG 07 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to George McCubbin, 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: 2019-0032-A
Property Address: 815 Martin Road, Essex MD 21221
Property Description: Lot 84 in the subdivision of Seneca Park
Beach
Legal Owners (Petitioners): Tobias Ott
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tobias Ott
Company/Firm (if applicable): N/A
Address: 815 Martin Road
Essex MD 21221
Telephone Number: 443-716-6563

Revised 5/20/2014

PLEASE PRESS HARD!!!!



DONALD I. MOHLER III
County Executive

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

September 26, 2018

Tobias Ott
815 Martin RD
Essex, MD 21221

RE: Case Number: 2019-0032-A, Address: 974 Seneca Park RD

Dear Mr. Ott,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 30, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
George McCubbin, Little and Associates, Inc., 1055 Taylor Ave, Towson, MD 21286

10-1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-032



INFORMATION:

Property Address: 974 Seneca Road
Petitioner: Tobias Ott
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 and any required modification of the relief granted in the prior case (ZAC# 05-411) and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied the petition.

A site visit was conducted on August 15, 2018. The lot is vacant at this time.

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

Please be advised that this site is subject to the RC 5 Performance Standards as listed in BCZR§ 1A04.4. The Department finds the elevations submitted in support of the petition meets those requirements. Any change in architecture shall be submitted to the contact person listed below for review prior to the issuance of a building permit.

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

Prepared by:

Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:

Jenifer G. Nugent

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 8/6/18

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

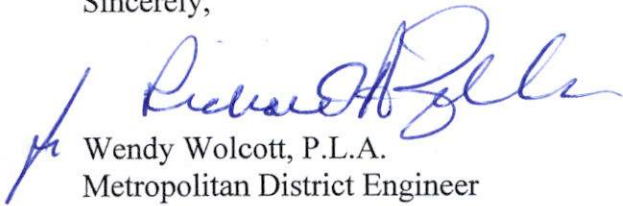
Dear Ms. Lewis:

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. 2019-0032-A

Variance
Tobias Ott
974 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
VCE
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2018
Item No. 2019-0032-A

DATE: August 20, 2018

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 the Director of Public Works in writing to determine the Flood Protection Elevation, so that the first floor elevation can be established.

Engineer shall show the LiMWA line on the site plan.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

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: September 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0032-A
Address 974 Seneca Park Road
(Ott Property)

Zoning Advisory Committee Meeting of **August 13, 2018**.

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 permit a lot with a greater height than permitted. The site plan shows a proposed dwelling and driveway. The lot is waterfront, and any proposed development must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The plan states the property is 10,385 square feet; therefore, lot coverage is limited to a maximum of 31.25% (3,245 square feet), with mitigation required for any lot coverage between 25% (2,596 square feet) and 31.25%. No lot coverage information was provided. 15% afforestation (3 trees) is required. If the lot coverage, afforestation, and MBA requirements can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and must meet all lot coverage, MBA, and afforestation requirements. At this time this office cannot determine these requirements can be met. If these requirements are met this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

This is a grandfathered lot. There was not enough information provided to determine if all Critical Area requirements can be met. Provided that the applicants can meet their lot coverage, MBA, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

ORDER RECEIVED FOR FILING

Date 10/2/18

By sen

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: September 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0032-A
Address 974 Seneca Park Road
(Ott Property)

Zoning Advisory Committee Meeting of August 13, 2018.

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 permit a lot with a greater height than permitted. The site plan shows a proposed dwelling and driveway. The lot is waterfront, and any proposed development must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The plan states the property is 10,385 square feet; therefore, lot coverage is limited to a maximum of 31.25% (3,245 square feet), with mitigation required for any lot coverage between 25% (2,596 square feet) and 31.25%. No lot coverage information was provided. 15% afforestation (3 trees) is required. If the lot coverage, afforestation, and MBA requirements can be met, then 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 must meet all lot coverage, MBA, and afforestation requirements. At this time this office cannot determine these requirements can be met. If these requirements are met this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

This is a grandfathered lot. There was not enough information provided to determine if all Critical Area requirements can be met. Provided that the applicants can meet their lot coverage, MBA, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

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: September 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0032-A
Address 974 Seneca Park Road
(Ott Property)

Zoning Advisory Committee Meeting of **August 13, 2018**.

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 permit a lot with a greater height than permitted. The site plan shows a proposed dwelling and driveway. The lot is waterfront, and any proposed development must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The plan states the property is 10,385 square feet; therefore, lot coverage is limited to a maximum of 31.25% (3,245 square feet), with mitigation required for any lot coverage between 25% (2,596 square feet) and 31.25%. No lot coverage information was provided. 15% afforestation (3 trees) is required. If the lot coverage, afforestation, and MBA requirements can be met, then 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 must meet all lot coverage, MBA, and afforestation requirements. At this time this office cannot determine these requirements can be met. If these requirements are met this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

This is a grandfathered lot. There was not enough information provided to determine if all Critical Area requirements can be met. Provided that the applicants can meet their lot coverage, MBA, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

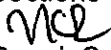
Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 20, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2018
Item No. 2019-0032-A

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 the Director of Public Works in writing to determine the Flood Protection Elevation, so that the first floor elevation can be established.

Engineer shall show the LIMWA line on the site plan.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/23/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-032

INFORMATION:

Property Address: 974 Seneca Road
Petitioner: Tobias Ott
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 and any required modification of the relief granted in the prior case (ZAC# 05-411) and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied the petition.

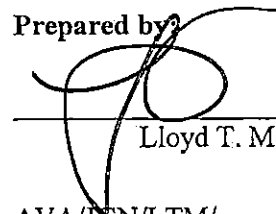
A site visit was conducted on August 15, 2018. The lot is vacant at this time.

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

Please be advised that this site is subject to the RC 5 Performance Standards as listed in BCZR§ 1A04.4. The Department finds the elevations submitted in support of the petition meets those requirements. Any change in architecture shall be submitted to the contact person listed below for review prior to the issuance of a building permit.

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

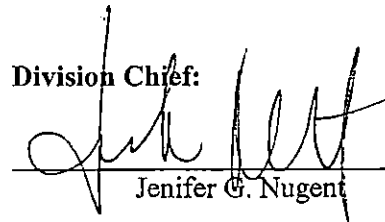
Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jenifer G. Nugent

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

Case No.: 2019-0032-A

Exhibit Sheet

Petitioner/Developer

10/2/18

Protestants

Ben
10/2/18

No. 1	Site plan	
No. 2	Order in Case # 05-410	
No. 3	Orders in 04-604-A	
No. 4	My Neighborhood Map	
No. 5	Deed of Easement	
No. 6	Declaration of Land Restrictions	
No. 7	DOP ZAC comment	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME 974 Seneca Park Rd
CASE NUMBER 2019-0032-A
DATE 01 OCT 2018

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
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[illegible]

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
*



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 ½ 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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Ray

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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4/29/05

By *Ray*

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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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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By [signature]

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:

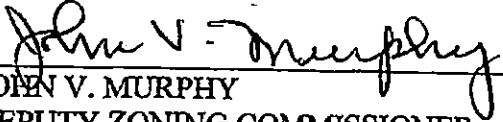
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1. No building permits shall be issued until the public sewer system that serves these lots is fully operational. Note however if DEPRM approves an interim system, I will approve the interim system by means of a spirit and intent letter.
2. Compliance 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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4/29/05
5/1/05
BY

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.

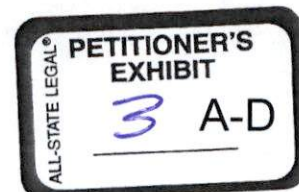
The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing 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

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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.

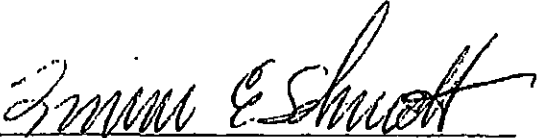
It is also to be noted that the Office of Planning initially raised an issue within its ZAC comment concerning the height of the proposed dwelling and recommended a denial of the variance. After detailed discussions on this issue, the Petitioners amended their building elevation drawings to address the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

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 8/16/14
By [Signature]

IN RE: PETITION FOR VARIANCE

E side of Seneca Park Road, NE side
of Beach Road
15th Election District
6th Councilmanic District
(936 Seneca Park Road)

William 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 1.

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 10-18-08
By 123

and Petitioners are proposing to raze the existing structure and build a replacement 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 and platted 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 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.

RECEIVED FOR FILING
Date 10-18-08
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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103

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 disproportionably 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).

RECEIVED FOR FILING
Date 10-8-08
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 8th 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

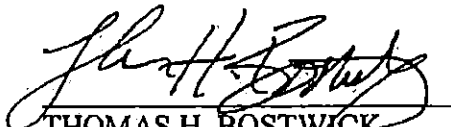
be and are hereby GRANTED, subject to the following:

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.

DATE RECEIVED FOR PLANNING
Date 10-8-08
BY 23

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

RECEIVED FOR PLANNING
Date 10-8-08
By 103

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

* 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 delivered no comments, and the

ORDER RECEIVED FROM FILING
Date 10/30/13
By den

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

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

Based upon the testimony and evidence presented, I will grant the petition for variance. Under Maryland law, to obtain variance relief requires a showing that:

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

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

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

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

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

ORDER RECEIVED FOR FILING

Date 10/30/13
By den

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

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

10/30/13

By

sln

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(976 Seneca Park Road)		
15 th Election District	*	OF ADMINISTRATIVE
6 th Council District		
Jeffrey & Jenna Streib	*	HEARINGS FOR
Legal Owners		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2018-0087-A

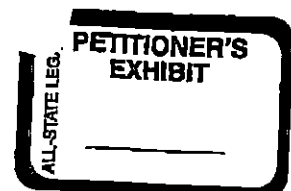
* * * * *

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



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

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:slh

LR - Government
 Instrument 0.00
 Agency Name:
 OTT/BALTIMORE COUNTY
 Instrument List:
 Agreement / Easement
 Describe Other:
 Ref:
 Total: 0.00
 03/06/2018 03:28
 #9950703 CC0301 -
 Baltimore
 County/CC03.01.06 -
 Register 06

RW 2018-016
 J.O. 201-0
 Item (D) 1 DUE - Sewer
 Election District Fifteenth 15C6

DEED OF EASEMENT AND AGREEMENT

THIS DEED OF EASEMENT AND AGREEMENT, MADE THIS 26TH day of September, in the year, 2017, by and between Tobias Ott, Grantor(s); and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, Grantee.

WHEREAS, the Grantee desires to construct and maintain sewers, drains, water pipes, grinder pumps, electrical lines, and other municipal utilities and services in, on through, and across the land hereinafter described, and the Grantor(s) are willing to grant such right.

NOW THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt and sufficiency of which is hereby acknowledged, the said Grantor(s) hereby grant(s) and convey(s) unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, an easement in, on through, and across the land of the Grantor(s), situate in Baltimore County, State of Maryland to lay, construct, and maintain sewers, drains, water pipes, grinder pumps, electrical lines, and other municipal utilities and services, and for other governmental purposes, said sewers, drains, water pipes, grinder pumps, electrical lines, and other municipal utilities and services, and other governmental purposes to be in, on through and across the easement area which is described as follows:

BEING KNOWN AND DESIGNATED AS "Drainage & Utility Easement" containing 0.0075 acres (325 sq. ft.), more or less, as shown and indicated on Baltimore County Drawing No. RW 18-016-01, which is attached hereto and made a part hereof.

BEING a portion of the property which by deed dated September 26, 2017 and recorded among the Land Records of Baltimore County, Maryland at Liber No. 39753, folio 495 hereto was



granted and conveyed by Melissa Daiker Wells, formerly known as Melissa C. Nickles and Deborah L. Walton unto Tobias Ott, his personal representatives and assigns, in fee simple, the Grantor(s) herein.

TOGETHER WITH appurtenant right to connect an electrical line leading from the grinder pump located in the above described easement area to an outside electrical service box to be affixed to the Grantor(s) dwelling or building. The electrical line shall be the property of Baltimore County, its successors and assigns, and shall not be relocated without prior authorization from the Baltimore County Department of Public Works.

AND the Grantor(s) does/do hereby agree that Baltimore County, Maryland, its successors and/or assigns, shall have the right and privilege of entering upon the aforesaid land, whenever it may be necessary to make openings and excavations, and to lay, construct and maintain said municipal utilities and appurtenances, provided, however, that the ground hereinabove described shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on or over the said easement by the Grantor(s), the Grantor(s)' personal representative, or assigns, and the personal representatives and assign of the survivor or assigns; nor shall the existing grade be changed without prior approval of the Baltimore County Department of Public Works.

AS WITNESS the due execution hereof by the forenamed Grantor(s).

ATTEST:

Elizabeth H. Thompson

T. Ott (SEAL)
Tobias Ott

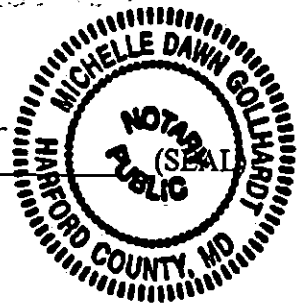
STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

I HEREBY CERTIFY, that on this 26th day of September, in the year 2017, before me, the subscriber, a Notary Public, personally appeared Tobias Ott and he acknowledge the foregoing Deed of Easement and Agreement to be his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 112519

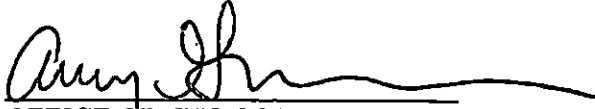
[Signature]
Notary Public



This is to certify that the within instrument was prepared by an attorney admitted to the practice before the Court of Appeals of Maryland.

Elizabeth H. Thompson
Elizabeth H. Thompson, Esquire

APPROVED FOR LEGAL FORM AND SUFFICIENCY*
(Subject to Execution by a Duly Authorized County
Administrative Official and County Council, if Indicated)



OFFICE OF THE COUNTY ATTORNEY

*Approval of Legal Form and Sufficiency Does Not Convey
Approval of Disapproval of Substantive Nature of Transaction.
Approval is Based Upon Typeset Document. All Modifications Require Re-Approval.

APPROVED AND ACCEPTED this 26
day of February, 2018.

ATTEST/WITNESS

BALTIMORE COUNTY, MARYLAND:

Margaret M. Saunders

[Signature]

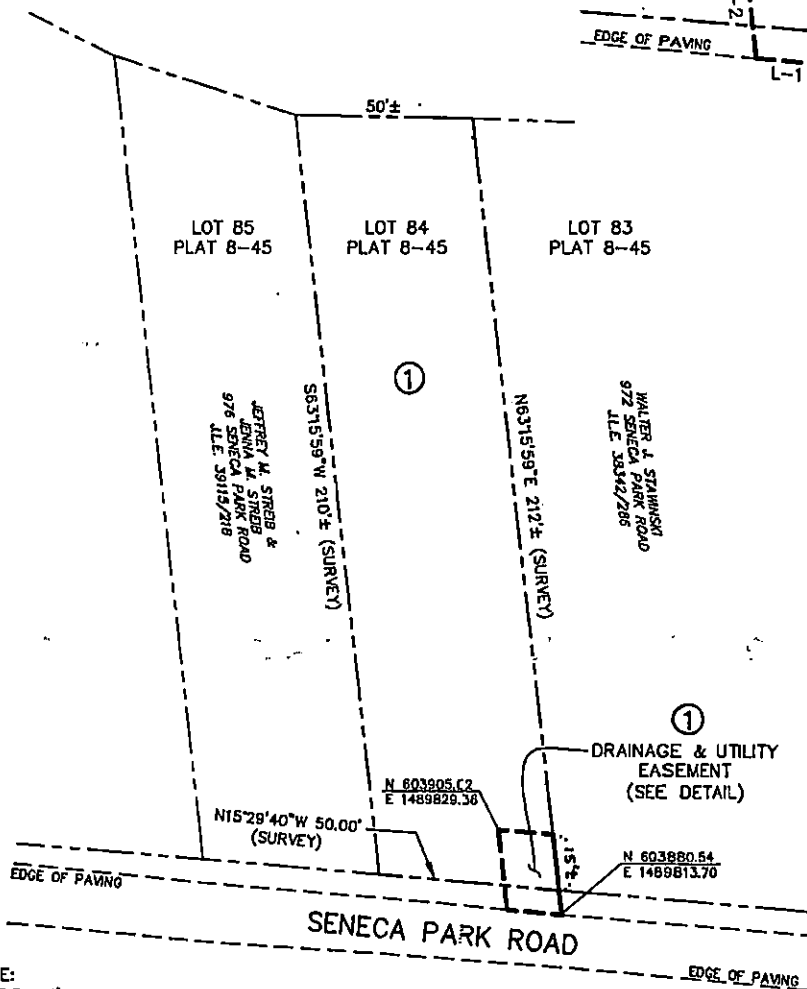
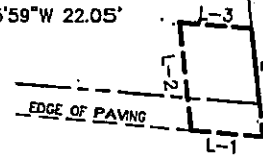
BY: _____
Name: Fred Homan
County Administrative Officer

All language on this page is required by Baltimore County for this document.

INDEXED
DATE: 3-2-2018

DETAIL OF
DRAINAGE & UTILITY EASEMENT
SCALE: 1" = 30'

L-1 N15°41'46"W 15.13'
L-2 N63°15'59"E 21.93'
L-3 S15°29'40"E 15.11'
L-4 S63°15'59"W 22.05'



PLAT REFERENCE:
'SENECA PARK BEACH'
PLAT BOOK NO. 8, FOLIO 45

①
TOBIAS OTT
J.L.E. 39753/495
DRAINAGE & UTILITY EASEMENT AREA =
325 Sq.Ft. / 0.007 AC±



JAMES G. WIEST
REG. NO. 21390
EXP. DATE: 2-5-18

BALTIMORE COUNTY		REAL ESTATE COMPLIANCE	
DISTRICT NO. 15c6	POSITION SHEET NO.	FEDERAL PROJECT NO.	
	CONSTRUCTION PLAN NO.	MARYLAND PROJECT NO.	
APPROVED: . . . DIRECTOR OF PUBLIC WORKS	☐ AREA TO BE ACQUIRED	☒ EXISTING COUNTY R/W	 DATE: 12-19-17 REG. NO. 21390 SCALE 1" = 40' B.C. JOB ORDER 201 - 0 - RW 18-016-01
DATE: . . .	☒ REVERTIBLE SLOPE EASEMENT	☒ AREA TO BE RELEASED	
APPROVED: . . . REAL ESTATE COMPLIANCE	☒ TEMPORARY CONSTRUCTION AREA	☒ TEMPORARY SLOPE EASEMENT	
DATE: . . .	ITEM NO.	RECORDED	
APPROVED: . . . DRAFTING		DRAWN BY JGW	
DATE: . . .		PLAT CHECKED	
		AREA CHECKED	
		TITLE CHECKED	

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40016, p. 0236, MSA CE62 39873, Date available 03/08/2018, Printed 07/24/2018

ATTORNEY DEED PREPARATION CERTIFICATION
(with use of an Attorney Title Certification)

SUBDIVISION/PROJECT NAME: Seneca Park Beach

PUBLIC WORKS AGREEMENT NO.: N/A

CRG NO.: N/A

FINAL DEVELOPMENT PAN DATED: N/A

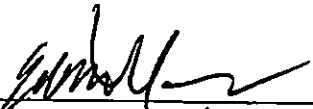
FOR PROJECT KNOWN AS: _____

THE UNDERSIGNED HEREBY CERTIFIES, REPRESENTS AND OPINES TO BALTIMORE COUNTY, MARYLAND, that:

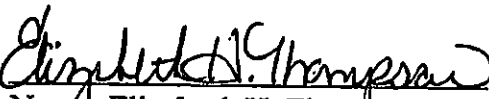
1. The undersigned is an attorney duly admitted to practice before the Court of Appeals of Maryland and in good standing thereunder.
2. The undersigned maintains, or has maintained for the benefit of the undersigned, professional liability insurance coverage under policy no: IFI775627-02, issued by Imperium Insurance Company, insurer, with limits of liability of \$5,000,000.00. Such policy is in force and effect as of the date of this Certification, benefiting the county in case of loss, injury or damage arising from any errors or omissions related to the issuance of this Certificate by the undersigned and the County's reliance thereon.
3. The attached Deed of Easement and Agreement (the "Instrument") were prepared by me or under my supervision, and conforms in all material respects to the prescribed form for such Instrument as set forth in The Baltimore County, Maryland, Department of Permits, Approvals and Inspections, Real Estate Compliance Right of Way Documents Manual, 2007 edition.
4. The execution and delivery of this Certification by the undersigned was an express condition precedent to the agreement of Baltimore County, Maryland, to accept the Instrument from the parties named therein as granting or joining in the same.
5. Following the due execution and acknowledgment of the Instrument by the parties named therein, the signatory(ies) thereon having the authority to so bind the grantor entity(ies) referenced therein (if applicable), and its delivery to and acceptance by the county, and its recordation among the Land Records, the Instrument will be effective in accordance with its terms to create or convey the interest in the Property which the

Instrument purports to create or convey, without the requirement or joinder of any other party having an interest of record in the Property (including, but not limited to, beneficiaries of easements, rights of way, security instruments, and/or agreements) as of the Examination Date.

Stark and Keenan, P.A.

By: 
Name: Edwin G. Carson
Title: Principal

Date: 1/22/18

By: 
Name: Elizabeth H. Thompson
Title: Associate

Date: 1/22/2018

ATTORNEY TITLE CERTIFICATION
(with use of an Attorney Title Certification)

SUBDIVISION/PROJECT NAME: Seneca Park Beach

PUBLIC WORKS AGREEMENT NO.: N/A

CRG NO.: N/A

FINAL DEVELOPMENT PAN DATED: N/A

FOR PROJECT KNOWN AS: _____

THE UNDERSIGNED HEREBY CERTIFIES, REPRESENTS AND OPINES TO BALTIMORE COUNTY, MARYLAND, that:

1. The undersigned is an attorney duly admitted to practice before the Court of Appeals of Maryland and in good standing thereunder.

2. The undersigned maintains, or has maintained for the benefit of the undersigned, professional liability insurance coverage under policy no: IFI775627-02, issued by Imperium Insurance Company, insurer, with limits of liability of \$5,000,000.00. Such policy is in force and effect as of the date of this Certification, benefiting the county in case of loss, injury or damage arising from any errors or omissions related to the issuance of this Certificate by the undersigned and the County's reliance thereon.

3. The attached instruments Deed of Easement and Agreement (the "Instrument") were prepared by Elizabeth H. Thompson, Esquire who has certified that the Instrument conforms in all material respects to the prescribed form for such Instrument as set forth in The Baltimore County, Maryland, Department of Permits, Approvals and Inspections, Real Estate Compliance Right of Way Documents Manual.

4. The Undersigned has caused a diligent examination of the Land Records of Baltimore County, Maryland, to be made to ascertain the status of record title to the real property (the "Property") described in, and to be encumbered or conveyed by, the Instrument. Based solely upon examination of such records as on file through the date of this certification (the "Examination Date"), by the undersigned, the undersigned certifies, represents and opines to Baltimore County, Maryland, that:

- a. Fee simple title of record is vested in Tobias Ott by virtue of a deed from Melissa Daiker Wells, formerly known as Melissa C. Nickles

and Deborah L. Walton dated September 26, 2017 and recorded among the Land Records of Baltimore County, Maryland in Liber 39753, folio 495.

- b. The Instrument is in appropriate form for the conveyance of, or creation of encumbrance on, the Property.
- c. Following the due execution and acknowledgment of the Instrument by the parties named therein, the signatory(ies) thereon having the authority to so bind the grantor entity(ies) referenced therein (if applicable), and its delivery to and acceptance by the County, and its recordation among the Land Records, the Instrument will be effective in accordance with its terms to create or convey the interest in the Property which the Instrument purports to create or convey, without the requirement or joinder of any other party having an interest of record in the Property (including, but not limited to, beneficiaries of easements, rights of way, security instruments, and/or agreements) as of the Examination Date.
- d. I have no personal knowledge of conflicting interests (including, but not limited to, rights or claims of parties in possession, adverse claims, and/or equitable interests not shown by the public records) that would interfere with or jeopardize Baltimore County's use of the herein granted easement or fee simple area for the purposes set forth in this Instrument.

5. This Certification is made and delivered subject to the express understandings and agreements:

- a. The execution and delivery of this Certification by the undersigned was an express condition precedent to the agreement of Baltimore County, Maryland, to accept the Instrument from the parties named therein as granting or joining in the same.
- b. This Certification of title is rendered to Baltimore County, Maryland, for its benefit, with the understanding that Baltimore County, Maryland, will rely upon the truth, accuracy and completeness of the certifications, representations and opinions herein set forth.

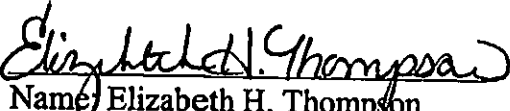
c. This Certification of title may be relied upon by Baltimore County, Maryland authorities. It may not be relied upon by any other person or entity without the prior written consent of the undersigned.

d. The undersigned assumes no liability for any lien, encumbrance, and/or defect in title to or ownership of the Property, of whatever nature or character, arising subsequent to the Examination Date of which the undersigned had no personal knowledge. The undersigned assumes no responsibility for any line, encumbrance, title defect or any other matter affecting title to the Property of which the undersigned had no personal knowledge and not appearing of record among the Land Records of Baltimore County, Maryland, as of the Examination Date.

Stark and Keenan, P.A.

By: 
Name: Edwin G. Carson
Title: Principal

Date: 1/22/18

By: 
Name: Elizabeth H. Thompson
Title: Associate

Date: 1/22/2018

ENGINEER CERTIFICATION

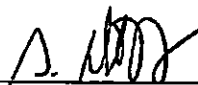
SUBDIVISION / PROJECT NAME: 974 Seneca Park RoadPUBLIC WORKS AGREEMENT NO.: N/AFINAL DEVELOPMENT PLAN DATED: N/AFOR PROJECT KNOWN AS: 974 Seneca Park Road

I HEREBY declare, affirm, and certify under penalties of perjury that in my professional opinion the following listed record plat(s) comply in all material respects with the above referenced Final Development Plan and Public Works Agreement, that the construction plans relative to said Final Development Plan agree with the said listed subdivision plat(s) and right-of-way plat(s), and that said subdivision plat(s) and right-of-way plat(s) were prepared in compliance with Baltimore County, Department of Permits and Development Management, Bureau of Land Acquisition, Drafting Section, Design Manual, dated September, 1996.

I FURTHER agree to indemnify, protect, and hold harmless Baltimore County, Maryland its agents, employees, successors, and assigns from and against any and all costs, liability, penalties, fines, forfeitures, reasonable attorney's fees, judgments, and related litigation costs to the extent arising from any negligent errors and omissions contained in this certification, it being fully understood and acknowledged that Baltimore County intends to rely fully upon said certification. It is intended that Baltimore County, its successors and assigns, shall be a third party beneficiary of an agreement, whether oral or written, between my client Tobias Ott and myself from the preparation of this Certification.

	Record Plats
Liber _____	folio _____
Liber _____	folio _____
Liber _____	folio _____
Liber _____	folio _____
Liber _____	folio _____
Liber _____	folio _____

	Right-of-Way Plats
RW _____	<u>18-016-01</u>
RW _____	
RW _____	
RW _____	
RW _____	

 1/18/18 (seal)

Name: G. Dwight Little, Jr., P. E.
 Company: Little & Associates, Inc.
 Address: 1055 Taylor Avenue, Suite 307
 Towson, Maryland 21286
 Telephone No: (410) 296 - 1636

Professional Liability Insurance:
 RLI Insurance Company
 Policy No.: RDP0028768
 Policy Limits: Aggregate: \$1,000,000.00
 Each Claim: \$1,000,000.00

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.
 (Type or Print in Black Ink Only—All Copies Must Be Legible) **A18-1945**

1 Type(s) of Instruments ☐ Check Box if addendum Intake Form is Attached. ☒ Deed of Easement ☐ Other

2 Conveyance Type Check Box
☐ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if applicable)
 Cite or Explain Authority: **DEED OF EASEMENT AND AGREEMENT**

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	\$ 0.00	Transfer Tax Consideration	\$
Any New Mortgage	\$ 0.00	X () % =	\$
Balance of Existing Mortgage	\$	Less Exemption Amount =	\$
Other:	\$	Total Transfer Tax =	\$
Other:	\$	Recordation Tax Consideration =	\$
Full Cash Value:	\$ 0.00	X () per \$500 =	\$
		TOTAL DUE	\$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	Agent:
Recording Charge	\$ 40.00	\$	
Surcharge	\$ 20.00	\$	
State Recordation Tax	\$	\$	
State Transfer Tax	\$	\$	
County Transfer 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	2200020309	397531495	Grid 17	139	(S)
Subdivision Name		Lot (3a)	Block (3b)	Section (3c)	Plat Ref.
Seneca Park		84			8/45
Location/Address of Property Being Conveyed (2)		Seneca Park Road, Baltimore, MD 21220			
Other Property Identifiers (if applicable)		Water Meter Account No.			
Residential ☒ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount:					
Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: DEED OF EASEMENT AND AGREEMENT					
325 SQ. FT. Drainage & Utility Easement					
If Partial Conveyance, List Improvements Conveyed:					

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Tobias Ott	
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, Maryland	
New Owner's (Grantee) Mailing Address	
Historic Courthouse, Towson, MD 21204	
Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

9 Other Names to Be Indexed

10 Contact/Mail Information

Instrument Submitted By or Contact Person		Return to Contact Person	
Name:	Real Estate Compliance	☐	Return to Contact Person
Firm:	BA-CA	☒	Hold for Pickup
Address:	Towson, MD 21204	☐	Return Address Provided
Phone:	(410) 887-3284		

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

Yes	No	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	Deed Reference:	Assigned Property No.:		
Year	Map	Sub	Block	
Land	Grid	Plat	Lot	
Buildings	Use	Parcel	Section	Occ. Cd.
Total	Ex. St.	Ex. Cd.		

REMARKS:
 3418
 SUBTITLE 2, 11-3-202
 RECORDATION TAX
 T.P. ART 12-108

Distribution:
 White - Clerk's Office
 Pink - Office of Finance
 Grey - SDAT
 Goldenrod - Preparer

Space Reserved for County Validation

Space Reserved for Circuit Court Clerk Recording Validation

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40016, p. 0243, MSA_CE62_39873, Date available 03/08/2018. Printed 07/24/2018.

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, FALLSTON MD 21047

LR -
Declaration/Covenant
Recording Fee 20.00
Declarant Name: Streib
Ref:
LR 2017 Surcharge 40.00
SubTotal: 60.00
Total: 60.00
06/30/2017 02:34
CC03-AN
#8661271 CC0301 -
Baltimore
County/CC03.01.01 -
Register 01

RECITALS

A. The Owner is the record owner of all that real property located at 974 SENECA PARK RD
in the 15 th Election District of Baltimore County, designated in the Tax Records
as map 0091, parcel 0139, plat 68, block 045,
lot no. 84, and being the same _____, and recorded among the Land
Records of Baltimore County, Maryland at Liber 37627, Folio 0136.
(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. B993590

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 8.5 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.

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)

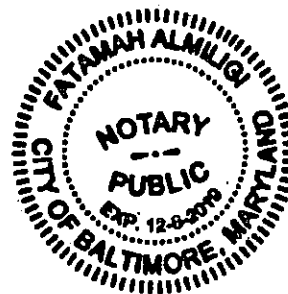
STATE OF MARYLAND City OF Baltimore, TO WIT:

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. 0449, MSA_CE62_39029. Date available 07/07/2017. Printed 09/28/2018.

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)																																																																					
1	Type(s) of Instruments	(Check Box if addendum Intake Form is Attached.) ☐ Deed ☐ Mortgage ☐ Other _____ ☐ Other _____ ☐ Deed of Trust ☐ Lease ☐ Other _____ ☐ Other _____																																																																			
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☐ 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																																																															
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Any New Mortgage		\$ _____				X () % =	\$ _____																																																														
Balance of Existing Mortgage		\$ _____				Less Exemption Amount	= \$ _____																																																														
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Other:	\$ _____				Recordation Tax Consideration	\$ _____																																																															
Full Cash Value:	\$ _____				X () per \$500 =	\$ _____																																																															
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5	Fees	Amount of Fees		Doc. 1		Doc. 2		Agent:																																																													
Recording Charge		\$ _____		\$ _____		\$ _____		Tax Bill:																																																													
Surcharge		\$ _____		\$ _____		\$ _____		C.B. Credit:																																																													
State Recordation Tax		\$ _____		\$ _____		\$ _____		Ag. Tax/Other:																																																													
State Transfer Tax		\$ _____		\$ _____		\$ _____																																																															
County Transfer Tax		\$ _____		\$ _____		\$ _____																																																															
Other		\$ _____		\$ _____		\$ _____																																																															
Other		\$ _____		\$ _____		\$ _____																																																															
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15		22005 20304					(5)																																																														
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)																																																															
Location/Address of Property Being Conveyed (2)																																																																					
914 SENECA PARK RD, MIDDLE RIVER MD 21220																																																																					
Other Property Identifiers (if applicable)																																																																					
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Residential or Non-Residential: Fee Simple or Ground Rent: Amount:																																																																					
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BALTIMORE COUNTY																																																																					
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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				☐ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided																																																															
Name: JENNA STRAIB		Firm:		Address: 2916 LAUREL BROOK RD, FAIRFAX		Phone: (410) 528-4477																																																															
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Assessment Information: Yes No Will the property being conveyed be the grantee's principal residence? Yes No Does transfer include personal property? If yes, identify: Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).																																																																				
Assessment Use Only – Do Not Write Below This Line <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Terminal Verification</td> <td colspan="2">Agricultural Verification</td> <td colspan="2">Whole</td> <td colspan="2">Part</td> <td colspan="2">Tran. Process Verification</td> </tr> <tr> <td>Transfer Number</td> <td>Date Received:</td> <td colspan="2"></td> <td colspan="2">Deed Reference:</td> <td colspan="2">Assigned Property No.:</td> <td colspan="2"></td> </tr> <tr> <td>Year</td> <td>20</td> <td>20</td> <td></td> <td>Geo.</td> <td>Map</td> <td>TAX NOT REQUIRED</td> <td>Block</td> <td colspan="2"></td> </tr> <tr> <td>Land</td> <td></td> <td></td> <td></td> <td>Zoning</td> <td>Director of Budget and Finance</td> <td></td> <td>Lot</td> <td colspan="2"></td> </tr> <tr> <td>Buildings</td> <td></td> <td></td> <td></td> <td>Use</td> <td>BALTIMORE COUNTY, MARYLAND</td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td></td> <td>Town Cd.</td> <td>Ex. Ct.</td> <td></td> <td>Sec. Cd.</td> <td colspan="2"></td> </tr> </table> REMARKS: ART 11 TITLE 3 SUBTITLE 2, 11-3-202 RECORDED TAX J.P. ART 12-108 Date: 10/20/12										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		Lot			Buildings				Use	BALTIMORE COUNTY, MARYLAND					Total				Town Cd.	Ex. Ct.		Sec. Cd.		
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Buildings				Use	BALTIMORE COUNTY, MARYLAND																																																																
Total				Town Cd.	Ex. Ct.		Sec. Cd.																																																														

Space Reserved for County Validation

Distribution: White – Clerk's Office
Pink – Office of FinanceCanary – SDAT
Goldenrod – Preparer

AOC-CC-300 (5/2007)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/23/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-032

INFORMATION:

Property Address: 974 Seneca Road
Petitioner: Tobias Ott
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 and any required modification of the relief granted in the prior case (ZAC# 05-411) and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied the petition.

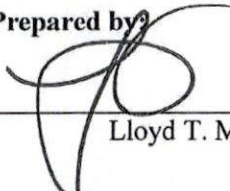
A site visit was conducted on August 15, 2018. The lot is vacant at this time.

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

Please be advised that this site is subject to the RC 5 Performance Standards as listed in BCZR§ 1A04.4. The Department finds the elevations submitted in support of the petition meets those requirements. Any change in architecture shall be submitted to the contact person listed below for review prior to the issuance of a building permit.

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

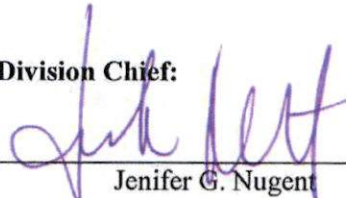
Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jenifer G. Nugent

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



C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartmentCommentCommentNo Objections
w/ CommentDEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2005-0411-SPH)

NEWSPAPER ADVERTISEMENT

Date:

9/11/18SIGN POSTING (1st)

Date:

9/10/18

by

PulsonSIGN POSTING (2nd)

Date:

9/27/18

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			
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Account Identifier:				District - 15 Account Number - 2200020309							
Owner Information											
Owner Name:				OTT TOBIAS				Use:		RESIDENTIAL	
								Principal Residence:		NO	
Mailing Address:				815 MARTIN RD ESSEX MD 21221-				Deed Reference:		/39753/ 00495	
Location & Structure Information											
Premises Address:				SENECA PARK RD BALTIMORE 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:	Plat Ref:	
0091	0017	0139		0000			84	2018			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 01/01/2018		As of 07/01/2018		As of 07/01/2019		
Land:		46,000		46,000							
Improvements		0		0							
Total:		46,000		46,000		46,000		46,000			
Preferential Land:		0								0	
Transfer Information											
Seller: WELLS MELISSA DAIKER				Date: 12/15/2017				Price: \$100,000			
Type: ARMS LENGTH VACANT				Deed1: /39753/ 00495				Deed2:			
Seller: DAIKER WILLIAM C				Date: 06/13/2016				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /37627/ 00136				Deed2:			
Seller: DAIKER WILLIAM C				Date: 04/08/2009				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /27903/ 00052				Deed2:			
Exemption Information											
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019					
County:		000		0.00							
State:		000		0.00							
Municipal:		000		0.00 0.00		0.00 0.00					
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Homestead Application Information											
Homestead Application Status: No Application											
Homeowners' Tax Credit Application Information											

Homeowners' Tax Credit Application Status: No Application **Date:**

gm
416

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

* * * * *

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

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. 05-411-SPH

* * * * *

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 ½ 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

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.

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,

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

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 shortcomings, 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

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,

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

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:

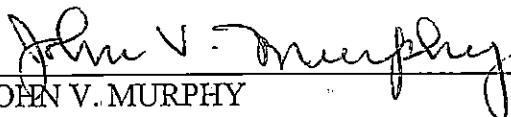
Case No. 05-410 SPH for Special Hearing relief for property located at 976 Seneca Park Road filed pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot having an area of 0.25 acre with a setback of 59 ft. to the street centerline, side property line 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:

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

Jm
4/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 15, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 974 Seneca Park Road

INFORMATION:

Item Number: 5-411

Petitioner: Melissa and Mark Nicklies

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Zoning Commissioner's Office should note that lot 84 (the subject lot) and adjoining lot 85 were recently under common ownership. The adjoining lot 85 is also the subject of a Special Hearing/Variance request (Case 5-410), for undersize lot and relief for minimum required yard area. This office is not sure how this relates to the standards stated in Section 304.1.C of the BCZR.

In addition, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of the existing dwelling.
2. Submit building elevations to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
3. Orient the front of the proposed dwelling towards Seneca Park Road and incorporate prominent entries and porches or stoops in the front building façade.

4. 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.
5. 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.
6. Ensure that exterior of all buildings 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.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Prepared By: _____

Mark A. Coughlin

Division Chief: _____

MAC/LL

myll

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

RECEIVED

FROM: John D. Oltman, Jr. JDO
DEPRM

MAR 17 2005

DATE: March 17, 2005

ZONING COMMISSIONER

SUBJECT: Zoning Item # 05-411
Address 974 Seneca Park Road

Zoning Advisory Committee Meeting of February 28, 2005

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

- 1.) This property is located within the Limited Development Area and the Buffer Management Area of the CBCA. Permits associated with this property must comply with the 25% maximum impervious surface limit and the 15% minimum tree cover limit. Any trees removed in the 100-foot buffer setback from mean-high-tide must be replaced at a ratio of 1:1. In addition, any building must be placed outside of the 100-foot setback.
- 2.) Building permits will not be approved by the Groundwater Management section of this Department until public water and sanitary sewer is available to the site.

Reviewer: Martha Stauss, Sue Farrinetti

Date: March 17, 2005

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2005
Item No. 411

DATE: March 8, 2005

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setbacks shall be modified accordingly.

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.

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-03-07-2005-ITEM NO 411-03082005

9/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 15, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

MAR 21 2005

SUBJECT: 976 Seneca Park Road

INFORMATION:

Item Number: 5-410

Petitioner: Linda and Thomas Spear

Zoning: RC 5

Requested Action: Special Hearing

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Zoning Commissioner's Office should note that lot 85 (the subject lot) and adjoining lot 84 were recently under common ownership. The adjoining lot 84 is also the subject of a Special Hearing/Variance request (Case 5-411), for undersize lot and relief for minimum required yard area. This office is not sure how this relates to the standards stated in Section 304.1.C of the BCZR.

In addition, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of the existing dwelling.
2. Submit building elevations to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
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5. 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.
6. Ensure that exterior of all buildings 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.
7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Prepared By: _____

Maeb A. Rumph

Division Chief: _____

MAC/LL

4/16

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr.^{JDO}
DEPRM

DATE: March 17, 2005

SUBJECT: Zoning Item # 05-410
Address 976 Seneca Park Road

RECEIVED

MAR 17 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of February 28, 2005

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

- 1.) This property is located within the Limited Development Area and the Buffer Management Area of the CBCA. Permits associated with this property must comply with the 25% maximum impervious surface limit and the 15% minimum tree cover limit (equal to 4 trees for a lot of this size). Many trees were recently removed from the properties in question. Any trees removed in the 100-foot buffer setback from mean-high-tide must be replaced at a ration of 1:1. In addition, any building must be placed outside of the 100-foot setback.
- 2.) Building permits will not be approved by the Groundwater Management section of this Department until public water and sanitary sewer is available to the site.

Reviewer: Martha Stauss, Sue Farrinetti

Date: March 17, 2005

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 8, 2005

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2005
Item No. 410

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setback shall be modified accordingly.

The flood protection elevation for this site is 11.2 feet.

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

The building engineer shall require a permit for this project.

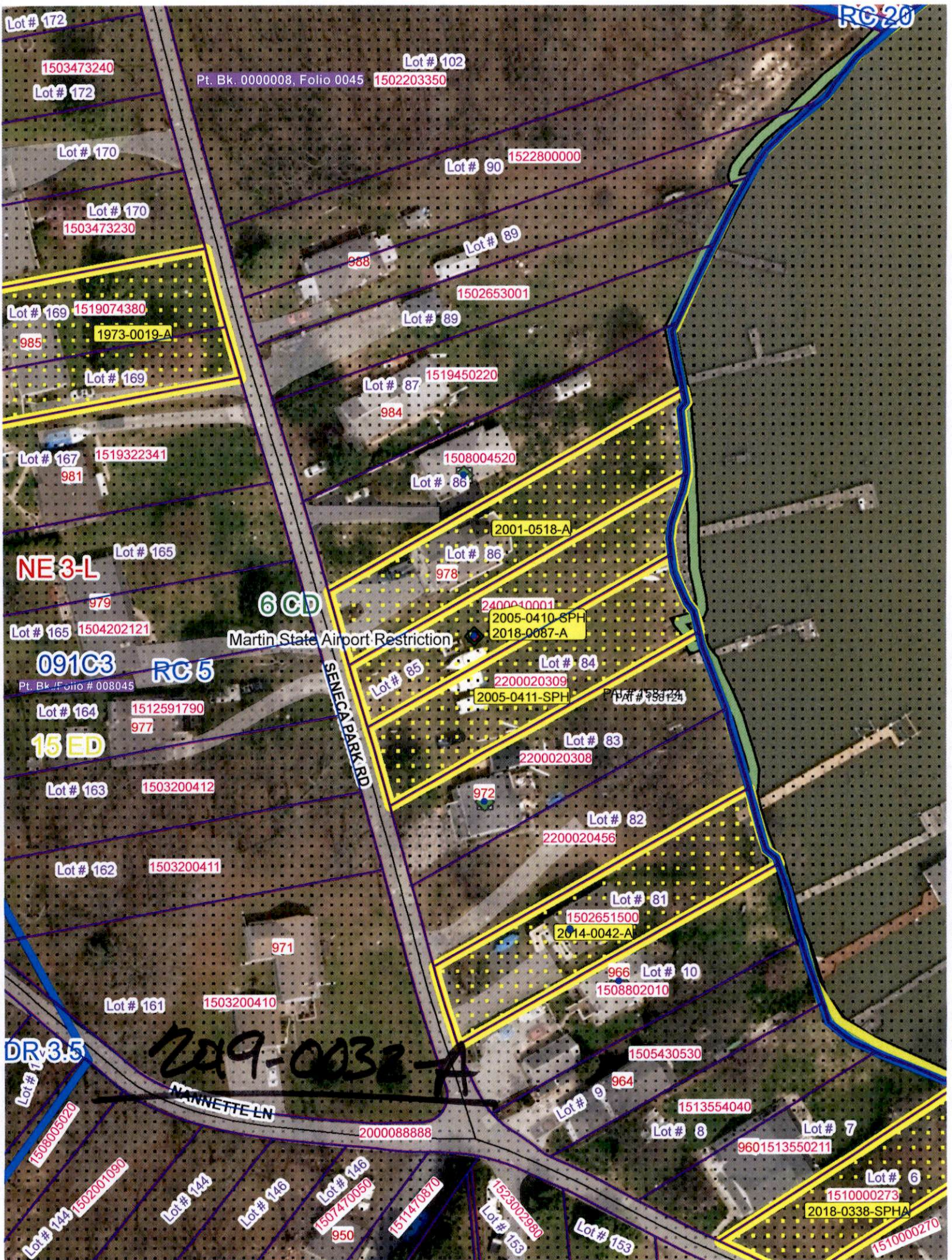
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Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

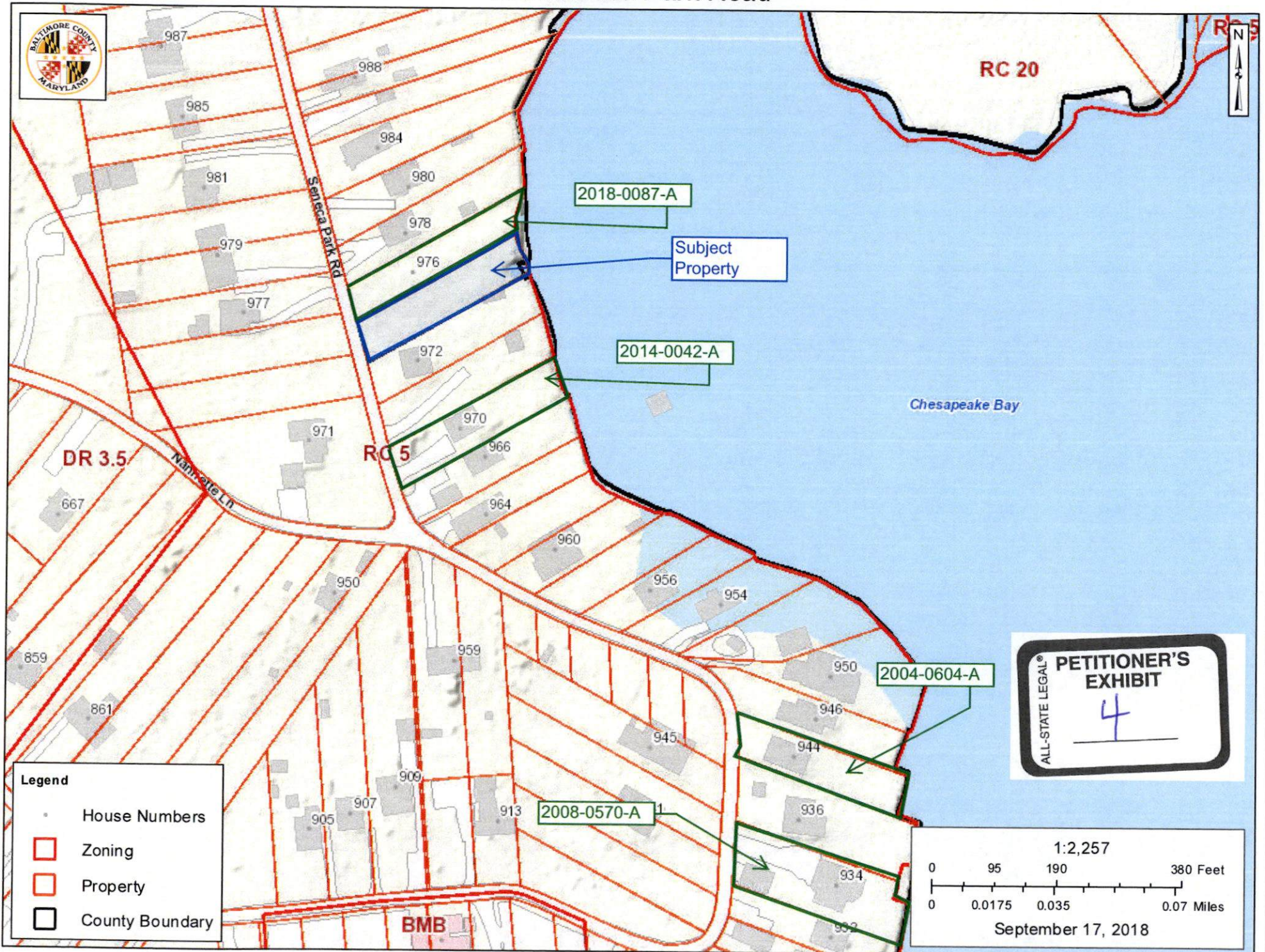
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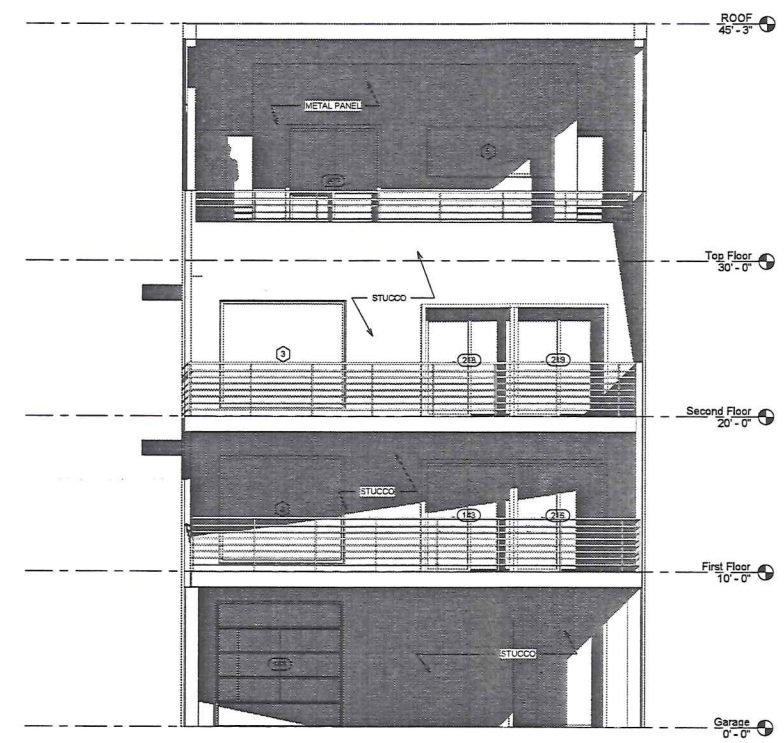
ZAC-03-07-2005-ITEM NO 410-03082005



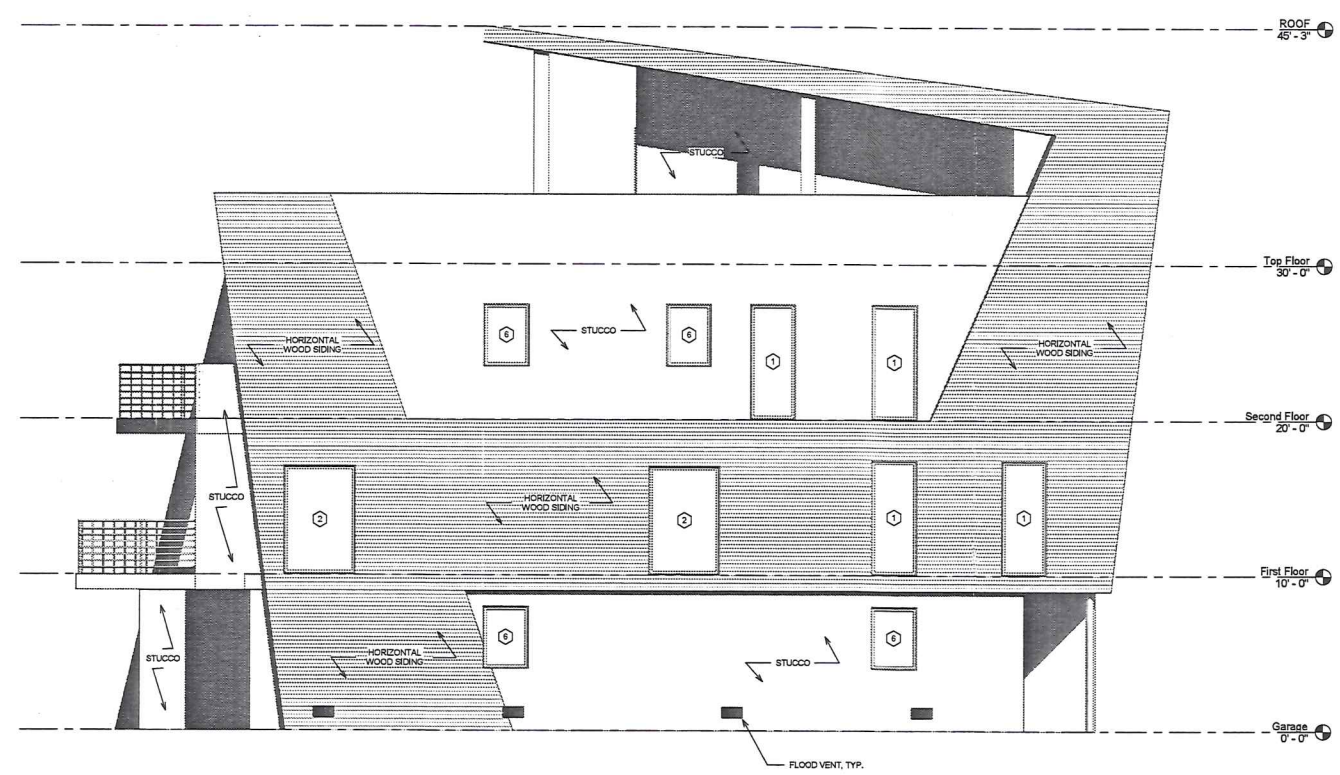
Am. 10. 10. 10.

976 Seneca Park Road





① East
1/4" = 1'-0"



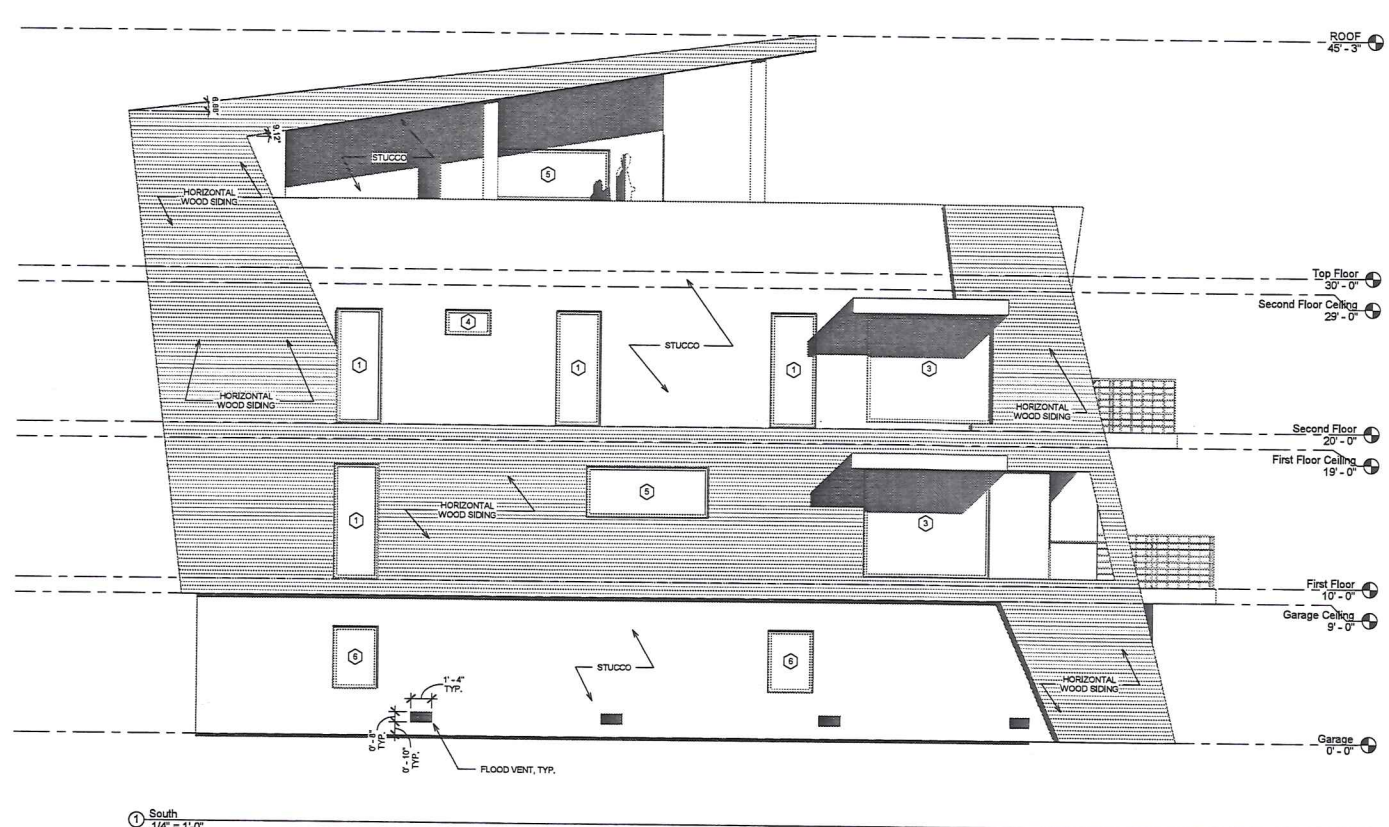
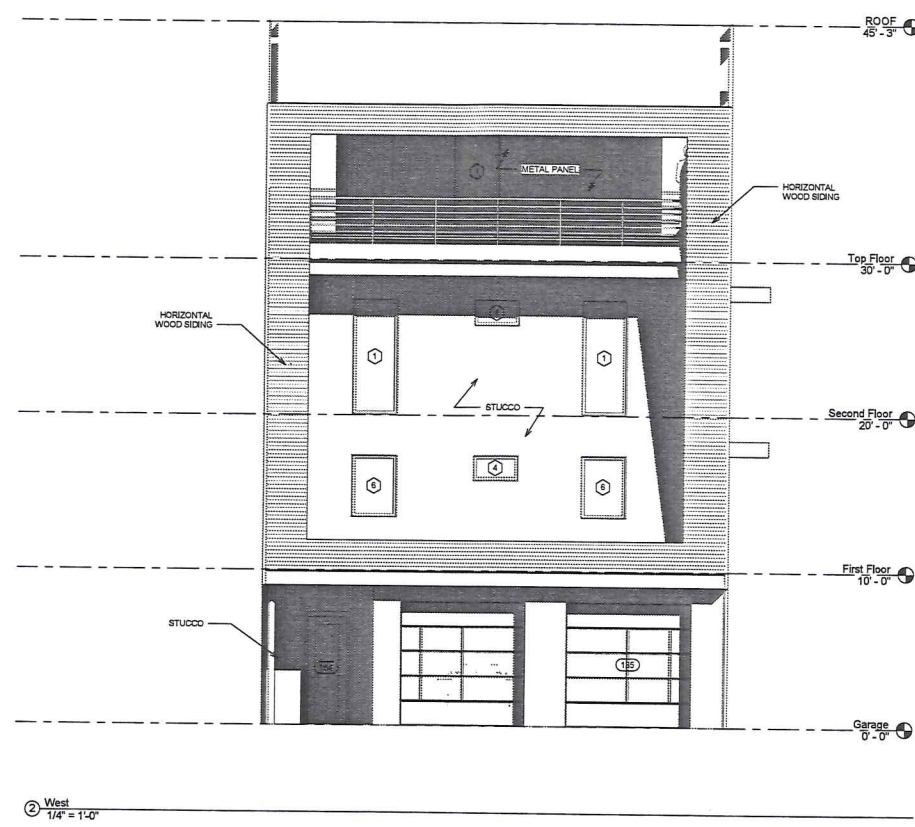
② North
1/4" = 1'-0"

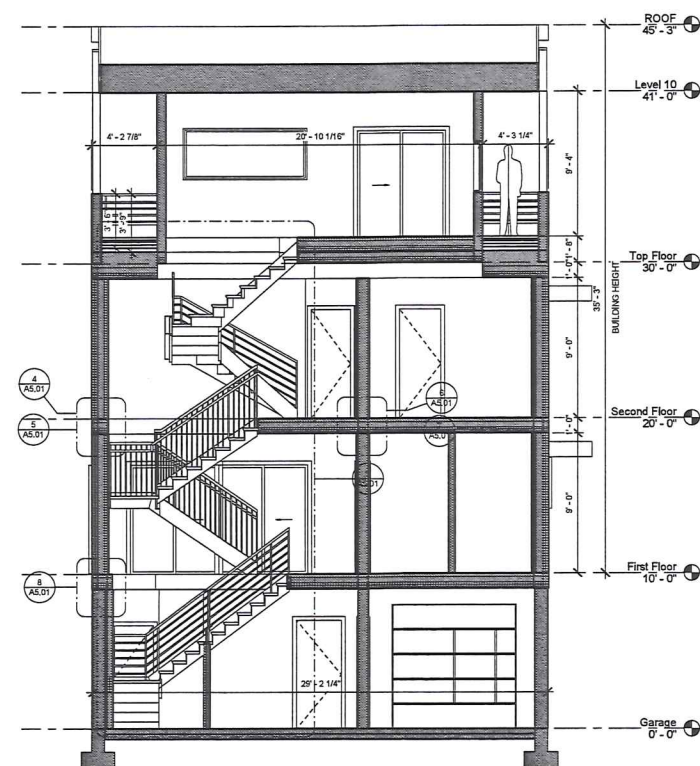
A2.01

OTT RESIDENCE 974 SENECA PARK ROAD, BALTIMORE, MD

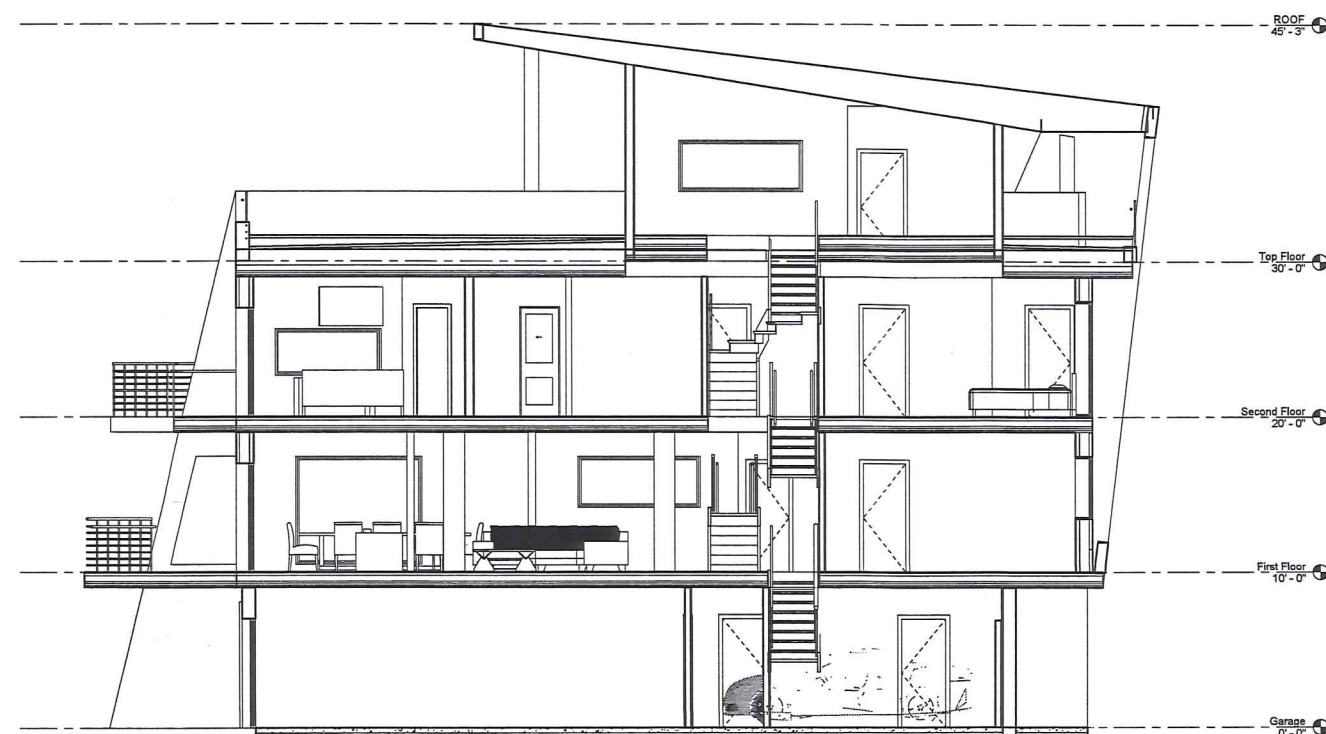
JULY 10, 2018

2019-0032-A

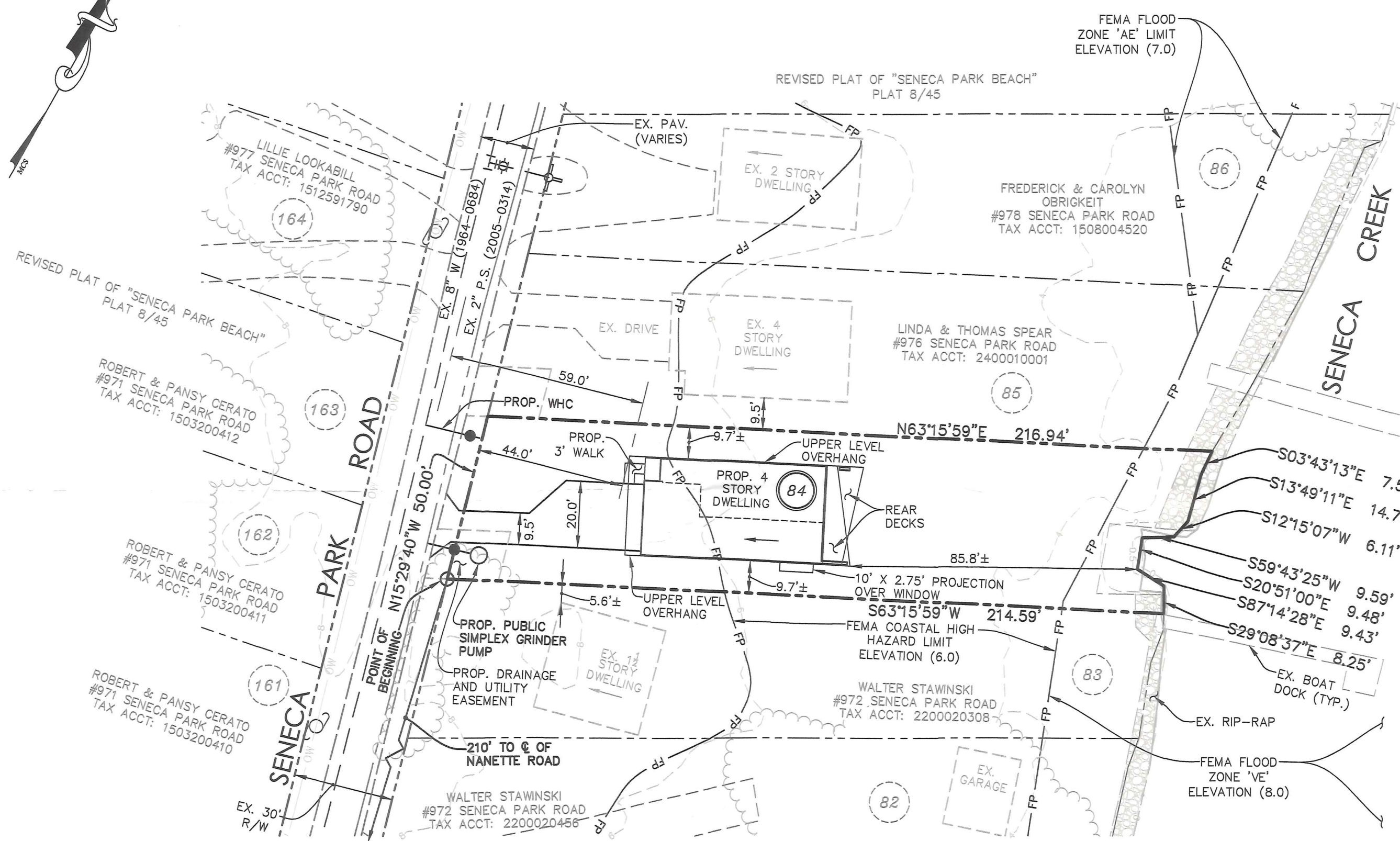
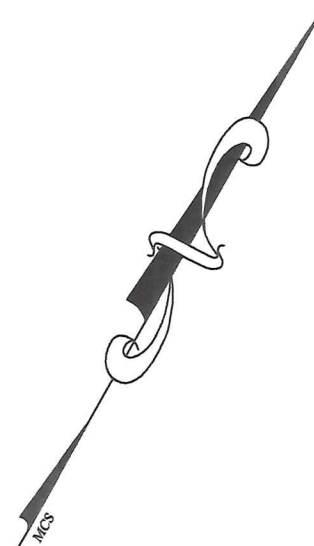




① cross section
1/4" = 1'-0"



② longitudinal section
1/4" = 1'-0"



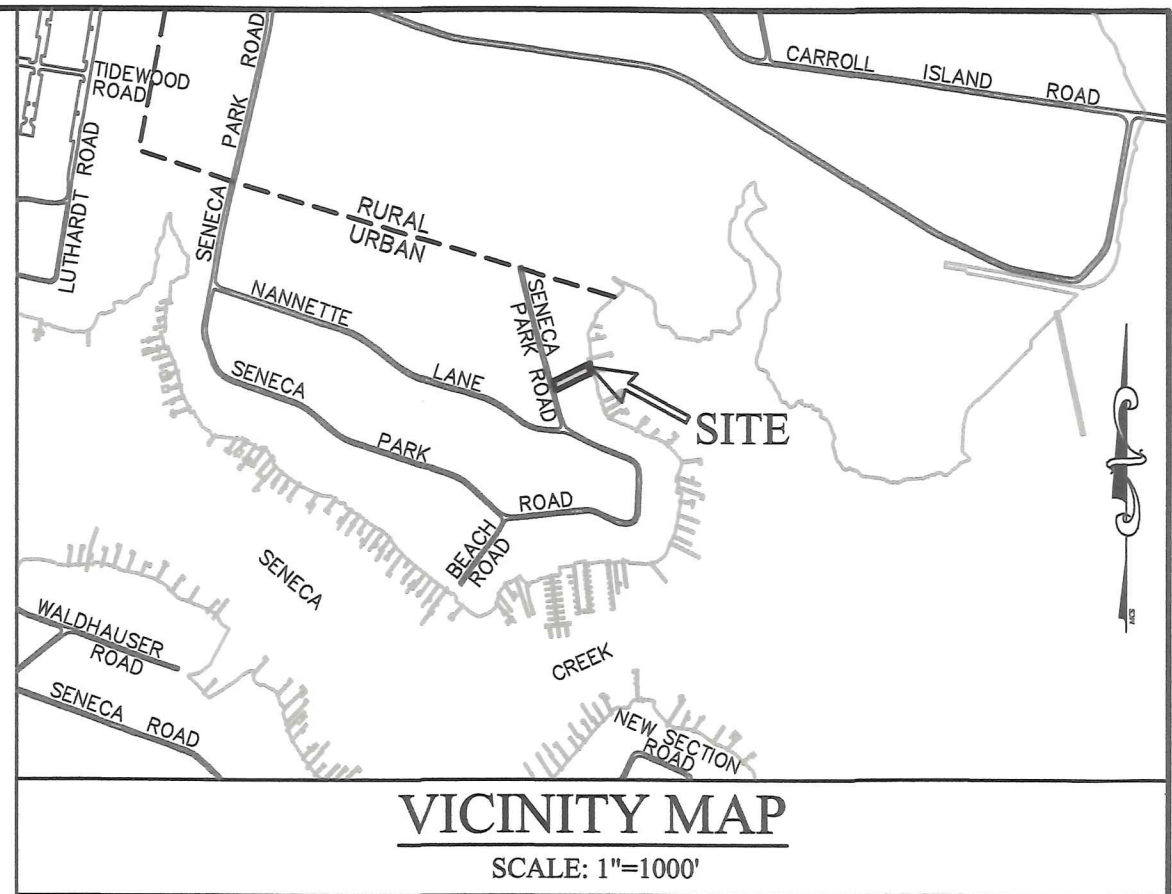
100 YEAR FLOOD ELEVATIONS

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

ZONING VARIANCE REQUEST

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

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



SITE DATA

1. OWNERSHIP: TOBIAS OTT
815 MARTIN ROAD
ESSEX, MD 21221
2. TAX ACCOUNT #: 2200020309
3. THE ENTIRE SITE IS ZONED RC-5, 200 SCALE MAP #091C3 AND IS LOCATED WITHIN THE GUNPOWDER RIVER WATERSHED.
4. DEED REF: 37627/136
5. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 6
6. SITE AREA: 0.238 AC.±/10,385 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 05-411-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:

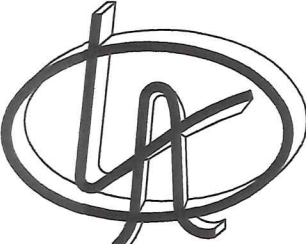
- 1) NO BUILDING PERMITS SHALL BE ISSUED UNTIL THE PUBLIC SEWER SYSTEM THAT SERVES THESE LOTS IS FULLY OPERATIONAL. NOTE HOWEVER IF DEPRM APPROVES AN INTERIM SYSTEM, THE INTERIM SYSTEM WILL BE APPROVED BY MEANS OF A SPIRIT AND INTENT LETTER.
- 2) COMPLIANCE WITH THE ZAC COMMENTS SUBMITTED BY THE BUREAU 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.
- 4) COMPLIANCE WITH THE ZAC COMMENTS MADE BY DEPRM DATED MARCH 17, 2005.
- 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.

**PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#974 SENECA PARK ROAD
SENECA PARK BEACH**

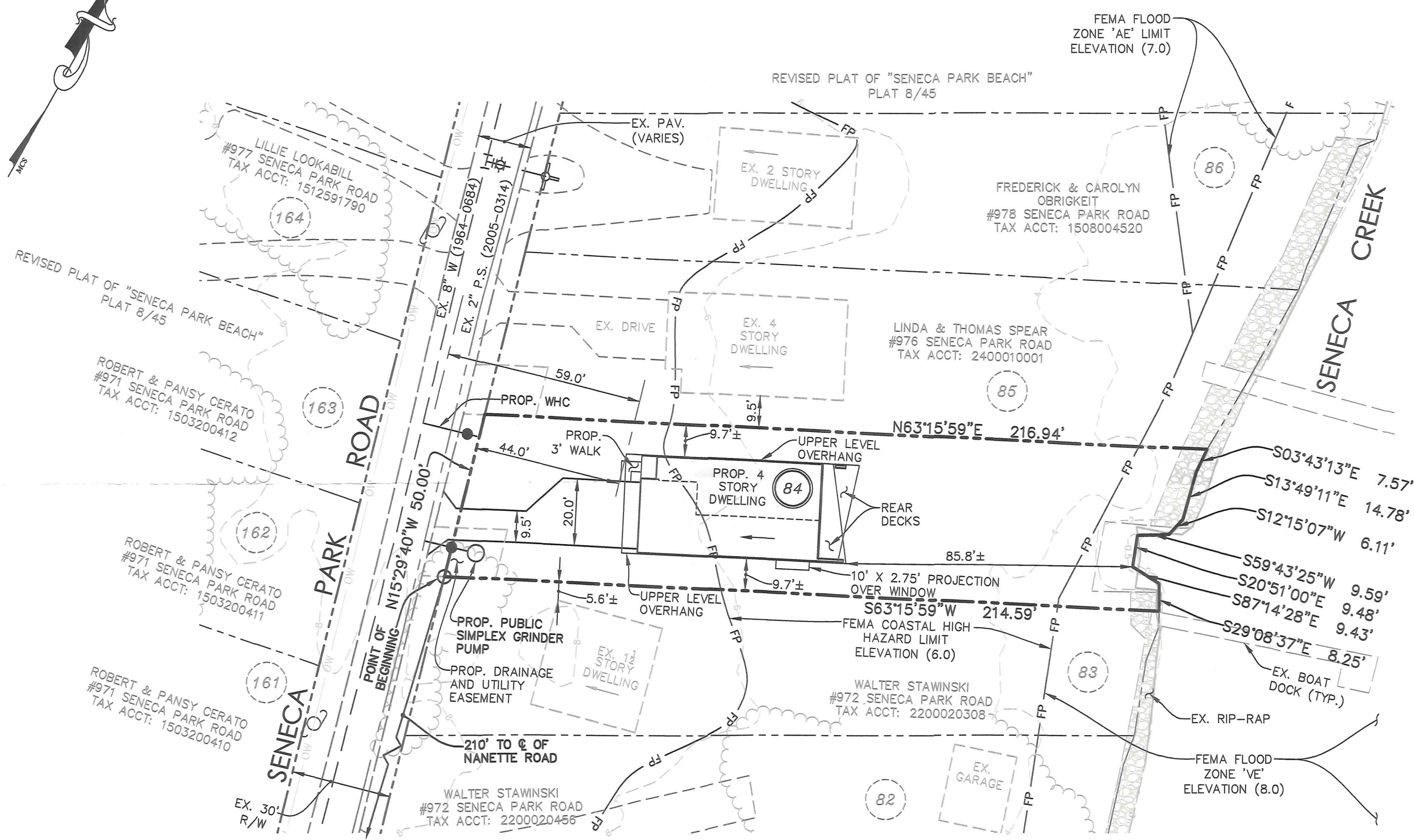
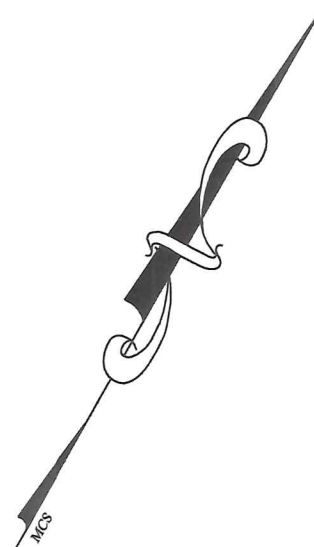
LOT #: 84
DISTRICT: 15c6
PLAT: 08/045
SCALE: 1"=30'
BALTIMORE COUNTY, MD
JULY 30, 2018

PET. No. 1

2019-0032-A



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

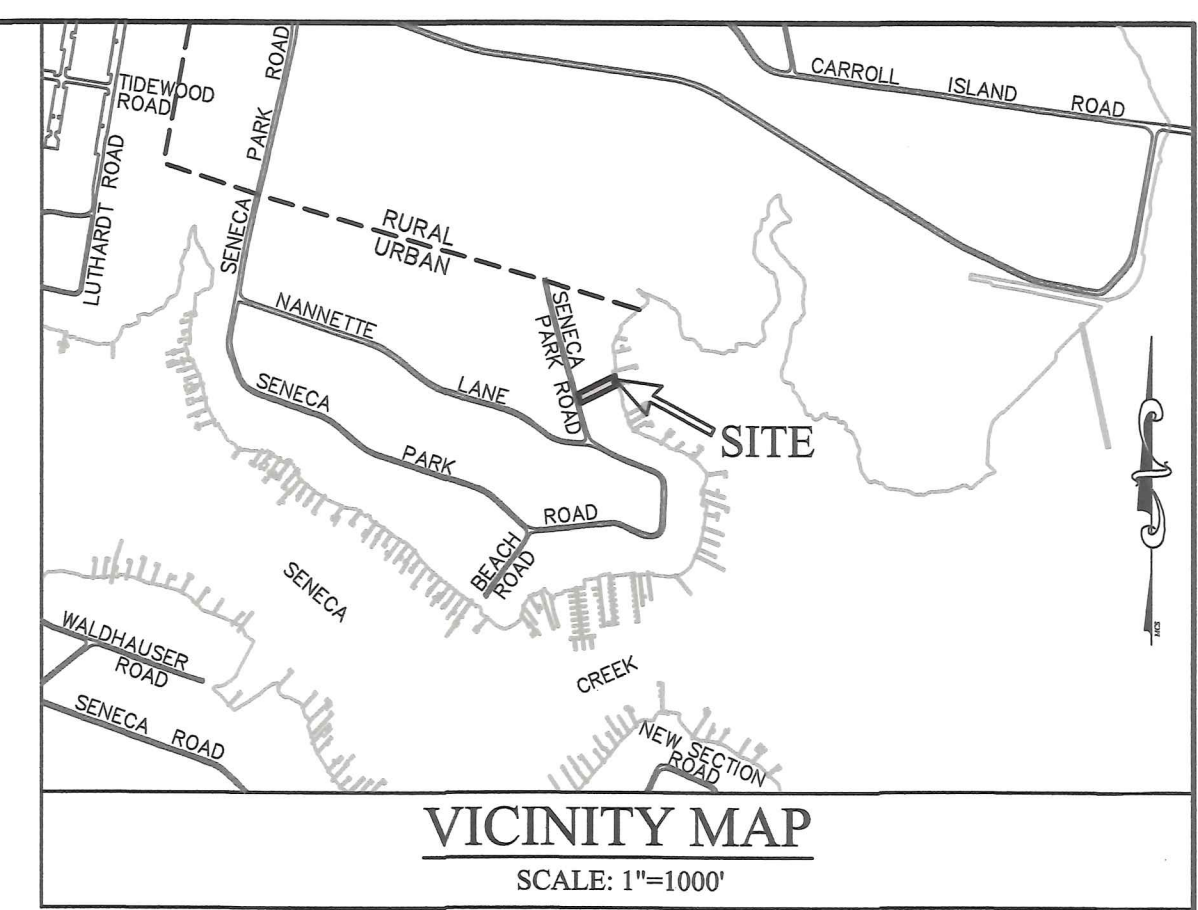


100 YEAR FLOOD ELEVATIONS	
FEMA DESIGN FLOOD ELEVATION - ZONE AE	6.0
BALTIMORE COUNTY BASE FLOOD ELEVATION	8.5
BALTIMORE COUNTY FLOOD PROTECTION ELEVATION	10.5
LOWEST PROPOSED FLOOR ELEVATION	16.5

ZONING VARIANCE REQUEST

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

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



SITE DATA

1. OWNERSHIP: TOBIAS OTT
815 MARTIN ROAD
ESSEX, MD 21221
 2. TAX ACCOUNT #: 2200020309
 3. THE ENTIRE SITE IS ZONED RC-5, 200 SCALE MAP #091C3 AND IS LOCATED WITHIN THE GUNPOWDER RIVER WATERSHED.
 4. DEED REF: 37627/136
 5. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 6
 6. SITE AREA: 0.238 AC.±/10,385 S.F.±
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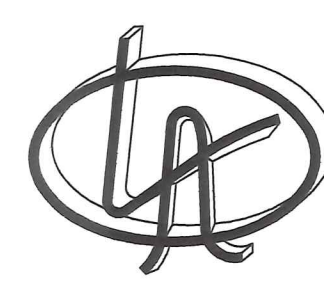
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