

MEMORANDUM

DATE: December 21, 2020
TO: ZONING REVIEW OFFICE
FROM: Office of Administrative Hearings
RE: Case No. 2020-0176-A
Appeal Period Expired

The appeal period for the above-referenced cases expired on December 17, 2020. There being no appeal filed, the subject file is ready for return to the Development Processing Office and is placed in the 'pick up box.'

/dlm

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(Seneca Road)

15th Election District

6th Council District

Thomas M. Phillips and

Shirley M. Phillips

Legal Owners

Petitioners

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0176-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by Thomas and Shirley Phillips for property located on Seneca Road in Bowley's Quarters. The Petitioners are requesting variance relief to allow a 2-story dwelling with a lot size of 1.35 acre in lieu of the required 1.50 acre per Baltimore County Zoning Regulations ("BCZR") § 1A04.3B.1.a.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS") which indicates that the subject property is located with the Chesapeake Bay Critical Area ("CBCA"). A ZAC comment was also received from the Department of Planning ("DOP") which did not oppose the requested relief subject to proposed conditions, which will be incorporated into the Order.

William N. Bafitis, the professional engineer who prepared the site plan, appeared in support of the requested relief. Two of the neighboring property owners also attended for

ORDER RECEIVED FOR FILING

Date

11/17/20

D. Mignone

informational purposes.

The subject property is approximately 1,353 acres and is zoned RC 5. It is located in the Bowley's Quarters community and is part of a plat recorded in 1921, prior to the adoption of the BCZR. It is also located within the Chesapeake Bay Critical Area (CBCA) and subject to those regulations.

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 subject lot is unique in that it is a triangular shape and is fronted by two public streets: Chestnut Road and Seneca Road. Further, as noted above, it is in the CBCA. The Petitioner will suffer practical difficulty and hardship if the variance relief is denied because they will be unable to construct the proposed residence. I find that the variance can be granted within the spirit and intent of the BCZR and without harming the public health, safety, or welfare. As Mr. Bafitis pointed out, all setbacks will be met. Further, an area variance was granted for the property across the street that is only .08 acres, whereas the subject property is 1.35 acres. Finally, the site plan acknowledges that all CBCA regulations must be complied with and petitioner is aware that they must also meet the RC-5 performance standards.

THEREFORE, IT IS ORDERED, this 17th day of **November 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to allow a 2-story dwelling with a lot size of 1.35 acre in lieu of the required 1.50 acre per Baltimore County Zoning Regulations ("BCZR") § 1A04.3B.1.a. and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

11/17/20

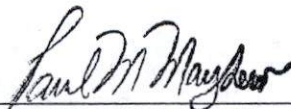
By

D. Mignon

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the DOP and DEPS ZAC comments, copies of which are attached hereto and make a party thereof.

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



PAUL M. MAYHEW

Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING

Date 11/17/20

By D Mignan



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address SENECA ROAD

which is presently zoned RC-5

Deed References: 35127/295

10 Digit Tax Account # 15-23000126

Property Owner(s) Printed Name(s) THOMAS M. PHILLIPS & SHIRLEY M. PHILLIPS

(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)

1) TO ALLOW A 2 STORY DWELLING WITH A LOT SIZE OF
1.35 AC,± IN LIEU OF THE REQUIRED 1.50 AC.
PER SECTION 1A04.3B.1.a (B.C.Z.R.)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

THOMAS M. PHILLIPS / SHIRLEY M. PHILLIPS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1920 PORTAL STREET BALTIMORE MARLAND

Mailing Address

City

State

21224

/ 443-983-2332

/ Tmp51@aol.com.

Zip Code

Telephone #

Email Address

Representative to be contacted:

WILLIAM N. BAFITIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD, BALTIMORE MD.

Mailing Address

City

State

21221

/ 410-391-2336

/ bafitisassoc@comcast.net

Zip Code

Telephone #

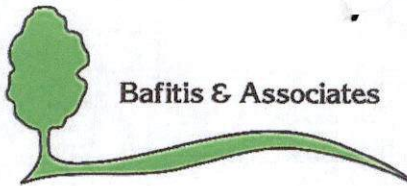
Email Address

CASE NUMBER 2020-076-A

Filing Date 7/21/2020

Do Not Schedule Dates: _____

Reviewer CP



Bafitis & Associates

ZONING DESCRIPTION

FOR

SENECA ROAD

BALTIMORE COUNTY MARYLAND 21220

15TH ELECTION DISTRICT

BEGINNING AT POINT ON THE NORTH SIDE OF SENECA ROAD 30' WIDE;
290'± SOUTHEASTERLY FROM THE CENTERLINE INTERSECTION OF CHESTNUT ROAD
30' WIDE;

BEING KNOWN AS LOT 146A AS SHOWN ON A PLAT ENTITLED, PLAT NO.2 OF
BOWLEYS QUARTERS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY
MARYLAND IN PLAT BOOK 07 FOLIO 13.

CONTAINING: 58,949 SQUARE FEET OR 1.35 ACRES MORE OR LESS

WILLIAM N. BAFITIS, P.E. MD. REG. #11641



SEAL

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CERTIFICATE OF POSTING

RECEIVED
NOV 16 2020
Date: 11/10/2020 recheck

OFFICE OF
ADMINISTRATIVE HEARINGS

Zoning Hearing

RE: Project Name: _____
Case Number /PAI Number: 2020-0176-A
Petitioner/Developer: Thomas & Shirley Phillips
Date of Hearing/Closing: 11/16/2020 @ 11:00 a.m.

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 Seneca Road
North side of Seneca Road, 290 ft. from Chestnut Road

CORRECTED DATE 10/26/2020 & recheck on 11/10/2020

The sign(s) were posted on 10/26/2020 & recheck on 11/10/2020
(Month, Day, Year)

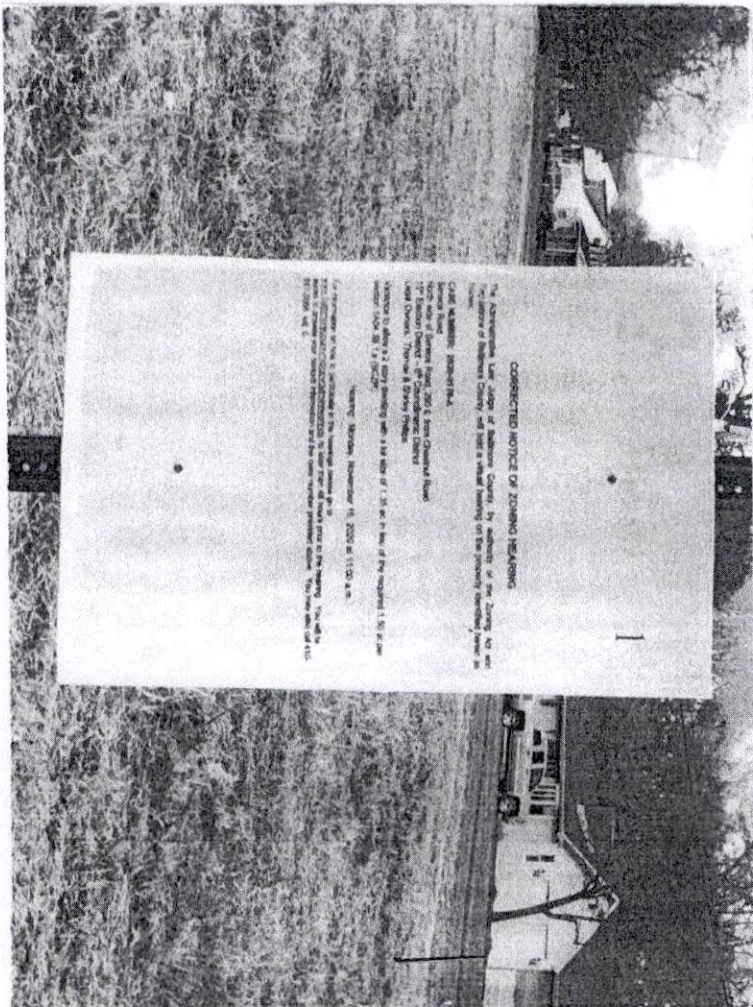
John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

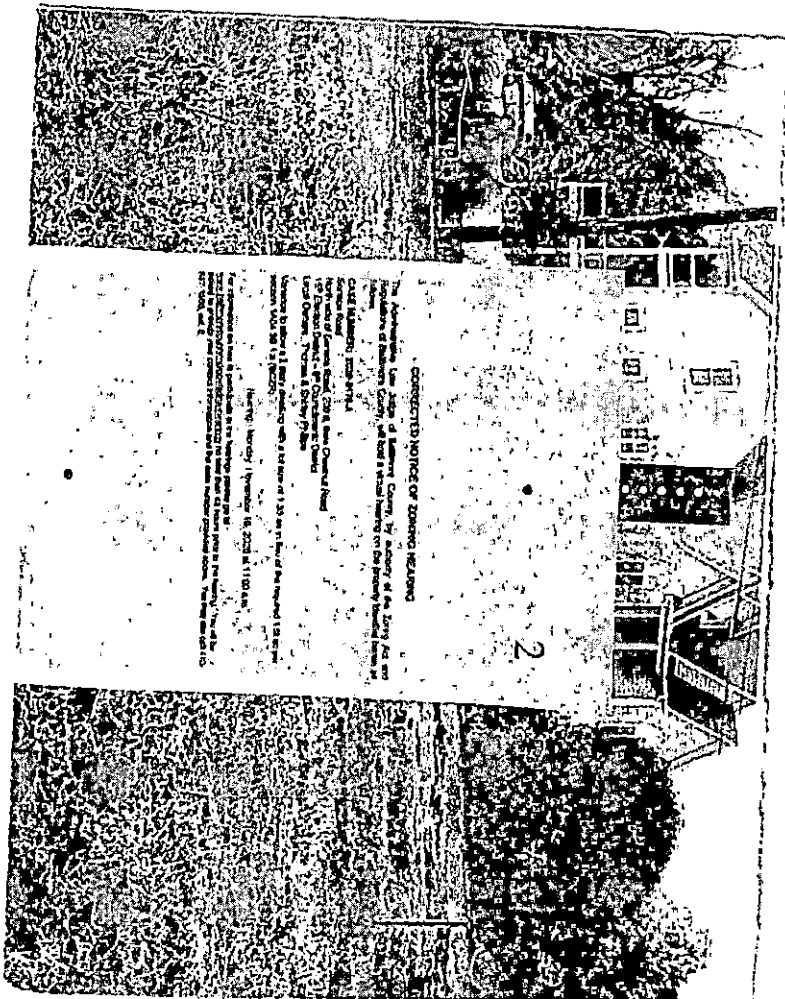
Date: 11/10/2020 recheck

RE: Project Name: Zoning Hearing
Case Number /PAI Number: 2020-0176-A
Petitioner/Developer: Thomas & Shirley Phillips
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CORRECTED DATE *Jma*

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(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

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(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

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OFFICE OF
ADMINISTRATIVE HEARINGS

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The sign(s) were posted on 11/07/20 & recheck on 11/10/2020
(Month, Day, Year)

(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Road

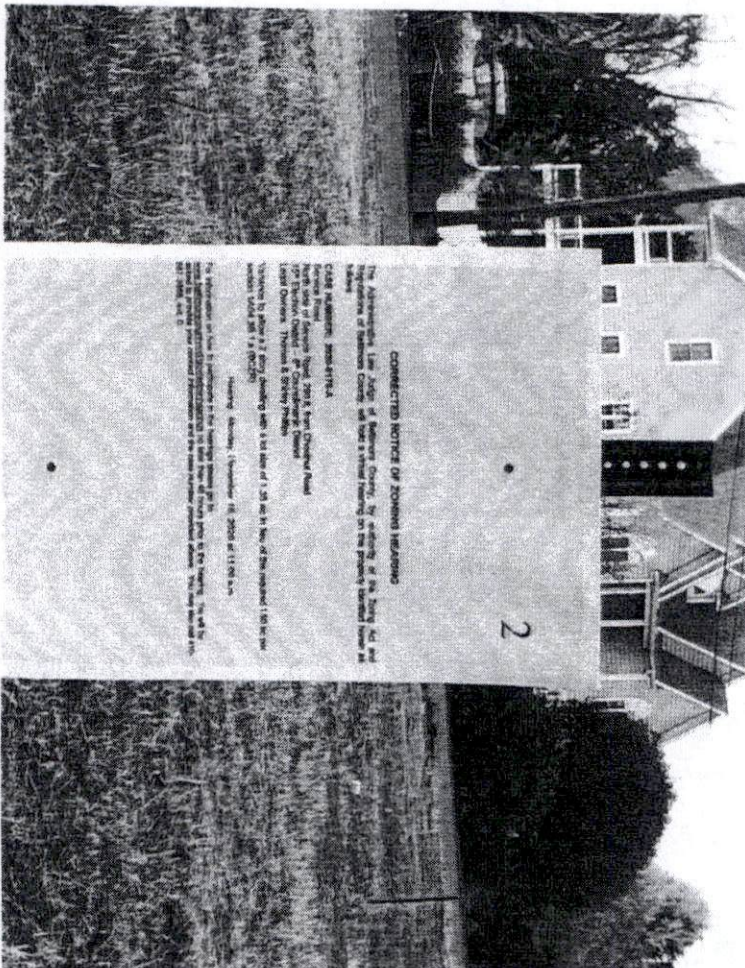
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Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)



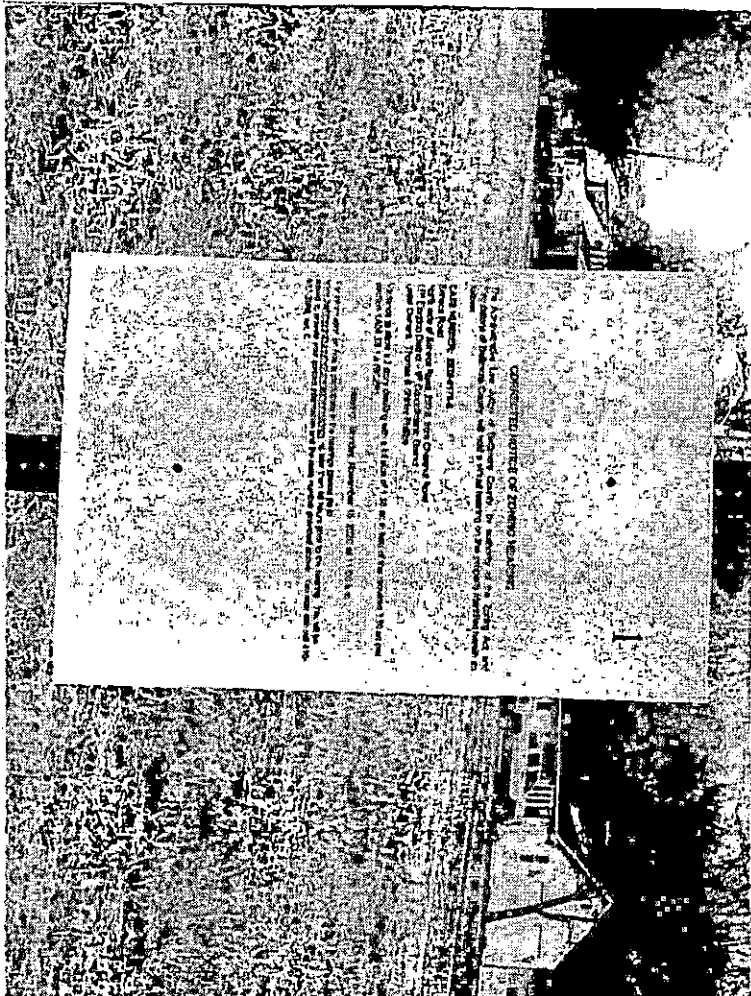
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(Month, Day, Year)



(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Road

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, Director
Department of Permits,
Approvals & Inspections

October 19, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0176-A

Seneca Road

North side of Seneca Road, 290 ft. from Chestnut Road

15th Election District – 6th Councilmanic District

Legal Owners: Thomas & Shirley Phillips

Variance to allow a 2 story dwelling with a lot size of 1.35 ac in lieu of the required 1.50 ac per section 1A04.3B.1.a (BCZR).

Hearing: Monday, November 16, 2020 at ~~10:00~~ ^{11:00} a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Phillips, 1920 Portal Street, Baltimore 21224
William Bafitis, 1249 Engleberth Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 27, 2020

00:11

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Page 1 of 1

PUBLISHER'S AFFIDAVIT

Order #: 11929988

Case #:

Description:

CORRECTED NOTICE OF ZONING HEARING - CASE
NUMBER: 2020-0176-A

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:

10/27/2020



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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Seneca Road

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15th Election District - 5th Councilmanic District

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

o27

TO: THE DAILY RECORD
Tuesday, October 27, 2020 - Issue

Please forward billing to:
Thomas & Shirley Phillips
1920 Portal Street
Baltimore, MD 21224

443-983-2332

CORRECTED NOTICE OF ZONING HEARING

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Seneca Road

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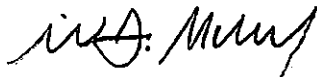
15th Election District – 6th Councilmanic District

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 19, 2020

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Tuesday, October 27, 2020 - Issue

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Baltimore, MD 21224

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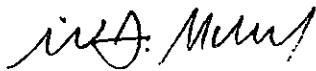
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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

CERTIFICATE OF POSTING

Date: 10/26/2020

RE: Project Name: Zoning Hearing
Case Number /PAI Number: 2020-0176-A
Petitioner/Developer: Thomas & Shirley Phillips
Date of Hearing/Closing: 11/16/2020 @ 11:00 a.m.

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The sign(s) were posted on 10/26/2020

(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

FACING CHESTNUT Rd.

CERTIFICATE OF POSTING

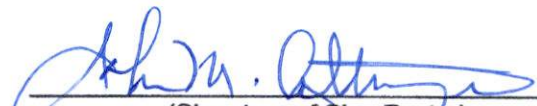
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(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Road

(Street Address of Sign Poster)

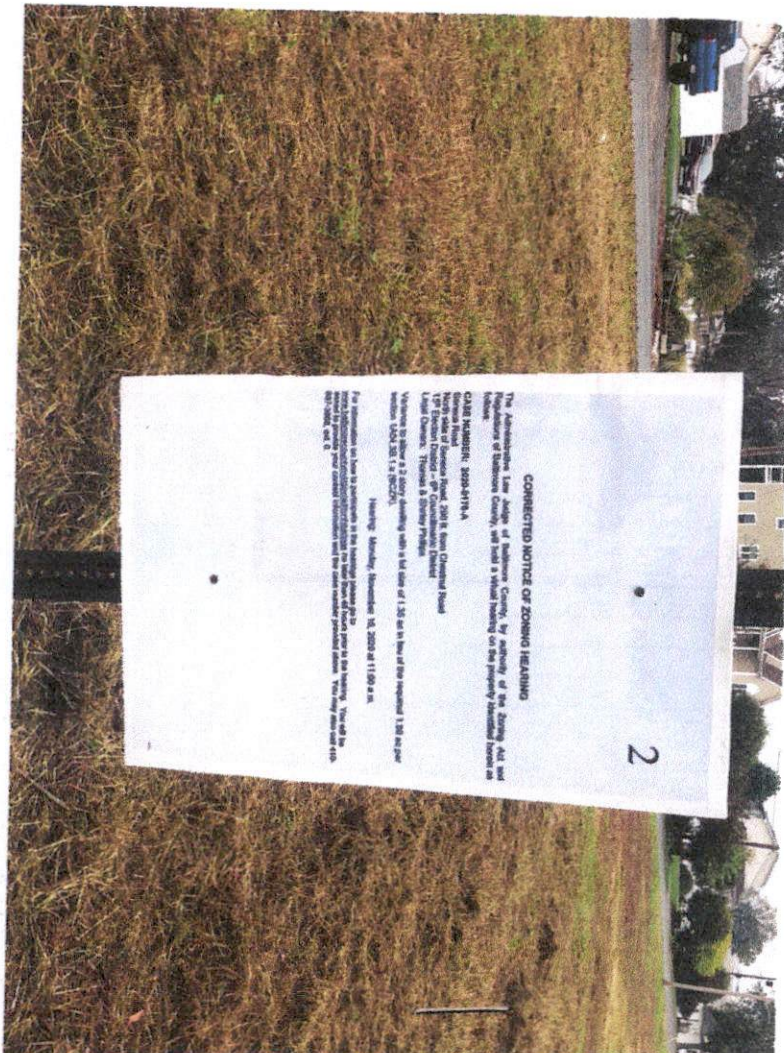
Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)

FACING SENECA RD



**DEPARTMENT OF PERMITS, APPROVAL 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 twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2020-0176-A

Property Address: SENECA ROAD BALTIMORE, MARYLAND 21220

Property Description: VACANT LOT ON THE CORNER OF CHESNUT ROAD,
SENECA ROAD

Legal Owners (Petitioners): THOMAS M. PHILLIPS & SHIRLEY M. PHILLIPS

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS M. PHILLIPS & SHIRLEY M. PHILLIPS

Company/Firm (if applicable): _____

Address: 1920 PORTAL STREET BALTIMORE MARLAND 21224

Telephone Number: TELEPHONE 443-983-2332



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 9, 2020

William M Bafitis,
1249 Engleberth Road
Baltimore MD 21219

RE: Case Number: 2020-0176-A, Seneca Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 21, 2020. 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, appearing to read "W. Carl Richards, Jr.", written over the words "Very truly yours".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 21, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0176-A
Address Seneca Road
(Phillips Property)

Zoning Advisory Committee Meeting of August 3, 2020.

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

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

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

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

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

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

(iii) "Lot coverage" does not include:

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

The subject non-waterfront property, comprising approximately 1.353 acres (58,949 square feet [sf]), is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The plan attached with the petition requests to allow a 2 story dwelling with a lot size of 1.35 acres in lieu of the required 1.50 acres. In order to minimize impacts on water quality, any building permit and/or development plan will be reviewed for compliance with the LDA lot coverage limits, which, for a property this size is 15% (8,842 sf). This amount cannot be exceeded. According to the plan submitted, the total, proposed lot coverage is 6,521 sf (11.06%). In addition, the LDA regulations require minimum afforestation of 15%, which equates to approximately 18 Maryland native trees for a property this size, or Maryland native shrubs at a ratio of 3:1. By allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

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

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

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

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 21, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0176-A
Address Seneca Road
(Phillips Property)

Zoning Advisory Committee Meeting of **August 3, 2020**.

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

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

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

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

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

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

(iii) "Lot coverage" does not include:

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

The subject non-waterfront property, comprising approximately 1.353 acres (58,949 square feet [sf]), is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The plan attached with the petition requests to allow a 2 story dwelling with a lot size of 1.35 acres in lieu of the required 1.50 acres. In order to minimize impacts on water quality, any building permit and/or development plan will be reviewed for compliance with the LDA lot coverage limits, which, for a property this size is 15% (8,842 sf). This amount cannot be exceeded. According to the plan submitted, the total, proposed lot coverage is 6,521 sf (11.06%). In addition, the LDA regulations require minimum afforestation of 15%, which equates to approximately 18 Maryland native trees for a property this size, or Maryland native shrubs at a ratio of 3:1. By allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

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

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

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

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 8/3/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-176



INFORMATION:

Property Address: Seneca Road
Petitioner: Thomas M. & Shirley M. Phillips
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for a Variance to allow a 2 story dwelling with a lot size of 1.35 acre in lieu of the required 1.5 acre per Baltimore County Zoning Regulations (BCZR) Section 1A04.3B.1.a.

A site visit was conducted on July 31, 2020. For the area it is a large cleared lot with road frontage on Seneca and Chestnut. The lot is flat with limited vegetation.

The Bowleys Quarters Community Action Plan 2000 adopted by the Baltimore County Council 2/20/2001 calls for quality development and the RC 5 zoning requires review of the architecture.

The proposed dwelling should be built with "quality materials" and be compatible with the existing community.

The Department of Planning does not oppose this request pending the following condition is addressed:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review prior to permitting.

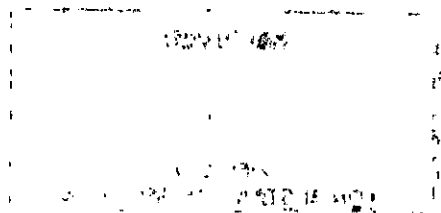
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent



Date: 8/3/2020

Subject: ZAC # 20-176

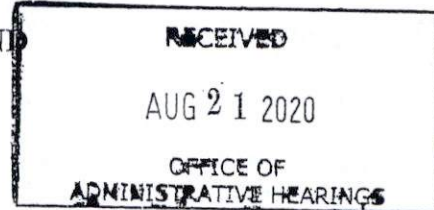
Page 2

CPG/JGN/kma/

c: Wally Lippincott
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 21, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0176-A
Address Seneca Road
(Phillips Property)

Zoning Advisory Committee Meeting of **August 3, 2020.**

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

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

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

(iii) "Lot coverage" does not include:

ORDER RECEIVED FOR FILING

Date

11/17/20

By

Dmignon

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
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2. Conserve fish, wildlife, and plant habitat; and

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

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

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

Reviewer: Thomas Panzarella;
Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 11/17/20
By Dmignon

BALTIMORE COUNTY, MARYLAND

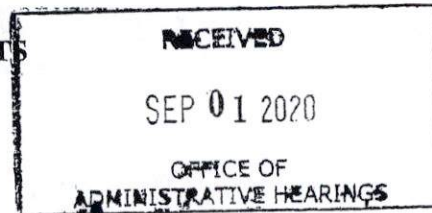
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 8/3/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-176



INFORMATION:

Property Address: Seneca Road
Petitioner: Thomas M. & Shirley M. Phillips
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for a Variance to allow a 2 story dwelling with a lot size of 1.35 acre in lieu of the required 1.5 acre per Baltimore County Zoning Regulations (BCZR) Section 1A04.3B.1.a.

A site visit was conducted on July 31, 2020. For the area it is a large cleared lot with road frontage on Seneca and Chestnut. The lot is flat with limited vegetation.

The Bowleys Quarters Community Action Plan 2000 adopted by the Baltimore County Council 2/20/2001 calls for quality development and the RC 5 zoning requires review of the architecture.

The proposed dwelling should be built with "quality materials" and be compatible with the existing community.

The Department of Planning does not oppose this request pending the following condition is addressed:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review prior to permitting.

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

Prepared by:

A handwritten signature in dark ink, appearing to read "Krystle Patchak".

Krystle Patchak

Division Chief:

A handwritten signature in dark ink, appearing to read "Jennifer G. Nugent".

Jennifer G. Nugent

ORDER RECEIVED FOR FILING

Date

By

11/17/20
D. Manganon

Date: 8/3/2020
Subject: ZAC # 20-176
Page 2

CPG/JGN/kma/

c: Wally Lippincott
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

11/17/20

By

W. Lippincott



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address SENECA ROAD which is presently zoned RC-5

Deed References: 35127/295 10 Digit Tax Account # 15-23000126

Property Owner(s) Printed Name(s) THOMAS M. PHILLIPS & SHIRLEY M. PHILLIPS

(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)

- 1) TO ALLOW A 2 STORY DWELLING WITH A LOT SIZE OF 1.35 AC,± IN LIEU OF THE REQUIRED 1.50 AC. PER SECTION 1A04.3B.1.a (B.C.Z.R.)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

THOMAS M. PHILLIPS / SHIRLEY M. PHILLIPS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1920 PORTAL STREET BALTIMORE MARLAND

Mailing Address City State

21224 / 443-983-2332 / Tmp51@aol.com

Zip Code Telephone # Email Address

Representative to be contacted:

WILLIAM N. BAFITIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD, BALTIMORE MD.

Mailing Address City State

21221 / 410-391-2336 / wafitisassoc@comcast.net

Zip Code Telephone # Email Address

CASE NUMBER 2020-0576-A Filing Date 7/21/2020 Do Not Schedule Dates: _____ Reviewer LF

REV. 10/4/11

Donna Mignon

From: Donna Mignon
Sent: Monday, October 19, 2020 3:06 PM
To: Kristen L Lewis
Subject: Updated the Event to 11:00 - Link - Seneca road, 2020-0176-A

Event Information

Event: Zoning Hearing - 2020-0176-A - Seneca Road
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Date and time: Monday, November 16, 2020 11:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0176-A
Seneca Road
Legal Owners: Thomas & Shirley Phillips
Event number: 172 218 5022
Event password: 1234
Host key: 162745
Alternate Host: Deb Wiley, Henry Akwah
Panelist Info:
Panelist password:
Panelist numeric password: 717477
Video Address: 1722185022@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 172 218 5022
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No
Password required: No

ZAC AGENDA

Case Number: 2020-0176-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Thomas M. Phillips & Shirley M. Phillips
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: SENECA RD
Location: North side of Seneca Road 290 from Chestnut Road.

Existing Zoning: RC 5 **Area:** 1.353 AC

Proposed Zoning:

VARIANCE:

To allow a 2 story dwelling with a lot size of 1.35 ac in lieu of the required 1.50 ac per section 1A04.3B.1.a (B.C.Z.R)

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2020-0177-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Kelly M. Zink
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

Property Address: 14506 MISTY VALLEY RD
Location: West side of Misty Valley Road South West 850 feet to the center line of Stansburg Mill Road.

Existing Zoning: RC 5 **Area:** 2.46 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

From section 1A04.3.B.2.b BCZR To permit a proposed addition with a side setback of 35 feet in lieu of the required 50 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 08/17/2020

Miscellaneous Notes:

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

Subject: Web seminar updated: Zoning Hearing - 2020-0176-A - Seneca Road
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec198a255f45db5634530b2ca3ef36516>
Start: Mon 11/16/2020 11:00 AM
End: Mon 11/16/2020 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start your Webex event here.

Event number: 172 218 5022

Event password: 1234

Panelist password: The Event has no Panelist Password

Monday, November 16, 2020 11:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec198a255f45db5634530b2ca3ef>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eeef1c17b4278576780aee04fdd3>



Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1722185022@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 717477

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e42e8a40fed8fcb67866e5fd36f9ffdd1>

Need help? Go to <http://help.webex.com>

Create Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#) [Import Contacts...](#)

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
☒ <u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ <u>Henry Akwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ <u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒ <u>William Bafitis</u>	bafitisassoc@comcast.net	1-	English	New York Time	U.S.
☒ <u>Thomas & Shirley Phillips</u>	tmp51@aol.com	1-	English	New York Time	U.S.

[Invite](#) [Select All](#) [Clear All](#) [Delete](#) [Cancel](#)

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region Number (with area/city code)

Time Zone: ▼

Language: ▼

Locale: ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)

Event Information

Event: Zoning Hearing - 2020-0176-A - Seneca Road
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e2d3418d6410846b4b65850ddcd02f720>
Event address for panellists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e07b3101fe0541f9bf30d36ab0b697d1e>
Date and time: Monday, November 16, 2020 10:00 am
 Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
 Case No: 2020-0176-A
 Seneca Road
 Legal Owners: Thomas & Shirley Phillips
Event number: 172 218 5022
Event password: 1234
Host key: 162745
Alternate Host: Deb Wiley, Henry Akwah
Panellist Info:
Panellist password:
Panellist numeric password: 717477
Video Address: 1722185022@baltimorecountymd.webex.com
 You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
 +1-415-655-0001
[Show all global call-in numbers](#)
 Access code: 172 218 5022
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panellists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Send Ev
 You can :
 event by
 Start Nov
 Send Err

Registration Information

Registration ID required: No
Password required: No
Password:
Approval required: No
Custom registration form: No
After registration, go to URL:

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - 2020-0176-A - Seneca Road
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec198a255f45db5634530b2ca3ef36516>

Start: Mon 11/16/2020 10:00 AM

End: Mon 11/16/2020 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)

Event number (access code): 172 218 5022

Monday, November 16, 2020 10:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec198a255f45db5634530b2ca3ef>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eeef1c17b4278576780aee04fdd3>



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<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e42e8a40fed8fcb67866e5fd36f9ffdd1>

Need help? Go to <http://help.webex.com>

Donna Mignon

From: messenger@webex.com
Sent: Monday, October 19, 2020 3:04 PM
To: Donna Mignon
Subject: Email delivery status for Web seminar: Zoning Hearing - 2020-0176-A - Seneca Road

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.



Webex sent the email message "Invitation for Alternate Host" for your event.

Number of email addresses the message was sent to successfully: 2

Number of email addresses the message could not be sent to: 0

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Donna Mignon

From: messenger@webex.com
Sent: Monday, October 19, 2020 3:04 PM
To: Donna Mignon
Subject: Email delivery status for Web seminar: Zoning Hearing - 2020-0176-A - Seneca Road

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.



Webex sent the email message "Panelist Invitation" for your event.

Number of email addresses the message was sent to successfully: 3

Number of email addresses the message could not be sent to: 0

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Donna Mignon

From: Donna Mignon
Sent: Monday, November 9, 2020 2:44 PM
To: bafitisassoc@comcast.net
Subject: Hearing date: 11/16/2020 at 11:00 a.m. - Case No: 2020-0176-A Seneca Road

Good Afternoon:

As you are aware, a virtual webex hearing has been scheduled for November 16, 2020 at 11:00 a.m. . You should have received an invitation in an email around October 19, 2020, that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Attendance Count	Program Name	Event Name	Event Start Date
1		Zoning Hearing - 2020-0176-A - Seneca Road	November 16, 2020 New York Time
2		Zoning Hearing - 2020-0176-A - Seneca Road	November 16, 2020 New York Time
3		Zoning Hearing - 2020-0176-A - Seneca Road	November 16, 2020 New York Time
4		Zoning Hearing - 2020-0176-A - Seneca Road	November 16, 2020 New York Time

Event Start Time	FirstName	LastName	Company	Email	Join Time
11:00 am New York Time	Henry	Ayakwah		hayakwah@baltimorecountymd.gov	10:48 am New York Time
11:00 am New York Time	paul	mayhew		pmayhew@baltimorecountymd.gov	11:01 am New York Time
11:00 am New York Time	William	Bafitis		bafitisassoc@comcast.net	10:52 am New York Time
11:00 am New York Time	Julie	Sherman		sherman4930@gmail.com	10:59 am New York Time

Leave Time	Attendance Duration
11:13 am New York Time	24.0 mins
11:13 am New York Time	11.0 mins
11:13 am New York Time	20.0 mins
11:13 am New York Time	14.0 mins

Debra Wiley

From: Administrative Hearings
Sent: Thursday, November 12, 2020 7:43 AM
To: bafitisassoc@comcast.net
Subject: RE: SENECA ROAD (ZONING CASE 2020-0176-A)

Donna
11/16/20
12/21/20

Good Morning,

We have received your exhibits, however, there was no exhibit list included.

Please send asap.

Thank you.

From: bafitisassoc@comcast.net <bafitisassoc@comcast.net>
Sent: Wednesday, November 11, 2020 9:18 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: SENECA ROAD (ZONING CASE 2020-0176-A)

CAUTION: This message from bafitisassoc@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna

Attached is the exhibits for zoning case no. 2020-0176-A.

Exhibits:

- 1) Zoning Plan
- 2) Record plat
- 3) First page of deed
- 3A) Second page of deed.

If you need anything else please let me know.

Thanks
Nick

William N. Bafitis, P.E.
Bafitis & Associates
1249 Engleberth Road
Baltimore, MD 21221
410-391-2336

Debra Wiley

From: bafitisassoc@comcast.net
Sent: Wednesday, November 11, 2020 9:18 AM
To: Administrative Hearings
Subject: SENECA ROAD (ZONING CASE 2020-0176-A)
Attachments: EXHIBIT 1.pdf; EXHIBIT 2.pdf; EXHIBIT 3.pdf; EXHIBIT 3A.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This message from bafitisassoc@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna

Attached is the exhibits for zoning case no. 2020-0176-A.

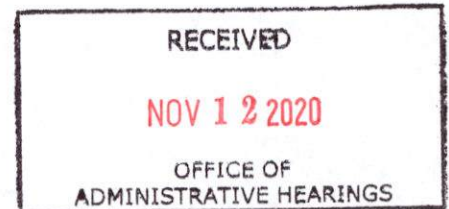
Exhibits:

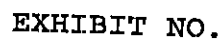
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If you need anything else please let me know.

Thanks
Nick

William N. Bafitis, P.E.
Bafitis & Associates
1249 Engleberth Road
Baltimore, MD 21221
410-391-2336





RE: PETITION FOR VARIANCE
Seneca Road; N/S of Seneca Road,
290' from Chestnut Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Thomas & Shirley Phillips
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* - BALTIMORE COUNTY
* 2020-176-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 2020, a copy of the foregoing Entry of Appearance was emailed to William Bafitis, 1249 Engleberth Road, Baltimore, Maryland 21221, bafitisassoc@comcast.net, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
1618 Middleborough Road; N/S of	*	OF ADMINSTRATIVE
Middleborough Road, W 165' from Hilltop Ave		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): David L Bosse		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2020-178-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

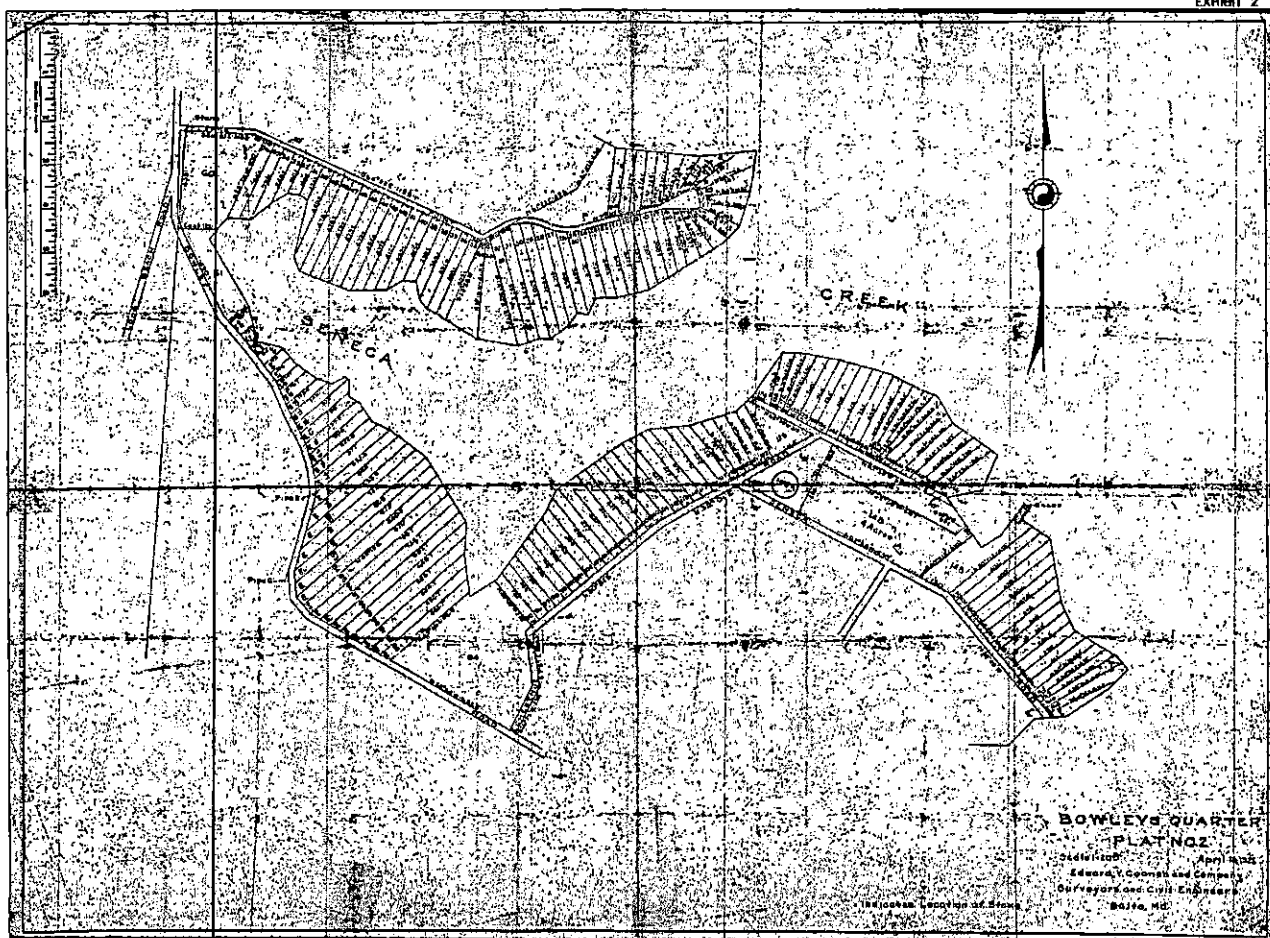
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 2020, a copy of the foregoing Entry of Appearance was emailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Rick@richardsonengineering.net, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PETITIONER'S

EXHIBIT NO. 2

0035127 295

TAX ID # 15-23-000126

PROPERTY ADDRESS: 121 Seneca Road, Lot 146A, Middle River, Maryland 21220

THIS DEED, Made this 26th day of JUNE, in the year two thousand and fourteen, by and between **RICHARD SINCLAIR and LINDA R. SINCLAIR**, parties of the first part, Grantors, and **THOMAS M. PHILLIPS and SHIRLEY M. PHILLIPS**, parties of the second part, Grantees.

WITNESSETH, That in consideration of the sum of **\$145,200.00** and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant, convey, and assign unto the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee simple, all lot of ground situate in Baltimore County in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME and being known as Lot No. 146A, Plat No. 2, as shown on the Plat of the property Bowleys Quarters Company of Baltimore County, which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 7 folio 13. The improvements thereon being known as No. 1121 Lot 146A Seneca Road, Baltimore, Maryland 21220.

BEING THE SAME PROPERTY which by Deed dated August 24, 2006, and recorded among the Land Records of Baltimore County in Liber S.M. No. 24496 folio 032, was conveyed by Mark E. Dubyoski and Franklin A. Gibson, Jr. to Richard Sinclair and Linda R. Sinclair.

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

TO HAVE AND TO HOLD all that lot of ground and premises unto and to the use of the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee simple.

AND the said Grantors hereby covenant that the Grantors have not done or suffered to be done any act, matter or thing whatever to encumber the property hereby conveyed; and to warrant specially the property hereby granted and to execute such further assurances of the same as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

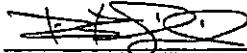
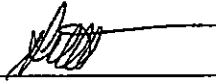
PETITIONER'S

EXHIBIT NO. 3

0035127 296

WITNESS the hands and seals of said Grantors:

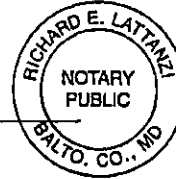
WITNESS:

 (SEAL)
RICHARD SINCLAIR (SEAL)
LINDA R. SINCLAIR

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

I HEREBY CERTIFY, that on this 26th day of JUNE, 2014, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **RICHARD SINCLAIR** **LINDA R. SINCLAIR** (or satisfactorily proven) to me to be the persons whose names are subscribed to the within Deed and acknowledged the foregoing Deed to be their act and in my presence signed and sealed the same, and further acknowledged that the consideration as stated above is true and correct.

AS WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires:

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

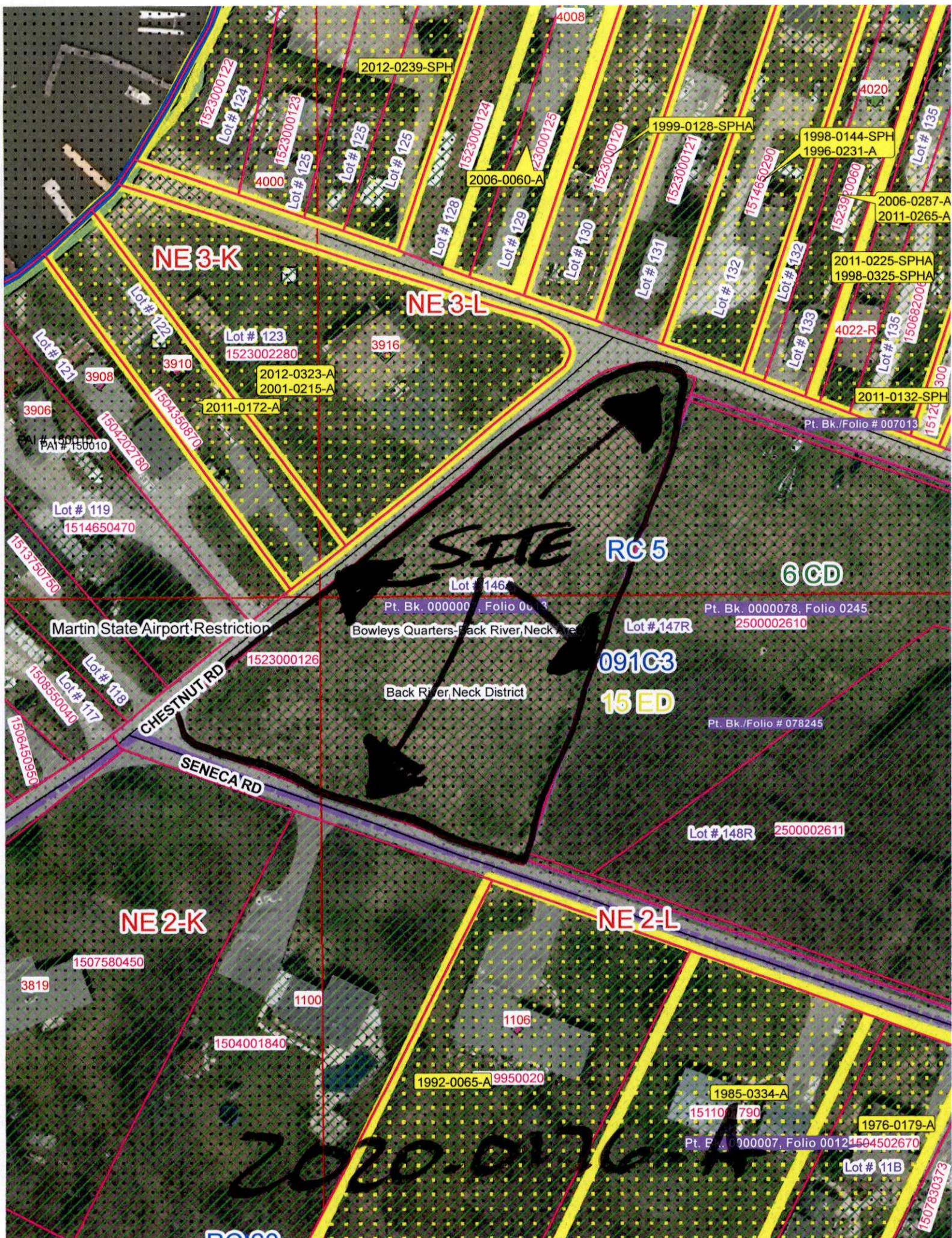

Richard E. Lattanzi, Attorney

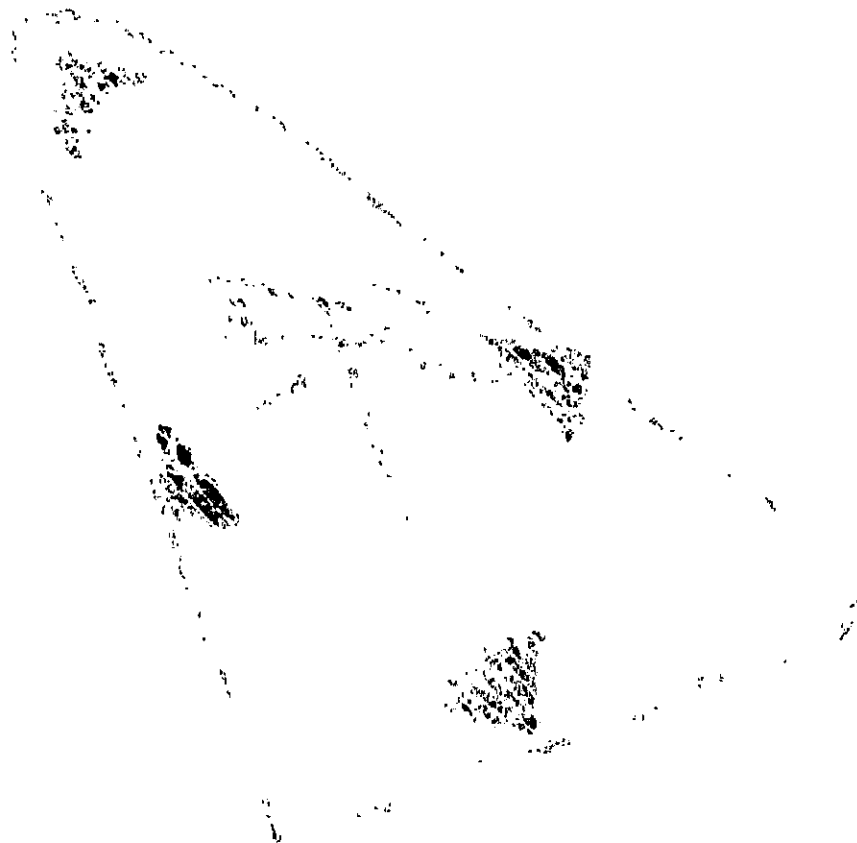
RECORD AND RETURN TO:

Thomas M. Phillips
ShirleyM. Phillips
1121 Seneca Road
Baltimore, Maryland 21220
Our File # 14-0120

PETITIONER'S

EXHIBIT NO. 3A



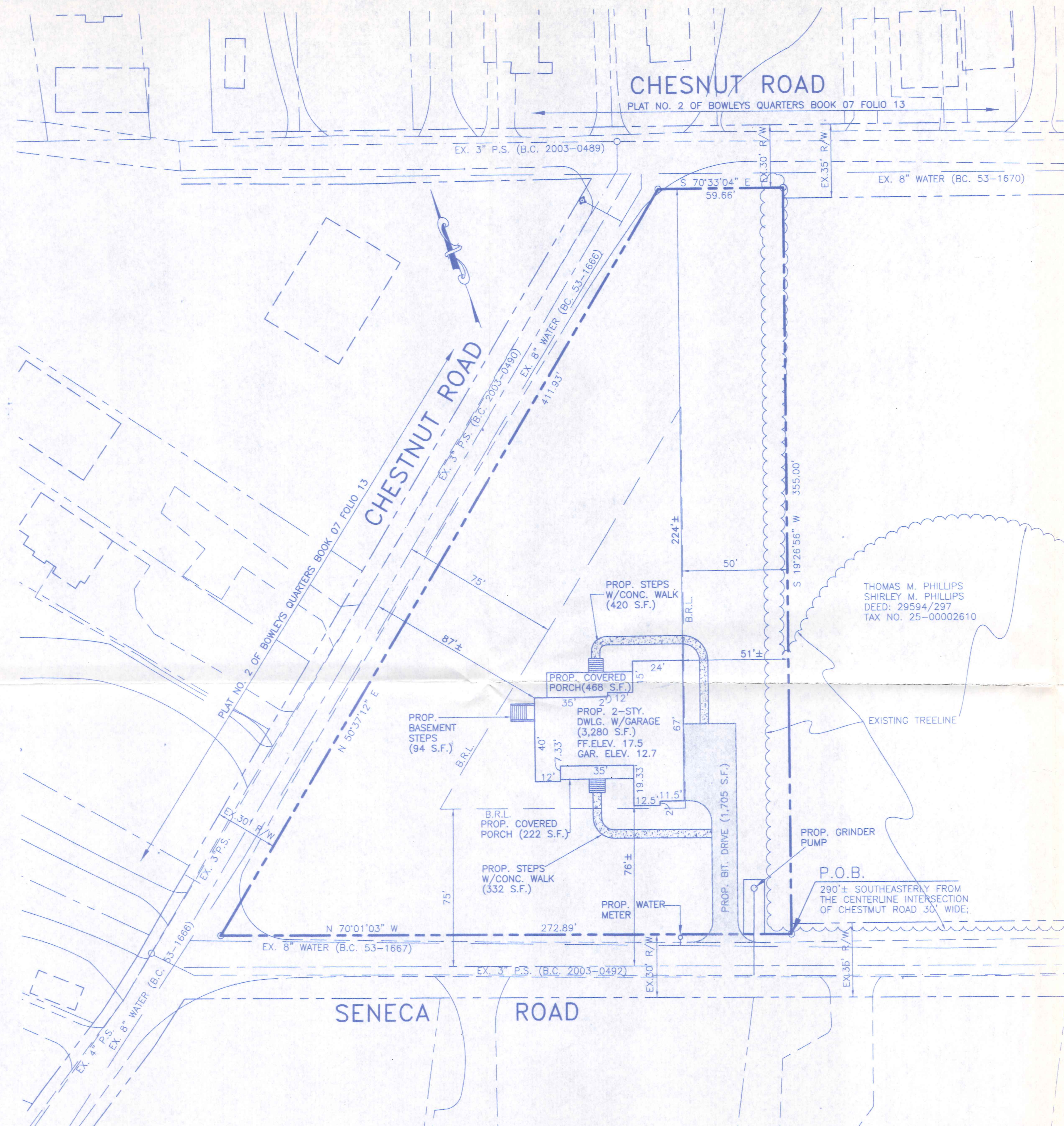


Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:		District - 15 Account Number - 1523000126
Owner Information		
Owner Name:	PHILLIPS THOMAS M PHILLIPS SHIRLEY M	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	303 TUFTON CIR FALLSTON MD 21047-2650	Deed Reference: /35127/ 00295
Location & Structure Information		
Premises Address:	SENECA RD BALTIMORE 21220- Waterfront	Legal Description: 1121 SENECA RD BOWLEYS QUARTERS
Map:	Grid:	Parcel:
0091	0022	0150
Neighborhood:	Subdivision:	Section:
15030020.04	0000	
Block:	Lot:	Assessment Year:
	146A	2018
Plat No:	Plat Ref:	2
	0007/0013	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
Property Land Area	County Use	
1.6000 AC	34	
Stories	Basement	Type
Exterior	Quality	Full/Half Bath
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	105,100	105,100
Improvements	0	0
Total:	105,100	105,100
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		105,100
		105,100
Transfer Information		
Seller: SINCLAIR RICHARD	Date: 06/30/2014	Price: \$145,200
Type: ARMS LENGTH VACANT	Deed1: /35127/ 00295	Deed2:
Seller: DUBYOSKI MARK E	Date: 09/20/2006	Price: \$249,900
Type: ARMS LENGTH IMPROVED	Deed1: /24496/ 00032	Deed2:
Seller: BAYNES PATRICIA W, TRUSTEE	Date: 08/25/2005	Price: \$198,000
Type: ARMS LENGTH VACANT	Deed1: /22433/ 00129	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

2020-0176-A



NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey, (JULY 2005)
- The Firm Insurance Rate Map, 240010-0435 G indicates this is situated within flood Zone X. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V0008. A minimum first floor elevation 10.5 NAVD 88.
- Property lines shown hereon were established by public information.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 91).
- There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.
- This site is not situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
- There are no forest or developed woodlands on this site.
- There are NO Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water and sewer serve this site.
- Caution underground utilities may exist in Seneca Road, Chestnut Road & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed dwelling height < 35'.

ZONING HISTORY

THERE ARE NO CASES FOR THIS SITE.

ZONING VARIANCE REQUEST

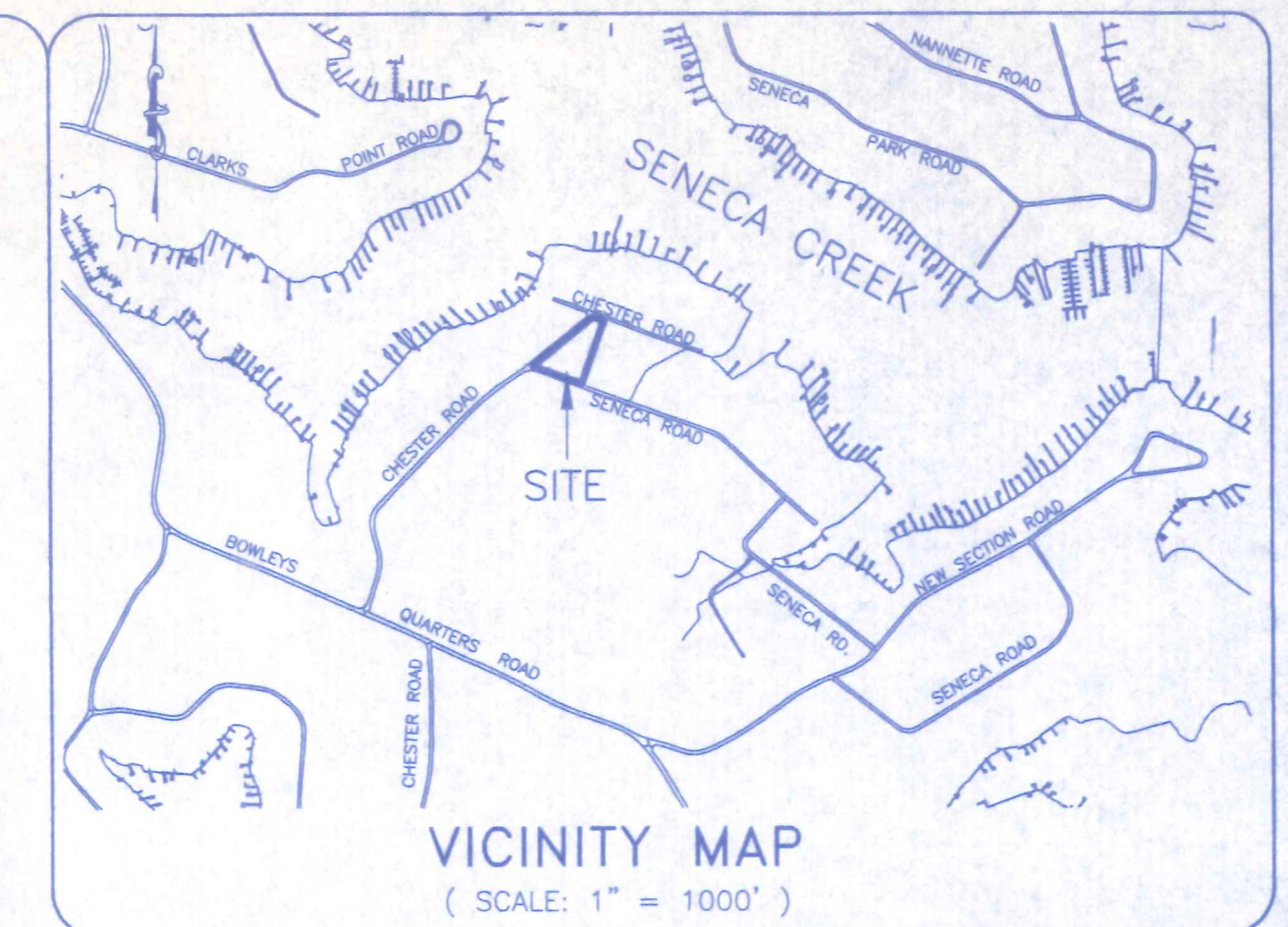
- TO ALLOW A 2 STORY DWELLING WITH A LOT SIZE OF 1.35 AC.± IN LIEU OF THE REQUIRED 1.50 AC. PER SECTION 1A04.3B.1.a (B.C.Z.R.)

EXISTING LOT COVERAGE

VACANT LOT

PROPOSED LOT COVERAGE

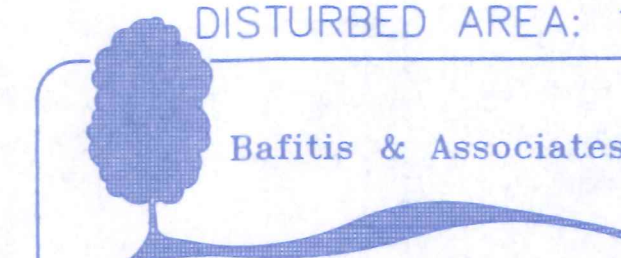
HOUSE W/GARAGE	3,280 S.F.
COVERED PORCH	222 S.F.
COVERED PORCH	468 S.F.
STEPS/CONC. WALK	420 S.F.
STEPS/CONC. WALK	332 S.F.
BIT. DRIVEWAY	1,705 S.F.
BASEMENT STEPS	94 S.F.
TOTAL	6,521 S.F./58,949 = 0.1106 X 100 = 11.06%



SITE DATA

- OWNER: THOMAS M. PHILLIPS & SHIRLEY M. PHILLIPS
#1920 PORTAL STREET
BALTIMORE, MARYLAND 21224
TELEPHONE 443-963-2332
- DEED REF: 35127/295
- TAX ACC. NO.: 15-23000126
- TAX MAP: 91 PARCEL: 150 LOT: 146A
- PLAT REF: PLAT NO.2 OF BOWLEYS QUARTERS BOOK 07 FOLIO 13
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 6TH
- REGIONAL PLANNING DISTRICT: WINDLASS
- CENSUS TRACT: 4518.02
- ZONING: RC 5
- ZONING MAP: 091C3
- USE: EXISTING: RESIDENTIAL, VACANT
PROPOSED: RESIDENTIAL, FAMILY DWELLING
- SITE AREA: 58,949 S.F. OR 1.353 AC.

DISTURBED AREA: 13,967 S.F. OR 0.320 AC.



Bafitis & Associates

1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.

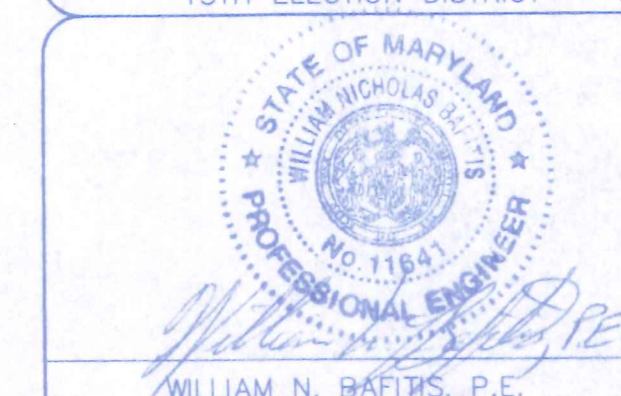
Civil Engineers/Land Planners
SURVEYORS

(410) 391-2336

bafitisassoc@comcast.net

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE FOR SENECA ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2021

1

SHEET 1 OF 1

NO.	REVISIONS	DATE

2020-0176-A