ORDER RECEIVED FOR FILING Date

By

IN RE: PETITION FOR VARIANCE

S/S Williams Avenue, 262' W of the c/l

Edgar Road

(2027 Williams Avenue)

15th Election District

6th Council District

Edgar Grove LLC
Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-181-A

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Edgar Grove LLC, by Craig K. Leonard, Manager. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback sum of 20 feet in lieu of the required 25 feet for a replacement dwelling. 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.

Appearing at the requisite public hearing in support of the request was Craig K. Leonard, Manager of Edgar Grove LLC, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront lot located on the south side of Williams Avenue with frontage on Sue Creek in Essex. The property is 50 feet wide by 155 feet deep and contains a gross area of 7,250 sq.ft. more or less, zoned D.R.3.5. It is also to be noted that public water and sewer serve the property. Presently, the lot is improved with a single-family dwelling and a pier leading into Sue Creek. Testimony indicated that the house is approximately 50 years of age and in a dilapidated condition. The Petitioners propose razing the structure and building a new house in essentially the same location. The new house will be 30' x 40' in dimension and retain 10-foot side hard setbacks on

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Date
By

each side. Although these setbacks meet the minimum, variance relief is necessary in that the required sum of the side yard setbacks is 25 feet. Mr. Leonard indicated that either he and his wife will reside in the new dwelling or it will be sold. Mr. Leonard identified himself as a managing principal in the Edgar Grove LLC.

Based upon the testimony and evidence presented, I am persuaded to grant the variance relief. I find that the relief requested meets the requirements of Section 307 of the B.C.Z.R. and that relief can be granted without detrimental impact to adjacent properties. It is also to be noted that due to the property's waterfront location, the proposed construction must be in compliance with all Chesapeake Bay Critical Areas requirements and Federal Flood Insurance regulations. Those requirements are more fully set forth in the Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division of the Department of Permits and Development Management (DPDM), dated October 27, 2003 and November 13, 2003, respectively.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of December 2003 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback sum of 20 feet in lieu of the required 25 feet for a replacement dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their razing/building permits 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) The proposed construction shall be in compliance with all Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements,

pursuant to the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated October 27, 2003, and the Development Plans Review Division of DPDM, dated November 13, 2003, copies of which are attached hereto and made a part hereof.

3) When applying for any permits, 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

Zoning Commissioner

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



Baltimore County

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

December 22, 2003

Mr. Craig K. Leonard Edgar Grove LLC 2027 Williams Avenue Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

S/S Williams Avenue, 262' W of the c/l Edgar Road

(2027 Williams Avenue)

15th Election District – 6th Council District

Edgar Grove LLC - Petitioners

Case No. 04-181-A

Dear Mr. Leonard:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; Development Plans Review, DPDM; People's Counsel; Case File





ZFV Q/15/QR

Petition for Variance

to the Zoning Commissioner of Baltimore County

	for the property located at _	2027	Williams	Ave. Essex	, MD 21221
•	which is pro		• • • • • • • • • • • • • • • • • • • •		• • •

his Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) f the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part ereof, hereby petition for a Variance from Section(s)

| Boz. 3.C. | (BCZR) To PERMIT A SUM OF

GIDE YARD SETBACKS OF ZOFT IN LIEU OF THE REQUIRED ZO ZS FT (FOR A REPLACEMENT DWELLING)

If the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- The lot is 50 feet wide and was recorded prior to the adoption of County setback requirements.
- 2. Strict compliance with the side setback requirements will eliminate any reasonable use of the property.
- 3. Permitting this variance will actually increase to 10 feet, the side setback from the nearest residential lot.

'roperty is to be posted and advertised as prescribed by the zoning regulations.
or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning agulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

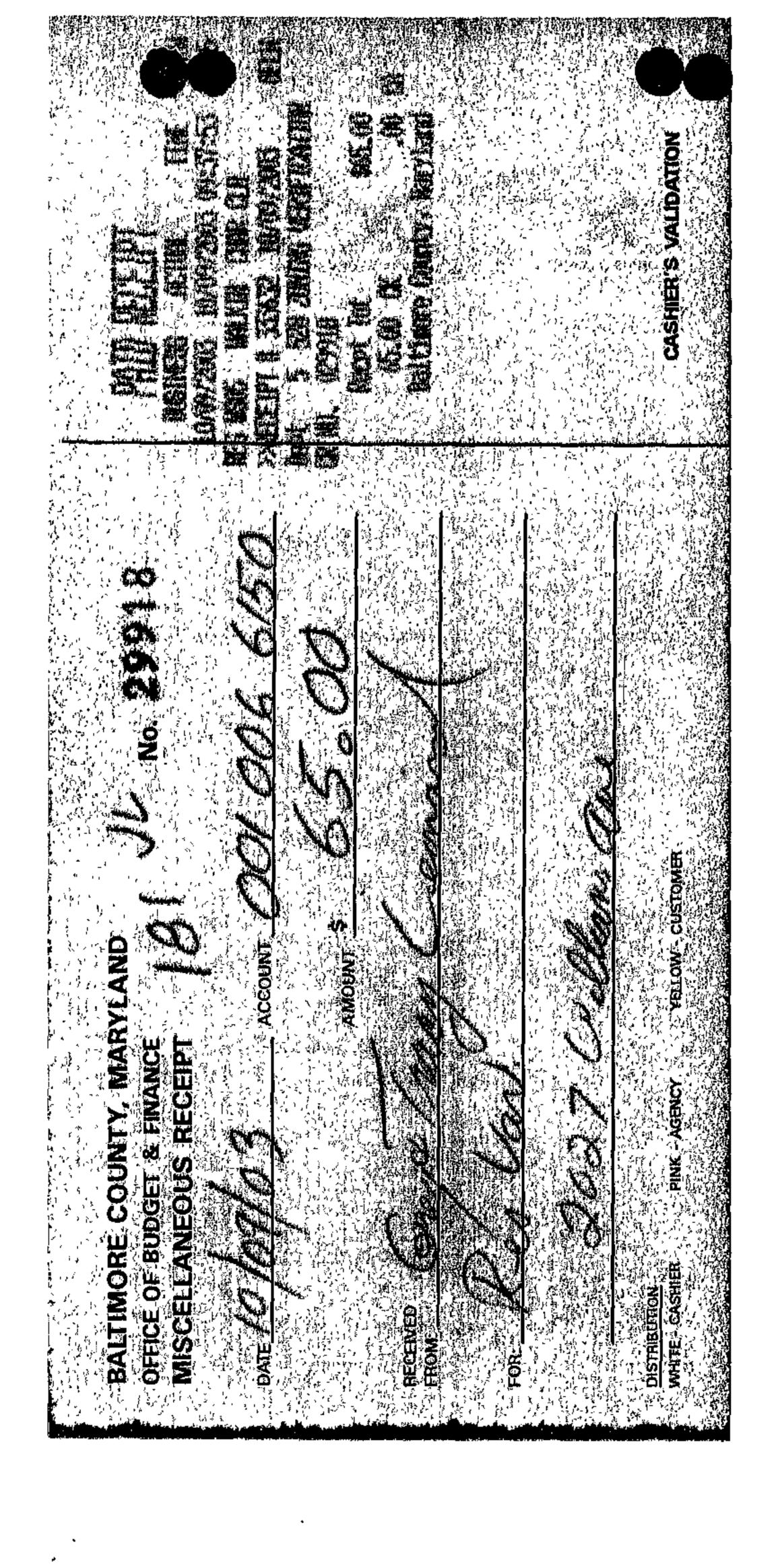
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

ontract Purchaser/Lessee:			Legal Owner(s):			
		· · · · · · · · · · · · · · · · · · ·		(PRAIG K. LEONARD	MANAGE E	DANE GROVE LLC
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S CEL	NI	04-181-A		ESTIMATED LENGTH OF HEARING THE		
	W.		Reviewed By	UNAVAILABLE FOR HE	ARING	

ZONING DESCRIPTION FOR 2027 WILLIAMS AVENUE, ESSEX, MD 21221

Beginning at the point on the south side of Williams Avenue which is 30 feet wide at the distance 262 feet west of the centerline of the nearest improved intersecting street Edgar Road which is 30 feet wide. Being Lot #55 in the subdivision of Edgar Grove as recorded in Baltimore County Plat Book # 8, Folio # 29, containing 7,250 square feet. Also known as 2027 Williams Road and located in the 15th Election District, 6th Councilmanic District.

0



The Zoning Commissioner 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: #04-181-A

2027 Williams Avenue

Systle Williams Avenue

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Toth Election District — 6th Councilmanic District

Legal Owner(s): Craig K. Leonard Manager, Edgar Grove LLC

Variance: to permit a sum of side yard setbacks of 20 feet in lieu of the required 25 feet.

Hearing(s): Tuesday, November 26, 2003 at 10:00 a.m. In Room 407, County Courts Building, 401 Bostey Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

Contact the Zoning Review Office at (410) 887-3391.

C635461

CERTIFICATE OF PUBLICATION

116,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 116,2003.
The Jeffersonian
 Arbutus Times Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: Petitioner/Developer: (RA) LEONARD, MANAGER ETGAR, GROVE
Date of Hearing/Closing: NOV 25, 2003 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2027 WILLIAMS AVE The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr, County Executive Timothy M. Kotroco, Director

October 27, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 04-181-A

2027 Williams Avenue

S/side Williams Avenue, 262 feet west of centerline of Edgar Road

15th Election District – 6th Councilmanic District

Legal Owner: Craig K. Leonard, Manager, Edgar Grove LLC

Variance to permit a sum of side yard setbacks of 20 feet n lieu of the required 25 feet.

Hearings:

Tuesday, November 25, 2003 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:rlh

C: Craig K. Leonard, Manager, Edgar Grove LLC, 2027 Williams Avenue, Essex 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 10, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 6, 2003 Issue - Jeffersonian

Please forward billing to:

Edgar Grove LLC 2027 Williams Avenue Essex, MD 21221

410-960-1599

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

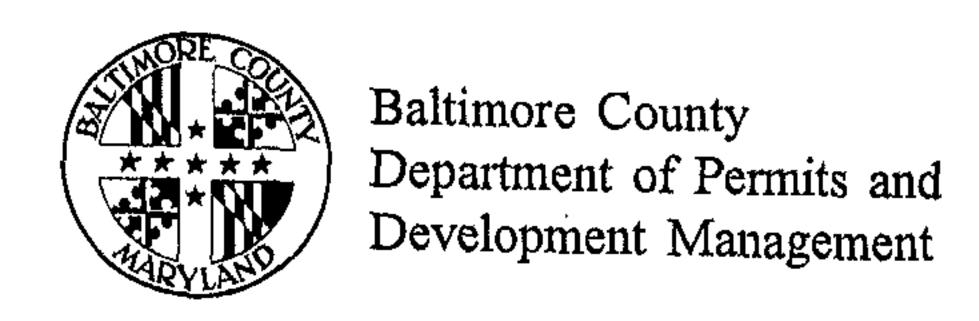
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 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 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:				
Item Number or Case Number: 04 181 A				
Petitioner: EDGAR GROVE LLC				
Address or Location: 2027WILLIAMS AVE.				
PLEASE FORWARD ADVERTISING BILL TO:				
PLEASE FORWARD ADVERTISING BILL TO: Name: EDGAR GROVE CCC				
Name: EDGAZ GROVE CCC				



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 21, 2003

Craig Leonard Edgar Grove, LLC 2027 Williams Avenue Essex, MD 21221

Dear Mr. Leonard:

RE: Case Number: 04-181-A, 2027 Williams Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 2003.

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,

U. Call Rihall D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 22, 2003 .

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.:

170-175, 177-181

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.21-63

Baltimore County

Item No. 18/

RE:

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

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

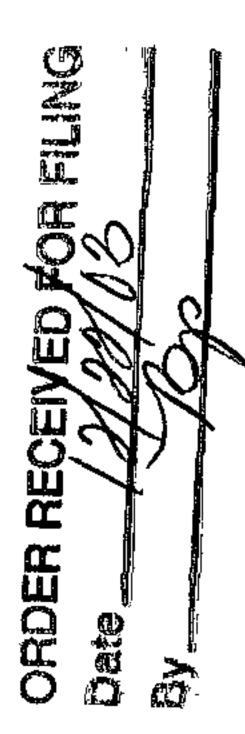
Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ΓO:	DATE: October 27, 2003 Tim Kotroco			
FROM:	R. Bruce Seeley RBS /76 T			
DATE:	October 27, 2003			
SUBJECT	': Zoning Item <u>04-181</u> Address <u>2027 Williams Ave (Leonard Property)</u>			
Zo	ning Advisory Committee Meeting of October 20, 2003			
	e Department of Environmental Protection and Resource Management has no mments on the above-referenced zoning item.			
an	he Department of Environmental Protection and Resource Management requests nextension for the review of the above-referenced zoning item to determine the xtent to which environmental regulations apply to the site.			
	e Department of Environmental Protection and Resource Management offers following comments on the above-referenced zoning item:			
	If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to 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).			
	Market			
ŕ	Additional Comments:			

Reviewer: Keith Kelley Date: 10/27/03



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: November 3, 2003

RECEIVED

NOV - 4 2003

SUBJECT:

Zoning Advisory Petition(s): Case 04-181

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Section Chief:

AFK/LL

ORDER RECEWED FOR FILING Date

8

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 13, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

manufacture bridge with the property of the property

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 27, 2003

Item No. 181

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

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 requirement of B.O.C.A. International Building Code adopted by the County.

RWB:CEN:jrb

cc: File

ZAC-11-27-2003-ITEM NO 181-11132003

RE: PETITION FOR VARIANCE

2027 Williams Avenue; S/side Williams Ave,

262' W of c/line of Edgar Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Craig K. Leonard, Manager,*

Edgar Grove, LLC

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-181-A

* * * * * * * *

ENTRY OF APPEARANCE

*

Please enter the appearance of People's Counsel 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 documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

OCT 2 4 2003

CAROLE S. DEMILIO
Deputy People's Counsel

Old Courthouse, Room 47
400 Washington Avenue

Towson, MD 21204

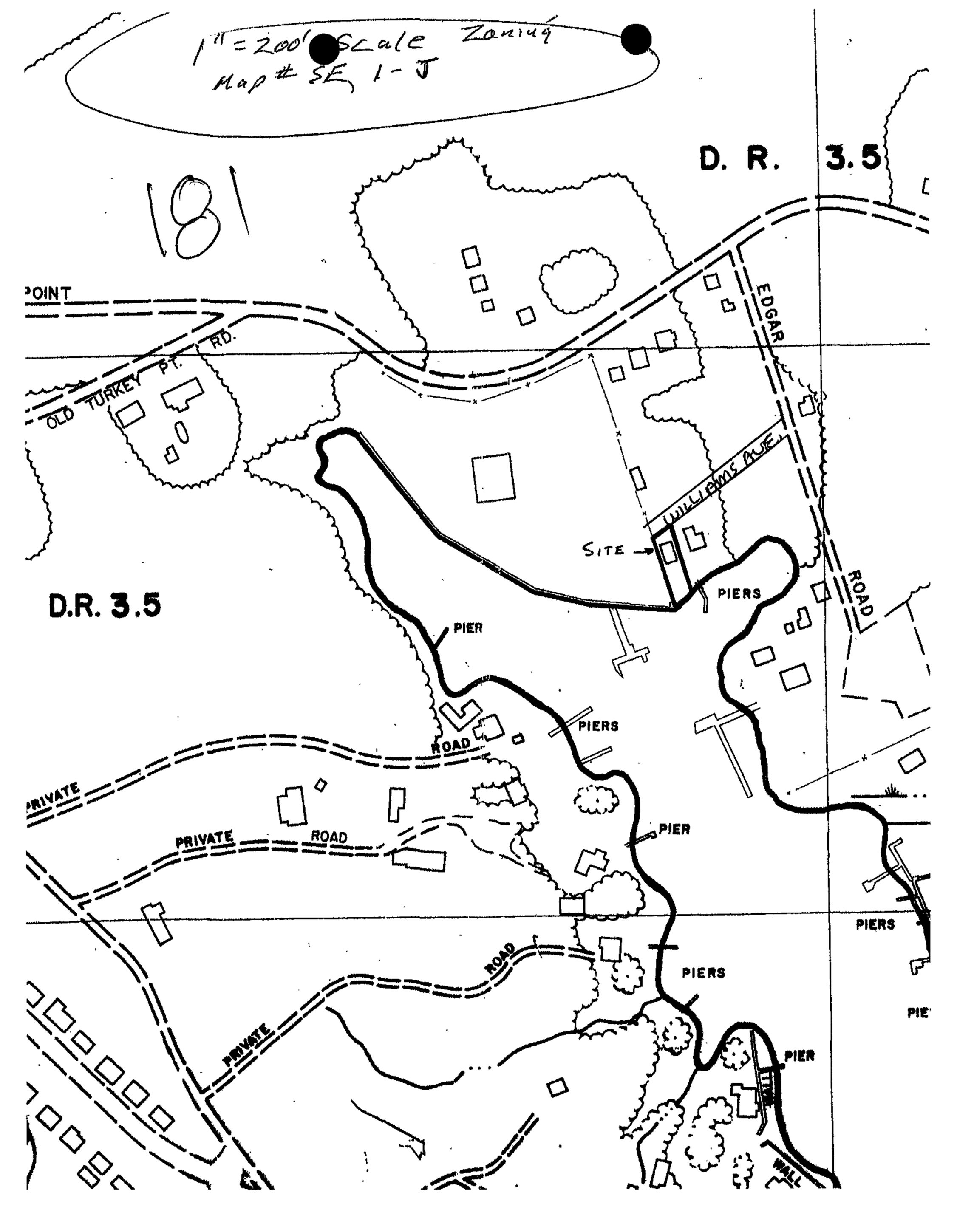
(410) 887-2188

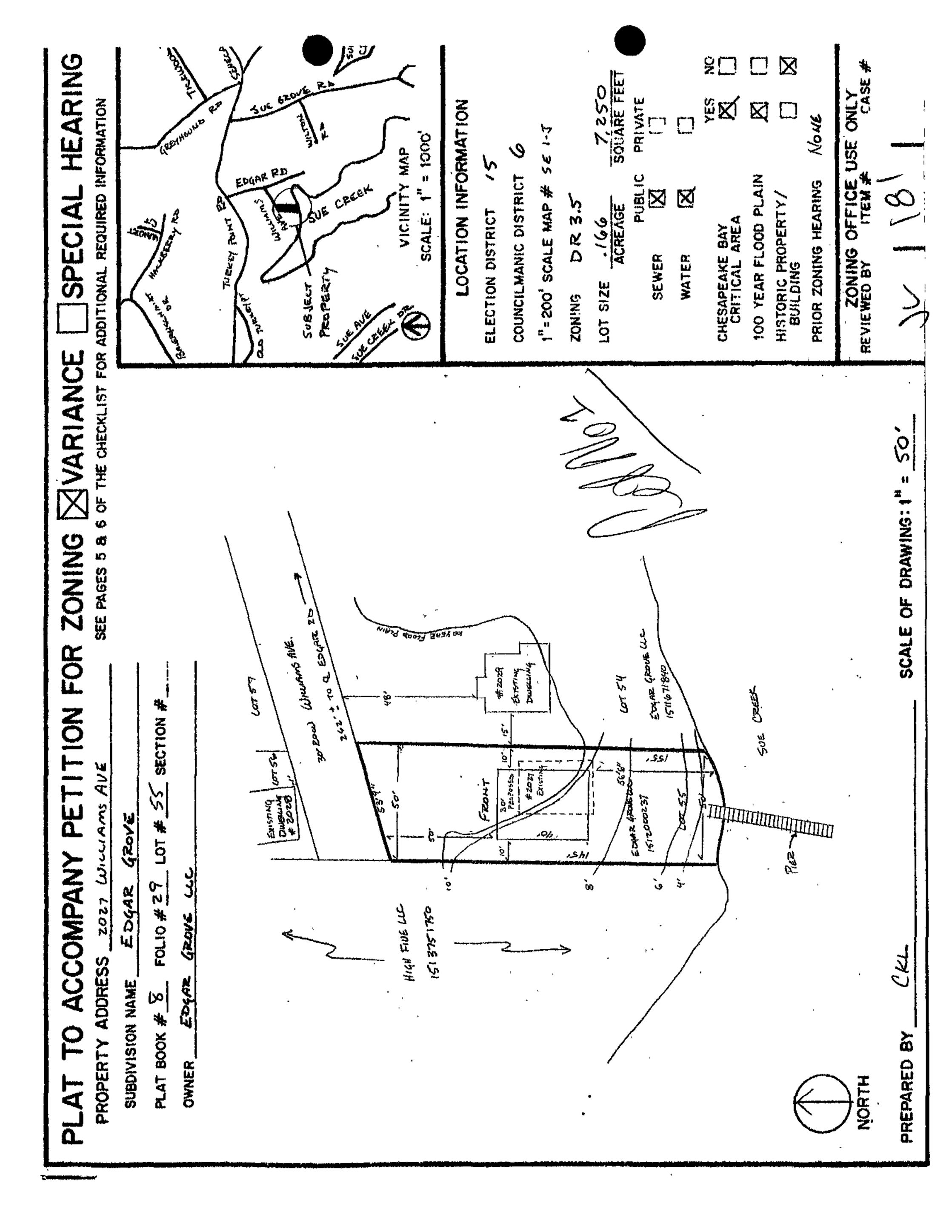
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to, Craig K Leonard, 2027 Williams Avenue, Essex, MD 21221, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





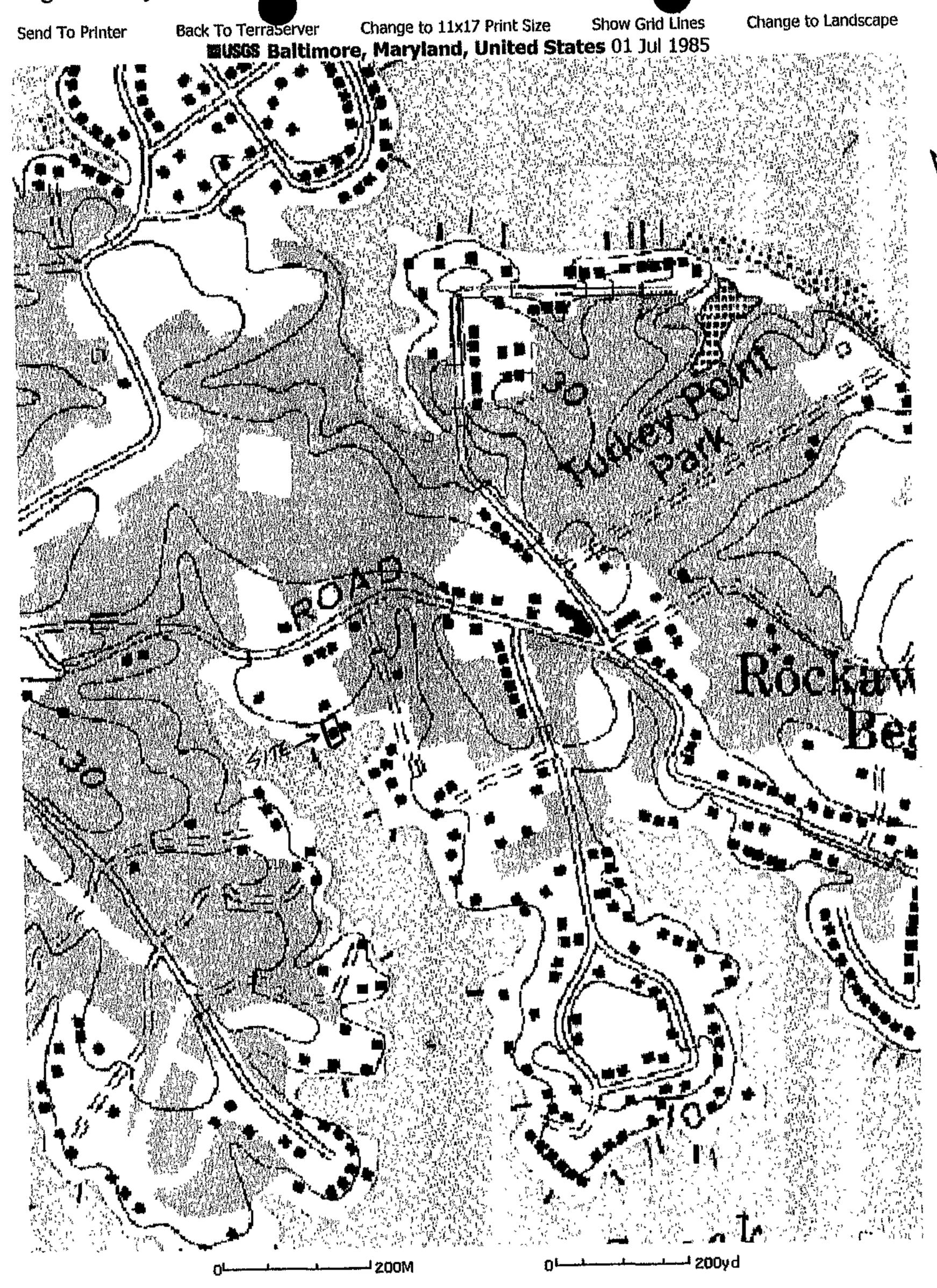
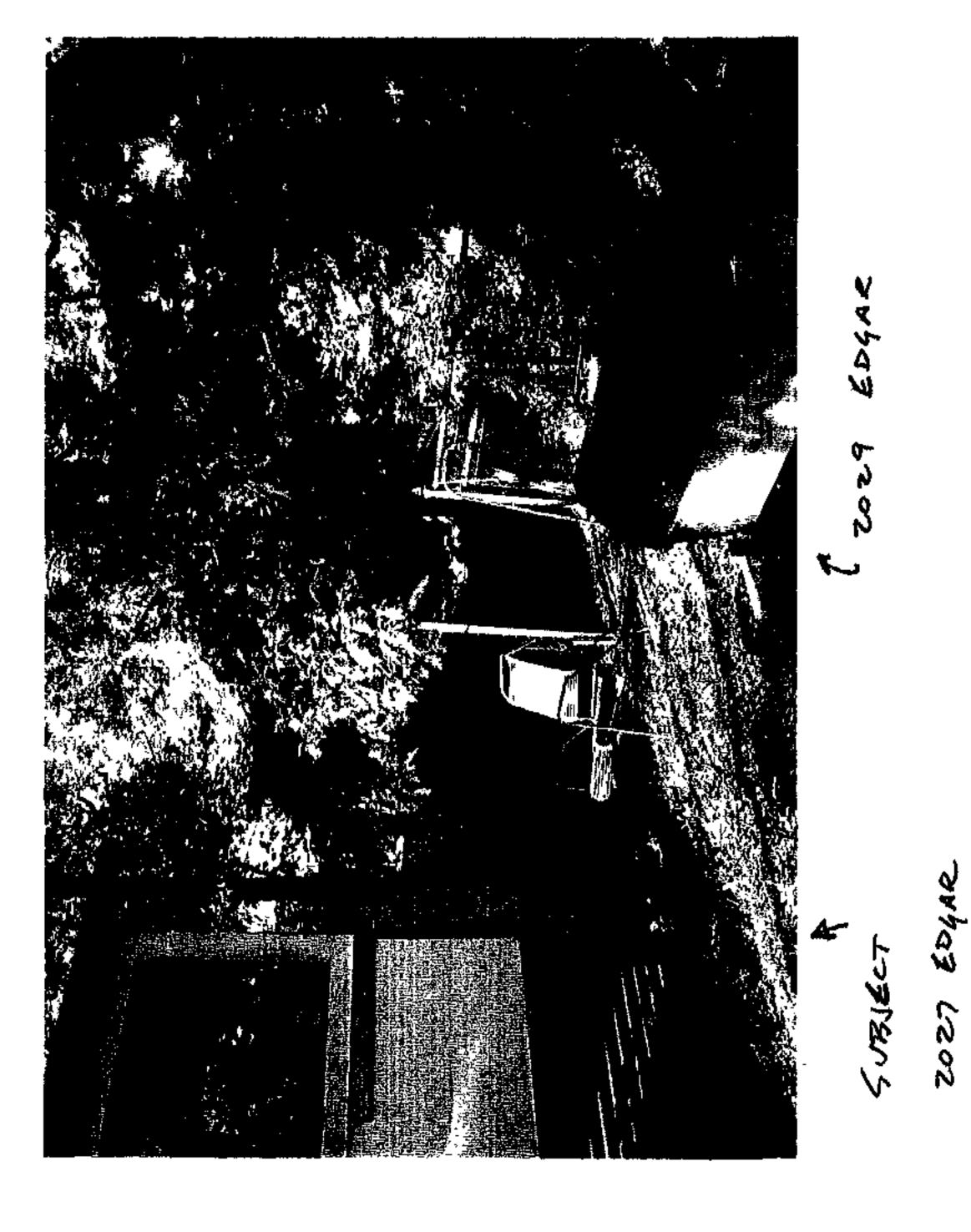


Image courtesy of the U.S. Geological Survey © 2003 Microsoft Corporation. All rights reserved. Terms of Use

ACROSS STREET - ZOZB EDGAR

SUBJECT - 2027 EDGAR RS

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