

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

W/S of Edgar Road, 580 ft. S
Centerline of Turkey Point Road
15th Election District
6th Councilmanic District

532 Edgar Road (Lot 49, Edgar Grove)

Edgar Grove, LLC
By: Craig K. Leonard, Manager
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-199-SPHA

*

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at 532 Edgar Road in the eastern area of Baltimore County. The Petition was filed by Edgar Grove, LLC, by Craig K. Leonard, the Petitioner and legal owner of the property. Variance relief is requested from Sections 1B02.3.C.1, 102.4 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a rear yard setback of 22 ft. in lieu of the required 30 ft., to approve a lot width of 53 ft. and an area of 6,656 sq. ft. in lieu of the required 70 ft. and 10,000 sq. ft. respectively, to approve a lot (with an area less than 20,000 sq. ft.) which does not abut a 30 ft. right-of-way, and to approve an undersized lot. In addition, Special Hearing relief is requested pursuant to Section 500.7 of the B.C.Z.R., to approve a non-conforming undersized lot and that overall density will not be affected

The property was posted with Notice of Hearing on November 17, 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 November 16, 2004, to notify any interested persons of the scheduled hearing date.

COPIES RECEIVED FOR FILING
Date 12/8/04
By [Signature]

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.

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Revised Petition

The Petitioner noted that he had revised the petition for variance changing the area of the lot from 6,656 sq. ft. to 9,100 sq. ft. after having had the Plat to Accompany reviewed by civil engineer, Patrick Richardson, who used a different technique for calculating the area of this oddly shaped lot. See Petitioner's Exhibit 2.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of

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Date 12/8/04
By Ray

Development Plans Review dated November 4, 2004, a copy of which is attached hereto and made a part hereof. ZAC comments were also received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 29, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Craig Leonard on behalf of the Petitioner LLC. No protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner noted that the subject lot is improved by an existing home which he hopes to raze and replace with a modern home. He indicated the existing home was in very poor repair. The new home would be located essentially on the same footprint as the existing house. The new home would be 30 ft. wide by 43 ft. long. The existing house is 27.5 ft. wide by 46 ft. long. The new home would meet the 10 ft. side yard setback as shown on Petitioner's Exhibit 1. However, because of the irregularly shaped lot, it would not meet the rear yard setback having 22 ft. in lieu of 30 ft. and a lot width of 53 ft. in lieu of the required 70 ft. The Petitioner pointed out that the existing house also has a 22 ft. rear yard setback and that the lot varies in width from 88 ft. to an average width on the curve of the waterfront with Sue Creek. He indicated that reducing the length of the new house 8 ft. to meet the rear yard setback would reduce the new home to 35 ft. long which was too small to be practical as 1,300 sq. ft foot print is typical of standard homes and this area. He indicated that DEPRM had approved his requests to rebuild the existing home.

ORDER RECEIVED FOR PLANNING
Date 12/8/04
By [Signature]

Again the lot area is 9,100 sq. ft. whereas 10,000 sq. ft. are required. He noted that this is the same lot, which is Lot 49 of the old subdivision of "Edgar Grove" that was recorded in the Baltimore County Land Records in 1927. Petitioner's Exhibit 1 shows that access to this lot from Edgar Road is by way of a 10 ft. wide driveway, which is used in common with the home at 539 Edgar Road. As such, it does not abut a 30 ft. right-of-way as required by Section 104.2 of the B.C.Z.R. The lot is undersized as required by the DR 3.5 regulations and Section 104.2.

However, he admitted that he also owns Lots 45 through 48, which are adjacent to the subject property. Apparently, Lots 45 and 46 contain a foundation of an old home site on which he intends to build another home. Lots 47 and 48 have a similar foundation. Both sets of lots, however, will need variances to rebuild the homes on the old foundations. He presented a USGS map, Exhibit 4, which indicates that there were structures on both set of lots in 1985.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, I find that Lot 49 was a lot of record when the subdivision was recorded in the Baltimore County Land Records in 1927. As such, the later imposed DR regulations impact this lot in a different way than lots laid out in accord with the DR regulations. Also, the lot is oddly shaped and the peculiar shape is the source of the lot width and side yard setback problems. The lot is undersized by any applicable standards that were imposed at a later time.

The problem with the case is that the Petitioner owns the adjoining four lots which could be used to increase the size of this lot as well as cure the rear yard setback request. If he made a lot line adjustment of 8 ft. with Lot 48 he would not need these variances. However, the Petitioner protested such an idea as this would cause the new home on lots 48 and 47 to be

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DATE 12/8/04
BY [Signature]

further from compliance with the regulations. He indicated that he purchased all five lots in October 2003 with the expectation of rebuilding all three homes.

While I realize the Petitioner expected to rebuild all three homes on the five lots, in the case before me the rear yard setback and DR lot size can be solved by lot line adjustment. This could mean that further lot line adjustment will be needed to avoid other variances and that as a result he may actually build two homes. His financial expectations, however, can not override that plain fact that he does not have a hardship or practical difficulty for either the rear yard setback or the DR lot size.

Having said this, his requests for lot width are not likely to be cured by moving the rear lot line back 8 ft. into Lot 48. Nor will he be able to produce a 30 ft. right-of-way where today there is only 10 ft. Consequently, I further find that these last two variances 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.

Having denied the variance requests for the undersized lot, I will also deny Petitioner's request for Special Hearing for the reasons stated above.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8 day of December, 2004, that the Petitioner's request for variance relief from Sections 1B02.3.C.1, and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot width of 53 ft. in lieu of the required 70 ft., to approve a lot (with an area less than 20,000 sq. ft.) which does not abut a 30 ft. right-of-way, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired.

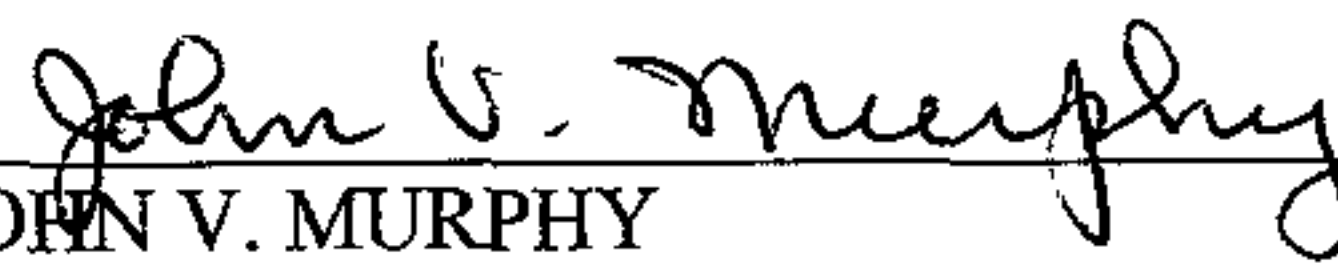
If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;

2. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated November 4, 2004, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments made by DEPRM dated November 29, 2004, a copy of which is attached hereto and made a part hereof;
4. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order; and

IT IS FURTHER ORDERED, that the Petitioner's request for variance from Sections 1B02.3.C.1, and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a rear yard setback of 22 ft. in lieu of the required 30 ft. and an undersized lot of 9,100 sq. ft. in lieu of the required 10,000 sq. ft., be and is hereby DENIED.

IT IS FURTHER ORDERED, that the Petitioner's request for Special Hearing, to approve a nonconforming undersized lot and that overall density will not be affected, be and is hereby DENIED.

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

RECEIVED FROM PLANNING
12/18/04
Ray

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
William J. Wiseman III, Zoning Commissioner

December 9, 2004

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

Re: Petitions for Variance & Special Hearing
Case No. 05-199-SPHA
Property: 532 Edgar Road

Dear Mr. Leonard:

Enclosed please find the decision rendered in the above-captioned case. The petitions for variance and special hearing have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 532 Edgar Rd.
which is presently zoned D.R.-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

undersized lot and that overall density will not be affected. a non-conforming

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

I, or we, agree to pay expenses of above Special Hearing, 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.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

EDGAR GROVE, LLC, CRAIG K. LEONARD,
Name - Type or Print MANAGER

Signature

Name - Type or Print

Signature

2027 WILLIAMS AVE (410) 960-1599
Address Telephone No.

ESSEX MD 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JSR Date 10/18/04

Case No. 05-199-SRHA

RECEIVED FOR FILING
12/18/04
Ray
9/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 532 Edgar Rd. Essex, MD 21221

which is presently zoned DR-3.5

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

See attached

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

1. The lot 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.

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

I, or we, agree to pay expenses of above Variance, 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.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 05-199-A

REV 9/1/98

Legal Owner(s):

Edgar Grove, LLC, Craig K. Leonard, Manager

Name - Type or Print

Signature

Name - Type or Print

Signature

2027 Williams Ave

(410) 960-1599

Address

Telephone No.

Essex

MD

21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

BA

Date

10/12/04

1B02.3.C.1, 102.4, and 304 (BCZR) to approve a rear yard setback of 22 ft. in lieu of the required 30 ft., to approve a lot width of 53 ft. and an area of ~~6,656~~^{9,100} sq. ft. in lieu of the required 70 ft. and 10,000 sq. ft. respectively, to approve a lot (with an area less than 20,000 sq. ft.) which does not abut a 30 ft. right-of-way, and to approve an undersized lot.

ZONING DESCRIPTION FOR LOT #49, EDGAR ROAD, ESSEX, MD 21221

Beginning at the point on the west side of Edgar Road which is 30 feet wide at the distance 580 feet south of the centerline of the nearest improved intersecting street, Turkey Point Road which is 30 feet wide. Being Lot #49 in the subdivision of Edgar Grove as recorded in Baltimore County Plat Book # 8, Folio # 29, containing 6,656 square feet, located in the 15th Election District, 6th Councilmanic District.

No.

01/01/01

ACCOUNT

6-100-006

AMOUNT

\$ 130.00

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Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of styrene initiated by AIBN at 60°C. [Styrene] = 0.8 M; [AIBN] = 0.001 M; [Inhibitor] = 0.0001–0.001 M. (●) DMSO; (○) DMF; (□) NMP; (△) CH₂Cl₂; (◇) CH₃CN; (▽) CH₃COCH₃.

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ADDITIONAL INFORMATION

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OF
THE
CITY OF
NEW YORK

SECRET

THE UNIVERSITY OF CHICAGO

DISTRIBUTION
WHITE - CASH

PINK • AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42604

DATE

11/8/04

ACCOUNT

001-006-6150

AMOUNT

\$ 70.00

RECEIVED FROM:

Cravens Howard

FOR:

Revised Plate (last #)

05-199-A (Edgar-Grove LLC)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS

DATE

TIME

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11/08/2004

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CASHIER'S VALIDATION

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: #05-199-A

532 Edgar Road
W/side of Edgar Road, 580 feet south of centerline of Turkey Point Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Edgar Grove, LLC
Craig K. Leonard, Manager

Special Hearing: to allow a non-conforming undersized lot and that overall density will not be affected. **Variance:** to approve a rear yard setback of 22 feet in lieu of the required 30 feet, to approve a lot width of 53 feet and an area of 6,656 sq. ft. in lieu of the required 70 feet and an area of 10,000 sq. ft. respectively, and to approve a lot (with an area less than 20,000 sq. ft.) which does not abut a 30-ft. right-of-way, and to approve an undersized lot.

Hearing: Thursday, December 2, 2004 at 8:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

WILLIAM WISEMAN

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.

BT 11/27/07 Nov. 16 29880

CERTIFICATE OF PUBLICATION

11/18/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/16/2004.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkerson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-199-A

Petitioner/Developer: EDGAR

GROVE LLC, CRAIG LEONARD

Date of Hearing/Closing: 12/2/2004

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

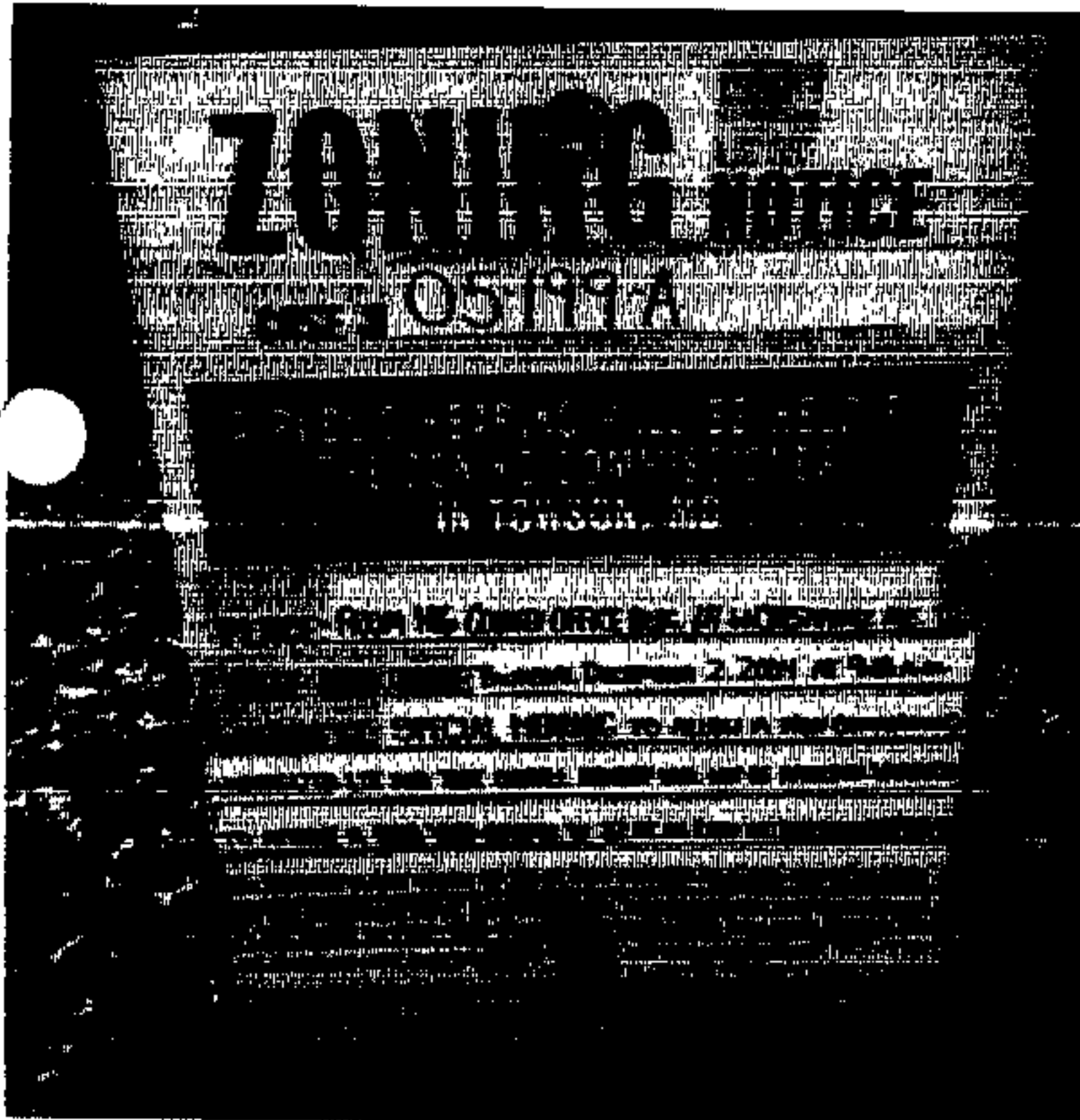
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

532 EDGAR RD

The sign(s) were posted on _____

11/17/04
(Month, Day, Year)

Sincerely,



Robert Black 11/17/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

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

November 12, 2004

CORRECTED 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: 05-199-A

532 Edgar Road

W/side of Edgar Road, 580 feet south of centerline of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Edgar Grove, LLC – Craig K. Leonard, Manager

Special Hearing to allow a non conforming undersized lot and that overall density will not be affected. Variance to approve a rear yard setback of 22 feet in lieu of the required 30 feet, to approve a lot width of 53 feet and an area of 6,656 sq.ft. in lieu of the required 70 ft. and 10,000 sq.ft. respectively, and to approve a lot (with an area less than 20,000 sq.ft.) which does not abut a 30 ft. right-of-way, and to approve an undersized lot.

Hearing: Thursday, December 2, 2004 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Rm. 407

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:clb

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

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN
APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 17,
2004.**

- (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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 16, 2004 Issue - Jeffersonian

Please forward billing to:
Craig Leonard
Edgar Grove, LLC
2027 Williams Avenue
Essex, MD 21221

410-960-1599

Corrected

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: 05-199-A

532 Edgar Road

W/side of Edgar Road, 580 feet south of centerline of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Edgar Grove, LLC – Craig K. Leonard, Manager

Special Hearing to allow a non conforming undersized lot and that overall density will not be affected. Variance to approve a rear yard setback of 22 feet in lieu of the required 30 feet, to approve a lot width of 53 feet and an area of 6,656 sq.ft. in lieu of the required 70 ft. and 10,000 sq.ft. respectively, and to approve a lot (with an area less than 20,000 sq.ft.) which does not abut a 30 ft. right-of-way, and to approve an undersized lot.

Hearing: Thursday, December 2, 2004 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Rm. 407



WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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.



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

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

November 1, 2004

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: 05-199-A

532 Edgar Road

W/side of Edgar Road, 580 feet south of centerline of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Edgar Grove, LLC – Craig K. Leonard, Manager

Special Hearing to allow a non-conforming undersized lot and that overall density will not be affected. Variance to approve front and side yard setbacks of 0 feet and a rear yard setback of 24 feet in lieu of the required 30 feet, 10 feet and 30 feet respectively, to approve a lot width of 53 feet and an area of 6,656 sq. ft. in lieu of the required 70 feet and 10,000 sq. ft. and to approve an undersized lot.

Hearing: Thursday, December 2, 2004 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Rm. 407

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

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

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 17, 2004.

(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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 16, 2004 Issue - Jeffersonian

Please forward billing to:
Craig Leonard
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:

CASE NUMBER: 05-199-A

532 Edgar Road

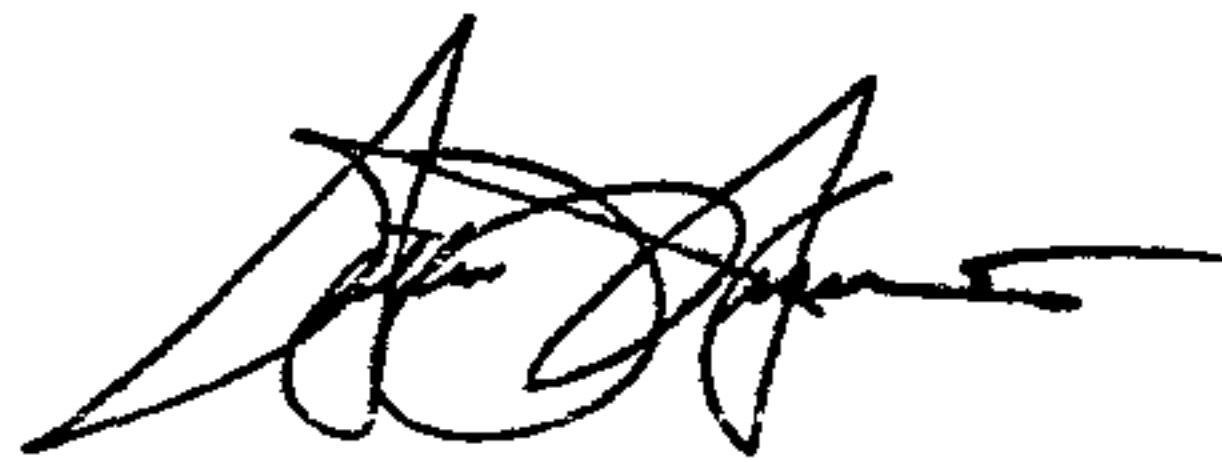
W/side of Edgar Road, 580 feet south of centerline of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Edgar Grove, LLC – Craig K. Leonard, Manager

Special Hearing to allow a non-conforming undersized lot and that overall density will not be affected. Variance to approve front and side yard setbacks of 0 feet and a rear yard setback of 24 feet in lieu of the required 30 feet, 10 feet and 30 feet respectively, to approve a lot width of 53 feet and an area of 6,656 sq. ft. in lieu of the required 70 feet and 10,000 sq. ft. and to approve an undersized lot.

Hearing: Thursday, December 2, 2004 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Rm. 407



WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

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 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 05-199-A

Petitioner: EDGAR GROVE, LLC

Address or Location: 2027 WILLIAMS AVE, ESSEX, MD 21221

PLEASE FORWARD ADVERTISING BILL TO

Name: EDGAR GROVE LLC, CRAIG LEONARD, MANAGER

Address 2027 WILLIAMS AVE, ESSEX MD 21221

ESSEX MD 21221

Telephone Number (410) 960-1599

**Department of Permits
Development Management**

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



Baltimore County

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

November 22, 2004

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

Dear Mr. Leonard:

RE: Case Number: 05-199-A, 532 Edgar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 2004.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

November 3, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 1, 2004

Item No.: 196-204, 206 

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

c-: File





Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

State Highway
Administration

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 11.17.04

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

RE: Baltimore County
Item No. 05-199-A (BR)
532 Edison Rd

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

Jm
12/2

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO: Tim Kotroco
PDM

NOV 30 2004

FROM: John D. Oltman, Jr *jpo*
DEPRM

ZONING COMMISSIONER

DATE: November 29, 2004

SUBJECT: Zoning Item # 05-199
Address 532 Edgar Road (Lot 49, Edgar Grove)

Zoning Advisory Committee Meeting of November 1, 2004.

_____ 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:

A CBCA Administrative variance will be required prior to issuance of a building permit. This variance is necessary to construct the larger proposed house in the within the 100-foot buffer from the tidal waters.

Reviewer: Paul Dennis

Date: November 29, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

ORDER RECEIVED FOR PLANNING
12/8/04
Ray

File
12/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 1, 2004

RECEIVED

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

DEC 9 2004

SUBJECT: 532 Edgar Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 5-199

Petitioner: Edgar Grove, LLC

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions be met:

1. The proposed dwelling shall be setback at least 5 feet from the Edgar Grove LLC use in common access road property line. Landscaping shall be provided along said property line.
2. The front orientation of the proposed dwelling shall be as represented on the subject site plan.
3. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the issuance of any building permits. the side of the dwelling that faces Edgar Grove Road shall be finished with windows, doors, a chimney, etc., and shall not be left as a blank wall.

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

Prepared by:

Malet A. Cunniff

Division Chief:

John J. Lankford

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 8, 2004
Item No. 199

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

The minimum right-of-way for roads in Baltimore County is 40 feet. This shall be shown on drawing.

The reduced setbacks shall be measured from the proposed right-of-way.

The flood protection elevation for this site is 10.4 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-11-08-2004-ITEM NO 199-11042004

ORIGINAL RECEIVED FOR FILING
Date 12/8/04
By [Signature]

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
532 Edgar Road; W/side Edgar Road,	*	ZONING COMMISSIONER
580' S c/line of Turkey Point Road		
15 th Election & 6 th Councilmanic Districts	*	FOR
Legal Owner(s): Edgar Grove, LLC,		
Craig K. Leonard, Manager	*	BALTIMORE COUNTY
Petitioner(s)		
	*	05-199-SPHA

* * * * *

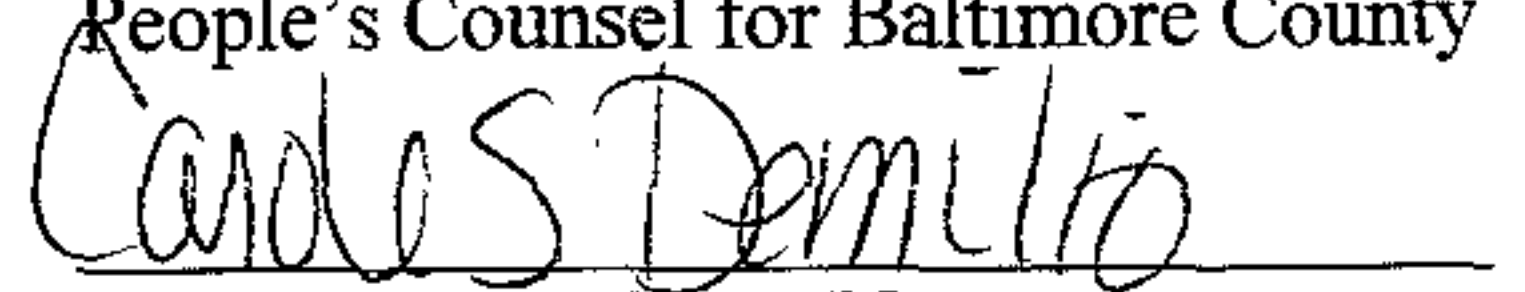
ENTRY OF APPEARANCE

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.

RECEIVED

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to Edgar Grove, LLC, Craig K Leonard, Manager, 2027 Williams Avenue, Essex, MD 21221, Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 5326 LOGAN ROAD
CASE NUMBER 05-199-A
DATE DECEMBER 2, 2007

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

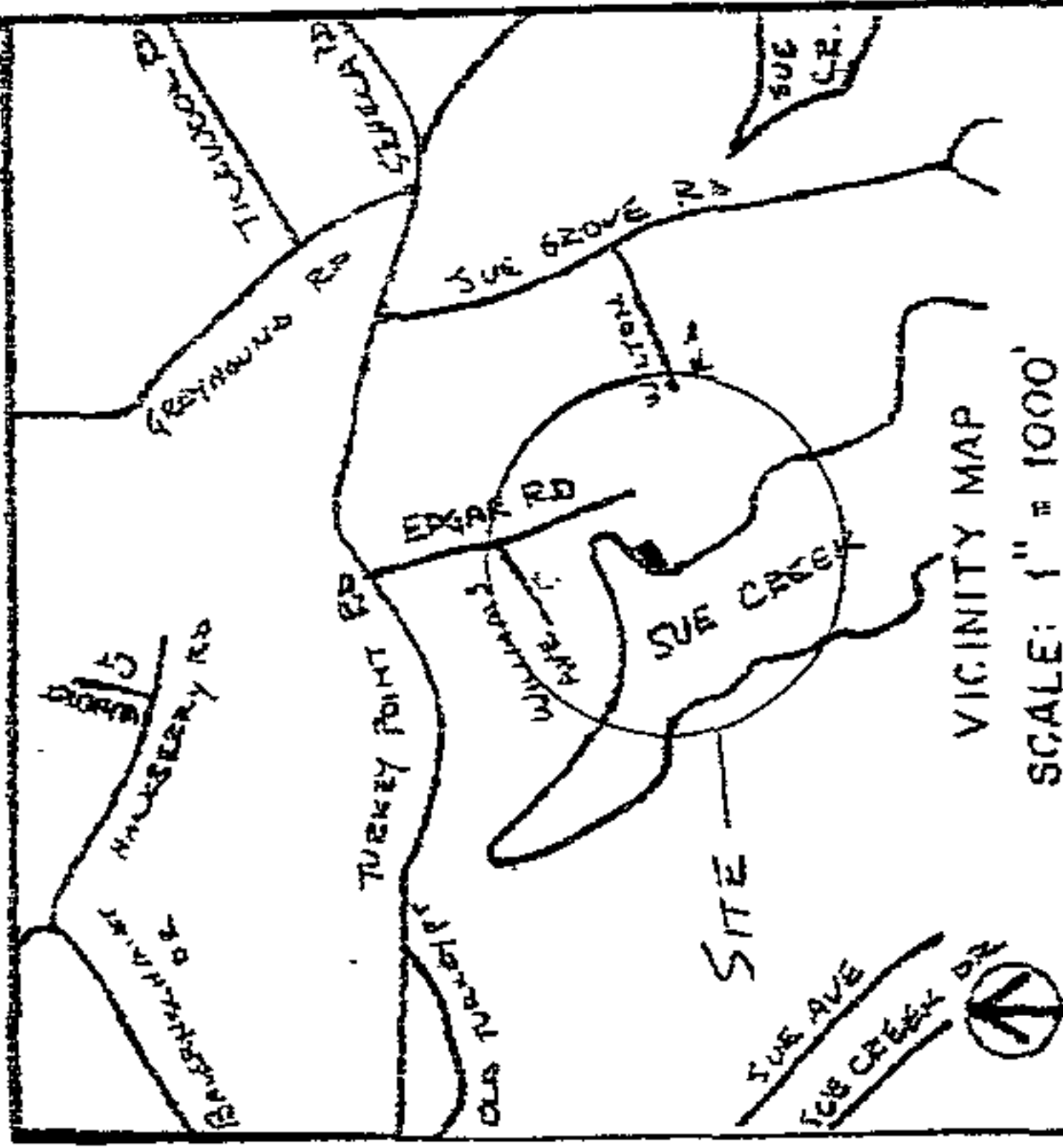
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 532 EDGAR RD

SUBDIVISION NAME EDGE GROVE

PLAT BOOK # 8 FOLIO # 29 LOT # 49 SECTION # 1

OWNER EDGE GROVE, LLC



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # SE-1-J

ZONING DR 3.5

LOT SIZE .153 ACRES 6,656 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒

YES ☒ NO ☐

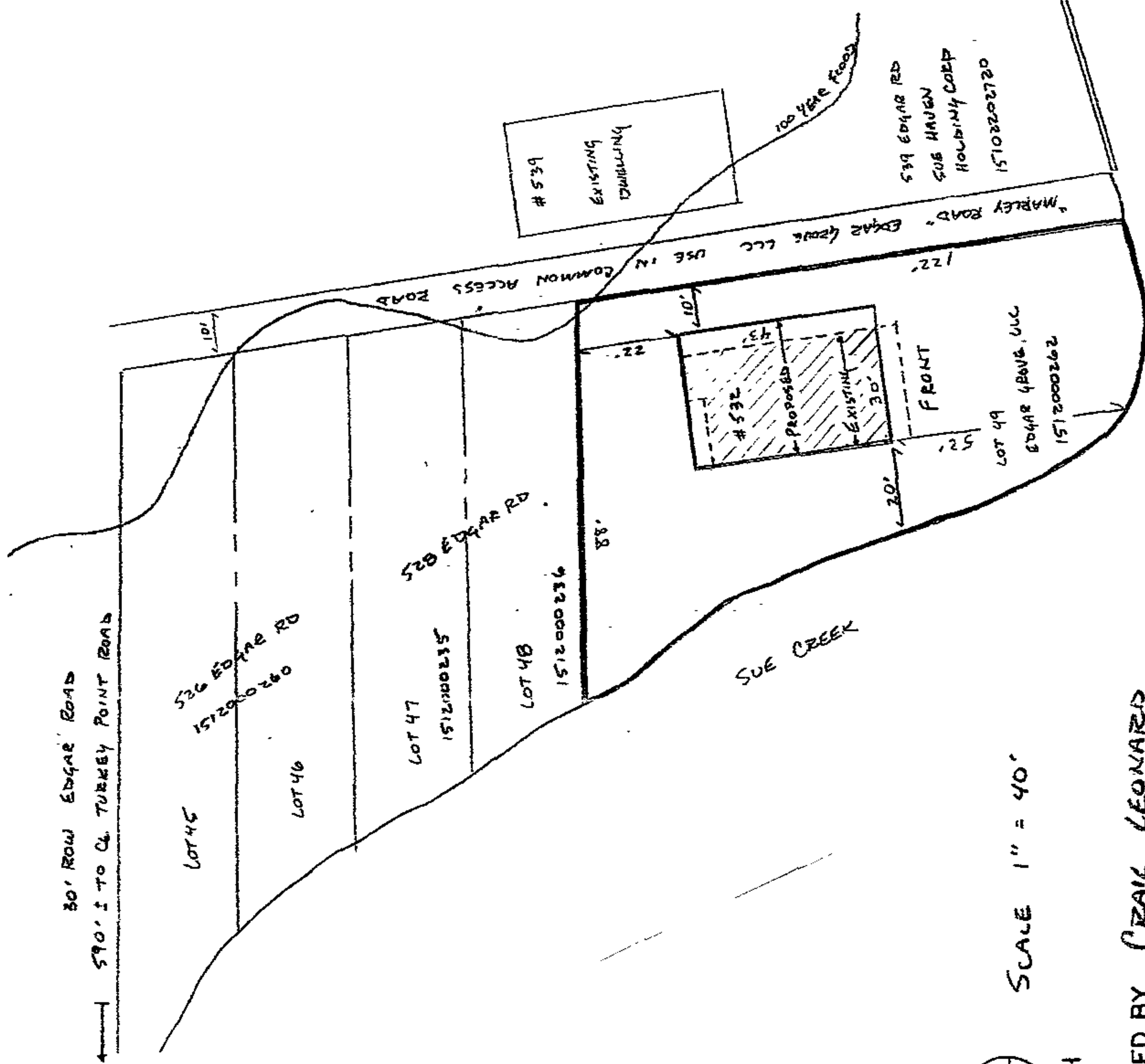
CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

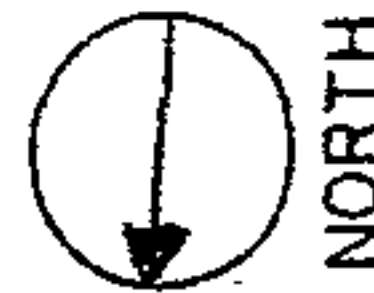
HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____



SCALE 1" = 40'



PREPARED BY CRAIG LEONARD

REVISED PLAT CASE # 05-199-A

Richardson Engineering, LLC

730 W. Padonia Road, Suite 101
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

November 29, 2004

Mr. Craig Leonard
541 Valley View Road
Towson, MD 21286

Reference: Edgar Avenue
Baltimore County, Maryland

Dear Mr. Leonard:

I have reviewed the plans for this site and have determined that the area of Lot 49 is 9,100 square feet. This is based on the gross square footage calculations as defined in the Baltimore County Zoning Code.

Please call me at your convenience, if you have any questions.

Very truly yours,



Patrick C. Richardson, Jr., PE

Per #2

Craig K. Leonard
541 Valley View Road
Towson, MD 21286
(410) 547-3005

RICK RICHARDSON

7 PAGES

October 3, 2003

Mr. Keith Kelley
Natural Resource Specialist
Environmental Impact Review
Department of Environmental Protection and Resource Management
New Courts Building, Suite 416
Towson, MD 21204

RE: Edgar Grove

Dear Keith:

I am enclosing a revised Administrative Variance Application and site plan. Please disregard the package that I delivered on Wednesday.

Our conversation on Wednesday was somewhat less encouraging than some of our pre-purchase discussions. Given the cost of the property and the cost to extend public water and sewer, the viability of this plan hinges on receiving the Critical Area Commission's approval to rebuild all five homes.

Therefore, I expanded some of my answers on the Application and revised the site plan to show all five houses being moved further from the water. Please accept this replacement Application. Thank you.

Sincerely,



Craig K. Leonard

Pat

Send To Printer

Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS Baltimore, Maryland, United States 01 Jul 1985

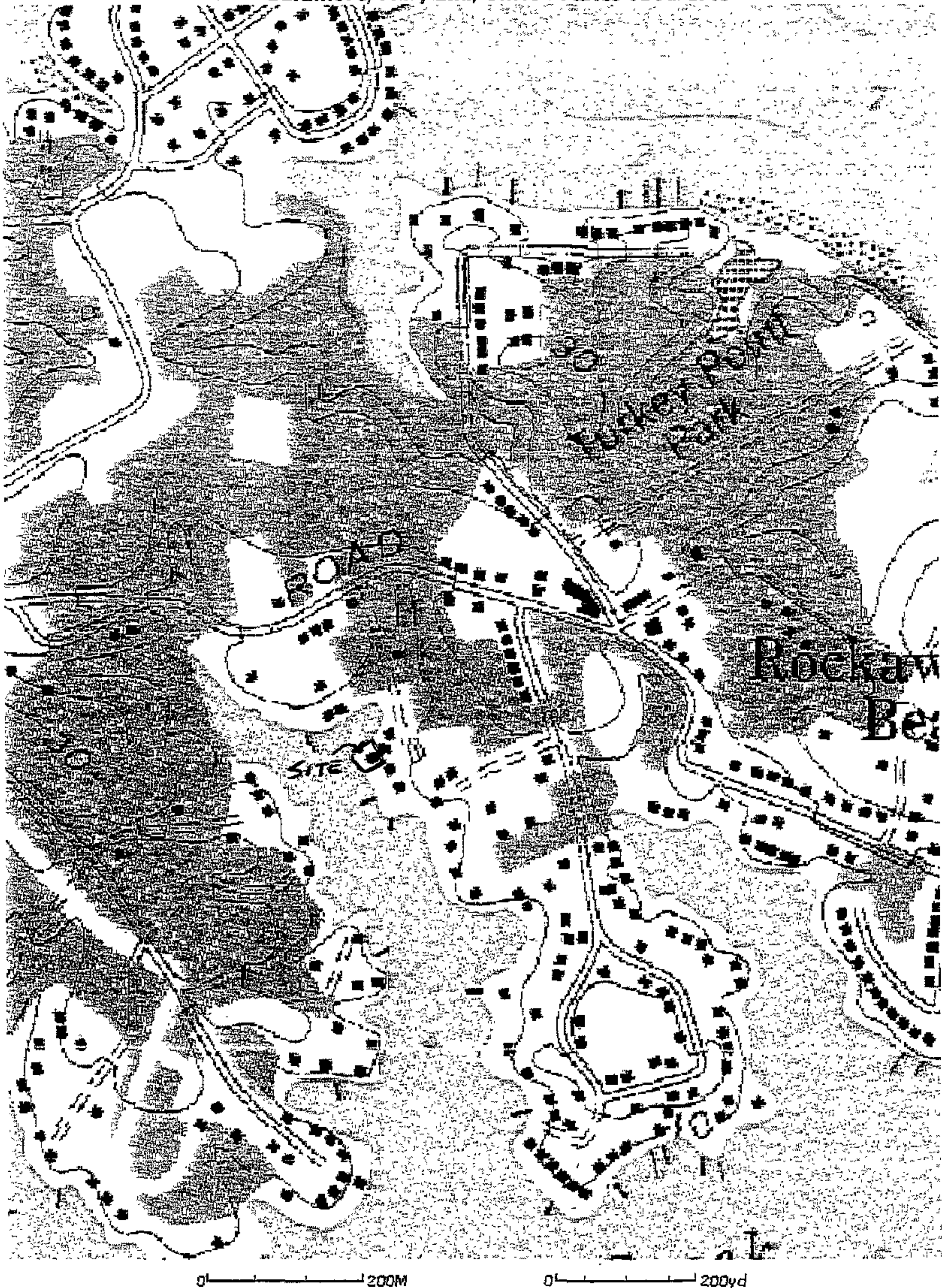


Image courtesy of the U.S. Geological Survey
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Rel #4

#199