IN RE: PETITION FOR SPECIAL

HEARING

S/S Redstone Road, 220' SE of the

C/line Chapman Road

(7903 Redstone Road)

* OF

11th Election District

3rd Council District

* Lawrence J. Zito
Petitioner

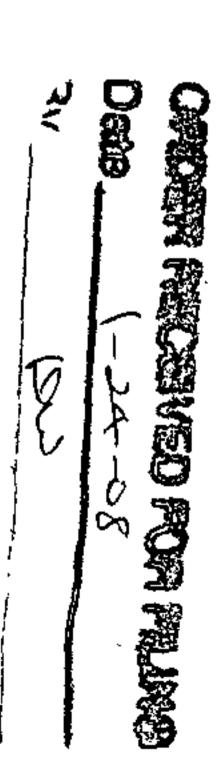
* Case No. 08-192-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Lawrence J. Zito. The Petitioner requests a special hearing to approve an amendment to the Order and site plan approved in prior Case No. 07-445-SPH to allow a front setback of 73 feet in lieu of the required 75 feet from the centerline of a road and a side yard setback of 48 feet in lieu of the required 50 feet pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and the requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

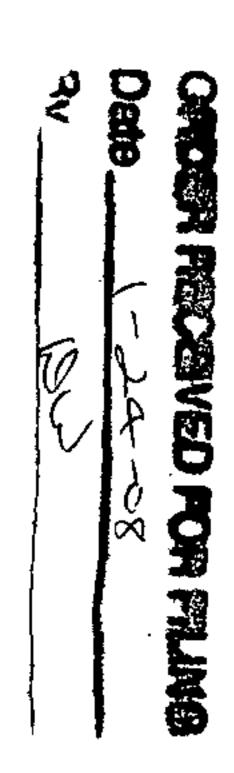
Appearing at the requisite public hearing in support of the request were Lawrence J. Zito, property owner, his builder, James Trabano with High Tech Contracting, and Bernadette Moskunas, with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an L-shaped parcel located on the south side of Redstone Road, east of Chapman Road in Kingsville. The property contains a gross area of 60,548 square feet, or 1.39 acres, more or less, zoned R.C.5 and is



presently improved with an existing concrete foundation as illustrated on the site plan. The property is also known as parcel 376 on the Maryland Department of Assessments and Taxation Map and has approximately 210 feet of frontage along Redstone Road and an average depth of 376 feet, however tapers to a width of 139 feet across the rear property line. It is noted that Mr. Zito also owns and resides on an abutting lot known as 11823 Chapman Road (parcel 83) improved with a single family dwelling and garage which he purchased in 2002. He acquired the Redstone Road property in April, 2004 with the intent of building a home that is designed to be handicap accessible on the first floor for his mother and himself. The current residence will become his daughter's so that she can live near him. In this regard, the property was the subject of prior Case No. 07-455-SPH in which the Petitioner sought relief to approve a lot area of 1.39 acres in lieu of the required 1.5 acres in the R.C.5 zone pursuant to B.C.Z.R. Section 1A04.3.B.1.b(1). It was determined during the hearing that the subject property is a single lot of record that is not part of an approved subdivision nor did it meet minimum acreage requirements. By my Order dated June 15, 2007, I granted the request subject to the Office of Planning approving building elevation drawings. After compliance with this condition, a Building Permit (B673733) was issued on September 10, 2007 and construction started. The Petitioner now comes before me seeking an amendment as set forth above to reflect a reduction in the front (street) and side yard (west side) setback distances.

In this regard, testimony and evidence offered indicated that the Petitioner fully intended to construct a home with adequate setbacks from side property lines and the adjoining street centerline in compliance with the regulations. However, after construction of the home commenced, it was discovered that the front and side foundation walls were two feet closer than the regulations permit. Thus, only a 73-foot (front) and 48 foot (side) can be provided.



Ms. Moskunas testified that she resurveyed the property and examined the property line monuments and pipes used by Mr. Zito's excavating and concrete contractors. Somewhere along the beginning process, either in the original stakeout or in the location of the foundation, a twofoot error occurred through inadvertence and the foundation is now in the ground. In any event, special hearing relief is requested as set forth above to amend the prior relief granted and legitimize existing conditions. After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, construction of the house is underway and to require its demolition and reconstruction to eliminate a 2-foot discrepancy along the road and side yard would be an unnecessary hardship and unduly burdensome upon the Moreover, because the new home has been constructed in essentially the same location as originally proposed, I find that the amended relief will not adversely impact the adjacent property or surrounding locale. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors have no objection. I find that relief can be granted to allow the proposed development without any detrimental impacts.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of January, 2008 that the Petition for Special Hearing to approve an amendment to the Order and site plan approved in prior Case No. 07-445-SPH to allow a front yard setback of 73 feet in lieu of the required 75 feet from the centerline of a road and a side yard setback of 48 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, and

IT IS FURTHER ORDERED that but for the amended relief set forth above, all other terms and conditions of the Order issued in prior Case No. 07-445-SPH shall remain in full force and effect.

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 24, 2008

Lawrence J. Zito 11823 Chapman Road Kingsville, Maryland 21087

RE: PETITION FOR SPECIAL HEARING

S/S Redstone Road, 220' SE of the C/line Chapman Road (7903 Redstone Road)
11th Election District - 3rd Council District

Lawrence J. Zito - Petitioner

Case No. 08-192-SPH

Dear Mr. Zito:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

 Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, #101, Towson, MD 21286
 James Traband, High Tech Contracting, 9836 Harford Road, Parkville, MD 21234
 People's Counsel; Office of Planning; File

BW 6-12-01

IN RE: PETITION FOR SPECIAL HEARING

S/S Redstone Road, 220, of the C/line Chapman Road (7903 Redstone Road)

11th Election District
3rd Council District

Lawrence J. Zito Petitioner

BEFORE THE

* ZONING COMMISSIONER

* OF

* BALTIMORE COUNTY

Case No. 07-445-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Lawrence J. Zito. The Petitioner requests a Special Hearing to approve a lot area of 1.39 acres in lieu of the required 1.5 acres in an R.C. 5 zone pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) for a proposed dwelling. The subject property and the 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 were Lawrence J. Zito, property owner, and Bernadette Moskunas, with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an L-shaped parcel located on the south side of Redstone Road, east of Chapman Road in Kingsville. The property contains a gross area of 60,548 square feet, or 1.39 acres, more or less, zoned R.C. 5 and is presently unimproved. The property is also known as parcel 376 on the Maryland Department of Assessments and Taxation Map and has approximately 210 feet of frontage along Redstone Road

and an average depth of 376 feet, however tapers to a width of 139 feet across the rear property line. It is noted that Mr. Zito also owns and resides on an abutting lot known as 11823 Chapman Road (parcel 83) improved with a single family dwelling and garage which he purchased in 2002. He acquired the Redstone Road property in April, 2004 with the intent of building a home for his daughter so that she can live near him. As shown on the site plan, the house will be 75 feet wide x 40 feet deep and will have adequate setbacks from side property lines and adjoining street center line. However, due to the recent passage of Council Bill 55-04, the minimum required acreage for a buildable lot in the R.C. 5 zone is 1.5 acres. Thus, the requested special hearing relief is necessary.

Ms. Moskunas testified that she examined the title's history and presented a Deed dated September 28, 1971 (Petitioner's Exhibit 2) from the Overmont Development Company, Inc., to Francis and Joyce Grimm recorded among the Land Records of Baltimore County in Liber 5221 Folio 378 evidencing that the subject property has been a single lot of record since at least September, 1971. She further produced a letter from John Lewis, a Planner II, in the Department of Permits and Development Management (Petitioner's Exhibit 5) providing uncontradicted evidence that the subject property is not in any recorded subdivision. I am in agreement with Mr. Lewis' opinion having reviewed the Walnut Hill Estates subdivision plat received into evidence as Petitioner's Exhibit 4A and 4B. Therefore, I find that the subject property, a single lot of record in existence prior to September 2, 2003, meets the statutory requirements of the B.C.Z.R. Section 1A04.3.B.1.(b)(1) for consideration of alteration of the minimum acreage requirement by way of this Petition for Special Hearing. Moreover, neither lot has been used in the past as accessory or in support of the other and Mr. Zito never had an intent to treat the two lots as one to create a merger. Strict compliance with the zoning regulations would result in a practical difficulty upon the Petitioner in that a reasonable use of the land would not be

permitted. There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency and the neighbors have no objection. I find that relief can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale nor will the overall density of this neighborhood be affected by the proposed development.

The more difficult issue which is evident on the site plan is the use of a septic system located on an adjacent property as an accessory use for the proposed single family dwelling. The Petitioner has been unable to obtain the requisite perk tests to locate a conventional on-site sewage disposal system on the subject property. After working with the Department of Environmental Protection and Resource Management (DEPRM), a suitable location was successfully located on Mr. Zito's adjacent parcel and a cross easement agreement was executed and recorded to locate the septic system on a 0.234-acre portion of parcel 83 (118283 Chapman Road). The easement area, which is shown the site plan, was conveyed by agreement dated June 23, 2006 and recorded among the Land Records of Baltimore County (see Petitioner's Exhibits 6 and 7). In view of this unusual circumstance the Petitioner must seek approval of the septic system as an "accessory use" to the subject property.

An accessory use is defined in Section 101 of the B.C.Z.R. as being customarily incidental and subordinate to and serving a principal use and which contributes to the comfort, convenience, or necessity of the occupant. However, it requires that such use be "located on the same lot". Weber's Third New International Dictionary defines "use" as "a benefit arising from lands".

I find DEPRM's allowance of the septic system for the subject property to be located on the adjacent parcel, pursuant to the recorded easement agreement, appropriate for so long as this adjacent parcel remains under the unified ownership of Lawrence J. Zito. In the event that this parcel is sold (parcel 83) to any person or entity outside of the Zito family, the Petitioner shall apply for a lot line adjustment to incorporate the 0.234-acre septic system into the subject 1.39-acre parcel (parcel 376) under one metes and bounds description.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of June, 2007 that the Petition for Special Hearing to approve a lot area of 1.39 acres in lieu of the required 1.5 acres in an R.C. 5 zone pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 relief granted herein shall be rescinded.
- 2. At such time as the Petitioner, his heirs, successors or assigns, sells or otherwise transfers the property (parcel 83) to any person or entity outside of the Zito family, the 0.234-acre easement area, if functioning as an accessory use septic system at the time, must be conveyed to the subject 1.39-acre property (parcel 376) by applying for a lot line adjustment and/or minor subdivision approval so as to place the property and sewage disposal system under one metes and bounds description.
- 3. Prior to the issuance of any permits, the Petitioner shall submit building elevation drawings of the proposed dwelling to say in accordance with the comment dated April 9, 2007, a copy of which is attached hereto and made a part hereof.
- When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Zoning Commissioner of

Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _	7903	Redstone Roned PC	Poad
which is	presently?	zoned _ 12C	<u> </u>

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 a funt suffact of 73ft. In live of the required 75ft, from the attentive of the road and a site yard subject of 48ft. In live of the required 50ft. And to amend the previously approved site plan Ih case to 7-445-5PH.

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.

)- 1:	s the subject of th	is Peti	tion.	• •	•	
Contract Purchaser/Le	essee:		4	Lawrence	<u>s):</u>	Zito			
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Attorney For Petitions	<u>er:</u>					•	-		
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ZONING DESCRIPTION FOR #7903 REDSTONE ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF REDSTONE ROAD WHICH IS 60 FEET WIDE AT THE DISTANCE OF 220 FEET SOUTHEAST OF THE CENTERLINE OF CHAPMAN ROAD WHICH IS 70 FEET WIDE. AS RECORDED IN DEED LIBER 19923, FOLIO 271 AND RUNNING AND BINDING ON REDSTONE ROAD HAVING A CURVE RADIUS OF 600.00 FEET AND A LENGTH OF 105.77 FEET AND CONTINUING ALONG SAID ROAD NORTH 65 DEGREES 43 MINUTES 50 SECONDS EAST, 104.19 FEET; THENCE LEAVING SAID ROAD AND RUNNING THENCE SOUTH 24 DEGREES 16 MINUTES 10 SECONDS EAST, 358.22 FEET; THENCE SOUTH 66 DEGREES 40 MINUTES 40 SECONDS WEST, 138.82 FEET ALONG THE SOUTHERNMOST SIDE OF AN EXISTING 20 FOOT RIGHT OF WAY; THENCE NORTH 23 DEGREES 19 MINUTES 20 SECONDS WEST, 206.50 FEET; THENCE SOUTH 66 DEGREES 40 MINUTES 40 SECONDS WEST, 76.66 FEET AND THENCE NORTH 23 DEGREES 19 MINUTES 20 SECONDS WEST, 157.50 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.39 ACRES, MORE OR LESS. ALSO KNOWN AS #7903 REDSTONE ROAD AND LOCATED IN THE 11TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT.

MICHAEL V. MOSKUNAS REG. NO. 21175 PROFESSIONAL LAND SURVEYOR

SITE RITE SURVEYING, INC 200 E. JOPPA ROAD ROOM 101 TOWSON, MD 21286 (410)828-9060

1192

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: 08-192-SPH
Petitioner: Lawrence Zitu
Address or Location: 1903 Redstone Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Lawrence Zito
Address: 11823 Chapman Road
Kingville, MD 21087-1519
Telephone Number: 410 905 - 2701

DISTRIBUTION WHITE - CA	ិញ 	Rec		Fund A	BALTIMOI OFFICE OI MISCELLA
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NOTICE OF ZONING HEARING

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

Case: #08-192-SPH
7903 Redstone Road
S/side of Redstone Road at the distance of 220 feet s/east of the centerline of Chapman Road
11th Election District - 3rd Councilmanic District
Legal Owner(s): Lawrence Zito
Special Hearing: to permit a front setback of 73 feet in lieu of the required 55 feet from the centerline of the road ad a side yard setback of 48 feet in lieu of the required 50 feet and to amend the previously approved site plan in case #07-445-SPH.

Hearing: Tuesday, January 8, 2008 at 10:00 a.m. In Room 106, County Office Building, 111 West Chesa-

J. WISEMAN, WILLIAM,

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for
special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.
12/209 Dec. 20

2007 12/20

OF PUBLICATION

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

☑ The Jeffersonian

Catonsville Times

Arbutus Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

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LEGAL ADVERTISING

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CASE # 08-19 & SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM ID & COUNTY OFFICE BUILDING PLACE: III WEST CHECKBERK HEAVE FOUNDS NAVED

DATE AND TIME: "TUSSION, THEMSE FOUNDS NAVED TO SECURITY FOR THE FOUNDS NAVED TO THE COUNTY OF THE TOTAL FOR THE COUNTY OF THE COUNTY OF THE COUNTY OF THE TOTAL FOR THE COUNTY OF THE COUNTY OF THE COUNTY OF THE COUNTY OF THE TOTAL FOR THE COUNTY OF THE TOTAL FOR THE COUNTY OF THE COUNT

Malta 12/21/07

	RE: Case No: 08-192-594
	Petitioner/Developer: SITE RITE SURVEYING INC.
	Date Of Hearing/Closing: 1/8/08
Baltimore County Department of Permits and Development Mana County Office Building, Room 111 West Chesapeake Avenue	egement
Attention:	
Ladies and Gentlemen:	
	e penalties of perjury that the necessary
	sted conspicuously on the property
	TO S TOO STORES
This sign(s) were posted on	Nonth, Day, Year) Sincerely, Martin Ogle Sign Poster Sign Poster
	16 Salix Court Address
	Baito. Md 21220 (443-629 3411)
	[TTJ-U47 JTII]

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





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

November 16, 2007

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: 08-192-SPH

7903 Redstone Road

S/side of Redstone Road at the distance of 220 feet s/east of the centerline of Chapman Road 11th Election District – 3rd Councilmanic District

Legal Owners: Lawrence Zito

<u>Special Hearing</u> to permit a front setback of 73 feet in lieu of the required 75 feet from the centerline of the road and a side yard setback of 48 feet in lieu of the required 50 feet and to amend the previously approved site plan in case #07-445-SPH.

Hearing: Tuesday, January 8, 2008 at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Site Rite Surveying, Inc., 200 East Joppa Road, Rm. 101, Towson 21286 Lawrence Zito, 11823 Chapman Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 22,2007.

- (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

Thursday, December 20, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Zito 11823 Chapman Road Kingsville, MD 21087 410-905-2701

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: 08-192-SPH

7903 Redstone Road

S/side of Redstone Road at the distance of 220 feet s/east of the centerline of Chapman Road 11th Election District – 3rd Councilmanic District

Legal Owners: Lawrence Zito

Special Hearing to permit a front setback of 73 feet in lieu of the required 75 feet from the centerline of the road and a side yard setback of 48 feet in lieu of the required 50 feet and to amend the previously approved site plan in case #07-445-SPH.

Hearing: Tuesday, January 8, 2008 at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 2, 2008

Lawrence J. Zito 11823 Chapman Road Kingsville, MD 21087

Dear Mr. Zito:

RE: Case Number: 08-192-SPH, 7903 Redstone Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 23, 2007. 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callabal D

WCR:amf

Enclosures

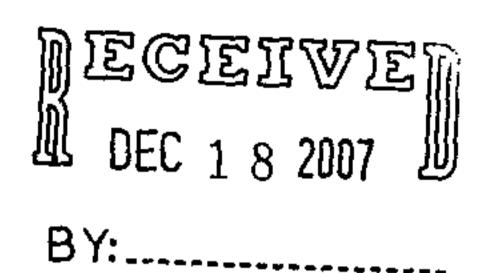
c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

(3W) 1-8-08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





Date: 11/20/07

TO:	Timothy M. Kotroco			
FROM:	Dave Lykens, DEPRM - Development Coordination			
DATE:				
SUBJECT:	Zoning Item # 08-192-SPH Address 7903 Redstone Road (Zito Property)			
Zoning	g Advisory Committee Meeting of October 29, 2007			
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.			
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:			
<u>X</u> _	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).			
• • • • • • • • • • • • • • • • • • •	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).			
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).			
<u>Additi</u>	onal Comments:			

Paul A. Dennis

Reviewer:

1/8 BW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 8, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, Ill

Director, Office of Planning

SUBJECT:

7903 Redstone Road

INFORMATION:

Item Number:

8-192

Petitioner:

Lawrence Zito

Zoning:

RC 5

Requested Action:

Special Hearing

The petitioner requests a special hearing for a front setback of 73 feet in lieu of the required 75 feet from the centerline of the road and a side yard setback of 48 feet in lieu of the required 50 feet and to amend the previously approved site plan in case #07-445-SPH.

SUMMARY OF RECOMMENDATIONS:

In accordance with 1A04.4 of the BCZR, the Office of Planning must provide a finding before approval of the plan. In order to make that finding the following items must be addressed:

- Provide photos of existing buildings and other significant features on the site of the proposed development.
- 2. Provide photos of existing housing in the surrounding neighborhood (to establish neighborhood architectural character).
- 3. Provide architectural elevations of the proposed dwellings to include building materials and colors. (If architectural elevation drawings are not available at this time, a note must be placed on the site plan stating "Architectural elevation drawings must be submitted to the Office of Planning for review and approval in accordance with Section 1A04.G of the BCZR.)
- 4. Proposed grading must be submitted that retains significant site features and plant materials.
- 5. Provide a landscape plan.

For further information concerning the matters stated here in, please contact Diana ltter at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary Neil J. Pedersen. Administrator

Maryland Department of Transportation

Date: November 1, 2007

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

RE: Baltimore County

Item No. 8-192-5PH

7903 REDSTONE ROAD

ZITOPROFERTY

SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-197-504.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

4 Steven D. Foster, Ch

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 30, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 5, 2007

Item Nos. 08-157, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, and 196

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-10302007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 8, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7903 Redstone Road

INFORMATION:

Item Number:

8-192

Petitioner:

Lawrence Zito

Zoning:

RC₅

Requested Action:

Special Hearing

The petitioner requests a special hearing for a front setback of 73 feet in lieu of the required 75 feet from the centerline of the road and a side yard setback of 48 feet in lieu of the required 50 feet and to amend the previously approved site plan in case #07-445-SPH.

SUMMARY OF RECOMMENDATIONS:

In accordance with 1A04.4 of the BCZR, the Office of Planning must provide a finding before approval of the plan. In order to make that finding the following items must be addressed:

- 1. Provide photos of existing buildings and other significant features on the site of the proposed development.
- 2. Provide photos of existing housing in the surrounding neighborhood (to establish neighborhood architectural character).
- 3. Provide architectural elevations of the proposed dwellings to include building materials and colors. (If architectural elevation drawings are not available at this time, a note must be placed on the site plan stating "Architectural elevation drawings must be submitted to the Office of Planning for review and approval in accordance with Section 1A04.G of the BCZR.)
- 4. Proposed grading must be submitted that retains significant site features and plant materials.
- 5. Provide a landscape plan.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewed by:

Division Chief: AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING
7903 Redstone Road; S/S Redstone Road,
220' SE of c/line Chapman Road
11th Election & 3rd Councilmanic Districts
Legal Owner(s): Lawrence J. Zito
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

• BALTIMORE COUNTY

* 08-192-SPH

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 and all documentation filed in the case.

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 31st day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

OCT 3 1 2007

PETER MAX ZIMMERMAN

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

Bill Wiseman - Case No. 08-192-SPH

From: <siteriteinc@aol.com>

To: <wwiseman@co.ba.md.us>

Date: 01/09/08 9:01 AM Subject: Case No. 08-192-SPH

Mr. Wiseman,

In addition to the previous email, the section Jun Fernando was talking about is Section 1A04.3.B.1.b.1 in which an owner of a single lot of record that is not part of an approved subdivision dut does not meet minimum acreage or does not meet setback requirements may apply for a special hearing.

I am sure you found it already, but it was on my to do list.

Have a great day.

Bernadette L. Moskunas

Vice President

Site Rite Surveying, Inc.

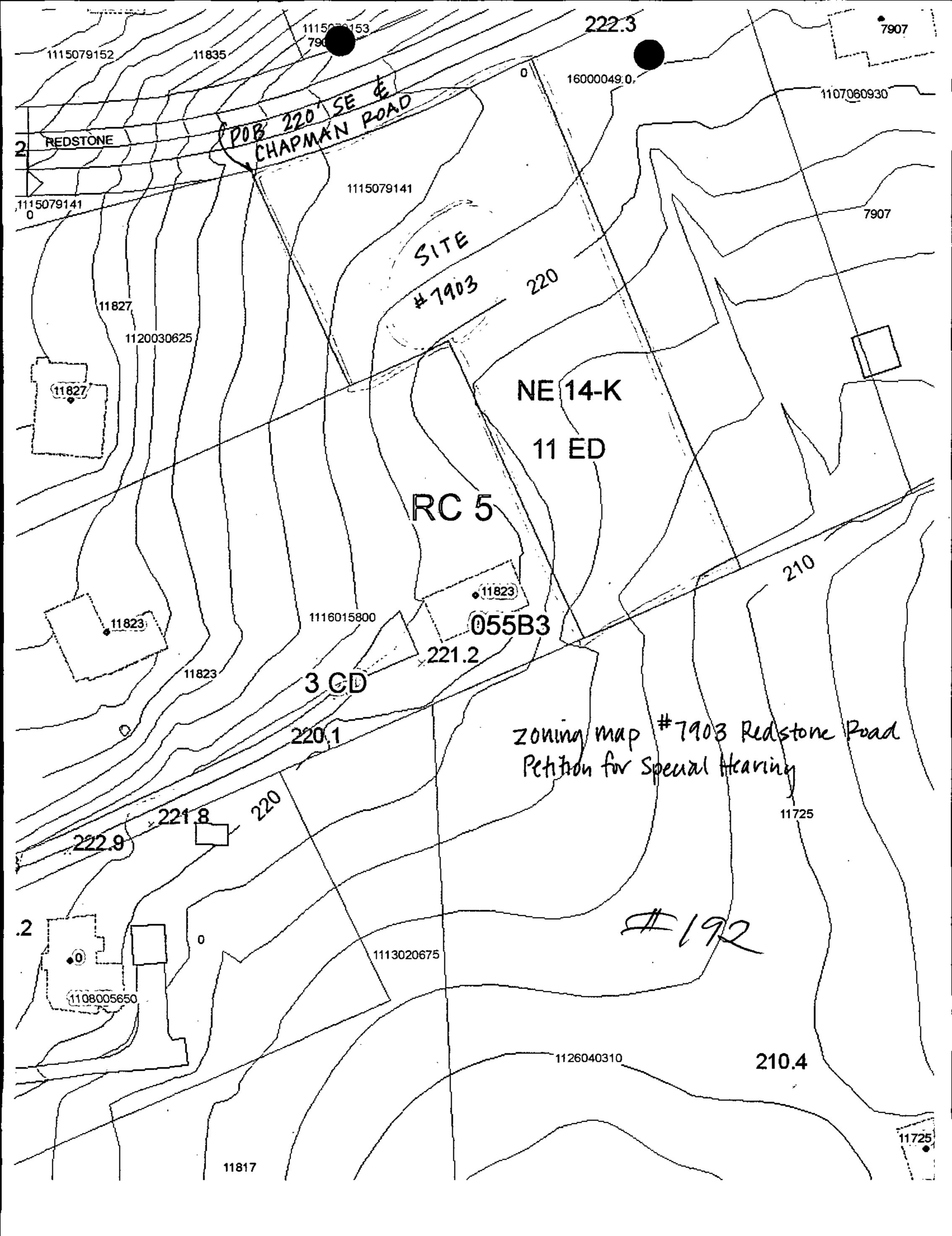
More new features than ever. Check out the new AOL Mail!

PLEASE PRINT CLEARLY

CASE NAME 7903 Redston Road CASE NUMBER 08-192-A DATE 1808

PETITIONER'S SIGN-IN SHEET

E-MAIL SIEVIE INC @ act. com. ZREDER ecomonst. net HoghTech Con Olivison				
CITY, STATE, ZIP TOWSOIN, MD 21286 Kinsswille mo 21087 Parkvill MC				
200 E. Joppin Road Room 101 11823 Channe Rd.	Feth Cartharty - ?! look up ni Phose l			
Bernadette L. Moskunas Site Rite Sannan Ing, Inc. Lauvence 3-12,70	Hich 7			



Case No.: 08-192-SPH 7903 REDSTONE RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	PLOT PLAN FOR BLDG PERMIT	
No. 3 ExistiNG CONDITION	3-A-Foundation 10/07 3-B-View from Redokus 3-C. Bounday Live	
No. 4	BLDG PERMIT #B673773 ussud 9/10/07	
No. 5	J. HN LEW. S LEHER NOT PART OF SUBDIVISON	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		•
No. 11		
No. 12		
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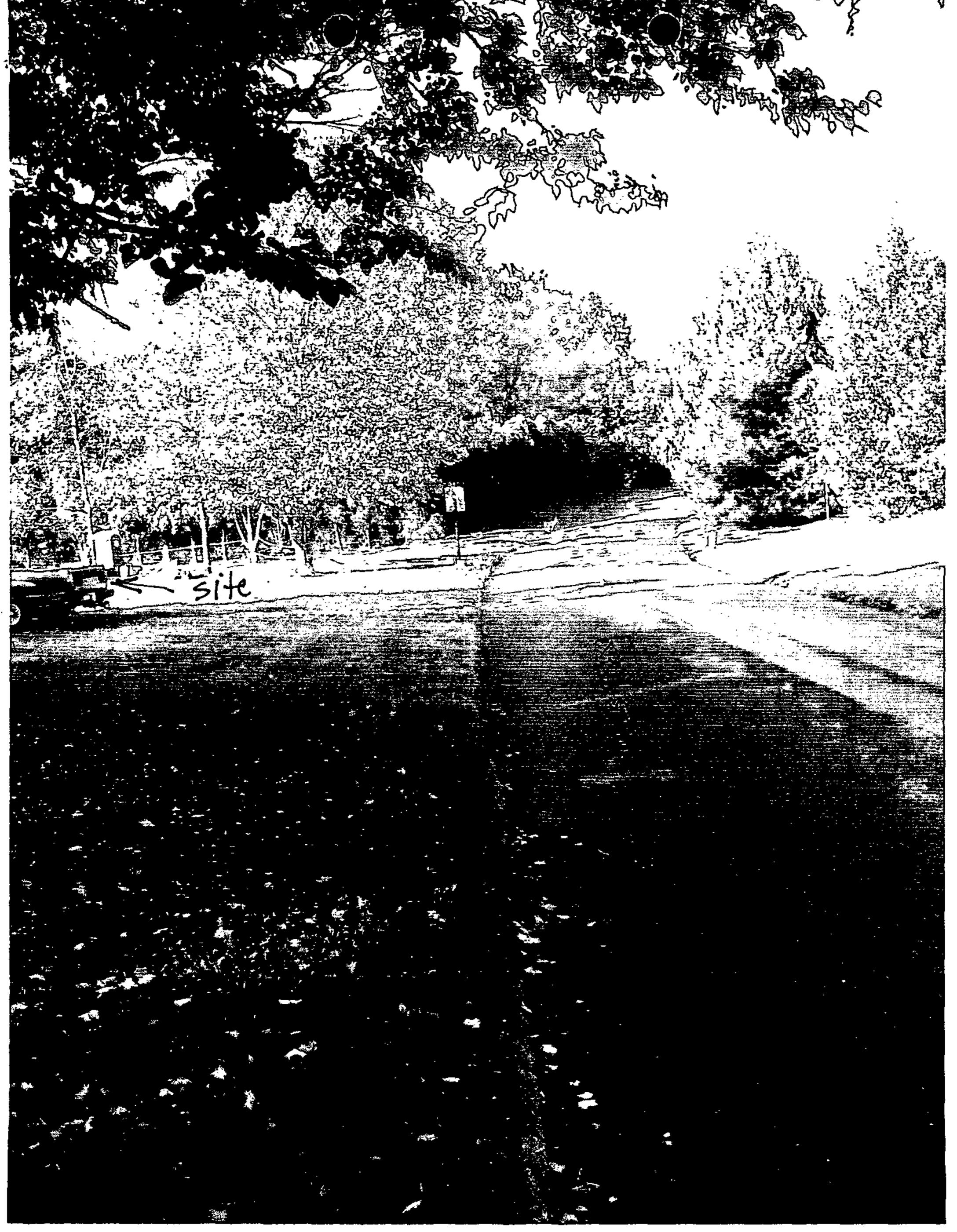
#7903 Redstone Road Existing Foundation built in violation of 50' and 75' suparks.

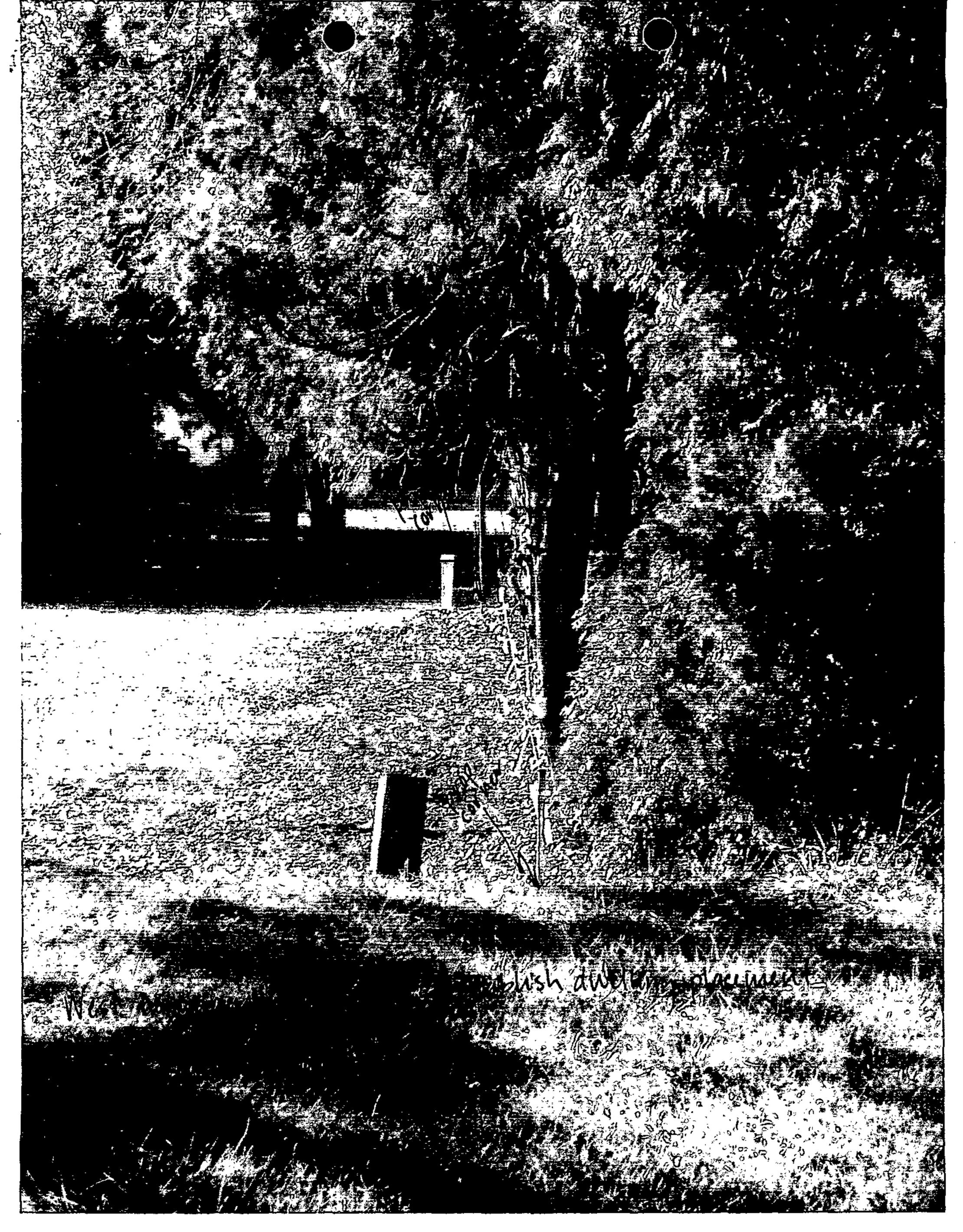


PETITIONER'S

EXHIBIT NO.

3 A





BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TIMOTHY M. KOTROCO, Director



Donald E. Branco

DONALD E. BRAND, Buildings Engineer

BUILDING

PERMIT #: B873773 CONTROL #: NR DIST: 11

PRECI -03

DATE ISSUED: 09/10/2007 TAX ACCOUNT #: 1115079141

-CLASS: 04

PLANS:

CONST 02 PLOT 9

R PLAT O DATA O ELEC YES PLUM YES

LOCATION: 7903

REDSTONE RD

SUBDIVISION: 250 E CHAPMAN ROAD

OWNERS INFORMATION

NAME: ZITO, LAWRENCE

ADDR: 11823 CHAPMAN RD, KINGSVILLE MD 21087

TENANT:

CONTRE

- OWNER (AFFIRMATION OF LANDOWNER SUBMITTED)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT NOTICE TO BUILDERS IN PART OF THIS PERMIT

ENGNR:

SELLR: WORK:

CONSTRUCT SED WITH UNFINISHED BASEMENT(2)FIRE

PLACES(NO PROJ), PATIO W/FOOTERS, BAY WINDOW,

FOUR BEDROOMS, RECREATION ROOM.

71'10"X51'7"X39'≈5,104SF.PER CASE#07-445-SPH

6/15/2007

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD

EXISTING USE: VACANT

TYPE OF IMPRV: NEW BULDING CONTRUCTION

USE: ONE FAMILY

FOUNDATION: CONCRETE

BASEMENT: FULL

SEWAGE: PRIV. PROPOSED

- WATER: PRIV. EXISTS

ONE YEAR FROM DATE OF 1980 F

LOT SIZE AND SETBACKS

SIZE: 1.39AC

FRONT STREET:

STREET: SIDE

FRONT SETB: 50'

SIDE SETB: 87'/50'

SIDE STR SETB:

REAR SETB:

PETITIONER'S

EXHIBIT NO.

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.



JAMES T. SMITH, JR. County Executive

January 9, 2007

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

Site Rite Surveying, Inc. 200 East Joppa Rd, Suite 101 Towson MD 21286

Re: Zoning Verification

Tax Map 55 Parcel: 376, (Redstone Rd.)

11th ED

Dear Ms. Moskunas,

This is a zoning verification response to your December 28, 2006 letter to Mr. Timothy Kotroco, Director of Permits and Development Management, who has authorized me to give you his reply.

Pursuant to your provided information and plats, the following has been determined:

The parcel in question is not shown in the tax records as being part of a subdivision, nor do the provided record plats show this parcel included within the tract boundary. The plat (33/128) which does show the parcel boundaries has a revision note that states: "Revisions and additions to drainage and utility easements only"

These facts give the staff clear indication that this parcel is not in or part of a recorded subdivision. The RC 5 Zoning Regulations in Section 1A04.3.B.1.b, Area regulations apparently requires a special hearing to approve a proposed dwelling on this parcel which does not meet the minimum one and one-half acre lot size. Section 1A04.3.B.2, Building setbacks: regulates the setbacks. Be aware of possible merger concerns.

Please be aware that this answer is for zoning issues only and it is not intended to be legal advice. I hope that this response is adequate for your needs. Please feel free to contact me should you have further questions.

PETITIONER'S

EXHIBIT NO.

5

John Lewis, Planner II, PDM

Very Truly Yours,

JLL/07-0014

