

IN RE: PETITION FOR VARIANCE

E side of Cedar Avenue, 313 feet S from
c/l of Maple Avenue
15th Election District
7th Councilmanic District
(827 Cedar Avenue)

Thomas G. Tzomides
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0032-A**

* * * * *

IN RE: PETITION FOR VARIANCE

E side of Cedar Avenue, 385 feet S from
c/l of Maple Avenue
15th Election District
7th Councilmanic District
(829 Cedar Avenue)

Thomas G. Tzomides
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0033-A**

* * * * *

IN RE: PETITION FOR VARIANCE

W side of Cedar Avenue, 331 feet S from
c/l of Maple Avenue
15th Election District
7th Councilmanic District
(830 Cedar Avenue)

Thomas G. Tzomides
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0034-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance filed by Thomas G. Tzomides, the legal property owner. In each case, Petitioner is requesting the following variance relief:

Case No. 2009-0032-A: For the property located at 827 Cedar Avenue (Lot 84), the variance request is from Sections 1B02.3 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front setback of 10 feet in lieu of 22.5 feet required.

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Case No. 2009-0033-A: For the property located at 829 Cedar Avenue (Lot 85), the variance request is from Sections 1B02.3 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front setback of 5 feet in lieu of 22.5 feet required.

Case No. 2009-0034-A For the property located at 830 Cedar Avenue (Lot 87), the variance request is from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front setback of 10 feet in lieu of 25 feet required.

The subject properties and the requested relief are more fully described on the site plans which were marked and accepted into evidence as Petitioner's Exhibits 1A and 1B and 1C, respectively. In addition, the hearings for each of the cases were heard simultaneously and the evidence was received, collectively, and is hereby incorporated by reference for each of the aforementioned cases.

Appearing at the requisite public hearing in support of the variance requests were Petitioner Thomas G. Tzomides and Richard E. Matz with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the property at 827 Cedar Avenue (Lot 84) is irregular-shaped and contains approximately 21,827.5 square feet or 0.5 acre, more or less, zoned D.R.5.5. A lot line adjustment was requested that would make the property 19,049.75 square feet or 0.44 acre, more or less. The property at 829 Cedar Avenue (Lot 85) is irregular-shaped and contains approximately 22,636.67 square feet or 0.52 acre, more or less, zoned D.R.5.5. Pursuant to the aforementioned lot line adjustment request, this property would become 25,414.41 square feet or 0.58 acre, more or less. The property at 830 Cedar Avenue (Lot 87) is rectangular-shaped and contains approximately 29,185 square feet or 0.67 acre, more or less,

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zoned D.R.5.5. The properties are located northeast of Back River near Muddy Gut Creek and southwest of Route 702 in the Essex area of Baltimore County. Access to the properties is via Route 702 to Hyde Park Road to Goodwood Avenue and then to Cedar Avenue. Lots 84 and 85 are waterfront lots located on the east side of Cedar Avenue; Lot 87 is located across the street on the west side of Cedar Avenue.

As shown on the site plans, Petitioner desires to develop these properties with the construction of a two-story dwelling on each lot. In order to do so, Petitioner is in need of variance relief from the front yard setback requirements set forth in Sections 1B02.3 and 303.1 of the B.C.Z.R. According to Petitioner's engineering consultant, Mr. Matz, the need for variance relief is driven by the significant environmental constraints that limit the location of proposed improvements on the properties. Specifically, Lot 87 is limited by the 100 foot buffer, tidal and non-tidal wetlands, and the 100 year tidal freeboard, and Lots 84 and 85 are limited by similar constraints on the other side of Cedar Avenue. Mr. Matz also indicated that the requested lot line adjustment was put before the County's Development Review Committee (DRC). In a letter dated September 12, 2008 that was marked and accepted into evidence as Petitioner's Exhibit 2, the DRC declined to grant the lot line adjustment at that time, and indicated rather that the proposed development should proceed as a minor subdivision.

Further evidence regarding the subject properties indicate that they were established a number of years ago. Like many subdivisions that were established along the waterfront areas of Essex/Middle River, Lots 84, 85, and 87 were platted as part of the "Goodwood Farms" subdivision in November 1929. A copy of the Plat was marked and accepted into evidence as Petitioner's Exhibit 3. Obviously, these lots -- like the other subdivisions in this area that were established 80 plus years ago -- were platted with very little, if any regard for the now recognized

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PB

environmental constraints inherent to these areas. Indeed, Lot 86 as shown on the site plans is a significant waterfront lot consisting of almost 2 acres and owned by Petitioner; yet because of the environmental constraints that are also shown on the site plans, it is virtually unbuildable by today's standards. As a result of the environmental constraints, Petitioner has sought to reposition the lot line between Lots 84 and 85. The current lot line (--- - - ---) runs straight between the two properties. The proposed new lot line (--- - - ---) would run diagonally inward to Lot 84, thus reducing the size of Lot 84 and increasing the size of Lot 85. As shown on the site plans, this would "pinch" Lot 84, necessitating a proposed dwelling to be located closer to the front yard. The proposed dwelling on Lot 85 would also be pushed closer to the road. According to Mr. Matz, the placement of both these dwellings is driven by the environmental constraints present on the properties, as is the placement of the proposed dwelling on Lot 87.

In support of the variance requests, Mr. Matz discussed a number of unusual characteristics of the properties that justify the relief. First, as the record plat accepted into evidence as Petitioner's Exhibit 3 demonstrates, the subject lots were established in 1929, substantially before the adoption of zoning regulations and certainly prior to the adoption of comprehensive regulations and restrictions concerning environmentally sensitive areas on the properties. Second, when these lots were established, there were no services or utilities that served the area, and hence a decreased possibility that these lots could be developed; however, recently, the County extended public water and sewer service access to this area thereby presenting the opportunity for the development as proposed on the site plans. Finally, in addition to the size and shape differences of the lots, the location of the properties in the Goodwood Farms subdivision is also distinctive compared with others in that area. The subject properties are located at the southernmost end of Cedar Avenue, terminating at a peninsula into Muddy Gut

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BY AB

Creek. On the other hand, the other properties in the subdivision are more significantly inland, or have water access on only one side. The location of these properties essentially goes hand-in-hand with the environmental constraints present on the properties, including wetlands, 100 foot buffers, and tidal freeboard. As a result of this location on the peninsula, there are very few choices of location for the proposed houses on the subject properties other than that shown on the site plans, and at the same time, there is very little chance for additional future development.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated August 25, 2008 which indicate that the Development Review Committee decided on August 25, 2008 that Lots 84 and 85 should be proposed as a minor subdivision although variances are needed. The property is at the end of the road. Increasing proximity to the road permits more distance from the flood zone and environmentally sensitive shore area. The Planning Office will defer to the Department of Environmental Protection and Resource Management (DEPRM) on location of the buildings due to the Critical Area. In addition, parking spaces should not be located in the public-right-of-way. Comments were received from the Bureau of Development Plans Review (DPR) dated August 27, 2008 which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse, and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. For Lot 85, DPR indicates that if the variance is granted, a condition be imposed that the turnaround be posted as "no parking."

Finally, comments were received from the Department of Environmental Protection and Resource Management dated August 27, 2008 which indicate that the properties must comply

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with the Chesapeake Bay Critical Area Regulations. The properties are located within a Limited Development Area of the Chesapeake Bay Critical Area and must comply with a maximum lot coverage area and maximum forest clearing areas. In addition, a 100 foot tidal buffer covers a majority of the lots. The proposed development within the tidal buffer is the subject of Chesapeake Bay Critical Area Administrative Variances currently under review by DEPRM. Allowing the front setback reduction would help reduce impacts to the 100 foot tidal buffer and forest on the properties.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structures which are the subject of the variance requests. These properties were platted well before the adoption of the zoning regulations and environmental restrictions. Because of their locations at the end of Cedar Avenue on the peninsula at Muddy Gut Creek, the properties are affected by environmental constraints more so than other properties in the Goodwood Farms subdivision. The variances are not driven by anything Petitioner has done, but rather are the product of the natural constraints and limitations on the properties themselves. Hence, I find the properties unique in a zoning sense, and also find that the imposition of zoning disproportionately impacts the subject properties as compared to other properties in the zoning district.

Finally, I find these 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. In my view, the addition of three dwellings to the neighborhood will have an immeasurable effect on the locale. In addition, with the availability of public water and sewer services to the subject properties, the proposed dwellings will result in "in-fill" development of a previously platted, but heretofore undeveloped and buildable area.

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[Signature]

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED, this 21st day of October, 2008 by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 2009-0032-A: For the property located at 827 Cedar Avenue (Lot 84), the variance request from Sections 1B02.3 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front setback of 10 feet in lieu of 22.5 feet required; and

Case No. 2009-0033-A: For the property located at 829 Cedar Avenue (Lot 85), the variance request from Sections 1B02.3 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front setback of 5 feet in lieu of 22.5 feet required; and

Case No. 2009-0034-A: For the property located at 830 Cedar Avenue (Lot 87), the variance request from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front setback of 10 feet in lieu of 25 feet required,

be and are hereby GRANTED, subject, however, to the following which are conditions precedent to the relief granted herein:

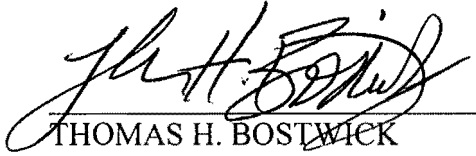
1. Petitioner may apply for his building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for these sites is 10.2 feet Baltimore County Datum. The flood protection elevation for these sites is 11.2 feet. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor of each dwelling must be at least 1 foot above the flood plain elevation in all construction.
3. The properties to be developed are located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed

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whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

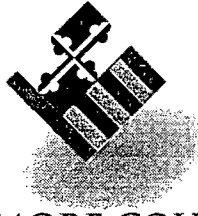
4. The building engineer shall require a permit for these projects. The buildings shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structures with materials resistant to flood damage. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
5. For Case No. 2009-0033-A, the turnaround for Lot 85 shall be posted as "no parking."
6. Development of these properties 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).
7. The properties are located within a Limited Development Area of the Chesapeake Bay Critical Area and must comply with a maximum lot coverage area and maximum forest clearing areas.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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10-21-08
By 



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 21, 2008

THOMAS G. TZOMIDES
7810 RUXWOOD ROAD
TOWSON MD 21204

Re: Petition for Variance
Case No. 2009-0032-A, 2009-0033-A and 2009-0034-A
Property: 827 Cedar Avenue, 829 Cedar Avenue and
830 Cedar Avenue

Dear Mr. Tzomides:

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Richard E. Matz, Colbert Matz Rosenflet, Inc., 2835 Smith Avenue Suite G, Baltimore MD 21209



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 827 Cedar Avenue (Lot 84)

which is presently zoned DR-5.5

Deed Reference 24684 / 289 Tax Account # 1522000330

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 of thereof, hereby petition for a Variance from Section(s)

and 303.1,
1B02.3, BCZR, for a front setback of ten (10) feet in lieu of 22.5 ~~25~~ feet required

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

Reasons to be presented at the hearing.

Property 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

Legal Owner(s):

Thomas G. Tzomides

Name - Type or Print

Signature

Name - Type or Print

Signature

7810 Ruxwood Road

410-686-6510

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 8/4/08

Case No. 2009-0032-A

lot 84

10-21-08

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



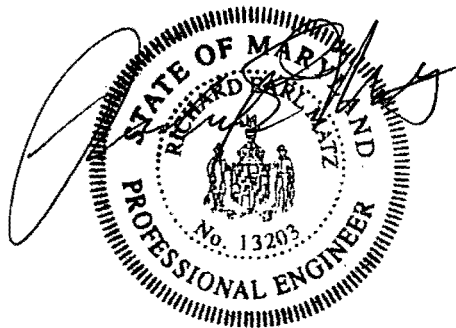
827 ZONING DESCRIPTION CEDAR AVENUE, LOT 84

Beginning at a point on the east side of Cedar Avenue, which is 40 feet wide, at a distance of 313 feet, more or less, ^{South of} ~~from~~ the centerline of Maple Avenue, which is 40 feet wide, thence the following courses and distances:

N 81°27'53" E, 252.38 ft.;
S 17°43'35" W, 48.28 ft.;
S 10°54'02" W, 125.80 ft.;
N 46°35'14" W, 77.27 ft.;
N 34°35'15" W, 63.80 ft.;
S 66°36'52" W, 98.50 ft., thence
N 23°23'08" W, 71.39 ft. to the Point of Beginning.

Being a portion of Lot 84 and a portion of Lot 85 in the subdivision of Goodwood Farms, Plat No. 2, as recorded in Baltimore County Plat Book #9, folio 46, and containing 19,050 sq. ft. (0.44 acre), more or less.

Located in the 15th Election District, 7th Councilmanic District.



Aug 4, 2008

2009-0032-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT**

No. 18562

PAID RECEIPT

Date

8/1/08

BUSINESS ACTION TIME
8/1/2008 8/14/2008 10:51:51

REC 002 PAYE JEVA JEF
REC 001 595730 17/01/2008 0010

528 JUDICIAL VERIFICATION

018562

Recpt Tot 865.00

\$175.00 23 9.00 14

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			610				65.00

Total

65.00

Rec
From

Robert Katz Rosenthal

For

Cedar Ave Lot 84

2009-0032-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**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: #2009-0032-A

827 Cedar Avenue, Lot 84
E/side of Cedar Avenue, 313
feet south from centerline of
Maple Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): Thomas
Tzomides

Variance: for a front setback of
10 feet in lieu of 22.5 feet re-
quired.

**Hearing: Friday, September
19, 2008 at 9:00 a.m. in
Hearing Room 1, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.**

WILLIAM J. WISEMAN, III
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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
9/070 Sept. 4 182776

CERTIFICATE OF PUBLICATION

9/4/, 2008

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 9/4/, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/04/08

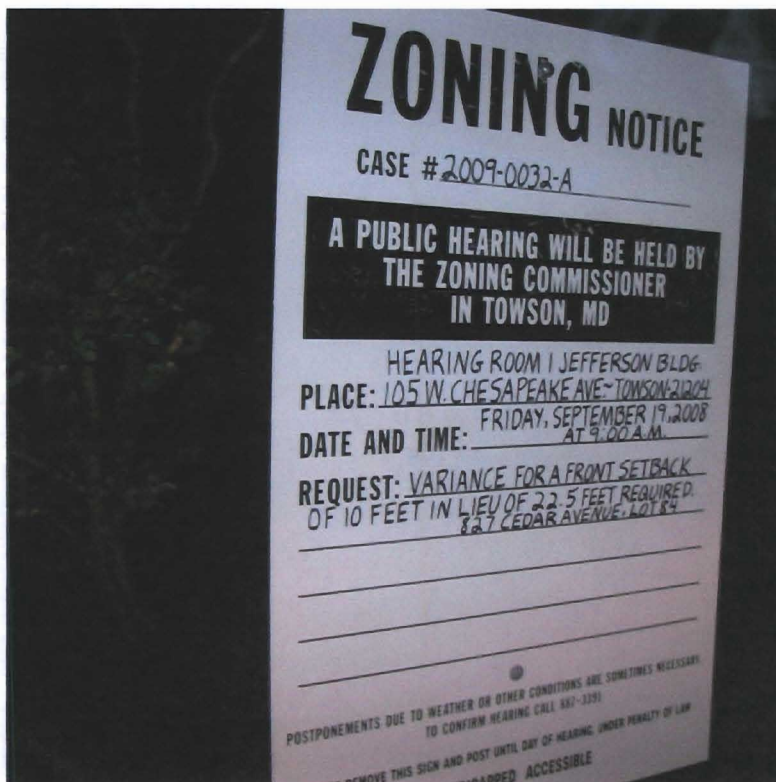
Case Number: 2009-0032-A

Petitioner / Developer: THOMAS TZOMIDES~COLBERT, MATZ & ROSENFELT, INC.

Date of Hearing (Closing): SEPTEMBER 19, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
827 CEDAR AVENUE, LOT 84

The sign(s) were posted on: SEPTEMBER 3, 2008



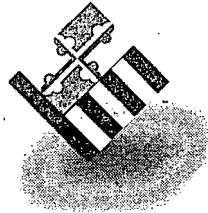
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, 2008
August 26, 2008
Department of Permits and
Development Management

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: 2009-0032-A

827 Cedar Avenue, Lot 84

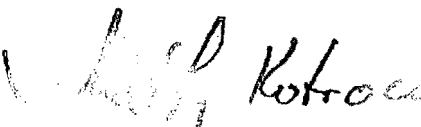
E/side of Cedar Avenue, 313 feet south from centerline of Maple Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Thomas Tzomides

Variance for a front setback of 10 feet in lieu of 22.5 feet required.

Hearing: Friday, September 19, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Thomas Tzomides, 7810 Ruxwood Road, Towson 21204
Richard Matz, 2835 Smith Avenue, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 4, 2008**
- (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, September 4, 2008 Issue - Jeffersonian

Please forward billing to:
Thomas Tzonides
7810 Ruxwood Road
Towson, MD 21204

410-686-6510

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: 2009-0032-A

827 Cedar Avenue, Lot 84

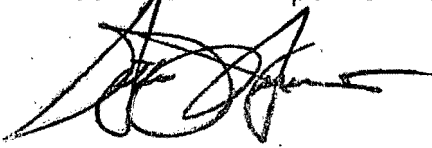
E/side of Cedar Avenue, 313 feet south from centerline of Maple Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Thomas Tzomides

Variance for a front setback of 10 feet in lieu of 22.5 feet required.

Hearing: Friday, September 19, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 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.

**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.

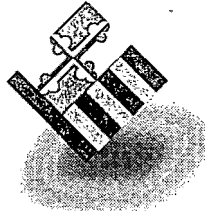
For Newspaper Advertising:

Item Number or Case Number: 2009- 0032A
Petitioner: Thomas G. Tzomides
Address or Location: 827 Cedar Avenue (Lot 84)

PLEASE FORWARD ADVERTISING BILL TO: .

Name: Thomas G. Tzomides
Address: 7810 Ruxwood Rd.
Towson, Md. 21204

Telephone Number: 410-686-6510



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 11, 2008

Thomas G. Tzomides
7810 Ruxwood Rd.
Towson, MD 21204

Dear: Thomas G. Tzomides

RE: Case Number 2009-0032-A, 827 Cedar Ave Lot 84

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 4, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Richard E. Matz, P.E., 2835 Smith Ave, Ste. G, Baltimore, MD 21209

TB 9/19
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 27 2008

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: August 27, 2008
SUBJECT: Zoning Item # 09-032-A
Address 827 Cedar Avenue
(Tzomides Property)

Zoning Advisory Committee Meeting of August 11, 2008

_____ 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 (DEPRM) 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 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).

X _____ 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).

Additional Comments: The property is located within a Limited Development Area of the Chesapeake Bay Critical Area and must comply with a maximum lot coverage area and maximum forest clearing area. In addition, a 100-foot tidal buffer covers a majority of the lot. The proposed development within the tidal buffer is the subject of a Chesapeake Bay Critical Area Administrative Variance currently under review by DEPRM. Allowing the front setback reduction would help reduce impacts to the 100-foot tidal buffer and forest on the property.

Reviewer: Paul Dennis

Date: August 25, 2008

TB 9/19
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 2008

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

SUBJECT: 827, 829 & 830 Cedar Avenue (lots 84, 85 & 87)

INFORMATION:

Item Number: 9-034, 9-033 and 9-032

Petitioner: Thomas Tzomides

Zoning: DR 5.5

Requested Action: Variance

RECEIVED
SEP 05 2008
BY:

SUMMARY OF RECOMMENDATIONS:

The Development Review Committee decided on August 25, 2008 that lots 84 & 85 should be proposed as a minor subdivision although variances are needed. The property is at the end of the road. Increasing proximity to the road permits more distance from the flood zone and environmentally sensitive shore area.

The Office of Planning will defer to DEPRM on location of the buildings due to the Critical Area.

The parking spaces should not be located in the public right-of-way.

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

Reviewed by:

Curtis Murray

Division Chief:

AFK/LL: CM

John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 14, 2008

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 18, 2008
Item No. 2009-0032A

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

Also, please make it a condition of the variance (if granted) that there be no parking allowed in the turnaround area of Cedar Avenue and that the Bureau of Sanitation will have the right to use the turnaround area and whatever other area is needed for trash trucks to be able to turn around.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0032-08142008



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

State Highway
Administration

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

Maryland Department of Transportation

Date: AUGUST 12, 2008

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

RE: Baltimore County
Item No 2009-0032-A
827 CEDAR AVENUE
TZOMIDES PROPERTY
VARIANCE

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. 2009-0032-A.

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,

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR VARIANCE
827 Cedar Avenue; E/S Cedar Avenue,
313' S c/line of Maple Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Thomas G. Tzomides
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-032-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 and all documentation filed in the case.

RECEIVED

AUG 20 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of August, 2008, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2009-0032, 0033, 0034-A

Exhibit Sheet

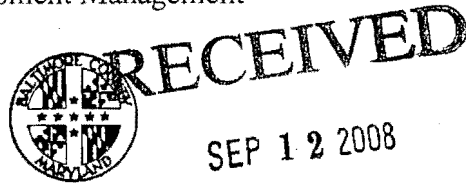
Petitioner/Developer

Protestant

No. 1 A-C	Site Plans for each case	
No. 2	9-12-08 letter from T. Kotroco regarding DRC	
No. 3	Record Plat from 1979	
No. 4	Aerial Photograph	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2007.220

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

Colbert Matz Rosenfelt, Inc.
410-887-3335

September 12, 2008

Colbert Matz Rosenfelt, Inc.
Mr. Richard E. Matz
2835-G Smith Avenue
Baltimore, MD 21209

RE: Cedar Avenue Lots 84 & 85
Cedar Avenue
DRC Number: 082508K; Dist. 15C7

Dear Mr. Matz:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on August 25, 2008, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(5).

PETITIONER'S

EXHIBIT NO.

2

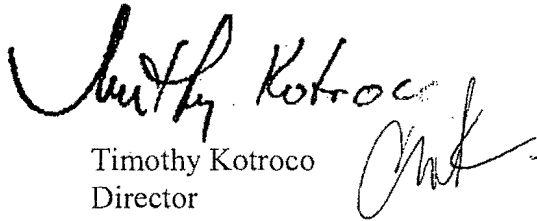
Colbert Matz Rosenfelt, Inc.
Cedar Avenue Lots 84 & 85
September 12, 2008
Page 2

In order to further process your development plan, submit a complete minor subdivision package, as described in the **Procedures for Minor Subdivision**, prepared in accordance with Sections 32-4-221 through 32-4-224 of the Baltimore County Code, and a copy of this letter to this office.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 12th day of September 2008, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,


Timothy Kotroco
Director

TK: WTS:dak

c: Joe Chmura
File
Enclosure

DR 5.5

MAPLE AVE

CEDAR AVE

Muddy Cr

SITE

RC 20

BL

2009-0032-A

LOT 84
MAP NO. 097C3

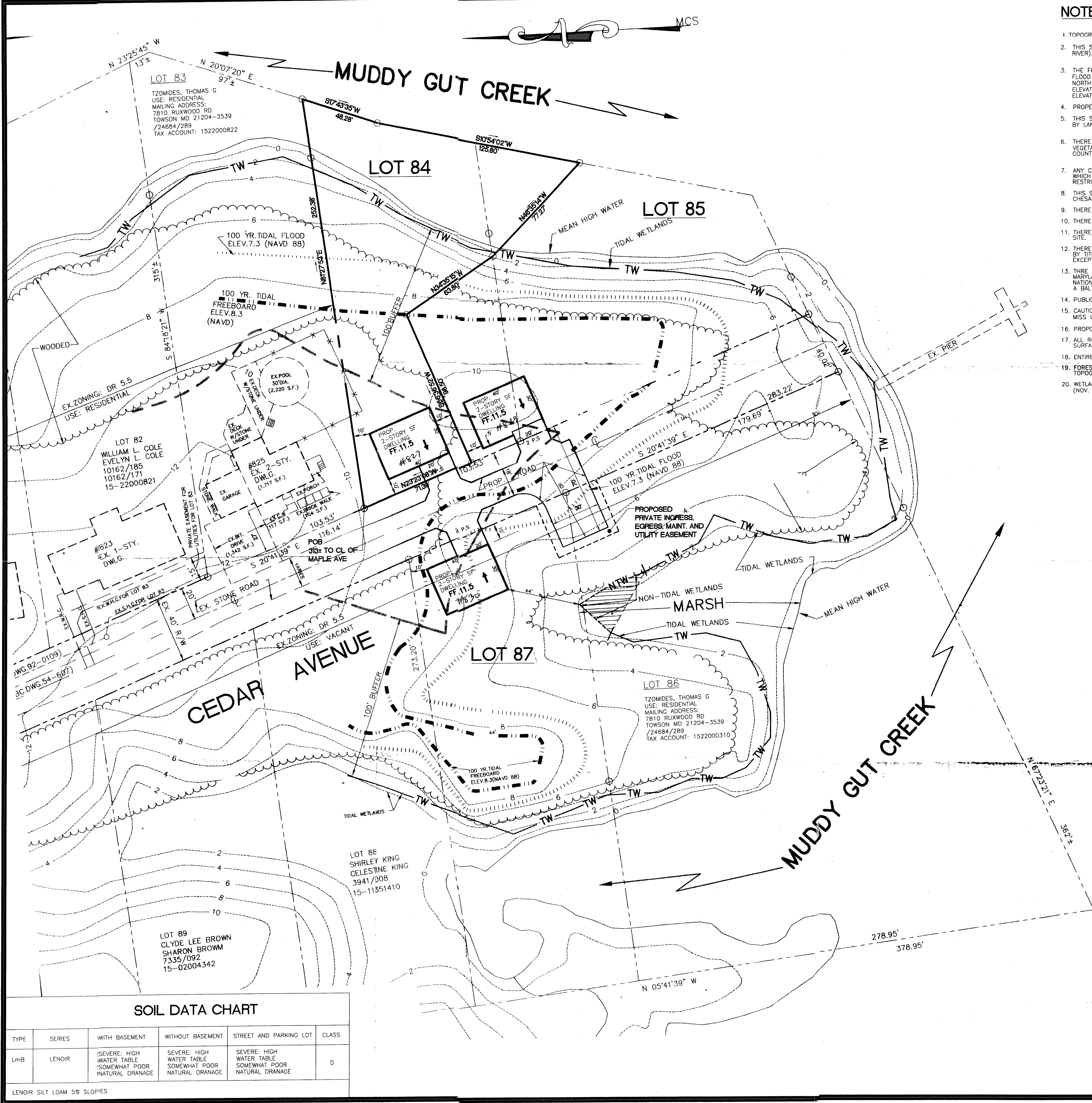
1"=200'

DR 3.5

DENTON RD

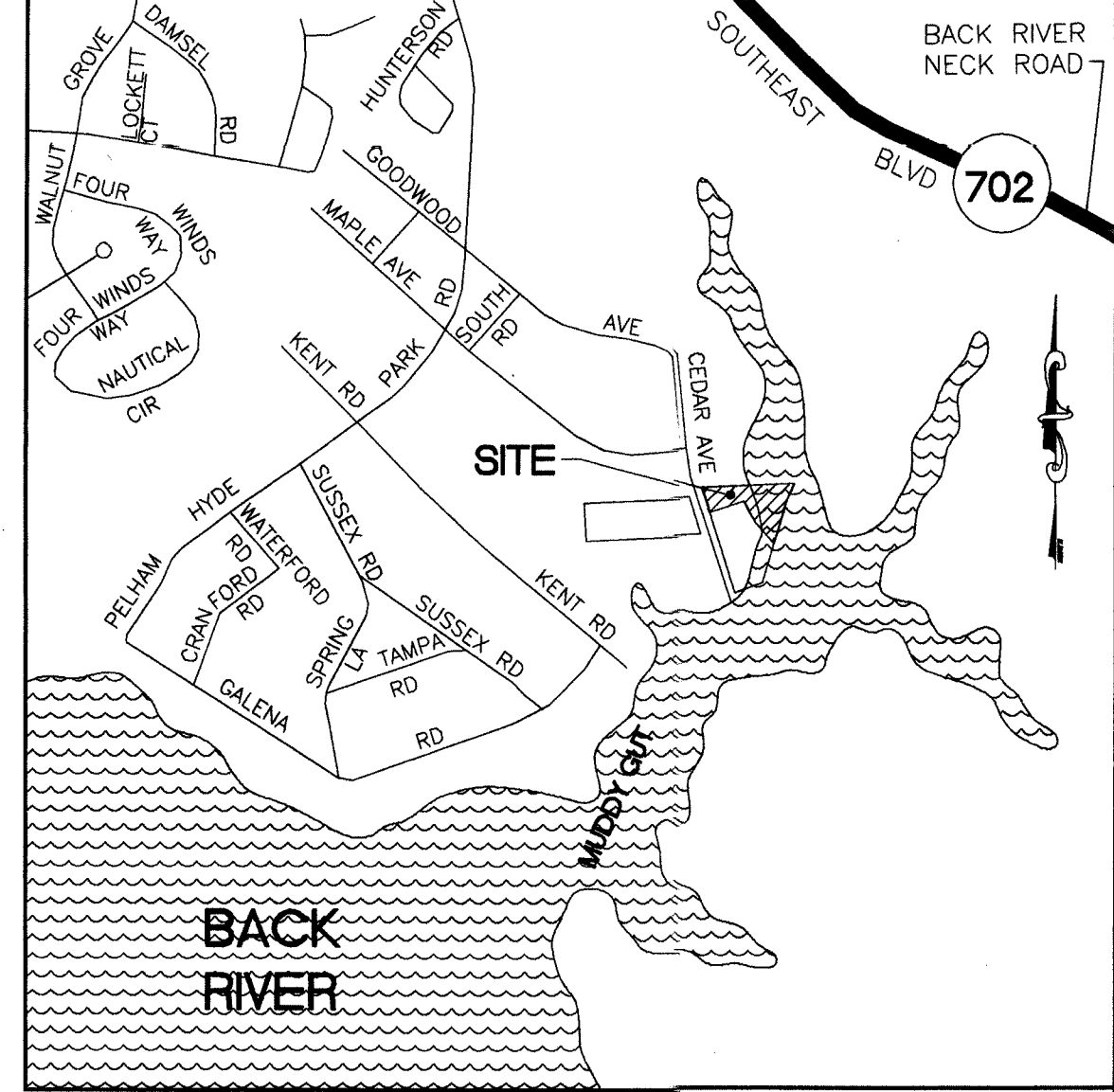
ALLEN RD

PATTON RD



NOTES:

1. TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TOPOGRAPHY.
2. THIS SITE IS PARTIALLY SITUATED WITHIN THE TIDAL FLOOD PLAIN OF MUDDY GUT (BACK RIVER).
3. THE FIRM INSURANCE RATE MAP, PANEL 445 OF 575 INDICATES THIS IS SITUATED WITHIN FLOOD ZONES A WITH A FLOOD ELEVATION OF 9.0 (BCMD) FOR THIS SITE, UTILIZING NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 FOR THIS SITE. THE FLOOD ELEVATION IS 7.3 (NAVD 88). (BALTIMORE COUNTY REQUIRES A MINIMUM FIRST FLOOR ELEVATION OF 9.7 (NAVD 88)).
4. PROPERTY LINES SHOWN HEREON WERE ESTABLISHED BY PUBLIC INFORMATION.
5. THIS SITE IS SITUATED WITHIN THE CHESAPEAKE BAY CRITICAL AREAS AND IS CLASSIFIED BY LAND USE AS LIMITED DEVELOPMENT AREA (LDA) (MAP 97).
6. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN THE 100' BUFFER AREA EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENT PROTECTION AND RESOURCE MANAGEMENT.
7. ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
8. THIS SITE IS NOT SITUATED WITHIN A MAPPED BUFFER MANAGEMENT AREA OF THE CHESAPEAKE BAY CRITICAL AREAS.
9. THERE IS NO SIGNIFICANT PLANT OR ANIMAL HABITAT ON THIS SITE.
10. THERE ARE NO KNOWN WELLS ON THIS SITE.
11. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS OR SEPTIC SYSTEMS ON THIS SITE.
12. THERE ARE NO KNOWN POTENTIALLY HAZARDOUS MATERIALS IN THIS SITE AS DEFINED BY TITLE 7 HEALTH AND ENVIRONMENTAL ARTICLE, ANNOTATED CODE OF MARYLAND, EXCEPT AS NOTED.
13. THERE ARE NO BUILDINGS OR PROPERTY WITHIN THIS SITE ARE INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY, THE BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY OR IS A BALTIMORE COUNTY HISTORICAL DISTRICT.
14. PUBLIC WATER AND SEWER WILL SERVE THIS SITE.
15. CAUTION: UNDERGROUND UTILITIES MAY EXIST IN CEDAR AVENUE & ONSITE, CONTACT MISS. UTILITY (800-257-7777) PRIOR TO ANY CONSTRUCTION.
16. PROPOSED DWELLING HEIGHT <50'.
17. ALL ROOF DOWNSPOUTS MUST DISCHARGE RAINWATER RUNOFF ON TO A PVIOUS SURFACE.
18. ENTIRE SITE IS SITUATED WITHIN 300' CBCA BUFFER.
19. FOREST SHOWN HEREON WERE TAKEN FROM CURRENT BALTIMORE COUNTY GIS TOPOGRAPHY.
20. WETLANDS SHOWN HEREON WERE DELINEATED BY ECO-SCIENCE PROFESSIONAL, INC. (NOV. 2007).



VICINITY MAP: 1"=500'

SITE DATA:

1. OWNER: THOMAS G. TZOMIDES
#7810 RUXWOOD ROAD
TOWSON, MARYLAND 21204-3539
 2. DEED REF: 24684/289 (RECORDED 10/19/06)
 3. TAX ACC. NO.: LOT 84 - 1522000330
 4. TAX MAP: 97 PARCEL: 286 LOT: 84
 5. PLAT REF: PLAT 2 OF GOODWOOD FARMS BOOK 09 FOLIO 46
 6. ELECTION DISTRICT: 15TH
 7. COUNCILMANIC DISTRICT: 7TH
 8. REGIONAL PLANNING DISTRICT: 328
 9. CENSUS TRACT: 4511
 10. ZONING: DR 5.5 (ENTIRE AREA OF PLAN)
 11. ZONING MAP: 097C3
 12. EX. USE: VACANT
 13. PROPERTY LAND AREA: EXISTING 21,827.5 SF
0.5± AC PROPOSED 19,049.75± SF
0.44± AC
- LOT LINE ADJUSTMENT IN PROGRESS

PETITIONER'S

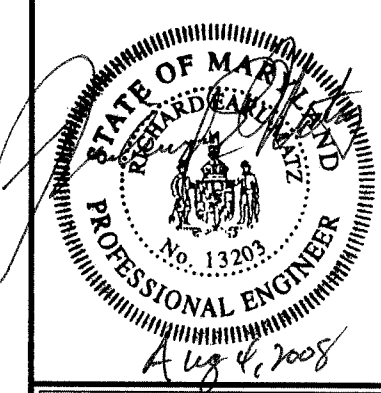
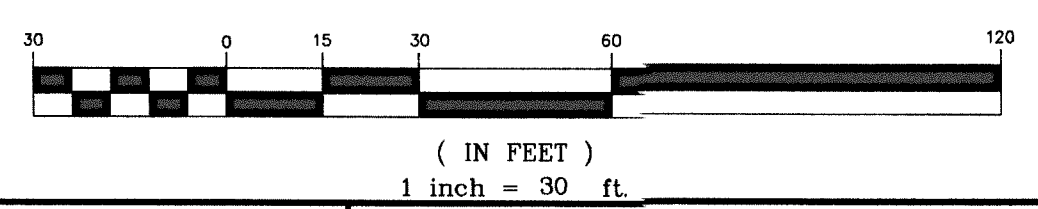
EXHIBIT NO. 1A

2009-0032A

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
CEDAR AVENUE

LOT 84

TAX MAP 97; PARCEL 286
BALTIMORE COUNTY, MARYLAND
GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 13203 Expiration Date: 11-02-08

SCALE: 1"= 30'
DATE: JULY 29, 2008
JOB NO.: 2007-220
DESIGNED:
DRAWN: AWK
CHECKED: REM
FILE: ZON-PLAN.DWG
DRAWING NUMBER: ZON-1

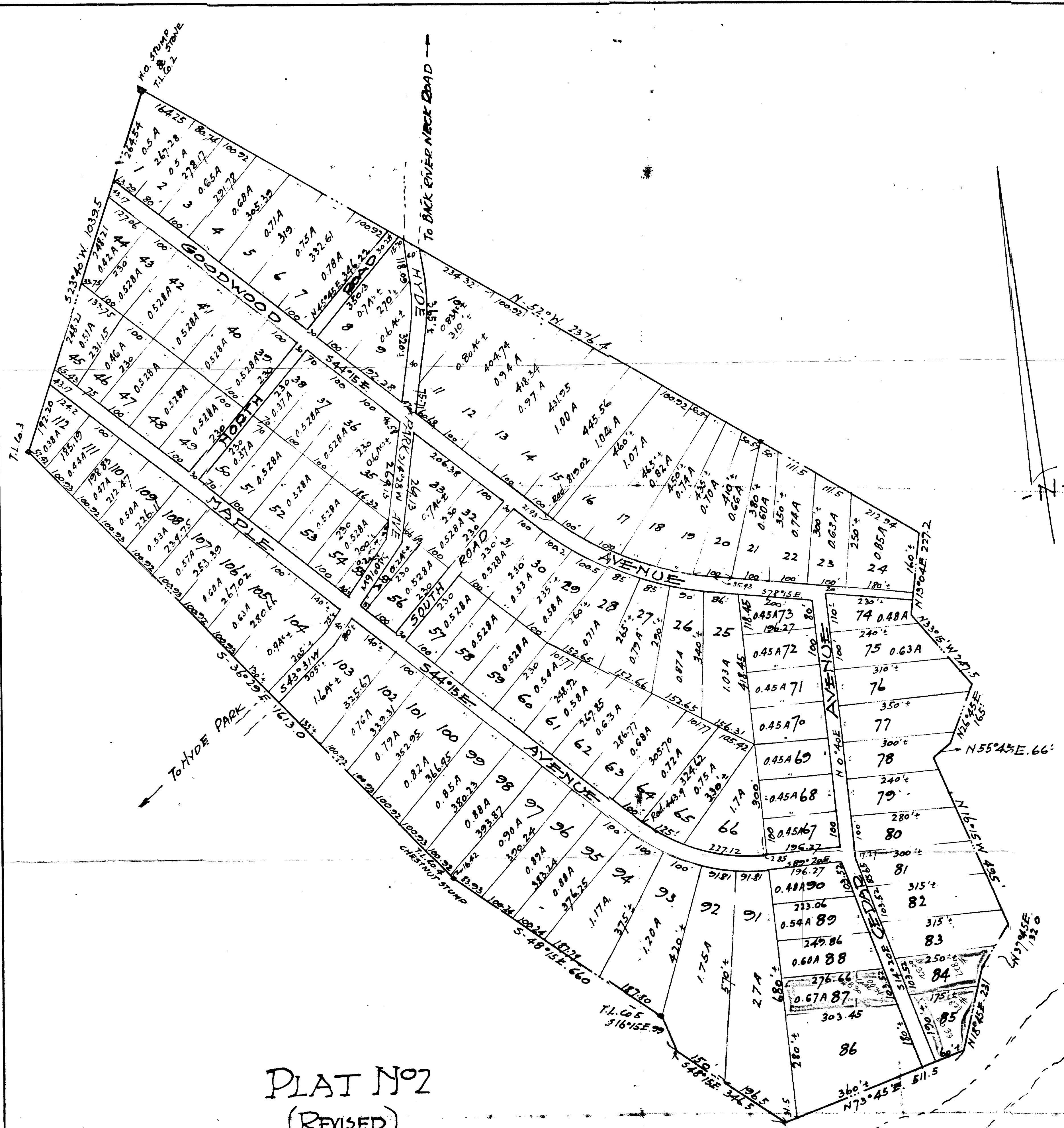
SOIL DATA CHART

TYPE	SERIES	WITH BASEMENT	WITHOUT BASEMENT	STREET AND PARKING LOT	CLASS
LmB	LENOIR	SEVERE: HIGH WATER TABLE SOMEWHAT POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE SOMEWHAT POOR NATURAL DRAINAGE	SEVERE: HIGH WATER TABLE SOMEWHAT POOR NATURAL DRAINAGE	D

LENOIR SILT LOAM 5% SLOPES

LEGEND

- PROPERTY LINE
- LOT LINE
- EXISTING CONTOURS
- 100 YR. TIDAL FREEBOARD
- 100' BUFFER
- NON-TIDAL WETLANDS
- TIDAL WETLANDS
- SLOPES 15% & >



PLAT No 2
(REVISED)
GOODWOOD FARMS
OFFICE

10 EAST PLEASANT ST. BALTO. MD.

SURVEYED & PLATTED
BY

- J. SPENCE HOWARD -

CIVIL & CONSULTING ENGR. BALTO. MD.
Scale 1" = 200 Ft. NOV. 1929

BACK

CREEK

RIVER

PETITIONER'S
EXHIBIT NO. 3

File 222

LIDEN
Folio 46



PETITIONER'S

EXHIBIT NO.

4