

IN RE: **PETITION FOR VARIANCE**

E/S St. Georges Road, 822' S of c/line of
Middleborough Road
(329 St. Georges Road)
15th Election District
6th Council District

Steven Patrick Newton
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

ZONING COMMISSIONER

Case No. 2010-0235-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Steven P. Newton. The Petitioner requests variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with side yard setbacks of 11 feet and 22 feet total side yard setback in lieu of the 14 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet.¹ The subject property and requested relief are more fully described on the site plan submitted which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Steven Newton, owner of the property, Rick Richardson, the professional engineer who prepared the site plan, Paul Nalley, the builder with Residential Builders, and Chuck Meyer, who is assisting the Petitioner through the permitting process. There were no Protestants nor were there any adverse comments from any of the County's reviewing agencies.

¹ The subject property is a water-oriented lot with 50 feet of frontage at the wooden bulkhead and pier on Norman Creek and a width of 50 feet on St. Georges Road. The applicable development standards for small lots set forth in the Chart found in Section 1B02.3.C.1, in addition to area and yard setbacks, require a lot width of 70 feet in the D.R.3.5 zone. Perhaps the Zoning Review Office preferred a public hearing rather than place its reliance upon B.C.Z.R. Section 304.1 (undersized single-family lots). The subject property, Lot 176 in the subdivision of Middleborough has been a lot of record since 1916, meets all height and area requirements and Mr. Newton does not own sufficient adjoining land to conform to the width requirements.

4-20-10
123

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the east side of St. Georges Road just west of Middleborough Road in eastern Baltimore County. As noted, the property is also known as Lot 176 in the subdivision of Middleborough, an older subdivision which was recorded in the Land Records of Baltimore County some 97 years ago, well prior to the effective date of the zoning regulations. See Petitioner's Exhibit 3 – the recorded plat. The property contains a gross area of 12,950 square feet or 0.297 acres, more or less, zoned D.R.3.5 and is presently improved with three (3) single-family dwellings built in 1940 and several out buildings. As is often the case with older subdivisions, many of the lots do not meet current width requirements. In this regard, the subject property is 50 feet wide and 290 feet deep and cannot meet current lot width requirements,² however, is served by public water and sewer. Mr. Richardson submitted as Exhibits 4, 5 and 6 the Deeds he obtained in his title search verifying that there has never been a prior owner who owned adjoining land that would have allowed the subject lot to conform to the current zoning requirements. He points to B.C.Z.R. Section 4A03.4B.1 and 3 that would allow a building permit to be issued for the construction of a dwelling on this undersigned lot.

Variance relief is requested as set forth above to allow the redevelopment of the subject property with a two-story, single-family dwelling with setbacks consistent with other development in the neighborhood as demonstrated by the building elevations submitted as Petitioner's Exhibit 7. Mr. Newton has owned and resided on the property since 2004. He stated he wants to do the right thing – by removing the three (3) one-story dwellings – and building the proposed house with a design in keeping with the character of other newer homes in the community. The new home will be set back 92 feet from bulkhead and positioned centrally on

² A minimum width of 70 feet is required.

the lot with side yard setbacks (11 feet each side) so as to provide setback distances consistent with other homes in the locale.

As shown on the site plan, the current structures are as close as 5 feet from the property lines. The proposed house will be 28' wide x 40' deep and 30' high with a 62 square foot covered porch. The adjacent property owners, Dolores C. Novak and Joann M. Eliopoulos (north side) and Stanley J. and Rose M. Lukasevich (south side) support the proposal. The Office of Planning has no objection to the variance request and points out in the Zoning Advisory Committee (ZAC) comment, "The applicant is razing several existing structures and building a new 2-story dwelling. The proposed house has a smaller footprint than the existing houses to be removed. The existing pattern in the neighborhood is of similar 50' wide lots." In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) which requires that the proposed development must comply with these regulations and, in particular, the Buffer Management Area controls. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variance in this case is driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in the area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioner in that a reasonable use of the land would not be permitted. He is correcting a non-conforming three (3) dwelling use on a single lot that presently impacts negatively upon adjacent owners. Thus, I find that relief can be granted

without detrimental impact to their property. It is noted that many other houses in the community are built on similarly sized lots. See aerial photo – Petitioner's Exhibit 2. However, in granting the relief, I will impose conditions and remind Petitioner that he needs to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM) and with Federal flood insurance requirements mandated in the CBCA.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of April 2010 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet, and a minimum sum of side yard setbacks of 22 feet in lieu of the required 70 and 25 feet, respectively, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED; subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review Division of the Department of Permits and Development Management (DPDM) relative to the Chesapeake Bay Critical Area (CBCA) regulations and all other appropriate environmental, floodplain and BOCA regulations relative to the protection and water quality, streams, wetlands and floodplains. Copies of these comments, dated April 12, 2010 and March 17, 2010, respectively, have been attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

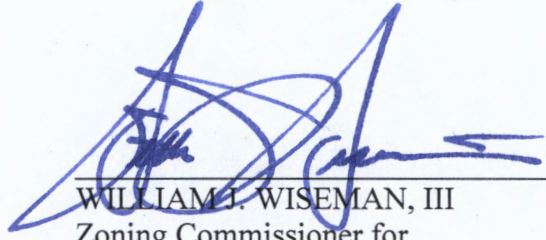
Date

4-20-10

By

1903

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the
Baltimore County Code (B.C.C.).



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date 4-20-10

By WJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 20, 2010

Steven Patrick Newton
329 St. Georges Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

E/S St. Georges Road, 822' S of c/line of Middleborough Road
(329 St. Georges Road)
15th Election District - 6th Council District
Steven Patrick Newton - Petitioner
Case No. 2010-0235-A

Dear Mr. Newton:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over the words "Very truly yours,".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Rick Richardson, Richardson Engineering, LLC, 30 East Padonia Road, Suite 500,
Timonium, MD 21093
Paul Nalley, Residential Builders, 580 Eason Drive, Severn, MD 21144
Chuck Meyer, 1602 Pinnacle Road, Towson, MD 21286
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; DPR; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 329 ST GEORGES RD
which is presently zoned DR 3.5

Deed Reference: 201631500 Tax Account # 1523230821

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)

Amended
Variance per Section 1802.3.C.1 to permit a dwelling with a setback of 11' minimum and 22' total side yard setback in lieu of the required 14' and 25' required on a lot with a width of 50' in lieu of the required 70'.

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

Existing lot configuration and other information that will be presented at the hearing.

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

Legal Owner(s):

STEVEN PATRICK NEWTON

Name - Type or Print

Signature

Name - Type or Print

Signature

329 ST GEORGES ROAD 443-912-9510

Address Telephone No.

BALT MD 21221

City State Zip Code

Representative to be Contacted:

RICK RICHARDSON
RICHARDSON ENGINEERING, LLC

Name

30 E PADONIA RD ST 500 410-560-1502

Address Telephone No.

TIMONIUM MD 21093

City State Zip Code

Case No. 2010-0235-A

Office Use Only

ORDER RECEIVED FOR 3/8/10 of Hearing
Unavailable For Hearing

REV 8/20/07

Date 4-20-10

Reviewed by BW

Date 3/8/10

By BW

30 East Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING DESCRIPTION
329 SAINT GEORGES ROAD
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the East side of Saint Georges Road which is 30 feet wide at the distance of 822 feet South of the centerline of the nearest improved intersecting street Middleborough Road which is 50 feet wide. Being lot #176 in the subdivision of Middleborough as recorded in Baltimore County Plat Book #4, Folio #191, containing 12,950 square feet or 0.297 acres. Also known as 329 Saint Georges Road and located in the 15TH Election District, 6TH Councilmanic District.

**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: 2010-0235-A

Petitioner: STEVEN P. NEWTON

Address or Location: 329 ST GEORGES RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEVEN P. NEWTON

Address: 329 ST GEORGES RD
BAL. MD 21221

Telephone Number: 443-912-9510

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
				Obj	Sub Obj					

Total: _____

Rec
 From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**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: 2010-0235-A

329 St. Georges Road

E/side of St. Georges Road, 822 feet south of the centerline of Middleborough Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Steven Patrick Newton

Variance: to permit a dwelling with a setback of 11 feet minimum and 22 feet total side yard setback in lieu of the required 10 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet.

Hearing: Friday, April 16, 2010 at 9 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 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.

04/041 April 1

234538

CERTIFICATE OF PUBLICATION

4/11, 2010

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 4/11, 2010.

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

S. Wilkins

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0235-A

RE: Case No.: _____

Petitioner/Developer: _____
Steven Patrick Newton

Date of Hearing/Closing: _____ April 16 2010

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

Attn: Kristin Matthews

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: _____
329 St. Georges Road

The sign(s) were posted on _____ April 1 2010
(Month, Day, Year)

Sincerely,

Robert Black 4/2/10
(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)

ZONING NOTICE

CASE # 2010-0235-A

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

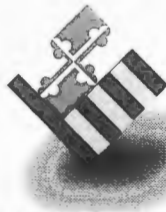
PLACE: ROOM 106, COUNTY OFFICE BUILDING
11 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRIDAY, APRIL 16, 2010 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A DWELLING WITH A SET-
BACK OF 11 FEET MINIMUM AND 22 FEET TOTAL SIDE YARD
SETBACK IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET
REQUIRED ON A LOT WITH A WIDTH OF 50 FEET IN LIEU OF THE
REQUIRED 70 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
March 17, 2010

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: 2010-0235-A

329 St. Georges Road

E/side of St. Georges Road, 822 feet south of the centerline of Middleborough Road

15th Election District – 6th Councilmanic District

Legal Owner: Steven Patrick Newton

Variance to permit a dwelling with a setback of 11 feet minimum and 22 feet total side yard setback in lieu of the required 10 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet.

Hearing: Friday, April 16, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Steven Newton, 329 St. Georges Road, Baltimore 21221
Rick Richardson, Richardson Engineering, LLC, 30 E. Padonia Rd., Ste. 560, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 1, 2010.**
- (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, April 1, 2010 Issue - Jeffersonian

Please forward billing to:
Steven P. Newton
329 St. Georges Road
Baltimore, MD 21221

443-912-9510

NOTICE OF ZONING HEARING

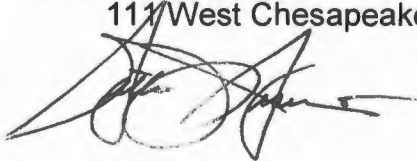
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E/side of St. Georges Road, 822 feet south of the centerline of Middleborough Road
15th Election District – 6th Councilmanic District
Legal Owner: Steven Patrick Newton

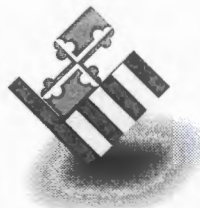
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 6, 2010

Steven Newton
329 St. Georges Rd.
Baltimore, MD 21221

Dear: Steven Newton

RE: Case Number 2010-0235-A, 329 St. Georges Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 08, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Rick Richardson; 30 E. Padonia Rd. Ste. 500; Timonium, MD 21093

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 17, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 29, 2010
Item No.: 2010-235

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 9.4 feet Baltimore County Datum.

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0235-03292010.doc

ORDER RECEIVED FOR FILING

Date

By

4-28-10

103

BW
4-16-10
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 16 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 12, 2010
SUBJECT: Zoning Item # 10-235-A
Address 329 St. Georges Road
(Newton Property)

Zoning Advisory Committee Meeting of March 15, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-104, and other Sections, of the Baltimore County Code).

Additional Comments:

The Limited Development Area regulations and the Buffer Management Area regulations of the Critical Area Law apply to development of this property.

Reviewer: Thomas Panzarella

Date: April 12, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 29, 2010
Item No.: 2010-235

DATE: March 17, 2010

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DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0235-03292010.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 15, 2010

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

SUBJECT: Zoning Advisory Petition(s) Case(s) 10-235 – Variance

329 St. Georges Road

SUMMARY OF RECOMMENDATIONS:

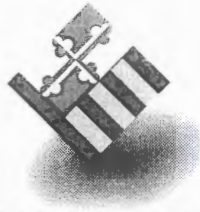
The Office of Planning has reviewed the above referenced case(s) and offers the following:

The applicant is razing several existing structures and building a new 2-story dwelling. The proposed house has a smaller footprint than the existing houses to be removed. The existing pattern in the neighborhood is of similar 50' wide lots. Therefore, the Office of Planning has no objections to the proposed variances and lot width.

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

Division Chief:
AFK/LL

A handwritten signature in black ink, appearing to read "Lynn Lauber", written over a horizontal line.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 15, 2010

Item Numbers: ²³⁵ 0233-0236

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 19, 2010

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

RE: Baltimore County
Item No. 2010-0235
32 ST GEORGE ROAD
STEVE NEWTON 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. 2010-0235-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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
For 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.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
329 St. Georges Road; E/S St. Georges Road, * ZONING COMMISSIONER
822' S of c/line of Middleborough Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Steven Newton * FOR
Petitioner(s) *
BALTIMORE COUNTY
*
10-235-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAR 16 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of March, 2010, a copy of the foregoing Entry of Appearance was mailed to Richard Richardson, Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST**Comment
Received****Department****Support/
Oppose**✓

DEVELOPMENT PLANS REVIEW

Support - See
Comments✓
Received 4/12
Missing 4/9

DEPRM email sent 4-9

Comments_____

FIRE DEPARTMENT

_____Missing 4/9, 4/15PLANNING email sent 4-9
email sent 4-15_____✓

STATE HIGHWAY ADMINISTRATION

Support_____

TRAFFIC ENGINEERING

ZONING VIOLATION

_____✓

NEWSPAPER ADVERTISEMENT

_____✓

PEOPLE'S COUNSEL APPEARANCE

_____None

PRIOR ZONING

_____Received
Missing 4/9

SIGN POSTING

Comments, if any:

4/9 12:35 Left v.m. Rick Richardson - missing proof of
sign posting 410.560.1502. Rick forced

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 4/9/2010 3:32 PM
Subject: Comments Needed

*Missing
OP +
DEPRM*

Good Afternoon Gentlemen:

In reviewing case files for next week's hearings, it appears Bill needs comments for his hearing on Friday, April 16th at:

9 AM - 2010-0235-A - (need Planning & DEPRM)

10 AM - 2010-0224-A - (need Planning & DEPRM)

11 AM - 2010-0227-SPH - (need Planning & DEPRM)

As always, thanks for your usual cooperation and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

9 AM -

2010-0235-A

From: Debra Wiley
To: Murray, Curtis
CC: Are, Kathy; Lanham, Lynn
Date: 4/15/2010 2:02 PM
Subject: Gentle Reminder - Comments Needed
Attachments: Comments Needed

Missing
OP

Hi Curtis,

Please see attached email as Bill needs these for tomorrow's hearings. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 4/9/2010 3:32 PM
Subject: Comments Needed

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As always, thanks for your usual cooperation and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



Assessments and Taxation

(2007 vw1.1d)

Account Ident

Newton Steven P.

329 SAINT GEORGE RD
BALTIMORE MD 21221-1548

Owner Information

Use: _____
Principal Reference: _____
Deed Reference: _____

RESIDENTIAL
YES
1) /20163/ 500
2)

es Address
329 ST GEORGES RD

WATERFRONT
Division

Information

Legal Description

329 ST GEORGES RD
MIDDLEBOROUGH
ment Area

Plat No: 4/191
Plat Ref:

97

Special Tax Areas

Tax Areas
Primary Structure Built
1940

Basement
NO

Enclosed Area
1,017 SF

Property Land Area
12,950.00 SF

County Use
34

Stories
1

Base Value

Value Information		
Value	Phase-in Assessments	As Of
As Of	07/01/2009	07/01/2010

374,100

Improvements: _____
Total: _____
Land: _____

Seller: CHIOFOLO FRANK F
Age: IMPROVED ARMS-LENGTH
CHIOFOLO CARMEN S
S-LENGTH
...STIN

Seller: CHIOFOLO
Type: IMPROVED ARMS
Seller: CHIOFOLO CARMEN S
Type: NOT ARMS-LENGTH
Seller: CHIOFOLO AUGUST
Type: NOT ARMS-LENGTH

Type: IMPROVISED
Seller: CHIOFOLO AUGUSTINE
Type: NOT ARMS-LENGTH

Seller: CHIOFOLO AUGUSTINE
Type: NOT ARMS-LENGTH

Assessment

Partial Exempt Assessments

Partie
County
State

State
Municipal

Tax Exempt:
Exempt Class:

Transfer Information Date: Dec

Date: 06/02/2004
Deed1: /20163/ 500
11/24/1993
2164/ 43

Date: 11/24/1993
Deed1: /10164/ 432
Date: 10/03/1990
Deed1: /2511/ 83

Deed1: / 10/03/1990
Date: 10/03/1990
Deed1: / 8611/ 835
tion 01/200

Exemption Information		07/01/2009
Class		
000		0
000		0
000		0

Class	0
000	0
000	0
000	0

Special

Go Back
View Map
New Search

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Account Number - 1503230821

District - 15



The information shown on this map has been compiled from deed descriptions and plat survey. The map should not be used for legal descriptions. Users noting errors are urged to contact the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.psa.state.md.us.

Property maps provided courtesy of the Maryland Department of Assessments and Taxation. For more information on electronic mapping applications, visit the web site at www.mdp.state.md.us/OurProducts.

CASE NAME NEWTON RESIDENCE
CASE NUMBER 2010-235-A
DATE 4/16/10

[illegible]

Case No.: 2010-0235-A 329 St. GEORGES RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Aerial Photo - ZONING designation shown with Pattern of Development	
No. 3	1916 - Plat of Middleborough Lot 176 - 50' wide	
No. 4	DEED	
No. 5	Chain of title Search Deed - 6/24/90	
No. 6	Chain of title 10/27/93	
No. 7	Building Elevations	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

002016 500

THIS DEED

Made this 21st day of May, 2004, by and between Frank F. Chiofalo, as to an undivided 1/2 interest, and Carmen S. Chiofalo, as to an undivided 1/2 interest, parties of the first part, and Steven P. Newton, party of the second part:

WITNESSETH, that in consideration of the sum of \$290,000.00, actual money consideration and other valuable consideration, receipt of which is hereby acknowledged, the said parties of the first part do grant and convey unto the said party of the second part, Sole Owner, his/her/their personal representatives and assigns, in fee simple, all that property situate, in Baltimore County, State of Maryland described as follows, that is to say:

BEGINNING for the same and being all that lot of ground and property known and designated as Lot No. 176 as shown on the Plat of "Middleborough" on Middle River of Middleborough Land Corporation of Baltimore County which plat is filed in Plat Book W.P.C. No. 4, folio 191.

The improvements thereon being known as 329 St. George's Road.

BEING one of the lots of ground which by Deed dated June 29, 1990 and recorded among the Land Records of Baltimore County in Liber 8611, folio 833 was granted and conveyed from Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representative of the Estate of Christine Chiofalo unto Frank F. Chiofalo, the within Grantor(s).

BEING also the one of the lots of ground which by Deed dated June 29, 1990 and recorded among the Land Records of Baltimore County in Liber 8611, folio 835 was granted and conveyed from Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representative of the Estate of Christine Chiofalo unto Carmen S. Chiofalo, the within Grantor(s).

BEING the same lot of ground which by Confirmatory Deed dated October 27, 1993 and recorded among the Land Records of Baltimore County in Liber 10164, folio 429 was granted and conveyed from Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representative of the Estate of Christine Chiofalo unto Carmen S. Chiofalo, the within Grantor(s).

BEING the same lot of ground which by Confirmatory Deed dated October 27, 1993 and recorded among the Land Records of Baltimore County in Liber 10164, folio 432 was granted and conveyed from Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representative of the Estate of Christine Chiofalo unto Frank F. Chiofalo, the within Grantor(s).

The total payment per Section 10-912(b) of the Tax General Article of the Annotated Code of Maryland (withholding tax law) is: \$ 210,213.18.

which has an address of 329 St. Georges Road, Essex, Maryland 21221.

The within names Grantees, by execution of this instrument, hereby make oath in due form of law that they will occupy the herein described real property.

Steven P. Newton
Steven P. Newton

SUBJECT to covenants, easements and restrictions of record.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, Steven P. Newton Sole Owner his/her/their personal representatives and assigns in fee simple.

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

BY the execution of this Deed the parties of the first part hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinabove set forth.

EXHIBIT NO.

PETITIONER'S

4

BY the execution of this Deed the parties of the first part hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinabove set forth.

WITNESS the hands and seals of said grantor.

Rosanna F. Blum
 Rosanna F. Blum
 Notary Public - Maryland
 My Commission Expires 6/1/06

Frank F. Chiofalo (SEAL)
 Frank F. Chiofalo
Carmen S. Chiofalo (SEAL)
 Carmen S. Chiofolo

STATE OF MARYLAND
 BALTIMORE COUNTY, TO WIT;

I Herby Certify, That on this 21 day of May, 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Steve Newton, known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument and acknowledged the foregoing Deed to be his/her/their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.
 ROSANNA F. BLUM
 Notary Public - Maryland
 My Commission Expires 6/1/06

STATE OF MARYLAND
 BALTIMORE COUNTY, TO WIT;

I Herby Certify, That on this 12 day of May, 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Frank F. Chiofalo and Carmen S. Chiofolo, known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument and acknowledged the foregoing Deed to be his/her/their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My Commission Expires: 4/29/07

James R. Hart
 James R. Hart
 Notary Public
 My Commission Expires 4/29/07

ROSANNA F. BLUM
 Notary Public - Maryland
 Baltimore County
 My Commission Expires 6/1/06

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT WAS PREPARED UNDER THE SUPERVISION OF THE UNDERSIGNED ATTORNEY DULY ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND, AND PREPARED WITHOUT ANY LIABILITY BY THE UNDERSIGNED ATTORNEY.

Howard Weinstein
 Howard Weinstein
 Attorney

File No. 120513BC
 PLEASE RETURN TO:
 SUMMIT TITLE COMPANY
 Suite 202, Lafayette Building
 40 W. Chesapeake Avenue
 Towson, Maryland 21204

I hereby Certify, that on this 21st day of May, 2004 before me, the subscriber, a Notary Public of the State of Maryland aforesaid, personally appeared Frank Chiofalo, known to me to be the person whose name is subscribed to the within instrument and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

In witness Whereof, I hereto set my hand and official seal.

ROSANNA F. BLUM
 Notary Public - Maryland
 Baltimore County
 My Commission Expires 6/1/06

Rosanna F. Blum
 Rosanna F. Blum
 Notary Public

PETITIONER'S

EXHIBIT NO.

5

SM 8611 ME 835

THIS DEED, Made this 24th day of June, in the year nineteen hundred and ninety, between FRANK F. CHIOFOLO and CARMEN S. CHIOFOLO, Personal Representatives of the Estate of Christine Chiofalo, deceased, of Baltimore City, State of Maryland, of the first part, and CARMEN S. CHIOFOLO, of Baltimore County, State of Maryland, of the second part.

WHEREAS, by virtue of the Second and Final Administration Account of Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representatives of the Estate of Christine Chiofalo, deceased, late of Baltimore City, filed in the Orphans' Court of Baltimore City, on the 4th day of June, 1990, the said Personal Representatives made distribution of one-half of the fee simple property in Baltimore County, more particularly described herein, unto the grantee herein named and whereas pursuant to Section 9-105 of the Estate and Trusts Volume of the Annotated Code of Maryland, the Personal Representatives shall execute an instrument or Deed of Distribution.

NOW, THEREFORE, THIS DEED WITNESSETH, that for and in consideration of the sum of no monetary consideration and in pursuance of the above-recited Section of the Maryland Code, the said Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representatives as aforesaid, do grant and convey unto Carmen S. Chiofalo, all those lots of ground situate in Baltimore County aforesaid, and described as follows, that is to say:-

BEGINNING for the First and being all that lot of ground and property known and designated as Lot No. 176 as shown on the Plat of "Middleborough" on Middle River of Middleborough Land Corporation of Baltimore County which Plat is filed in Plat Book W.P.C. No. 4, Folio 191.

BEGINNING for the Second and being all that ground and premises situate, lying and being in Baltimore County aforesaid and being known as Lot Numbered 179 as shown on the plat of the property of Middleborough Land Corporation of Baltimore County which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.P.C., No. 4, Folio 191.

BEING the same properties which by Deed dated January 18, 1982 were granted and conveyed by Anthony S. Federico, Sr., Personal Representative of the Estate of Frank J. Chiofalo and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr., No. 6375, folio 475, was granted and conveyed to Augustine Chiofalo. See also Estate of Christine Chiofalo in the office of the Register of Wills of Baltimore City, Estate No. A28483; the said Christine Chiofalo and Augustine Chiofalo are one and the same.

BALTIMORE COUNTY
Per: Jay B. King
Date: 9-29-90 Sec. 11-55 H

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JK 927-90

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JK 927-90

SM 8611 0836

TOGETHER with the buildings thereupon and all the rights, alleys, ways, waters, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD one-half of the properties above-mentioned unto and to the use of the said Frank F. Chiofalo, his personal representatives, heirs and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the said Grantors.

Frank F. Chiofalo (SEAL)
Frank F. Chiofalo

Carmen S. Chiofalo (SEAL)
Carmen S. Chiofalo

STATE OF MARYLAND, Baltimore, to wit:-

I HEREBY CERTIFY that on this 29th day of June, 1990, before me, a Notary Public of the State aforesaid, personally appeared Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representatives of the Estate of Christine Chiofalo, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed same in my presence and acknowledged that they have executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Finwood C. Jarrell
Notary Public

My Commission Expires:
April 1, 1993



MAIL TO:

Stockdale, Jarrell & Coach
6717 Harebird Rd. 21234

This Deed

8611 0837

01-120340071

Tax Account No./Parcel Identifier

Made this 30th day of August, 19 90, by and between

Theron S. Nelson, surviving Tenant by the Entirety of Vera C. Nelson, deceased *
party(ies) of the first part, and
George Demetriou and Joan M. Demetriou,
party(ies) of the second part:

Witnessed, that in consideration of the sum of \$ 112,000.00 receipt of which is hereby
acknowledged, and which party(ies) of the first part certify under the penalties of perjury as the actual considera-
tion paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party(ies) of
the first part do(es) grant and convey unto the party(ies) of the second part in fee simple as Tenants by
the Entirety all that property situate in Baltimore County, State of Maryland,
described as:

For a Complete Legal Description, See Schedule A, Attached Hereto

* who died on or about August 27, 1989.

WE HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
PROPERTY HEREIN CONVEYED WILL BE OUR PRINCIPAL PLACE OF
RESIDENCE.

George Demetriou
George Demetriou

Joan M. Demetriou
Joan M. Demetriou

RECEIVED FOR TRANSFER
State Department of
Assessment & Taxation
for Baltimore County
JR 9/28/90

RECORDED TRANSFER TO
NOT APPLICABLE
JR 9/28/90

which has an address of 200 N. Beaumont Avenue, Catonsville, Maryland 21228

Subject to covenants, easements and restrictions of record.

To Have and To Hold said land and premises above described or mentioned and hereby intended to
be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every ti-
tle, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for
the proper use, fully, benefit and behalf forever of said party(ies) of the second part in fee simple.
Being the same property described in Liber 3259 folio 830 among the said Land Records.

And the said party(ies) of the first part covenants that it will warrant specially the property hereby con-
veyed and that it will execute such further assurances of said land as may be requisite or necessary.

In Testimony Whereof, the said party of the first part has set its hand(s) and seal(s) the year and day
first above written.

(SEAL)

Theron S. Nelson

(SEAL)

Theron S. Nelson

13.00
410.00
560.00
983.00
10/03/90

State of Maryland, County of Montgomery ss:

I Herby Certify that on this 30th day of August, 19 90
before me, the undersigned subscriber, did personally appear Theron S. Nelson

known to me or satisfactorily proved to be the person(s) whose name(s) are set forth in the within deed, and did fur-
ther acknowledge that they executed the foregoing deed for the purposes therein contained.

Witness My Hand And Notarial Seal.

My commission expires 3/3/93

James S. Higdon Notary Public

I certify that this instrument was prepared under the supervision of an attorney admitted
to practice before the Court of Appeals of Maryland.

030820133TLTRTX \$1,792.00
BA C003:52PM09/25/90

Form #29

James S. Higdon Attorney

THIS CONFIRMATORY DEED, Made this 27th day of ~~June~~ in the year Nineteen Hundred and Ninety-three, between FRANK F. CHIOFOLO and CARMEN S. CHIOFOLO, Personal Representatives of the Estate of Christine Chiofola, deceased, of Baltimore City, State of Maryland, for the first part, and FRANK F. CHIOFOLO, of Baltimore County, State of Maryland, of the second part.

WHEREAS, by virtue of the Second and Final Administration Account of Frank F. Chiofola and Carmen S. Chiofola, Personal Representatives of the Estate of Christine Chiofola, deceased, late of Baltimore City, filed in the Orphans' Court of Baltimore City, on the 4th day of June, 1990, the said Personal Representatives made distribution of one-half of the Fee Simple property in Baltimore County, more particularly described herein, unto the grantees herein named and whereas pursuant to Section 9-105 of the Estates and Trusts Volume of the Annotated Code of Maryland, the Personal Representatives shall execute an instrument or Deed of Distribution.

NOW, THEREFORE, THIS DEED WITNESSETH, That for and in consideration of the sum of no monetary consideration and in pursuance of the above recited Section of the Maryland Code, the said Frank F. Chiofola and Carmen S. Chiofola, Personal Representatives as aforesaid, do grant and convey unto the said Frank F. Chiofola, an undivided one-half interest in all those lots of ground situate in Baltimore County aforesaid, and described as follows, that is to say:

BEGINNING for the First and being all that lot of ground and property known and designated as Lot No. 176 as shown on the Plat of "Middleborough" on Middle River of Middleborough Land Corporation of Baltimore County which Plat is filed in Plat Book W.P.C. No. 4, Folio 191.

BEGINNING for the Second and being all that ground and premises situate, lying and being in Baltimore County aforesaid and being known as Lot Numbered 179 as shown on the plat of the property of "Middleborough Land Corporation of Baltimore County, which Plat is duly filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 191.

BEING the same properties which by deed dated January 18, 1982 were granted and conveyed by Anthony S. Federico, Sr., Personal Representative of the Estate of Frank J. Chiofola, and recorded among the Land Records of Baltimore County in Liber EHKJr No. 6375, folio 475, was granted and conveyed to Augustine Chiofola. See also Estate of Christine Chiofola in the Office of the Register of Wills of Baltimore City, Estate No. A28488, the said Christine Chiofola and Augustine Chiofola are one and the same.

PETITIONER'S

EXHIBIT NO.

Handwritten signatures and initials at the bottom of the page.

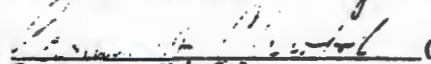
This Confirmatory Deed is executed because a prior Deed recorded among the Land Records of Baltimore County in Liber SM No. 8611, folio 833 did not refer to "an undivided one-half interest" in the Granting Clause. This Deed is executed for the purpose of correcting the possible defect.

TOGETHER with the buildings thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD one-half of the properties above mentioned unto and to the use of the said Frank F. Chiofalo, his personal representatives, heirs and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; and that they will execute such further assurances of the same as may be requisite.

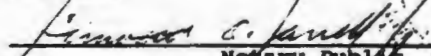
WITNESS the hands and seals of the said Grantors.

 (SEAL)
Frank F. Chiofalo
 (SEAL)
Carmen S. Chiofalo

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

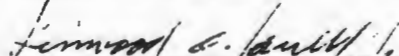
I HEREBY CERTIFY that on this 27th day of October 1993, before me, a Notary Public of the State aforesaid, personally appeared Frank F. Chiofalo and Carmen S. Chiofalo, Personal Representatives of the Estate of Christine Chiofalo, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed same in my presence and acknowledged that they have executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

 (SEAL)
Notary Public

My Commission Expires: April 1, 1997

This is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Linwood O. Jarrell, Jr.

deedform\chiofalo.fra

PETITIONER'S

EXHIBIT NO.

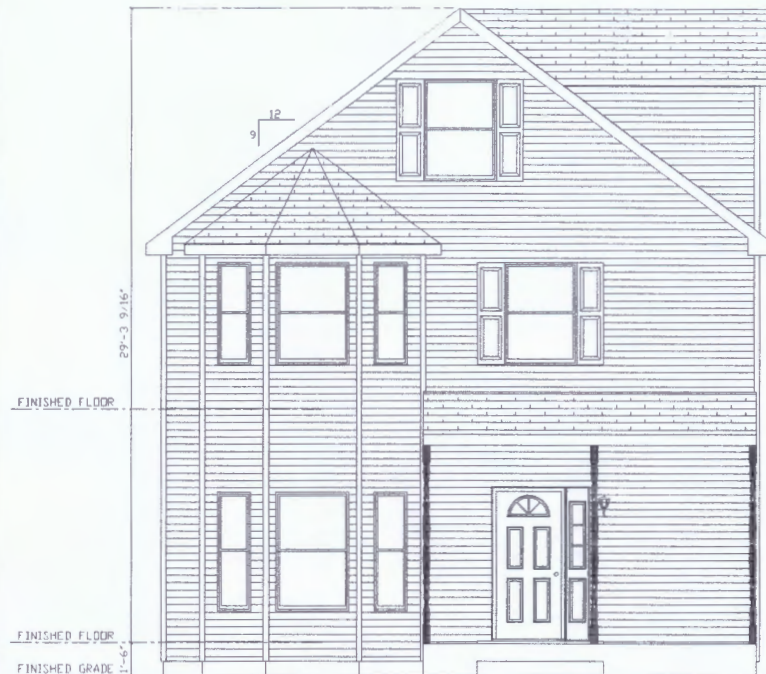
7

QN-14803/MD

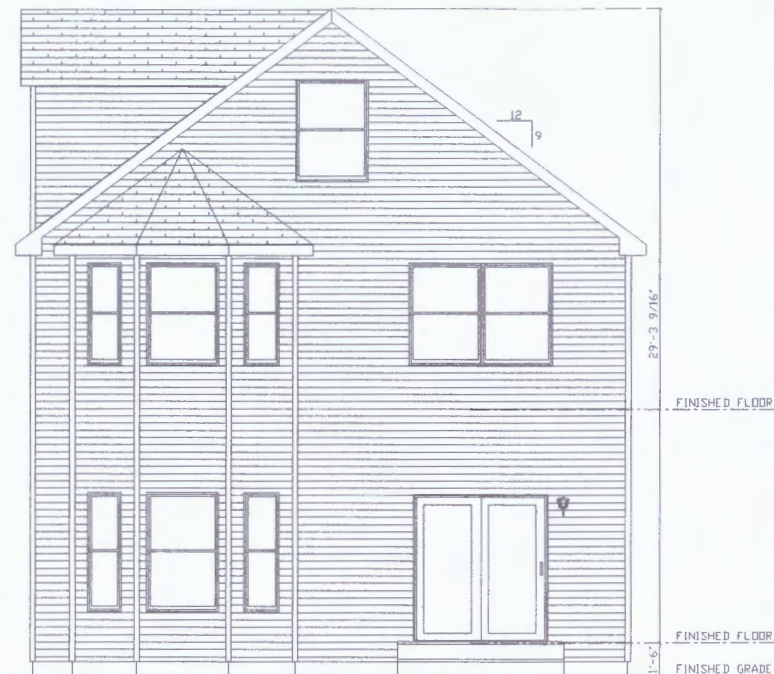
THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED BUILDING SYSTEMS FILED WITH THE STATE.

MO. CERTIFICATION FOR MODULARS
YES X NO

THE FOLLOWING ELEMENTS OF CERTIFICATION REQUIRED BY THE MANUFACTURER TO EXCLUDE EACH HOME ARE AS FOLLOWS:
1) DESIGNATED ONLY FOR USE ON A SITE-BUILT PERMANENT FOUNDATION
2) NOT DESIGNED TO BE MOVED ONCE INSTALLED
3) DESIGNED AND MANUFACTURED TO COMPLY WITH NATIONALLY RECOGNIZED MODEL BUILDING CODE OR EQUIVALENT TO BUILDING CODES FOR ON-SITE HOUSING, OR WITH MINIMUM PROPERTY STANDARDS ADOPTED BY THE SECRETARY PURSUANT TO TITLE II OF THE NATIONAL HOUSING ACT, AND
4) TO THE MANUFACTURER'S KNOWLEDGE IS NOT INTENDED TO BE USED OTHER THAN ON A SITE-BUILT PERMANENT FOUNDATION.



FRONT ELEVATION
PORCH SLAB
AND POSTS
ON-SITE BY OTHERS



REAR ELEVATION

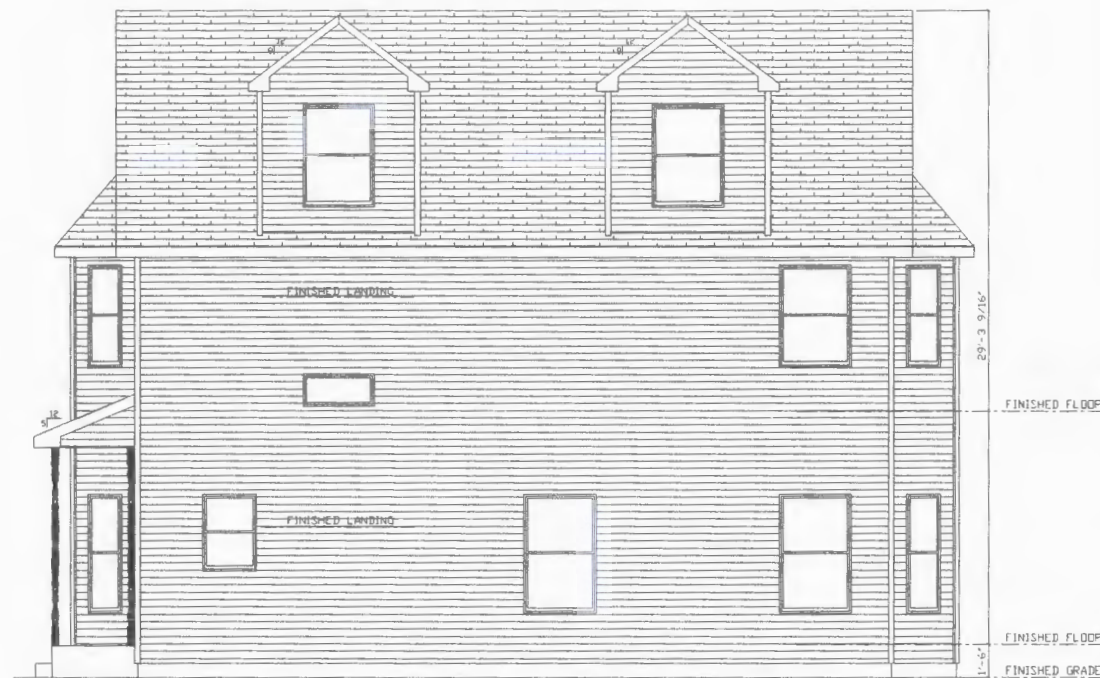
NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

RESIDENTIAL BUILDERS / STEVE NEWTON				2835 CUSTOM 2 STORY		FILE NO: A14803
BUILDING LOCATION				SEISMIC DESIGN CATEGORY: C		LAYER: 1-8"=1'-0"
ESSEX, MD 21221 BALTIMORE COUNTY				WIND LOAD: 21 PSF		
GROUND SNOW ZONE: 35 PSF WIND ZONE: 90 MPH (3 SEC)						
STAGE	DATE	DRAWN BY	DATE	DATE	DATE	DATE
PRELIM	11/26/09	ED KEN				
REV. PRELIM						
REV. PRELIM	11/12/09	PM				
APPROVAL	12/9/09	PM				
REV. FINAL						
PURCHASING						
PRODUCTION						

THE PEAK OF PERFECTION
APEX HOMES, INC.
7172 ROUTE 529
MIDDLEBURG, VA 22642
PHONE: (570) 837-2839



QN-14803/MD



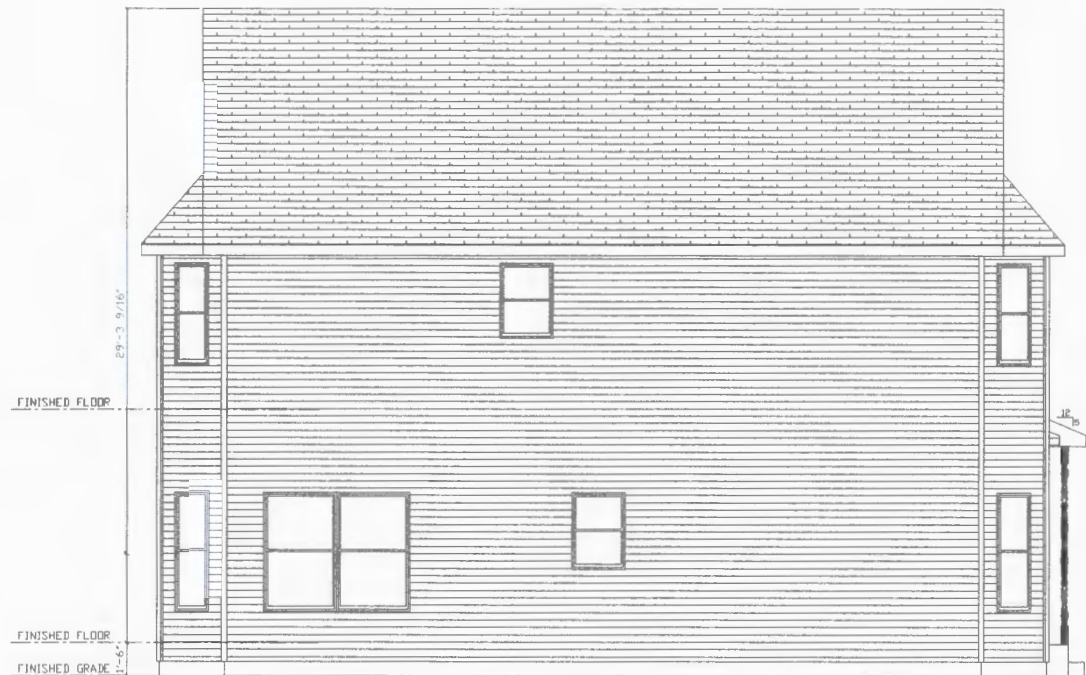
PORCH SLAB
AND POSTS
ON-SITE BY OTHERS

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

 THE PRIDE OF PERFECTION APEX HOMES, INC. 1172 ROUTE 542 FARMERSVILLE, OH 43084 PHONE: (678) 887-2833			RESIDENTIAL BUILDERS / STEVE NEWTON			2835 CUSTOM 2 STORY RIGHT SIDE ELEVATION			FILE NO. A14803					
STAGE			DATE		DRAWN BY		SPRINKLER DESIGN CATEGORY		WIND LOAD		SCALE		LAYER	
REV. PRELIM			11/26/09		LE/LLN		C		21 PSF		1/8"=1'-0"		FLIGHT	
REV. PRELIM														
FINAL			11/27/09		PM									
APPROVAL			12-9-09		KLN									
REV. FINAL														
PURCHASING														
PRODUCTION														

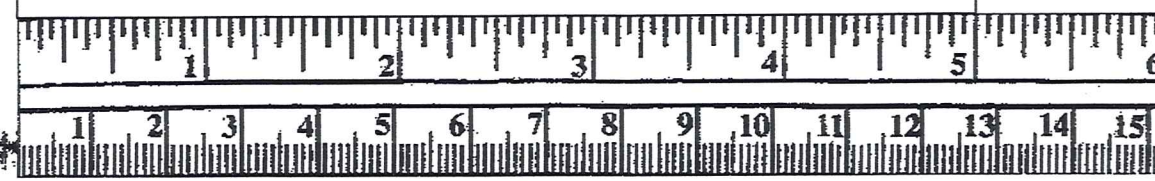

**THE PEAK OF
PERFECTION**
APEX HOMES, INC.
 7172 ROUTE 529
 MIDDLEBURG, PA 17042
 PHONE: (570) 837-2333

QN-14803/MD



NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

 THE PEAK OF PERFECTION APEX HOMES, INC. 7172 ROUTE 628 MIDDLEBURG, PA 17842 PHONE: (570) 837-2333				RESIDENTIAL BUILDERS / STEVE NEWTON			
STAGE	DATE	DRAWN BY	BUILDING LOCATION	SEISMIC DESIGN CATEGORY	2835 CUSTOM 2 STORY LEFT SIDE ELEVATION	SCALE	FILE NO.
PRELIM	11/06/09	KLN	ESSEX, MD 21221 BALTIMORE COUNTY	C		1"=8'-0"	A14803
REV. PRELIM							
FINAL	11/12/09	PH					
APPROVAL	12/9/09	KLN					
REV. FINAL							
PURCHASING							
PRODUCTION							
WIND LOAD: 21 PSF WIND ZONE: 35 PSF 90 MPH (3 SEC)				LATER LEFT			



"MIDDLEBOROUGH"

ON
MIDDLE RIVER.

MIDDLEBOROUGH LAND CORPORATION.

SCALE 1 in = 200 ft.

KENNARD & Co.
SALES AGENTS

CITY OFFICE - 213 COURTLAND STREET.

COUNTY OFFICE - MIDDLEBOROUGH.

696-981475 HW

1134-114

MIDDLE

RIVER



Filed for record
June 16/1916
Test: Wm P. Leary & Co.

Edward V. Coonan & Co.
Surveyors & Civil Engs
221 Courtland St.
Baltimore
May, 1916

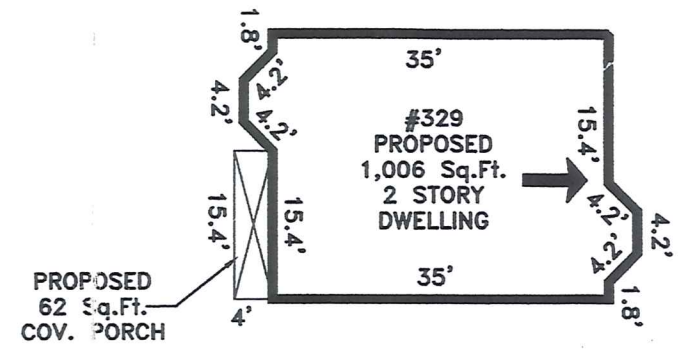
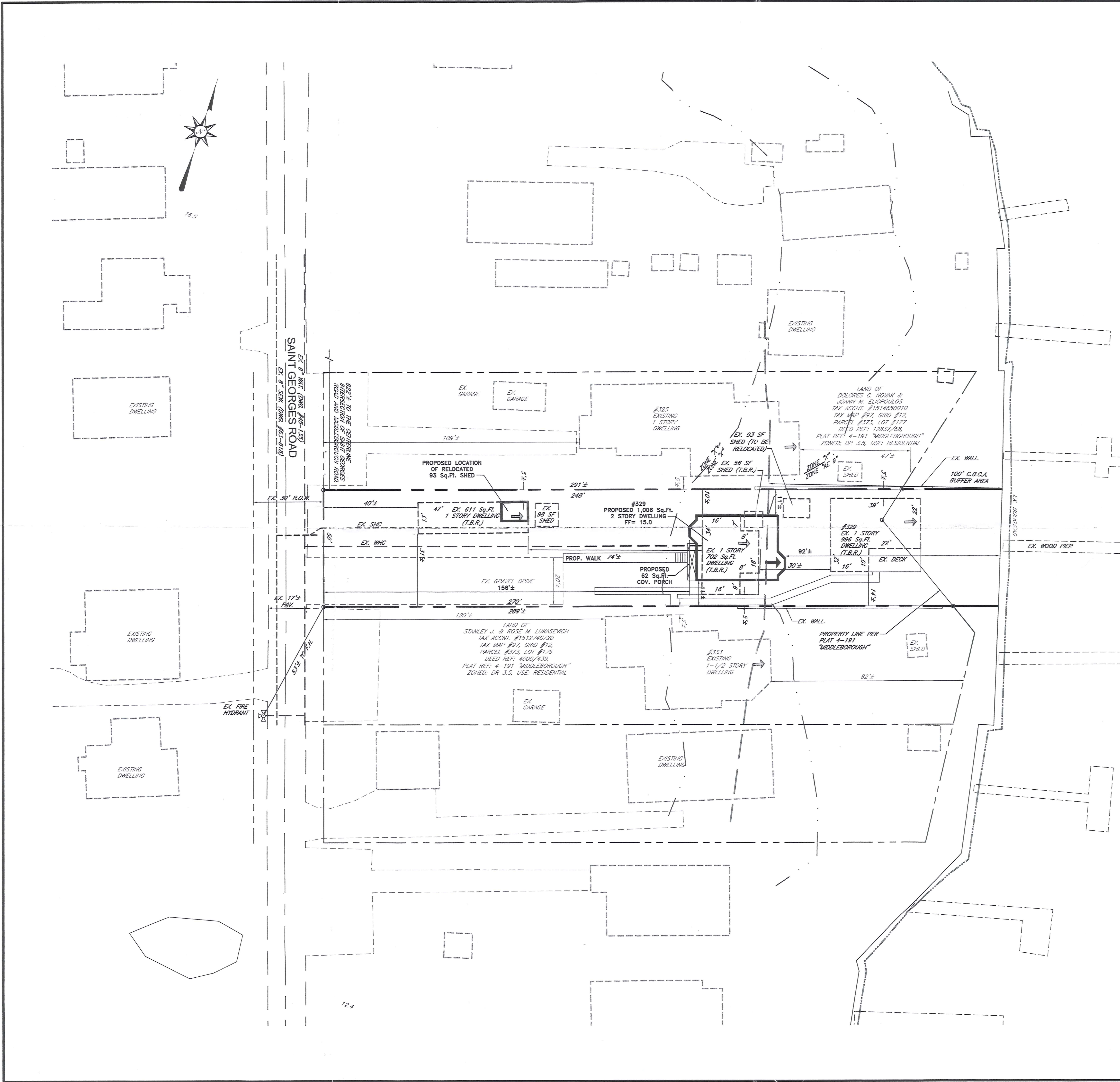
MSA-ESU2136-4767



PETITIONER'S
EXHIBIT NO. 2

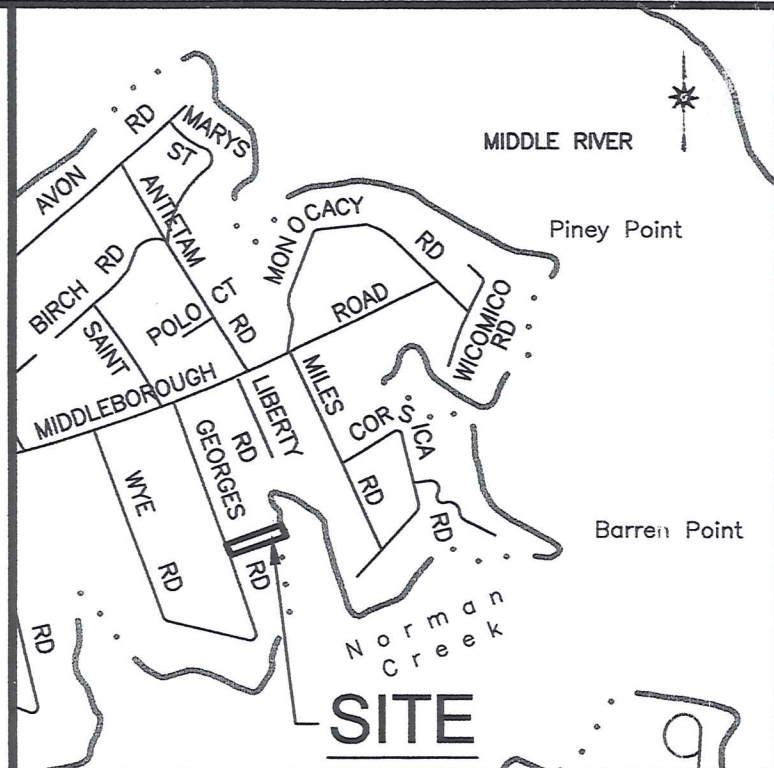
ZONING MAP #098 A-1
SCALE: 1" = 200'

#0235



DWELLING DETAIL

SCALE: 1" = 20'



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: STEVEN P. NEWTON
#329 SAINT GEORGE'S ROAD
BALTIMORE, MARYLAND 21221-1548
- SITE AREA:
12,950 Sq. Ft. or 0.297 Ac.±
- USES:
EXISTING: THREE 1 STORY RESIDENTIAL DWELLINGS.
PROPOSED: REMOVE ALL STRUCTURES AND CONSTRUCT A 2 STORY DWELLING.
- UTILITIES:
PUBLIC WATER & SEWER
- DEED REF: 20163/500
- TAX ACCOUNT #1503230821
- ZONING: DR 3.5
- (PER 1"=200' ZONING MAP 088A1)
- TAX MAP #97, PARCEL #373, LOT #176.
- PLAT REF: "MIDDLEBOROUGH" 4-191
- SITE LIES WITHIN ZONE(S) "X**", "X" AND AE (EL 9) OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0445 F PANEL 445 OF 580 DATED SEPT. 26, 2008.
ZONE "X**" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
ZONE "X" IS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
ZONE "AE" IS BASE FLOOD ELEVATIONS DETERMINED.
- NO PREVIOUS ZONING CASES ON FILE.
- NO PREVIOUS PERMITS ON FILE.
- SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- ALL CONSTRUCTION WILL BE PER FLOOD PLAIN REGULATIONS.
- SITE LIES WITHIN THE BUFFER MANAGEMENT AREA (BMA) (1,296 Sq. Ft. REDUCTION OF IMPERVIOUS AREA IN THE 100' CRITICAL BUFFER MANAGEMENT AREA)
- EXISTING:
DWELLING (3) = 2,308 Sq. Ft. (T.B.R.)
DECK / STEPS = 294 Sq. Ft. (T.B.R.)
GRAVEL = 2,058 Sq. Ft. (TO REMAIN)
WALK = 421 Sq. Ft. (T.B.R.)
SHED (3) = 247 Sq. Ft. (191 Sq. Ft. TO REMAIN)
TOTAL = 5,327 Sq. Ft.
PROPOSED:
DWELLING = 1,006 Sq. Ft.
WALK = 183 Sq. Ft.
TOTAL = 1,189 Sq. Ft.
- LOT COVERAGE:
EXISTING = 5,327 Sq. Ft. / 12,950 x 100 = 41.1%
PROPOSED = 3,436 Sq. Ft. / 12,950 x 100 = 26.5%
- SETBACKS FOR DR 3.5:
REQUIRED PROVIDED
FRONT: 30' 92±
SIDE: 10' (25' SUM) 11± (22± SUM)
REAR: 30' 156±
- 6TH COUNCILMANIC DISTRICT

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
FOR THE
NEWTON RESIDENCE
LOT 176
329 SAINT GEORGE'S ROAD

15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	PETITIONER'S	DRAWN BY:	DESIGNED BY:	SCALE:
		CND	PCR	1" = 20'
	EXHIBIT NO. 1	DATE:	JOB NO.:	SHEET NO.:
		03-05-10	10011	1 OF 1