

IN RE: PETITION FOR VARIANCE

N side of Poplar Road; 14 feet E of the
intersection of extended c/l of Pine Road
15th Election District
6th Councilmanic District
(1922 Poplar Road)

Robert and Dana Edmond
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0131-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Robert and Dana Edmond. Petitioners are requesting Variance relief from Sections 1A04.3.B.2.b, 1A04.3.B.3, 301.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 40 feet in lieu of the required 50 feet, side yard setbacks of 10 feet and 10 feet in lieu of the required 50 feet, building coverage of 15.8% in lieu of the required 15%, a 30 foot front and 10 foot side setbacks for an open porch in lieu of the required 37.5 feet, and an accessory structure (shed) in the front yard in lieu of the required rear yard, for a replacement dwelling and existing shed on an existing lot of record. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Robert Edmond and his father-in-law, Carl Maynard. Also appearing in support of the relief was David Billingsley with Central Drafting & Design, Inc., the professional land surveyor who prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is rectangular shaped, though irregular at the shoreline, and contains approximately 0.218 acre or 9,475 square feet, more or less, zoned R.C.5. The property is located on the north side of Poplar Road with water frontage

ORDER RECEIVED FOR FILING

Date 12-9-10
By P3

on Sue Creek, east of Back River Neck Road and north of Holly Neck Road, in the Middle River area of Baltimore County. The subject site is improved with an existing single-family dwelling consisting of approximately 1,416 square feet. According to a printout of the Real Property Data Search that was marked and accepted into evidence as Petitioners' Exhibit 2, the dwelling was constructed in 1951. The Deed of Record marked and accepted into evidence as Petitioners' Exhibit 3 indicates Petitioners acquired the property in 2003; moreover, the subdivision plat of "Cedar Beach" that was marked and accepted into evidence as Petitioners' Exhibit 4 reveals that the subdivision, including Lot 59 -- the subject property -- was platted and recorded on April 21, 1925.

An aerial photograph was marked and accepted into evidence as Petitioners' Exhibit 6 and depicts the layout of the existing improvements, including a shed on the water side and a parking pad along the property's frontage on Poplar Road. At this juncture, Petitioners desire to raze the existing dwelling and replace it with a new dwelling. As illustrated on the site plan, the new dwelling would be in substantially the same footprint as the existing structure, but would actually be placed more parallel to the existing side yards. This would result in more consistent side yard setbacks than what exists presently. The dwelling would measure approximately 30 feet wide by 50 feet deep.

In support of the variance requests, Mr. Billingsley indicated that the zoning relief is driven primarily by the fact that the subject lot was laid out many years ago, well prior to the adoption of any Zoning Regulations in Baltimore County. In attempting to improve the property with a newer, more up to date dwelling, Petitioners are unable to meet the front and side yard setback requirements. This is further compounded by the current R.C.5 zoning on the property which makes it most difficult to meet those requirements under any circumstances. In addition, as to the building coverage issue, Mr. Billingsley pointed out that Petitioners desire to build

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Date

12-9-10

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By

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substantially on the same footprint, but as a result, would still slightly exceed the 15% limitation required in the R.C.5 Zone to 15.8% building coverage. Mr. Billingsley argued that this 15% requirement is important in the traditional R.C.5 areas, where newly created lots must be at least 1.5 acres and many are much larger than that. The 15% building coverage on a minimum 1.5 acre lot (65,340 square feet) would allow a building coverage of almost 10,000 square feet. In the instant matter, the proposed replacement dwelling would only have building coverage of approximately 1,500 square feet.

Finally, Mr. Billingsley indicated that other homes that have been built in the community as replacement dwellings are on similarly small or narrow lots in the R.C.5 Zone, and demonstrate a pattern of development that is consistent with the neighborhood, often with setbacks of less than 10 feet, building coverage in excess of 15%, and also with substantial heights. Photographs of the subject property were marked and accepted into evidence as Petitioners' Exhibits 7A through 7G. It is also noteworthy that, although the property is required to meet base flood and flood protection elevations, Petitioners plan to stay within the 35 foot height limitation and no variance is required or requested.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated October 21, 2010. The comments 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. Comments were received from the Department of Environmental Protection and Resource Management which indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations.

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Date 12-9-10

By P3

Comments were received from the Office of Planning dated October 28, 2010 which indicates that it does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. To prepare this statement of finding, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order.

This case, as with other properties in the area that are zoned R.C.5, presents an increasingly common set of circumstances before this Commission; namely, waterfront properties in eastern Baltimore County that are zoned R.C.5, but were platted and recorded decades ago -- certainly prior to the adoption of Zoning Regulations in these areas -- and thus do not meet the current zoning requirements for setbacks and building coverage. In addition, because these areas are within the floodplain, the base flood and flood protection elevations also make it increasingly difficult for property owners to replace aged, often dilapidated original structures that were relatively small and intended as summer cottages with new homes of sufficient size that are often used as a primary residences on a relatively small lot.

Thus, the task for this Commission is to review the purpose of the R.C.5 Zone and interpret that in the context of these waterfront properties. Section 1A04.1.B states that the R.C.5 zoning classification is established in order to: (1) provide for rural-residential development in suitable areas in which basic services are not anticipated, (2) eliminate scattered and generally disorderly patterns of future rural-residential development, (3) assure that encroachments onto productive or critical natural resource areas will be minimized, and (4) provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems.

Turning now to the instant matter, I am persuaded to grant the requested relief. Although the proposed dwelling for the subject property does not meet the front and side yard setback limitations, in my view, this lot -- and others like it -- is clearly consistent with the purpose of the R.C.5 zoning classification, and therefore meets the spirit and intent of the Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 12-9-10

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By PS

As to the concern over the provision of basic services and adequate area for on-site sewer and water systems, in this case the property does have access to existing public water and sewer services. As to the issue of scattered and generally disorderly patterns of future rural-residential development, that is also not impacted here. This property is a lot of record and has been in existence for 85 years. As depicted in the record plat accepted into evidence as Petitioners' Exhibit 4, it was platted and recorded as part of a planned layout of waterfront properties in Cedar Beach. Regarding the encroachments onto productive or critical natural resource areas, this property is situated in the Chesapeake Bay Critical Area and is subject to stringent regulations at the State and local level, including afforestation and mitigation in environmentally sensitive areas. DEPRM's careful watch over these issues will minimize the potential impact of this development in those areas. In addition, it is noteworthy that the new home 15.8%, only slightly higher than the maximum of 15%.

I also find the property unique in a zoning sense in that the setback and height constraints cause the subject property to be disproportionately impacted by the Zoning Regulations as compared with other surrounding properties, making it virtually impossible for Petitioner to have any dwelling erected on the property. The property is only 50 feet wide and the setback for each side is 50 feet. Another unique feature of the property is that the floodplain traverses through the middle of the property.

Finally, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. The new dwelling will actually decrease some of the side yard deficiencies that the existing dwelling has under the current Regulations.

ORDER RECEIVED FOR FILING

Date 12-9-10

By B

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 9th day of December, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance request from Sections 1A04.3.B.2.b, 1A04.3.B.3, 301.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 40 feet in lieu of the required 50 feet, side yard setbacks of 10 feet and 10 feet in lieu of the required 50 feet, building coverage of 15.8% in lieu of the required 15%, a 30 foot front and 10 foot side setbacks for an open porch in lieu of the required 37.5 feet, and an accessory structure (shed) in the front yard in lieu of the required rear yard, for a replacement dwelling and existing shed on an existing lot of record, be and are hereby **GRANTED**, subject to the following:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 8.5 feet (NAVD 88). The flood protection elevation for this site is 9.5 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.
3. 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.
4. 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*.
5. 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).

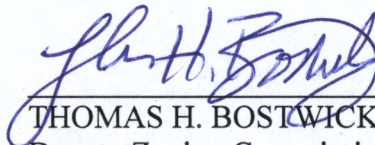
ORDER RECEIVED FOR FILING

Date 12-9-10

By B

6. The lot is within a Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 31.25% with mitigation required for lot coverage above 25% and the 15% afforestation requirement must be met. In addition, the BMA requirements for development within the 100 foot buffer must be met.
7. Prior to obtaining a building permit, Petitioners shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards.
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if consistent with the existing streetscape.

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

ORDER RECEIVED FOR FILING

Date 12-5-10

By 123



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 9, 2010

ROBERT AND DANA EDMOND
1922 POPLAR ROAD
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 2011-0131-A
Property: 1922 Poplar Road

Dear Mr. and Mrs. Edmond:

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.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz

Enclosure

c: Carl Maynard, 1546 Denton Road, Essex MD 21221
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1922 POPLAR ROAD

which is presently zoned RC 5

Deed Reference: 182171309 Tax Account # 1502201381

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

SEE ATTACHED

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

TO BE PRESENTED AT 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

Date 12-9-10

Address Telephone No.

By [Signature]

City State Zip Code

Case No. 2011 0131 A

Legal Owner(s):

ROBERT E. EDMOND

Name - Type or Print

Signature Robert Edmond

DANA A. EDMOND

Name - Type or Print

Signature Dana A. Edmond

1922 POPLAR ROAD (410) 241-2382

Address Telephone No.

BALTIMORE MO. 21221

City State Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN

Name

601 CHARWOOD CT. (410) 679-8719

Address Telephone No.

EDGEWOOD MD 21040

City State Zip Code

Office Use Only

Estimated Length of Hearing 1 HR
Unavailable For Hearing

Reviewed by JL Date 10/06/10

SECTIONS 1A04.3.B.2.b, 1A04.3.B.3, 301.1 AND 400.1 (BCZR) TO PERMIT A
FRONT YARD SETBACK OF 40 FEET, SIDE YARD SETBACKS OF 10 FEET
AND 10 FEET, BUILDING COVERAGE OF 15.8 %, A 30 FOOT ^{FRONT & 10' FOOT SIDE} SETBACKS
FOR AN OPEN PORCH AND AN ACCESSORY STRUCTURE (SHED) IN
THE FRONT YARD IN LIEU OF THE REQUIRED 50 FEET, 50 FEET, 50
FEET, 15 %, 37.5 FEET ^(FRONT AND SIDES) AND REAR YARD RESPECTIVELY FOR A
REPLACEMENT DWELLING AND EXISTING SHED ON AN EXISTING LOT
OF RECORD.

0131

ZONING DESCRIPTION

1922 POPLAR ROAD

Beginning at a point on the north side of Poplar Road (30 feet wide) distant 14 feet easterly from it's intersection with the extension of the center of Pine Road (30 feet wide), thence being all of Lot 59 as shown on the plat entitled Cedar Beach recorded among the plat records of Baltimore County in Plat Book 7 Folio 186.

Containing 9475 square feet or 0.218 acre of land, more or less.

Being known as 1922 Poplar Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland.

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

No. **60747**

Date: **10/06/10**

PAID RECEIPT

BUSINESS ACTUAL TIME
 10/07/2010 10/06/2010 09:39:38 2

REG WS02 WALKIN TEVA JEE
 RECEIPT # 705793 9/30/2010 OFLH

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					65.00

5 528 ZONING VERIFICATION

CR #. 060747

Recpt Tot \$65.00

\$65.00 CR \$0.00 CA

Baltimore County, Maryland

Total: **65.00**

Rec From: **Central Drafting + Design**

For: **Reopen case 2011-0131-A**

1422 POPLAR RD

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: # 2011-0131-A

1922 Poplar Road

N/side of Poplar Road, 14 feet east of the intersection of extended centerline of Pine Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Robert & Dana Edmond

Variance: to permit a front yard setback of 40 feet, side yard setbacks of 10 feet and 10 feet, building coverage of 15.8%, a 30 foot front and 10 foot side setbacks for an open porch and an accessory structure (shed) in the front yard in lieu of the required 50 feet, 50 feet, 15%, 37.5 feet front and side and rear yard respectively for a replacement dwelling and existing shed on an existing lot of record.

Hearing: Monday, November 29, 2010 at 9:00 a.m. in Room 104, 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 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.

11/089 Nov. 11

260378

CERTIFICATE OF PUBLICATION

11/11/2010

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 11/11/2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0131-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 11/29/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1922 POPLAR RD

This sign(s) were posted on November 12, 2010

Month, Day, Year

Sincerely,

Martin Ogle 11/12/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2011-0131-A

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

Room 104 Jefferson Building 105 West

PLACE: CHESAPEAKE AVENUE, Towson 21204

Monday, November 29, 2010

DATE AND TIME:

At 9:00 A.M.

REQUEST: VARIANCE TO REDUCE A FRONT YARD SETBACK

REQUEST OF: HOOLEY SIDE YARD SERVICES OF BIFER AND JO
BUILDING, CORNER OF 15th & A 30-FOOT-DEEP AND 10-FOOT
SIDE SETBACKS FOR AN OPEN ROOF AND AN ACCESSORY STRUCTURE
(SHED) IN THE FRONT YARD IN LIEU OF THE REQUIRED 50-FOOT, 50
FEET, 15' & 37.5-FOOT FRONT AND SIDE AND REAR YARD
RESPECTIVELY FOR A REPLACEMENT BUILDING AND EXISTING
SHED ON AN EXISTING LOT OF RECORD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CANCEL HEARING CALL 867-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL MAY BE REMOVED UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

11/12/2010

Michael G. 11/12/10

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 11, 2010 Issue - Jeffersonian

Please forward billing to:
Robert Edmond
1922 Poplar Road
Baltimore, MD 21221

410-679-8719

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: 2011-0131-A

1922 Poplar Road

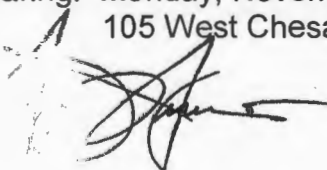
N/side of Poplar Road, 14 feet east of the intersection of extended centerline of Pine Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert & Dana Edmond

Variance to permit a front yard setback of 40 feet, side yard setbacks of 10 feet and 10 feet, building coverage of 15.8%, a 30 foot front and 10 foot side setbacks for an open porch and an accessory structure (shed) in the front yard in lieu of the required 50 feet, 50 feet, 15%, 37.5 feet front and side and rear yard respectively for a replacement dwelling and existing shed on an existing lot of record.

Hearing: Monday, November 29, 2010 at 9:00 a.m. in Room 104, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 18, 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: 2011-0131-A

1922 Poplar Road

N/side of Poplar Road, 14 feet east of the intersection of extended centerline of Pine Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert & Dana Edmond

Variance to permit a front yard setback of 40 feet, side yard setbacks of 10 feet and 10 feet, building coverage of 15.8%, a 30 foot front and 10 foot side setbacks for an open porch and an accessory structure (shed) in the front yard in lieu of the required 50 feet, 50 feet, 15%, 37.5 feet front and side and rear yard respectively for a replacement dwelling and existing shed on an existing lot of record.

Hearing: Monday, November 29, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Edmond, 1922 Poplar Road, Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 13, 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.

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 2011-0131-A

Petitioner: ROBERT & DANA EDMOND

Address or Location: 1922 POPLAR ROAD

PLEASE FORWARD ADVERTISING BILL TO

Name: ROBERT EDMOND

Address: 1922 POPLAR ROAD

BALTO. MD 21221

Telephone Number: (410) 679-8719

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 25, 2010
Item No. 2011-131

DATE: October 21, 2010

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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
ZAC-ITEM NO 11-131-10252010.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 13, 2010

ATTENTION: Kristen Mathews
ZAC Agenda 10/25/2010

Item Numbers:

2011-0123-SPHA
2011-125-A
2011-0127-A
2011-0128-A
2011-0129-A
2011-0130-A
2011-0131-A
2011-0132-SPH

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
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: Oct. 20, 2011

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

RE: Baltimore County
Item No. 2011-0131-A
1922 Poplar Road
Edmond 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. 2011-0131-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,

A handwritten signature in blue ink, appearing to read "Michael P. Foster", is written over the typed name.

for 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

RECEIVED

NOV 26 2010

ZONING COMMISSIONER

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 25, 2010
Item No. 2011-131

DATE: October 21, 2010

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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
ZAC-ITEM NO 11-131-10252010.doc

TB
11-29-10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2010

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

SUBJECT: 1922 Poplar Road

RECEIVED

INFORMATION:

NOV 01 2010

Item Number: 11-131

ZONING COMMISSIONER

Petitioner: Robert E. Edmono

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

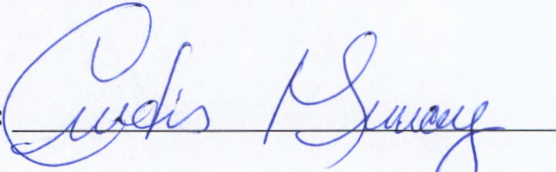
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

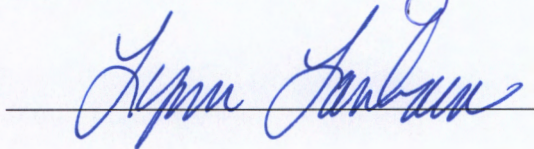
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RE: PETITION FOR VARIANCE	*	BEFORE THE
1922 Poplar Road; N/S Poplar Road,	*	ZONING COMMISSIONER
14' E of intersection c/line of Pine Road	*	FOR
15 th Election & 6 th Councilmanic Districts	*	
Legal Owner(s): Robert & Dana Edmond	*	
	*	BALTIMORE COUNTY
	*	2011-131-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

OCT 13 2010

~~~~~

*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 13th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CASE NAME 1922 POPLAR.  
CASE NUMBER 2011-0131-A  
DATE 11/29/10

CASE NAME 1922 POPLAR.  
CASE NUMBER 2011-0131-A  
DATE 11/29/10

[illegible]





SE 2-J

098A3

SITE

1922

Lot # 58 Pt. Bk. 7, Folio 186  
PDM # 158051 1503002660

Pt. Bk./Folio # 007186

15 ED

RC 5

6 CD

1920

Back River Neck District

1502201381 Lot # 59

Bowleys Quarters-Back River Neck Area

1503770570 Lot # 60

1924

Lot # 61

1519890060

1519071931

Lot # 57

0131



## **PETITIONER'S EXHIBITS**

**1922 POPLAR ROAD  
CASE NO. 2011-0131-A**

- 1. PLAT TO ACCOMPANY PETITION DATED SEPTEMBER 30, 2010 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD DATED JUNE 5, 2003 L. 18217 F. 309**
- 4. SUBDIVISION PLAT OF CEDAR BEACH P.B. 7 F.186 RECORDED APRIL 21, 1925**
- 5. ENLARGED COPY OF SUBDIVISION PLAT**
- 6. COPY OF ZONING PLAT**
- 7a - 7g. PHOTOS**
- 8. AERIAL PHOTO OF AREA**

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw2.3)  
BALTIMORE COUNTY

Go  
View  
New

**Account Identifier:**

District - 15 Account Number - 1502201381

**Owner Information**

**Owner Name:** EDMOND ROBERT E  
EDMOND DANA A  
**Mailing Address:** 1922 POPLAR RD  
BALTIMORE MD 21221-6122  
**Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Deed Reference:** 1) /18217/ 309  
2)

**Location & Structure Information**

**Premises Address**  
1922 POPLAR RD  
**Legal Description**  
1922 POPLAR RD  
CEDAR BEACH  
WATERFRONT

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:  |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------|
| 98  | 20   | 239    |              |             |         |       | 59  | 3               | Plat Ref: |

**Special Tax Areas**  
Town  
Ad Valorem  
Tax Class

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1951                    | 1,416 SF      | 8,900.00 SF        | 34         |

| Stories | Basement | Type                 | Exterior |
|---------|----------|----------------------|----------|
| 1       | YES      | STANDARD UNIT SIDING |          |

**Value Information**

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As Of      | As Of                | As Of      |
|                    |            | 01/01/2009 | 07/01/2010           | 07/01/2011 |
| Land               | 239,500    | 295,500    |                      |            |
| Improvements:      | 107,710    | 123,010    |                      |            |
| Total:             | 347,210    | 418,510    | 394,742              | 418,510    |
| Preferential Land: | 0          | 0          | 0                    | 0          |

**Transfer Information**

| Seller:                    | Date:              | Price:          |
|----------------------------|--------------------|-----------------|
| MEYERS EDWIN D             | 06/17/2003         | \$350,000       |
| Type: IMPROVED ARMS-LENGTH | Deed1: /18217/ 309 | Deed2:          |
| Seller: STARR FRANCES      | Date: 09/10/1971   | Price: \$10,000 |
| Type: IMPROVED ARMS-LENGTH | Deed1: / 5216/ 618 | Deed2:          |
| Seller:                    | Date:              | Price:          |
| Type:                      | Deed1:             | Deed2:          |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2010 | 07/01/2011 |
|----------------------------|-------|------------|------------|
| County                     | 000   | 0          | 0          |
| State                      | 000   | 0          | 0          |
| Municipal                  | 000   | 0          | 0          |

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
\* NONE \*

PETITIONER'S

EXHIBIT NO. 2



Property Tax Account No.: 15-02-201381  
File No.: 03/9133

**THIS DEED**, Made this 5<sup>TH</sup> Day of June, in the year Two Thousand Three, by and between EDWIN D. MEYERS and GERALDINE M. MEYERS, husband and wife, Parties of the first part, of Baltimore County, State of Maryland, and ROBERT E. EDMOND and DANA A. EDMOND, husband and wife, parties of the second part.

**WITNESSETH**, That in consideration of the sum of THREE HUNDRED FIFTY THOUSAND AND 00/100THS (\$350,000.00) DOLLARS, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part, do hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows that is to say:

BEING known and designated as Lot No. Fifty-Nine (59) on the Plat of Cedar Beach, Incorporated, which Plat is duly filed among the Land Records of Baltimore County in Liber W.P.C. No. 7, folio 186 & c. Said lot and the improvements thereon being formerly as No. 176 Poplar Road, and now known as No. 1922 Poplar Road.

BEING the same lot of ground described in a Deed dated August 31, 1971 and recorded among the Land Records of Baltimore County in Liber OTG No. 5216 folio 618 was granted and conveyed by Frances Starr unto Edwin D. Meyers and Geraldine M. Meyers, his wife.

**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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives/heirs and assigns, in fee simple forever.

PETITIONER' S

EXHIBIT NO. 3





Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO.

6



SUE

CREEK

EX. BULKHEAD

EX. PIER

EX. PIER

EX. SHED TO REMAIN  
RAZE EX. DWELLING  
EX. SH  
PORCH

HARRY J. SAMPLE  
L. 11725 F. 665  
1503002660

EX. S.F.O.  
#1920

30' PROP. 2  
STY. DWLG  
ABOVE LL  
STORAGE  
AREA  
35' HT  
0 MAX.  
30'  
COV. POR

#1922

WOLFGANG  
CARTEL, LLC  
L. 77130 F. 253  
1503770370

EX  
S.F.O.

100 YR FL  
ELEV. 8.5

#1924

EX. GAP

PHOTOS

PETITIONER'S

EXHIBIT NO. 7a-7g

POPLAR

EX. 8" W 7

EX. PAVING

EX. 1 1/2" P.S.

EX. DRIVE

EX. DRIVE

POB

EX. WHC

9588° 37' E

FUT. 40'

EX. BO

R/W

R/W

PINE ROAD



a



b



c





2



P



f





9



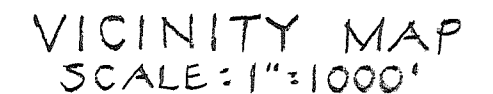
PETITIONER' S

EXHIBIT NO.

8



ROBERT E. AND DANA. M. EDMOND  
1922 POPLAR ROAD  
BALTIMORE, MD. 21221  
DEED REF : L.18217 F.309  
ACCT. NO. 1502201381

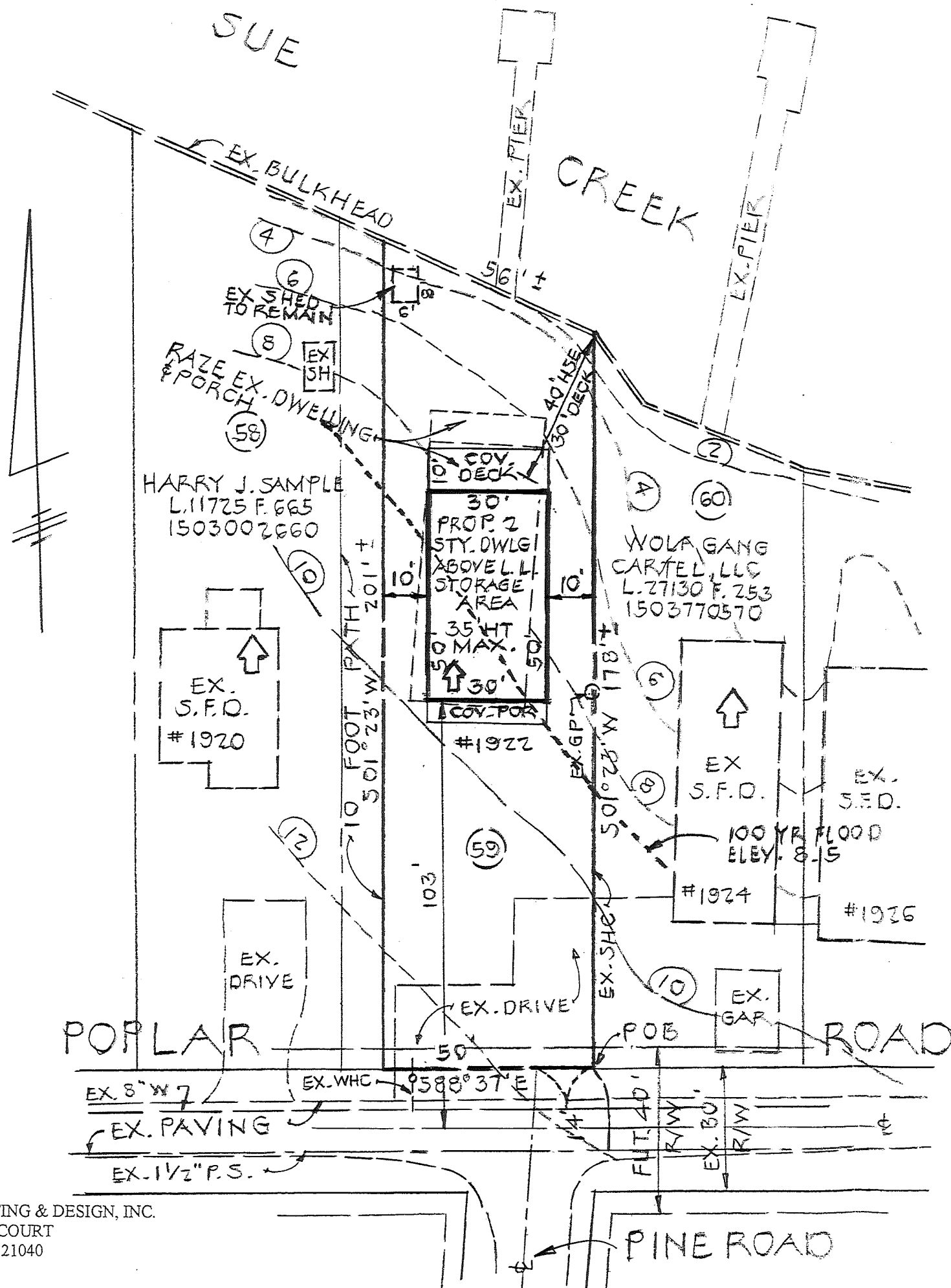


1. ZONING.....RC 5 (MAP NO. 098A3)
2. LOT AREA .....9475 S.F. = 0.218 ACRE
3. BUILDING COVERAGE...1500 S.F. / 9475 S.F. = 15.8 %
4. SITE IS LOCATED IN THE CBCA
5. A PORTION OF THE SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
6. PUBLIC WATER AND SEWER IS EXISTING
7. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND FUEL STORAGE  
TANKS, ARCHEOLOGIC SITES OR HISTORIC STRUCTURES EXIST
8. PREVIOUS ZONING HISTORY  
CASE NO. 06-365-SPH ORDER DATED MARCH 1, 2006 CONFIRMING  
THE PROPER WATERFRONT DIVISIONAL LINES AND OPEN ACCESS  
STRIP FOR PIER AND PILING LOCATIONS

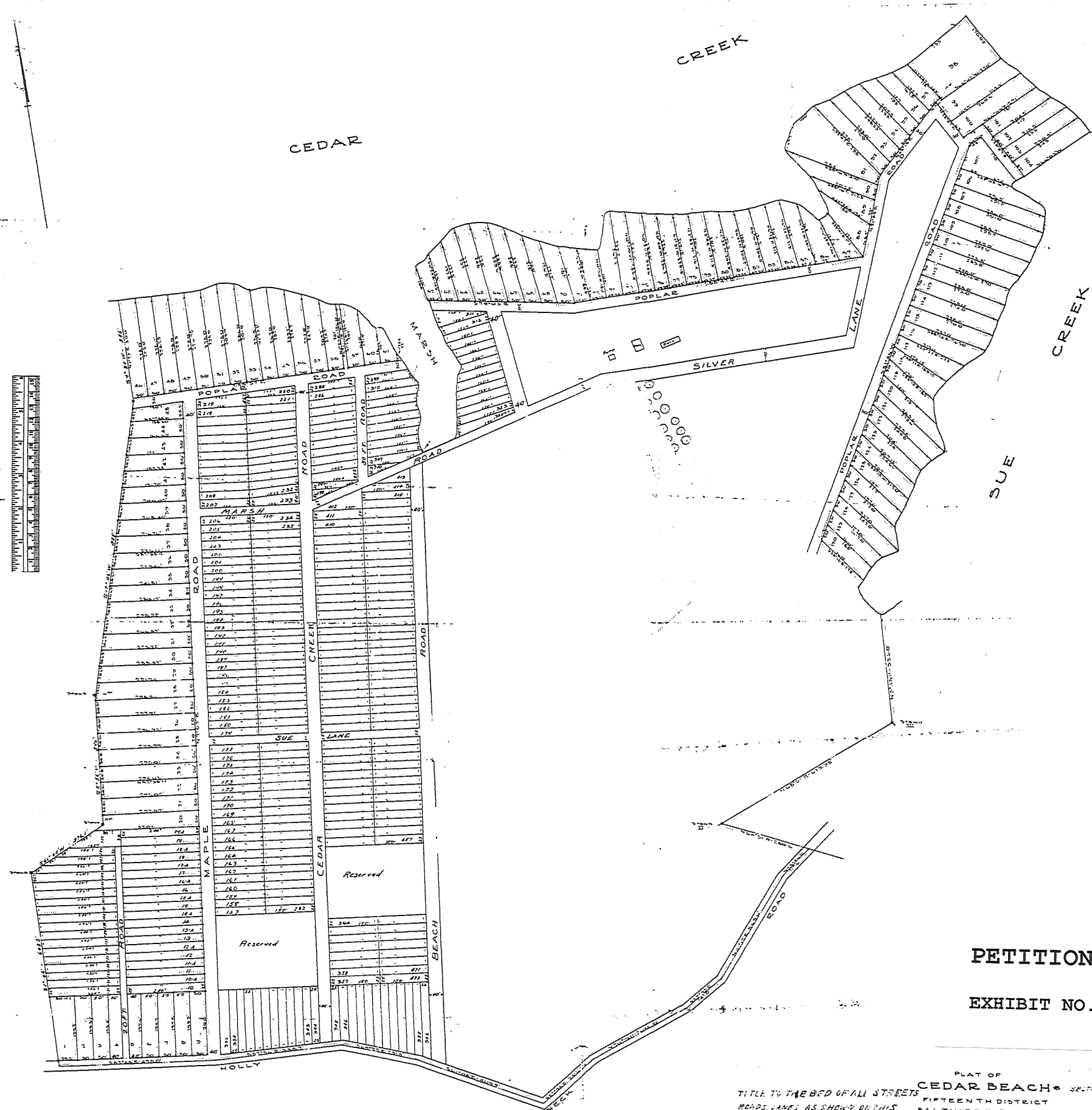
EXHIBIT NO. 1 ~~11~~

**LOT 59 CEDAR BEACH P.B. 7 F. 186**  
**ELECTION DISTRICT 15C6**  
**SCALE: 1 INCH = 30 FEET SEPTEMBER 30, 2010**

CENTRAL DRAFTING & DESIGN, INC.  
601 CHARWOOD COURT  
EDGEWOOD, MD 21040  
(410) 679-8719







PETITIONER'S

EXHIBIT NO. 4

RECORDED APRIL 21, 1925  
P.B. 7 F. 186

PLAT OF  
CEDAR BEACH  
FIFTEENTH DISTRICT  
BALTIMORE COUNTY  
MARYLAND  
GEORGE L. SCHNADER  
OWNER

TITLE TO THE BED OF ALL STREETS  
ROADS, LANE, AS SHOWN ON THIS  
PLAT IS EXPRESSLY RESERVED  
OF THE CEDAR BEACH IMP. CO. BALTY  
CITY FROM DEDICATION TO PUBLIC USE

SCALE 1000' JUN 11 1924  
E.V. COFFMAN & CO.  
SURVEYORS  
BALTY