

MEMORANDUM

DATE: September 22, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0345-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(322 St. George Road)
15th Election District
7th Council District
Toro Services, LLC
Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0345-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of Toro Services, LLC., the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. with a sum of 25 ft. for a replacement dwelling. A site plan was marked as Petitioner's Exhibit 1.

David Billingsley and Jose Urbina appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS).

The subject property is located in the Essex area of Baltimore County and is shown as a portion of Lot 257 on the plat of Middleborough, recorded in 1916. The site is approximately 10,500 square feet in size and zoned DR 3.5. The property is improved with a small single-family dwelling constructed in 1936. Petitioner proposes to raze this structure and construct in its place a modest two-story home.

A variance request involves a two-step process, summarized as follows:

ORDER RECEIVED FOR FILING

Date 8/22/17

By Sen

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is narrow (50 ft.) and deep (210 ft.) and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed replacement dwelling. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 22nd day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to permit a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. with a sum of 25 ft. for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must prior to the issuance of permits comply with the Chesapeake Bay Critical Area regulations.

ORDER RECEIVED FOR FILING

Date 8/22/17
By ser

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 8/22/17

By slm



CHLA

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 322 ST. GEORGES ROAD which is presently zoned DR 3-5
Deed References: L-38943 F. 486 10 Digit Tax Account # 1502000111
Property Owner(s) Printed Name(s) TORO SERVICES LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s) 1802.3.C.1 (BCZR) TO PERMIT A SIDE YARD SETBACK OF 10 FEET WITH A SUM OF 20 FEET IN LIEU OF THE REQUIRED 10 FEET WITH A SUM OF 25 FEET FOR A REPLACEMENT DWELLING.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

JOSE URBINA
TORO SERVICES LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8393-F PHILADELPHIA RD. BALTO., MD.

Mailing Address

City

State

Zip Code

Telephone #

Email Address @comcast.net

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD.

Mailing Address

City

State

Zip Code

Telephone #

Email Address dwbozorg@yahoo.com

CASE NUMBER 2017-0345-A Filing Date 6/27/17

Do Not Schedule Dates: _____

Reviewer [Signature]

ZONING DESCRIPTION

322 ST. GEORGE ROAD

Beginning at a point on the west side of St George Road (30 feet wide) distant 765 feet southerly from its intersection with the center of Middleborough Road, thence:

1. Southerly 50 feet, thence:
2. Westerly 210 feet, thence:
3. Northerly 50 feet, thence
4. Easterly 210 feet to the place of beginning.

Containing 10,500 square feet or 0.241 acre of land, more or less.

Being known as 322 St. George Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

Item #0345



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5093918

Sold To:

Toro Services LLC - CU00611161
8303-F Philadelphia Rd
Baltimore, MD 21237

Bill To:

Toro Services LLC - CU00611161
8303-F Philadelphia Rd
Baltimore, MD 21237

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 01, 2017

NOTICE OF ZONING HEARING	
The Administrative Law Judge 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: # 2017-0345-A	
322 St. George Road W/s St. George Road, south of the centerline of Middleborough Road 15th Election District - 7th Councilmanic District Legal Owner(s) Jose Urbina, Toro Services, LLC	
Variance: to permit a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. with a sum of 25 ft. for replacement dwelling.	
Hearing: Monday, August 21, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.	
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY	
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.	
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.	
JT 8/602 Aug. 1	5093918

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

Date: AUGUST 3, 2017

RE: Project Name: 322 ST. GEORGE ROAD
Case Number /PAI Number: 2017-0345-A
Petitioner/Developer: JOSE URBINA, TORO SERVICES, LLC
Date of Hearing/Closing: AUGUST 21, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 322 ST. GEORGE ROAD

The sign(s) were posted on AUGUST 1, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

July 20, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2017-0345-A

322 St. George Road

W/s St. George Road, south of the centerline of Middleborough Road

15th Election District – 7th Councilmanic District

Legal Owners: Jose Urbina, Toro Services, LLC

Variance to permit a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. with a sum of 25 ft. for replacement dwelling.

Hearing: Monday, August 21, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Jose Urbina, 8303-F Philadelphia Road, Baltimore 21237
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 TUESDAY, AUGUST 1, 2017 .**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 1, 2017 Issue - Jeffersonian

Please forward billing to:
Toro Services, LLC
Attn: Jose Urbina
8303-F Philadelphia Road
Baltimore, MD 21237

410-977-6065

NOTICE OF ZONING HEARING

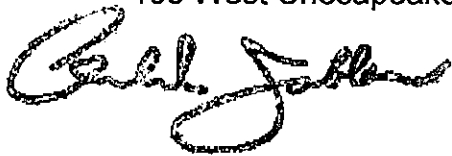
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0345-A

322 St. George Road
W/s St. George Road, south of the centerline of Middleborough Road
15th Election District – 7th Councilmanic District
Legal Owners: Jose Urbina, Toro Services, LLC

Variance to permit a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. with a sum of 25 ft. for replacement dwelling.

Hearing: Monday, August 21, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
322 St. Georges Road; W/S St. Georges Road,	*	OF ADMINSTRATIVE
765' S of c/line Middleborough Road	*	HEARINGS FOR
15 th Election & 7 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Toro Services LLC	*	2017-345-A
Petitioner(s)		

* * * * *

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

RECEIVED

JUN 29 2017

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 29th day of June, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0345-A
Property Address: 322 ST. GEORGE RD
Property Description: W. SIDE ST. GEORGE RD 765' S.
OF MIDDLEBOROUGH ROAD
Legal Owners (Petitioners): TORO SERVICES LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: TORO SERVICES LLC
Company/Firm (if applicable): _____
Address: 8303 F PHILADELPHIA RD
BALTO MD 21237
Telephone Number: (410) 977-6065

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

NO 154785

Date: 6/23/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept Obj	BS Acct	Amount
				Source/	Rev/			
001	806	0000		6150				275 ⁰⁰

Total: 275⁰⁰

Rec From: Toro Services

For: Zoning Hearing - case # 2017-0745-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

Paid Receipt

BUSINESS OFFICE
 6/23/2017
 REC NO. 154785
 DEPT 5
 CR NO. 154785
 Receipt of \$275.00
 \$75.00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 16, 2017

Toro Services LLC
Jose Urbina
8303 F Philadelphia Road
Baltimore MD 21237

RE: Case Number: 2017-0345 A, Address: 322 St Georges Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 23, 2017. 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, reading "W. Carl Richards, Jr.", is written over a circular embossed seal. The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/28/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0345-A

Variance
Toro Services, LLC, Jose Urbina
322 St. Georges Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

8-21

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0345-A
Address 322 St. Georges Road
(Toro Services LLC Property)

Zoning Advisory Committee Meeting of July 3, 2017.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with reduced setbacks. Based on the indicated lot size of 10,500 square feet, the Critical Area law limits the total lot coverage on the property to 25% (2,625 square feet), or a maximum of 3,281 square feet with mitigation for the amount allowed over 25%. In addition, the site must meet the 15% forest requirement, and any required forest mitigation requirements. The proposed development can minimize water quality impacts if LDA lot coverage requirements and all forest requirements are met. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, wildlife, and plant habitat; and

The lot is developed with an existing house, is not waterfront, and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved if Critical Area requirements are met.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

As presented, the applicant's proposal to develop the site can be consistent with this goal, or with established land-use policies. Development of the site can meet these goals provided that the development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

Date: June 29, 2017

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

RECEIVED

JUL 13 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 7/11/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-345

INFORMATION:

Property Address: 322 St. Georges Road
Petitioner: Jose Urbina, Toro Services, LLC
Zoning: DR 3.5
Requested Action: Variance

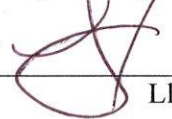
The Department of Planning has reviewed the petition for variance to permit a replacement dwelling with a side yard setback of 10 feet with a sum of 20 feet in lieu of the required 10 feet with a sum of 25 feet.

A site visit was conducted on June 30, 2017.

The Department has no objections to granting the petitioned zoning relief.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: *VCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 03, 2017
Item No. 2017-0339, 0340 and 0345

DATE: July 18, 2017

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

VKD:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC07032017.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 7/11/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-345

INFORMATION:

Property Address: 322 St. Georges Road
Petitioner: Jose Urbina, Toro Services, LLC
Zoning: DR 3.5
Requested Action: Variance

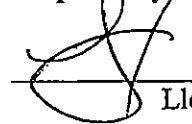
The Department of Planning has reviewed the petition for variance to permit a replacement dwelling with a side yard setback of 10 feet with a sum of 20 feet in lieu of the required 10 feet with a sum of 25 feet.

A site visit was conducted on June 30, 2017.

The Department has no objections to granting the petitioned zoning relief.

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

Prepared by:



Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0345-A
Address 322 St. Georges Road
(Toro Services LLC Property)

Zoning Advisory Committee Meeting of July 3, 2017.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with reduced setbacks. Based on the indicated lot size of 10,500 square feet, the Critical Area law limits the total lot coverage on the property to 25% (2,625 square feet), or a maximum of 3,281 square feet with mitigation for the amount allowed over 25%. In addition, the site must meet the 15% forest requirement, and any required forest mitigation requirements. The proposed development can minimize water quality impacts if LDA lot coverage requirements and all forest requirements are met. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, wildlife, and plant habitat; and

The lot is developed with an existing house, is not waterfront, and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved if Critical Area requirements are met.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

As presented, the applicant's proposal to develop the site can be consistent with this goal, or with established land-use policies. Development of the site can meet these goals provided that the development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

Date: June 29, 2017

PETITIONER'S EXHIBITS

**322 ST. GEORGE ROAD
CASE NO. 2017-0345-A**

8-22-17
Sen

19w
~~8-22-17~~
9-22-17

1. PLAT TO ACCOMPANY PETITION DATED MAY 22, 2017 (NO CHANGES)
 2. SDAT REAL PROPERTY DATA SEARCH
 3. DEED OF RECORD DATED MAY 2, 2017 L.38943 F.486
 4. PLAT OF MIDDLEBOROUGH P.B. 4 F. 191 RECORDED MAY 16, 1916
 5. AERIAL PHOTO
- 6a – c. PHOTOS

Search Result for BALTIMORE COUNTY

PETITIONER'S
EXHIBIT NO. **2**

GOVERNMENT AGENCY TRANSFER

NOTE: THIS IS A GOVERNMENT AGENCY TRANSFER, PURSUANT TO SECTION 12-108 OF THE MARYLAND CODE, AND IS EXEMPT FROM TRANSFER TAXES.

AFTER RECORDING RETURN TO:

Jose Douglas Urbina, Member
322 Saint George Road
Essex, MD 21221

DOCUMENT PREPARED BY:

Sage Title Group, LLC
7939 Honeygo Boulevard, Suite 124
Baltimore, MD 21236
File Number: 200510WHMS

Tax ID#: 15 15 02000111

This Deed, MADE THIS 2nd day of May, 2017, by and between The Secretary of Housing and Urban Development, party of the first part, and Toro Services, LLC, a Maryland Limited Liability Company, party of the second part.

WITNESSETH, That in consideration of the sum of SIXTY FIVE THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$65,100.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, in fee simple, all that parcel of ground situated in Baltimore County, Maryland and as described as follows, that is to say:

BEGINNING FOR THE SAME on the west side of St. George's Road at the distance of 750 feet southerly from the south side of Middleborough Road, which point of beginning is also 150 feet southerly from the dividing line between Lots 255 and 257 as shown on the plat hereinafter referred to and running thence southerly along the west side of St. George's Road 50 feet, thence westerly parallel with the above mentioned dividing line between Lot 255 and 257 as shown on said plat 210 feet to the rear line of Lot 257, thence northerly along said rear line of said lot 50 feet and thence easterly parallel with the second line of this description 210 feet to the place of beginning.

The improvements thereon being known as 322 Saint George Road, Essex, Maryland 21221, also known as 322 Saint Georges Road.

Tax ID#: 15 15 02000111

BEING the same property which by Quit Claim Deed dated October 22, 2015 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 38160, folio 226, was granted and conveyed by Bank of America, N.A. unto The Secretary of Housing and Urban Development.

BEING ALSO the same property which by Substitute Trustee's Deed dated July 7, 2015 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 36608, folio 482, was previously granted and conveyed by Laura D. Harris, Sole Acting Substitute Trustee, unto Bank of America, N.A., pursuant to Baltimore County Circuit Court Case No. 03C14012000.

BEING ALSO the same property which by Deed dated September 29, 2003 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 18920, folio 430, was previously granted and conveyed by Andrew Bauer, Jr. unto Wesley Arwood and Christeen Arwood.

LR - Deed (w Taxes)	
Recording only \$120.00	
Name: TORO SERVICES	
Ref:	
LR - Deed (with Taxes)	40.00
Surcharge	
LR - Deed State	325.50
Transfer Tax	140.00
LR - MR Tax - 1kd 0.00	
SubTotal:	385.50
Total:	385.50
05/09/2017 02:01	
#8343982 CC0301 -	
Baltimore	
County/CC03.01.06 -	
Register 06	

PETITIONER'S
EXHIBIT NO. 3

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

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said party of the second part, as Toro Services, LLC its successors and/or assigns in fee simple.

Buyers' Initials:

TS

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

322 ST GEORGE ROAD



August 19, 2017

Legend

- House Numbers
- ▨ Zoning History Cases
- ▭ Zoning
- ▭ Property
- ▭ County Boundary

0 0.0095 Miles
1 inch = 94 feet

PETITIONER'S
EXHIBIT NO. 5

322 ST GEORGE ROAD

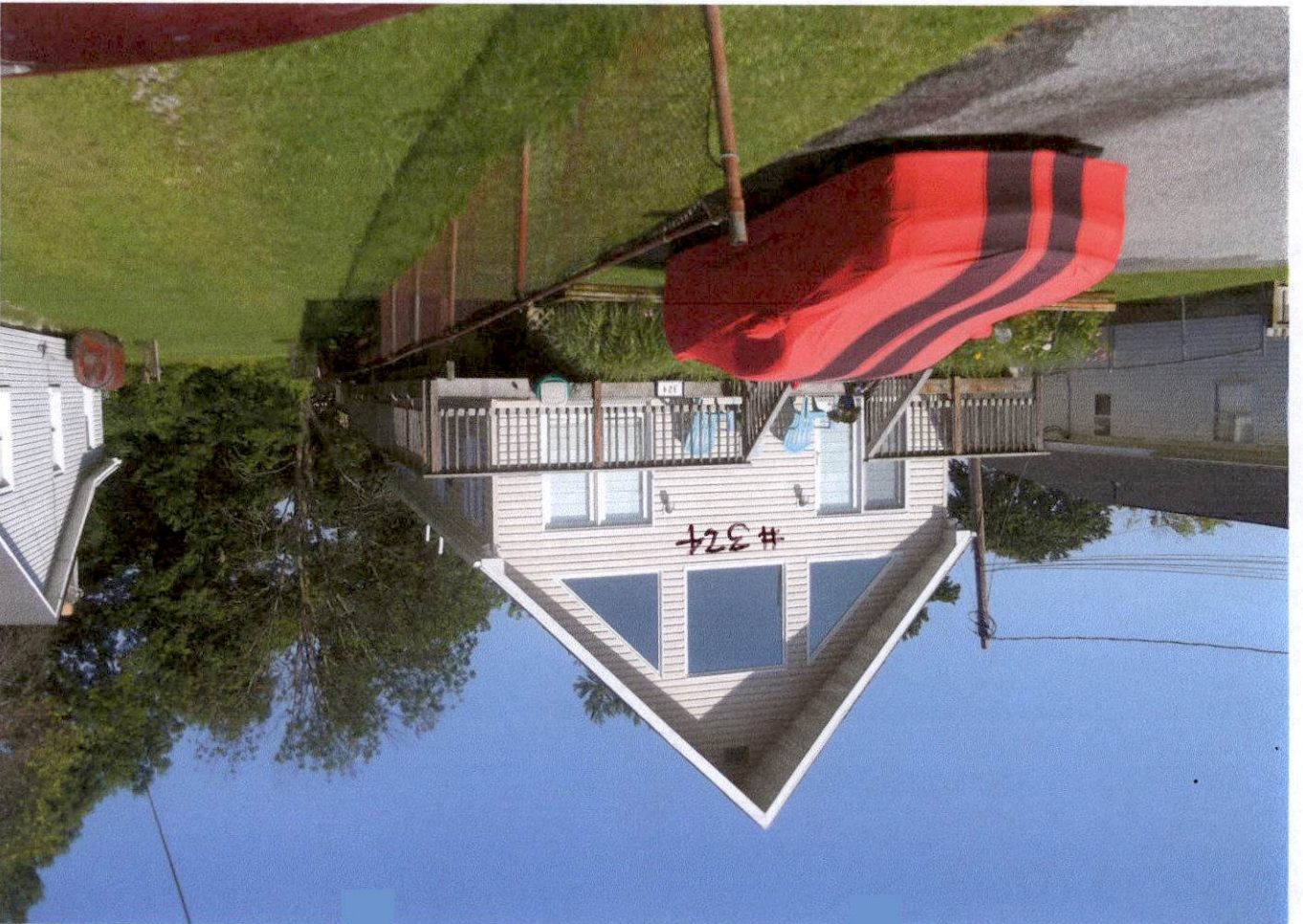


August 19, 2011

- ☐ County Boundary
- ☐ Property
- ☐ Zoning
- ☐ County History
- ☐ Home Number



a



b



U

CASE NAME 322 ST. GEORGE RD
CASE NUMBER 2013-0345-A
DATE 8/21/17

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
7/18	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	no comment
6/30	DEPS (if not received, date e-mail sent _____)	comment
	FIRE DEPARTMENT	
7/13	PLANNING (if not received, date e-mail sent _____)	no Obj
6/28/17	STATE HIGHWAY ADMINISTRATION	no Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/1/17	
SIGN POSTING	Date: 8/1/17 by Billingsley	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

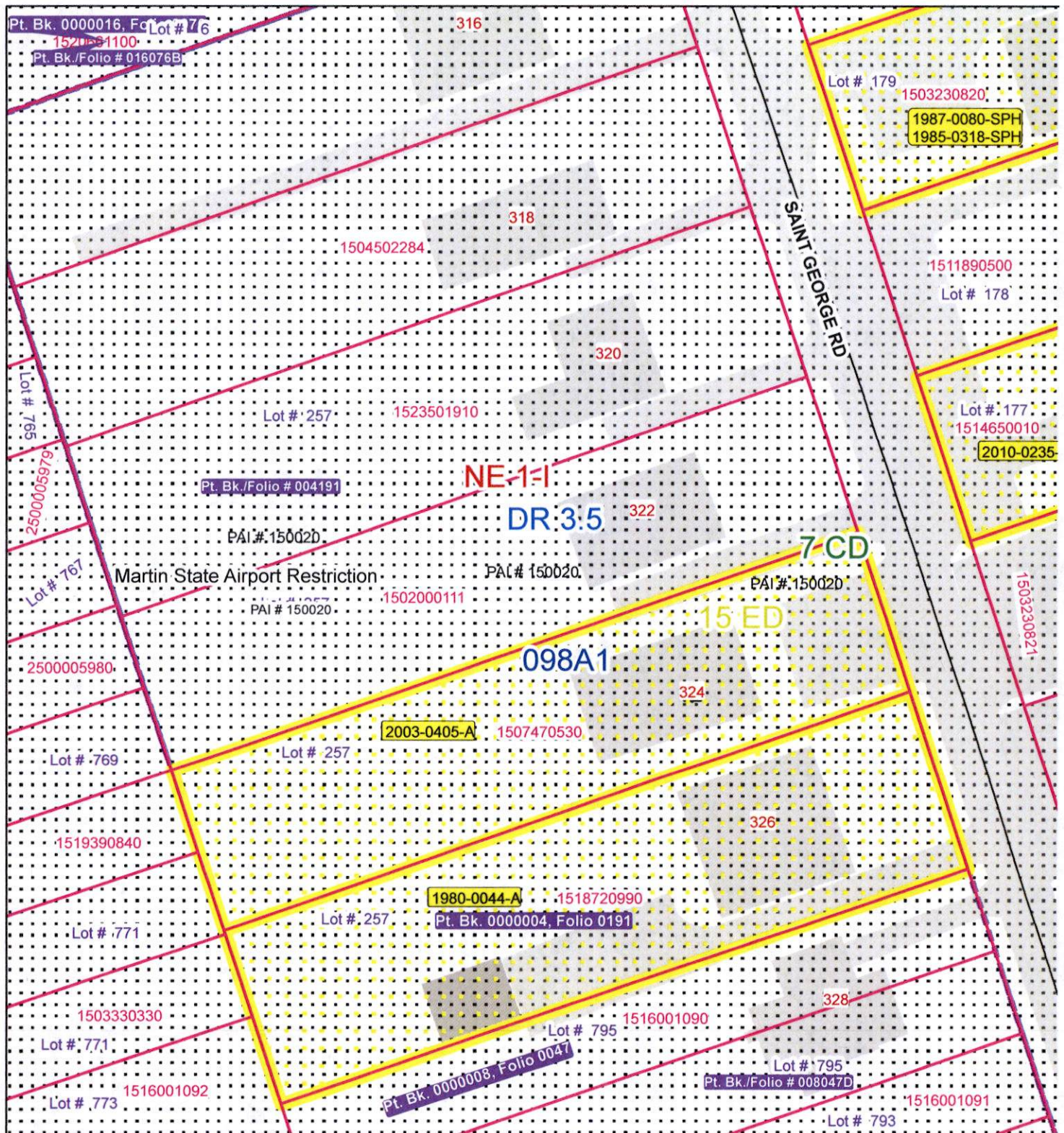
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1502000111							
Owner Information									
Owner Name:		TORO SERVICES LLC			Use:		RESIDENTIAL		
Mailing Address:		SUITE F 8303 PHILADELPHIA ROAD ROSEDALE MD 21237-			Principal Residence:		NO		
					Deed Reference:		/38943/ 00486		
Location & Structure Information									
Premises Address:		322 ST GEORGES RD BALTIMORE 21221-1538			Legal Description:		PT LT 257 MIDDLEBOROUGH		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0097	0012	0373		0000			257	2018	Plat Ref: 0004/0191
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1936		1,056 SF				10,500 SF		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
1 1/2	NO	STANDARD UNIT		SIDING	1 full				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2015		As of 07/01/2017		As of 07/01/2018	
Land:		74,600		74,600					
Improvements		49,800		49,800					
Total:		124,400		124,400		124,400			
Preferential Land:		0							
Transfer Information									
Seller: THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT				Date: 05/09/2017			Price: \$65,100		
Type: NON-ARMS LENGTH OTHER				Deed1: /38943/ 00486			Deed2:		
Seller: BANK OF AMERICA N A				Date: 10/21/2016			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /38160/ 00226			Deed2:		
Seller: ARWOOD WESLEY				Date: 09/02/2015			Price: \$280,309		
Type: NON-ARMS LENGTH OTHER				Deed1: /36608/ 00482			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									

322 Saint George Road



Publication Date: 6/23/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

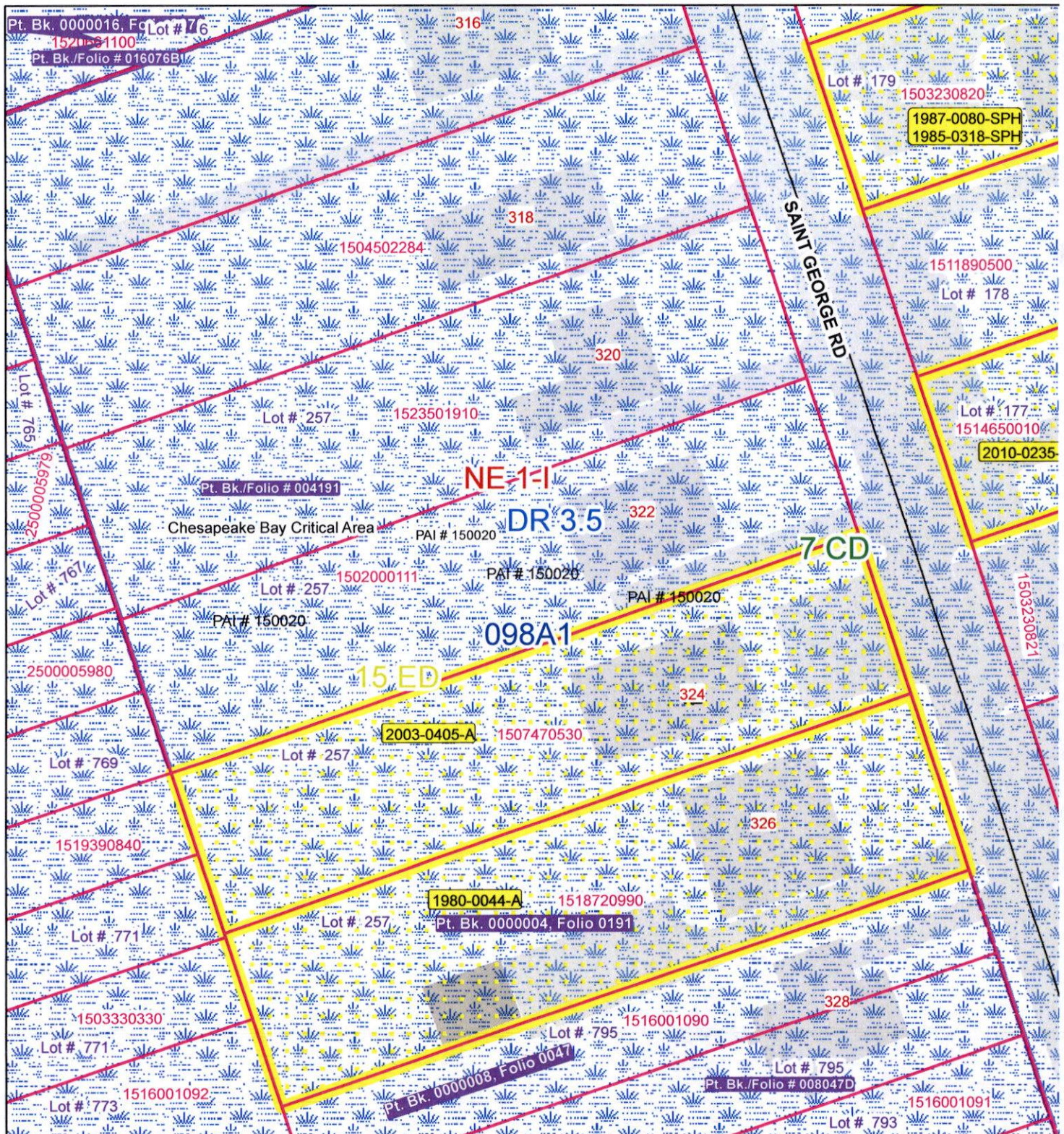


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0345~

Chesapeake Bay Critical Area



Publication Date: 6/23/2017



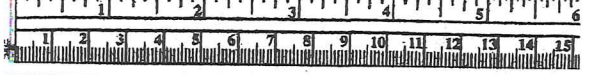
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0345



"MIDDLEBOROUGH" ON MIDDLE RIVER.

MIDDLEBOROUGH LAND CORPORATION.

Scale-1 in = 200 ft.

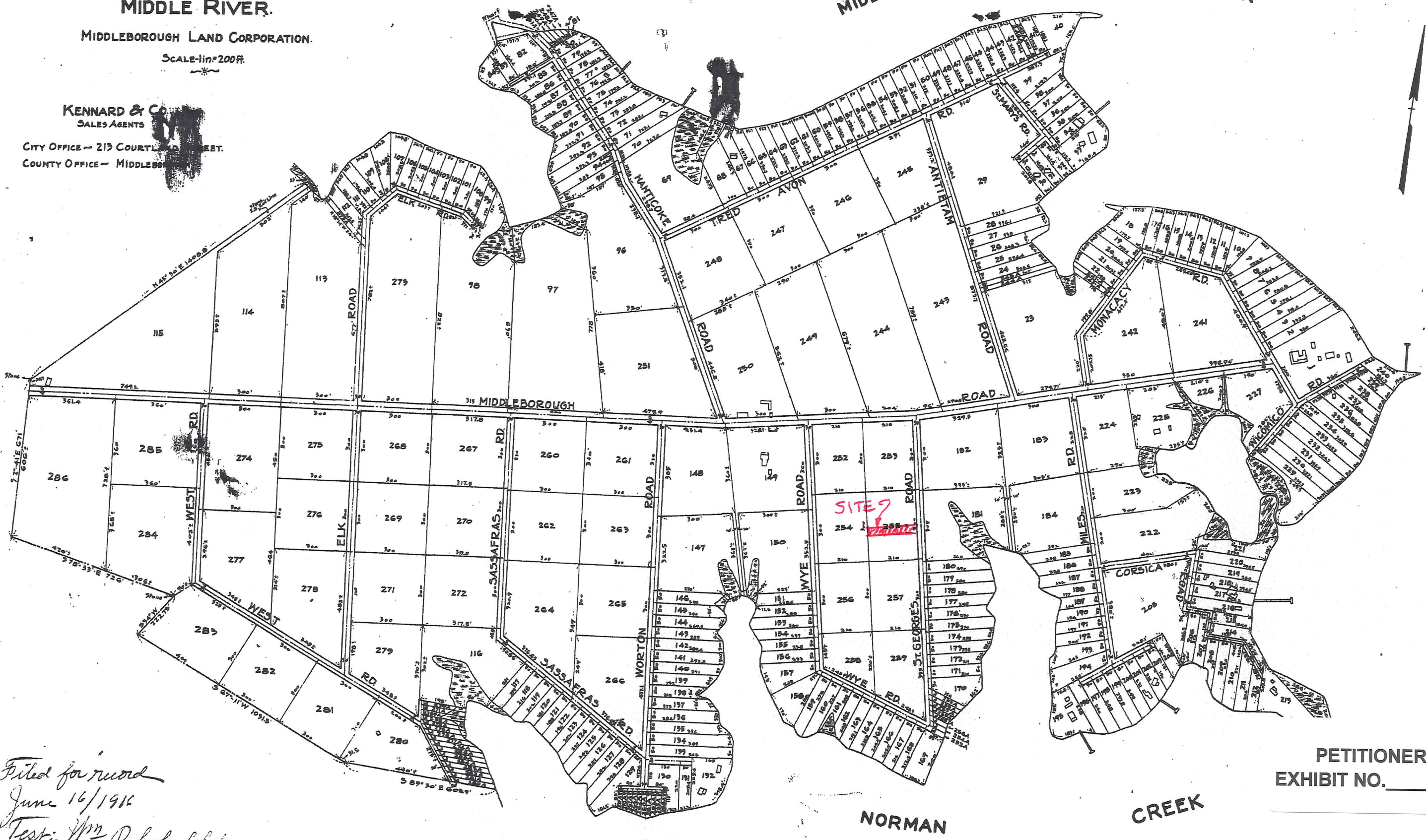
KENNARD & CO.
SALES AGENTS

CITY OFFICE - 213 COURTLAND STREET.
COUNTY OFFICE - MIDDLEBOROUGH.

P.B. 4 F. 191
MAY 16, 1916

MSA-C502136-4767

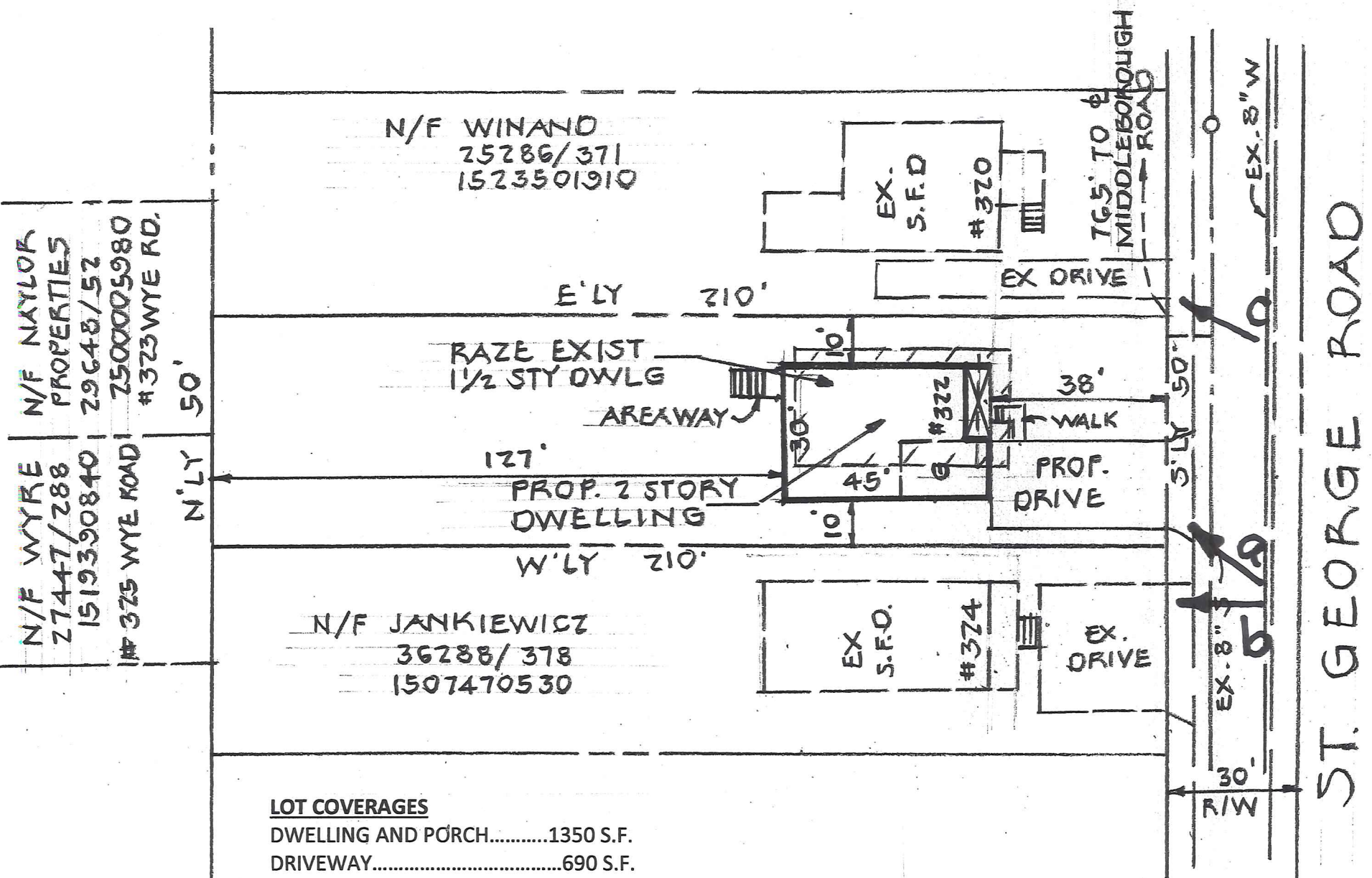
MIDDLE RIVER



PETITIONER'S
EXHIBIT NO. **4**

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

Edward K. Coonan & Co.
Surveyors & Civil Engs
231 Courtland St.
Baltimore, Md.
May 1916



LOT COVERAGES

DWELLING AND PORCH.....	1350 S.F.
DRIVEWAY.....	690 S.F.
WALK.....	36 S.F.
AREAWAY.....	80 S.F.
TOTAL.....	2156 S.F.

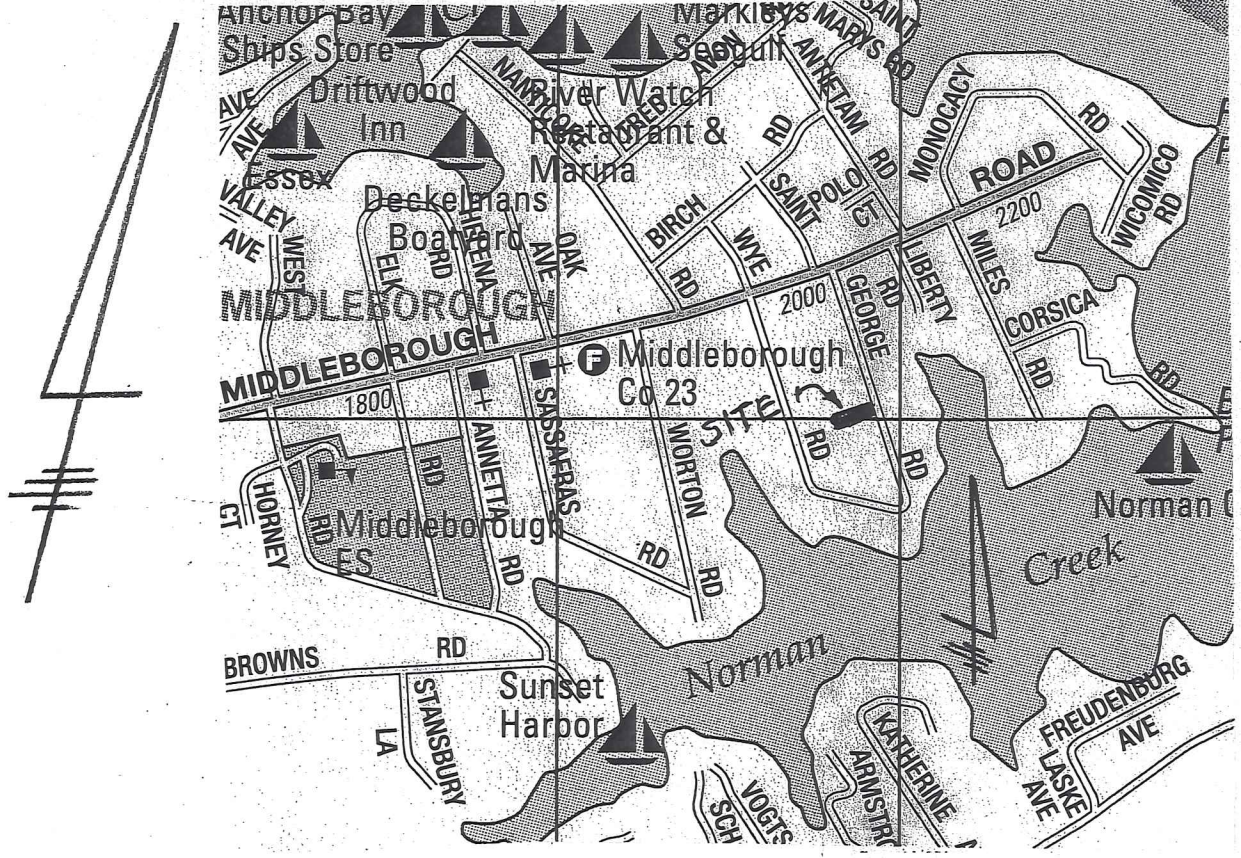
LOT COVERAGE TABLE

LOT AREA.....	10,500 S.F.
COVERAGE PERMITTED WITHOUT MITIGATION (25 %).....	2625 S.F.
LOT COVERAGE PROPOSED.....	2156 S.F.
ADDITIONAL COVERAGE PERMITTED.....	469 S.F.

NOTES

1. ZONING...DR 3.5 (MAP NO. O98A1)
2. AREA.....10,500 S.F. = 0.241 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA
5. SITE IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

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

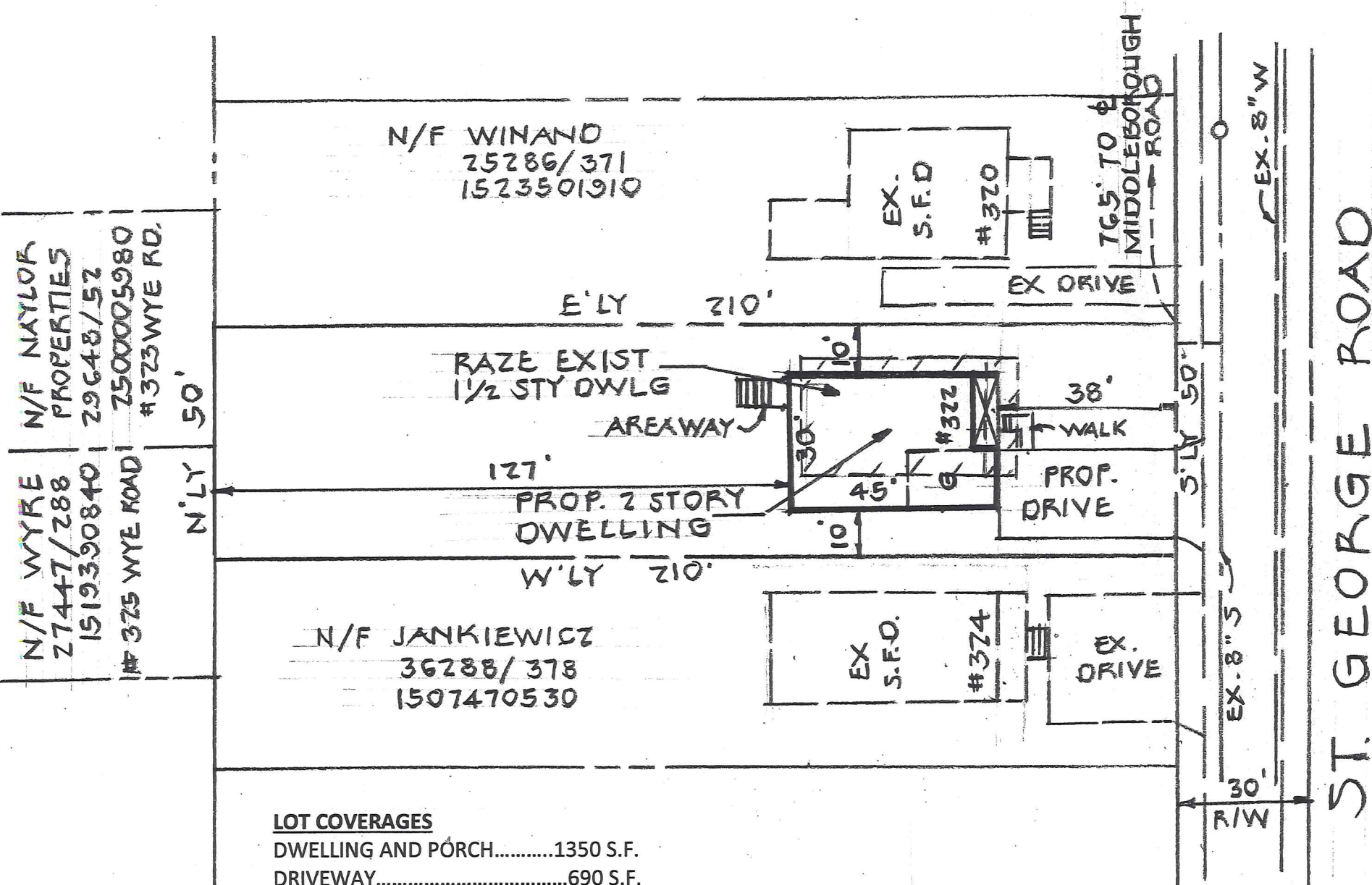


VICINITY MAP
SCALE: 1 INCH = 1000 FEET

PETITIONER'S
EXHIBIT NO. **6a-c**

OWNER
TORO SERVICES LLC
SUITE F
8303 PHILADELPHIA ROAD
ROSEDALE, MD. 21237
(410) 977-6065
LIBER 38943 FOLIO 486
ACCT. NO. 1502000111

PHOTOS
PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
322 ST. GEORGE ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MAY 22, 2017



LOT COVERAGES

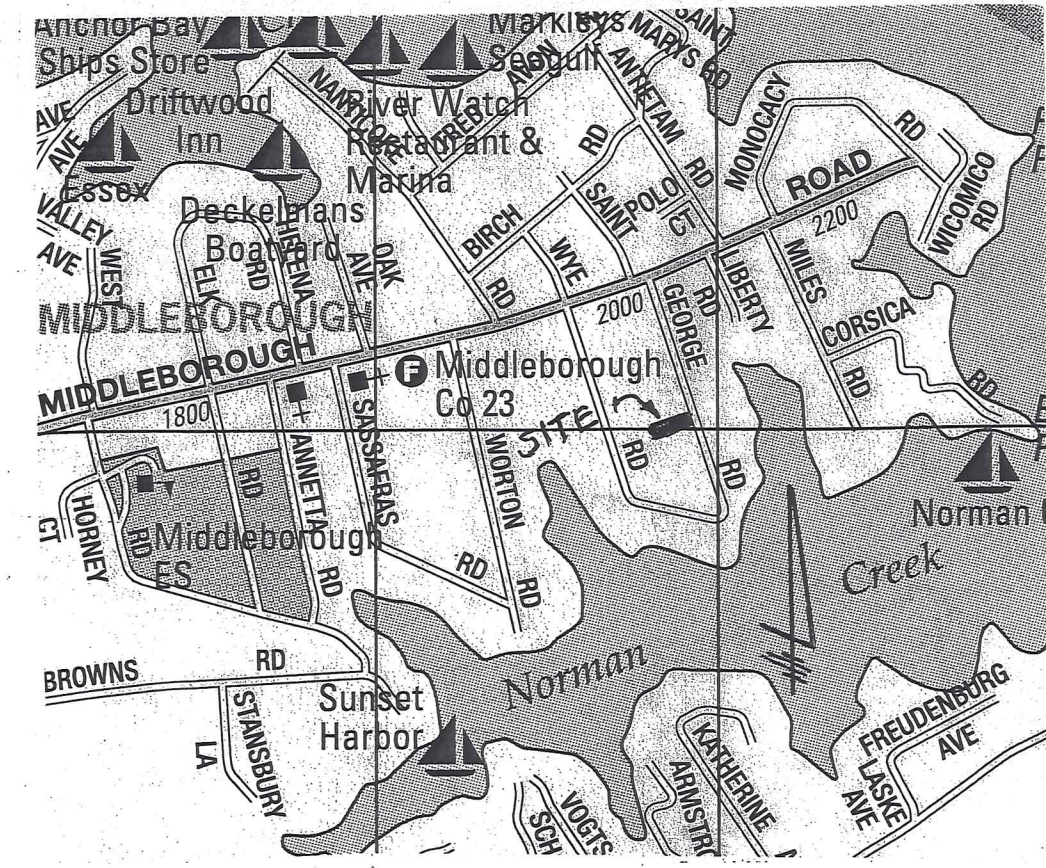
DWELLING AND PORCH.....	1350 S.F.
DRIVEWAY.....	690 S.F.
WALK.....	36 S.F.
AREAWAY.....	80 S.F.
TOTAL.....	2156 S.F.

LOT COVERAGE TABLE

LOT AREA.....	10.500 S.F.
COVERAGE PERMITTED WITHOUT MITIGATION (25 %).....	2625 S.F.
LOT COVERAGE PROPOSED.....	2156 S.F.
ADDITIONAL COVERAGE PERMITTED.....	469 S.F.

NOTES

1. ZONING...DR 3.5 (MAP NO. O98A1)
2. AREA.....10,500 S.F. = 0.241 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA
5. SITE IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST



VICINITY MAP
SCALE: 1 INCH = 1000 FEET

OWNER
TORO SERVICES LLC
SUITE F
8303 PHILADELPHIA ROAD
ROSEDALE, MD. 21237
(410) 977-6065
LIBER 38943 FOLIO 486
ACCT. NO. 1502000111

#2017-0345-A

K.T.D.

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
322 ST. GEORGE ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MAY 22, 2017**