

M E M O R A N D U M

DATE: May 15, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0227-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 14, 2018. 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

(5433 Joppa Road)
11th Election District
6th Council District
Toro Services, LLC
Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0227-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Toro Services, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §301.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an open deck with a rear yard setback of 6 ft. in lieu of the required 30 ft. A site plan was marked as Petitioner’s Exhibit 1.

David Billingsley 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 BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the reviewing county agencies.

The site is approximately 24,698 square feet in size and zoned DR 2H. Petitioner purchased the home in 2017 and undertook substantial renovations, including a garage addition. Prospective purchasers requested that a deck be added off the rear of the home, which necessitated the filing of this petition.

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

- (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

ORDER RECEIVED FOR FILING

Date

4/13/18

By

Sen

or hardship.

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

This property has an irregular shape 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 deck. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County or community opposition.

THEREFORE, IT IS ORDERED, this 13th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §301.1 of the Baltimore County Zoning Regulations ("BCZR) to permit an open deck with a rear yard setback of 6 ft. in lieu of the required 30 ft., 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.

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:slh

ORDER RECEIVED FOR FILING

Date

4/13/18

By

slh



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 5433 JOPPA ROAD which is presently zoned DR2 H
Deed References: L. 38964 F. 29 10 Digit Tax Account # 1112040225
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) 301.1 (BCZR) TO PERMIT AN OPEN DECK WITH A REAR YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 30 FEET. (SECT. 1B02.3.C.1)

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):

TORO SERVICES LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8303 PHILADELPHIA RD.

ROSEDALE, MD.

Mailing Address

City

State

21237 (410) 971-6065

toroservicesllc@

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

21040 (410) 679-8713

Telephone #

dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0227-A Filing Date 2, 3, 18

Do Not Schedule Dates: _____

Reviewer JCM



PETITION FOR ZONING HEARING(S)

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

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Address 5433 JOPPA ROAD which is presently zoned DR2H
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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):

TORO SERVICES LLC

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

8303 PHILADELPHIA RD. ROSEDALE, MD.

Mailing Address City State

21237 (410) 971-6065 toroservicesllc@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

David Billingsley

Signature

601 CHARWOOD CT. EDGEWOOD MD

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0227-A Filing Date 3/2/18

Do Not Schedule Dates: Reviewer JCM

ZONING DESCRIPTION

5433 JOPPA ROAD

Beginning for the same at a point in the center of Joppa Road distant 47 feet northwesterly from its intersection with the center of Brewers Drive (50 feet wide) thence:

1. S 35° 46' 19" W 78.73 feet, thence
2. N 71° 58' 52" W 238.70 feet, thence
3. N 47° 16' 00" E 167.70 feet, thence
4. S 44° 48' 52" E 40.00 feet, thence
5. S 51° 54' 04" E 154.58 feet to the place of beginning.

Containing 24,698 square feet or 0.567 acre of land, more or less.

Being known as 5433 Joppa Road. Located in the 11TH Election District, 6TH Councilmanic District of Baltimore County, Md.

4/12
10 AM

Case No.: 2018-0227-A - 5433 Jappa Rd.

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1112040225			
Owner Information					
Owner Name:	TORO SERVICES LLC		Use:	RESIDENTIAL	
			Principal Residence:	NO	
Mailing Address:	500 GANDER DR JOPPA MD 21085-		Deed Reference:	/38964/ 00029	
Location & Structure Information					
Premises Address:	5433 E JOPPA RD PERRY HALL 21128- 9323		Legal Description:	.567 AC 5433 E JOPPA RD SS 1309FT W PHILADELPHIA RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0072	0018	0592		0000	
					Block:
					Lot:
					Assessment Year:
					2018
					Plat No:
					Plat Ref:
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1942	2,324 SF	720 SF	24,698 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full	1 Detached
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	86,400	86,400			
Improvements	240,000	226,200			
Total:	326,400	312,600	326,400	312,600	
Preferential Land:	0			0	
Transfer Information					
Seller:	SCARINZI MARK D		Date:	05/15/2017	
Type:	NON-ARMS LENGTH OTHER		Deed1:	/38964/ 00029	
			Deed2:		
Seller:	LINTZ GEORGE A		Date:	09/16/1994	
Type:	NON-ARMS LENGTH OTHER		Deed1:	/10753/ 00100	
			Deed2:		
Seller:			Date:		
Type:			Deed1:		
			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	0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER'S
EXHIBIT NO. 2

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Return to:
King Title Company, Inc
25 Hooks Lane, Suite 316,
Baltimore, MD 21208, (410) 486-5464
File No. 23298

This is to certify that the within instrument has been prepared by or
under the supervision of the undersigned Maryland attorney.


David B. Pierce

THIS DEED,

Dated

May 3, 2017

Grantor(s): Carrie Marlene Foley, Personal Representative of the Estate of Mark D. Scarinzi

Grantee(s): Toro Services, LLC

Sale Price: \$167,500.00

County: Baltimore County

Title Reference Liber 10753, folio 100

WITNESSETH, That in consideration of the sum of the above sale price, the said Grantor does grant and convey to the said Grantee(s) its successors and assigns, in fee simple, all that lot of ground situate in the above County, State of Maryland, and described as follows, that is to say:

See attached Exhibit A

BEING part of the same property as described in the deed recorded among the above Land Records in the above title reference which was granted and conveyed unto the above Grantors.

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

AND the said Grantor(s) hereby covenants 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 it will execute such further assurances of the same as may be requisite.

PETITIONER'S
EXHIBIT NO. 4

LR - Deed (w Taxes)
Recording only \$120.00
Name: TORO SERVICES
Ref:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 837.50
LR - NR Tax - 1kd 0.00
SubTotal: 897.50
Total: 1,127.50
05/15/2017 12:00
#6377477 CC0301 -
Baltimore
County/CC03.01.06 -
Register 06
CC03-LL

WITNESS the hand and seal of said Grantor

Carrie Marlene Foley PR (SEAL)

Carrie Marlene Foley, Personal Representative of
the Estate of Mark D. Scarinzi

STATE OF MARYLAND, to wit:

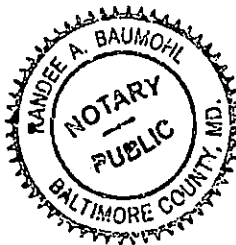
I HEREBY CERTIFY, That on this date May 5, 2017, before me, the
subscriber, a Notary Public of the State aforesaid, personally appeared Carrie Marlene Foley,
Personal Representative of the Estate of Mark D. Scarinzi, known to me (or satisfactorily proven)
to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged that
he/she/they executed the same for the purposes therein contained and in my presence signed and
sealed the same.

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

Randee A. Baumohl

Notary Public

My Commission expires: 4/9/19



Deed Rider

Maryland
FormCERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON
DISPOSITION OF MARYLAND REAL ESTATE
AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE TAX

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

2. Reasons for Exemption (Place an X next to one choice to claim exemption from withholding tax.)	
Resident Status	☒ I, Transferor, am a resident of the State of Maryland. ☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.
Foreclosure	☐ This is a transfer pursuant to a foreclosure sale and is exempt under Tax General Article, Section 10-912

Under penalty of perjury, I certify that I have examined this declaration and that to the best of my knowledge, it is true, correct, and complete.

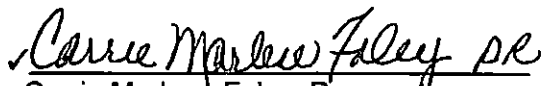
3. Transferors
 Carrie Marlene Foley, Personal Representative of the Estate of Mark D. Scarinzi

EXHIBIT "A"

BEGINNING for the same in the center of Joppa Road and at the end of the first line of the land which by deed dated November 6th 1940 and recorded among the Land Records of Baltimore County in Liber CWB Jr. No. 1134, folio 141 &c was conveyed by Lawrence Moore and wife to Frank D. Quinn and wife and running thence bounding on the centre of Joppa Road the two following courses and distances North forty-two degrees twenty-four minutes west 379.5 feet and north thirty-five degrees fifty-six minutes west 40 feet thence running for a line of division now made south fifty-six degrees nine minutes west 167.7 feet to intersect the aforesaid line and thence bounding on said first line south sixty-two degrees nineteen minutes east 474.7 to the place of beginning. Containing seventy- five one hundredths acres of land more or less.

SAVING AND EXCEPTING all that property containing 8,659 square feet or 0.199 acres more or less described in a Deed dated June 28, 2002 and recorded in Liber 17043, folio 500.

The improvements thereon being known as 5433 E. Joppa Road.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Account Identifier:		District - 11 Account Number - 1112040225							
Owner Information									
Owner Name:		WAGNER BRENT MICHAEL WAGNER TARA ELISABETH			Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		5433 EAST JOPPA RD PERRY HALL MD 21128-9323			Deed Reference:		/40084/ 00384		
Location & Structure Information									
Premises Address:		5433 E JOPPA RD PERRY HALL 21128-9323			Legal Description:		.567 AC 5433 E JOPPA RD SS 1309FT W PHILADELPHIA RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0072	0018	0592		0000				2018	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1942		2,324 SF		720 SF		24,698 SF		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
2	YES	STANDARD UNIT		SIDING	3 full	1 Detached			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2018		As of 07/01/2017		As of 07/01/2018	
Land:		86,400		86,400					
Improvements		240,000		226,200					
Total:		326,400		312,600		326,400		312,600	
Preferential Land:		0						0	
Transfer Information									
Seller: TORO SERVICES LLC				Date: 03/28/2018			Price: \$422,500		
Type: NON-ARMS LENGTH OTHER				Deed1: /40084/ 00384			Deed2:		
Seller: SCARINZI MARK D				Date: 05/15/2017			Price: \$167,500		
Type: NON-ARMS LENGTH OTHER				Deed1: /38964/ 00029			Deed2:		
Seller: LINTZ GEORGE A				Date: 09/16/1994			Price: \$50,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /10753/ 00100			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					
PETITIONER'S									

PETITIONER'S
EXHIBIT NO. **5**

Untitled Map

Write a description for your map.

Legend

 5433 E Joppa Rd

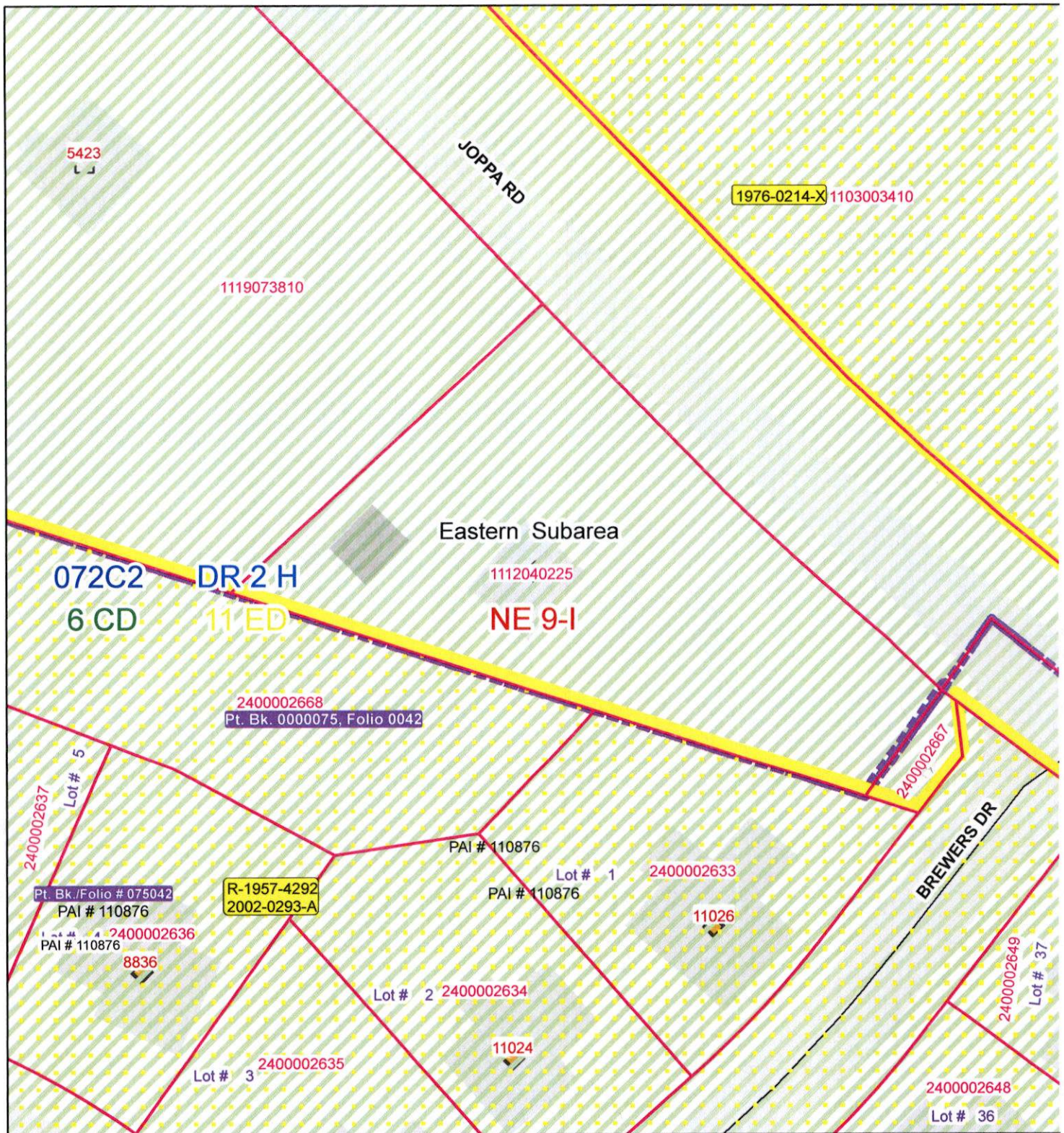
 5433 E Joppa Rd

Google Earth 

Image Landsat / Copernicus

PETITIONER'S
EXHIBIT NO. 7

6-33 East Joppa Road



Publication Date: 3/2/2018



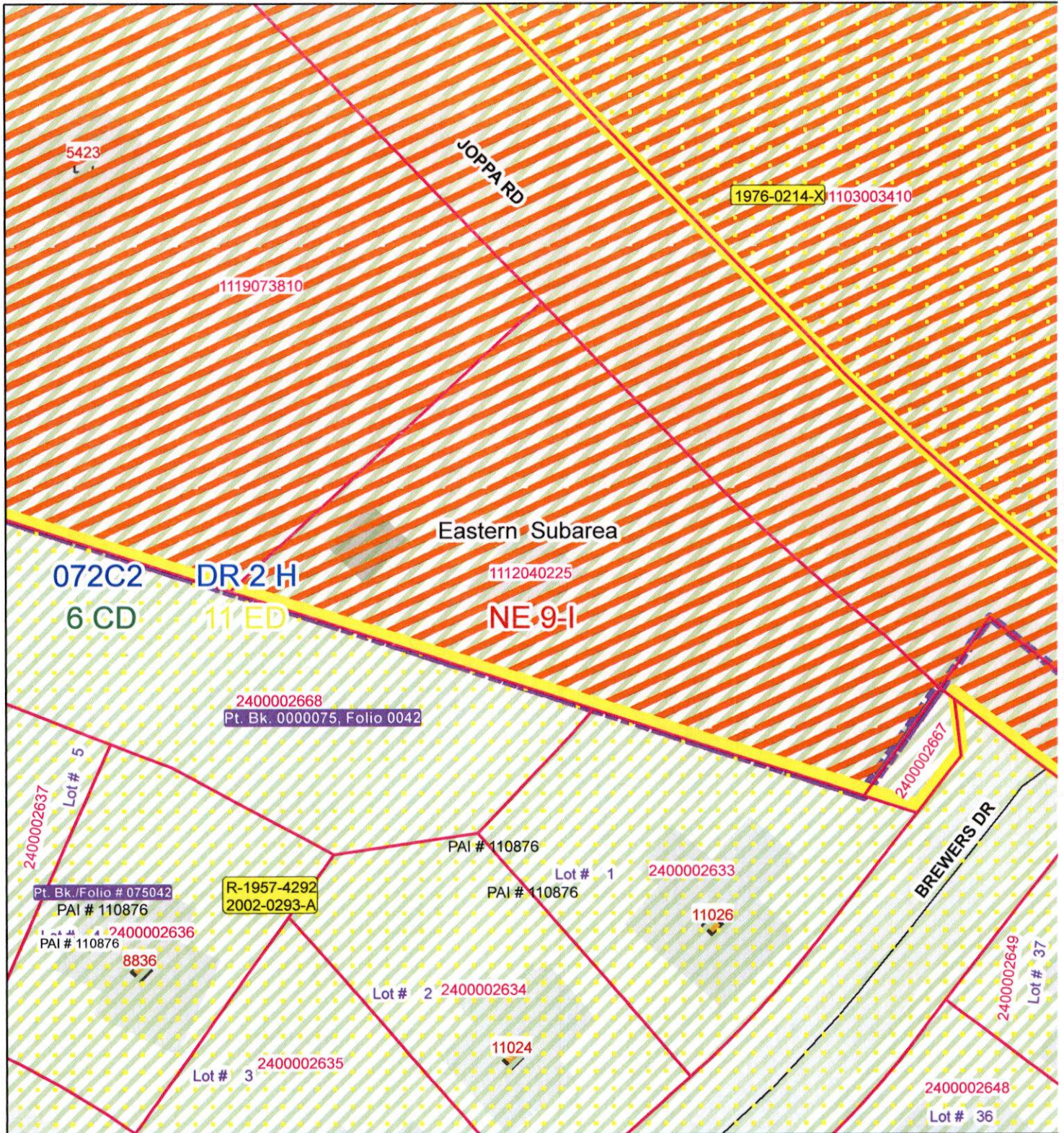
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

5433 East Joppa Road



Publication Date: 3/2/2018



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

CERTIFICATE OF POSTING

RE-CERTIFIED 4-6-18

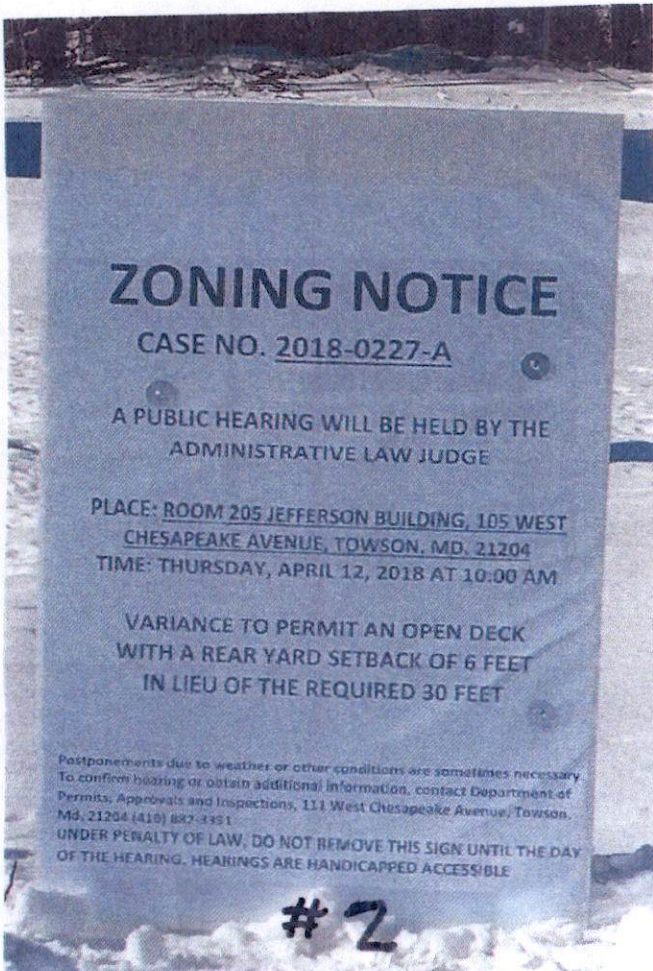
Date: MARCH 22, 2018

RE: Project Name: 5433 JOPPA ROAD
Case Number /PAI Number: 2018-0227-A
Petitioner/Developer: TORO SERVICES LLC
Date of Hearing/Closing: APRIL 12, 2018

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 5433 JOPPA ROAD

RE-CERTIFIED 4/6/18

The sign(s) were posted on MARCH 22 2018
(Month, Day, Year)



David Billingsley 4-6-18
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)

CERTIFICATE OF POSTING

RE-CERTIFIED 4-6-18

Date: MARCH 22, 2018

RE: Project Name: 5433 JOPPA ROAD
Case Number /PAI Number: 2018-0227-A
Petitioner/Developer: TORO SERVICES LLC
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The sign(s) were posted on

RE-CERTIFIED 4-6-18

MARCH 22 2018

(Month, Day, Year)

David Billingsley 4-6-18

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

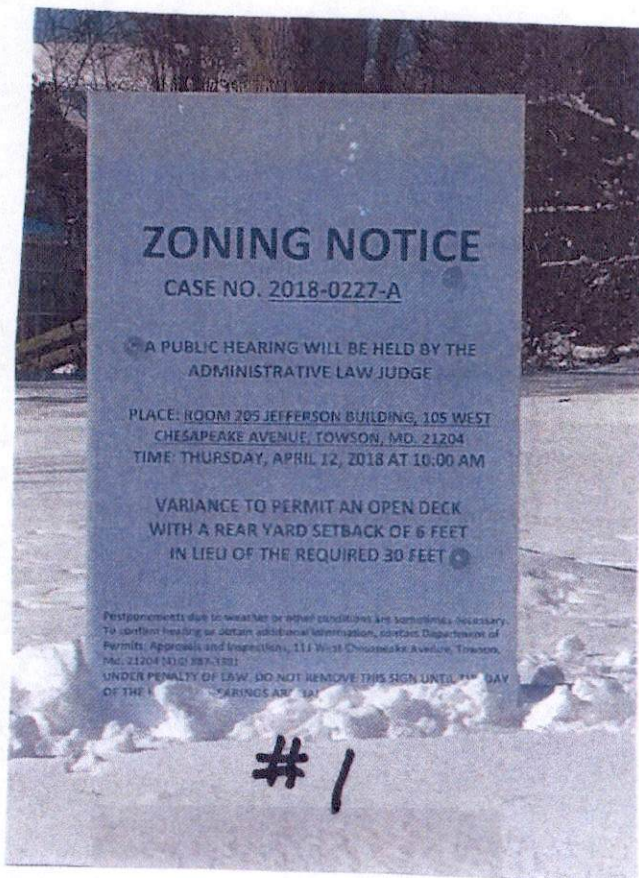
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)





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 5517527

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:

Mar 22, 2018

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: 2018-0227-A
5433 Joppa Road
S/s Joppa Road, 50 ft. VV/of centerline of Brewers Drive
11th Election District - 6th Councilmanic District Legal
Owners: Toro Services, LLC
Variance to permit an open deck with a rear yard setback of 6 ft. in lieu of the required 30 ft.
Hearing: Thursday, April 12, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204
/s/ 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.
3/22/2018 5517527

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

4/12
10 AM



CERTIFICATE OF POSTING

RE-CERTIFIED 4-6-18

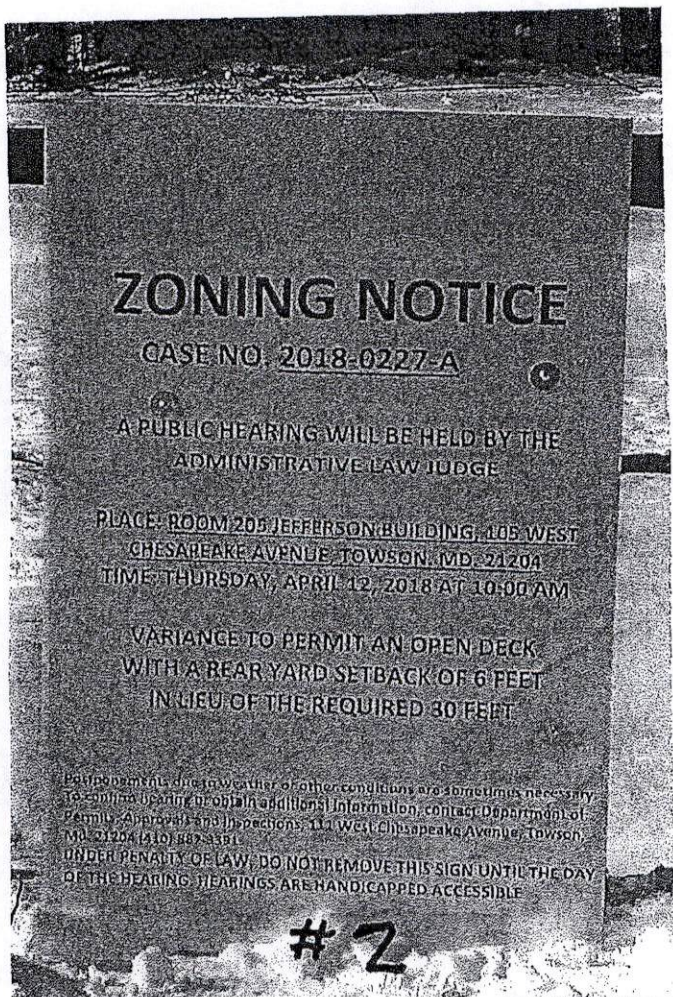
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Case Number /PAI Number: 2018-0227-A
Petitioner/Developer: TORO SERVICES LLC
Date of Hearing/Closing: APRIL 12, 2018

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RE-CERTIFIED 4/6/18

The sign(s) were posted on MARCH 22 2018
(Month, Day, Year)



David Billingsley 4-6-18
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)

412
10 Am

RECEIVED
APR 09 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

RE-CERTIFIED 4-6-18

Date: MARCH 22, 2018

RE: Project Name: 5433 JOPPA ROAD
Case Number /PAI Number: 2018-0227-A
Petitioner/Developer: TORO SERVICES LLC
Date of Hearing/Closing: APRIL 12, 2018

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 5433 JOPPA ROAD

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

RE-CERTIFIED 4-6-18

MARCH 22 2018

David Billingsley 4-6-18

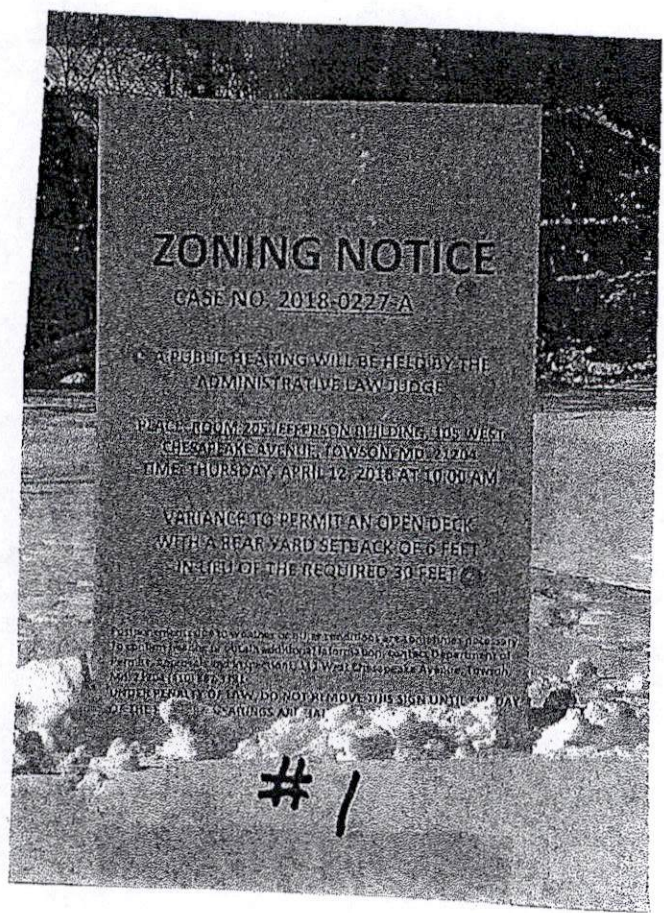
David Billingsley
(Signature of Sign Poster)

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)



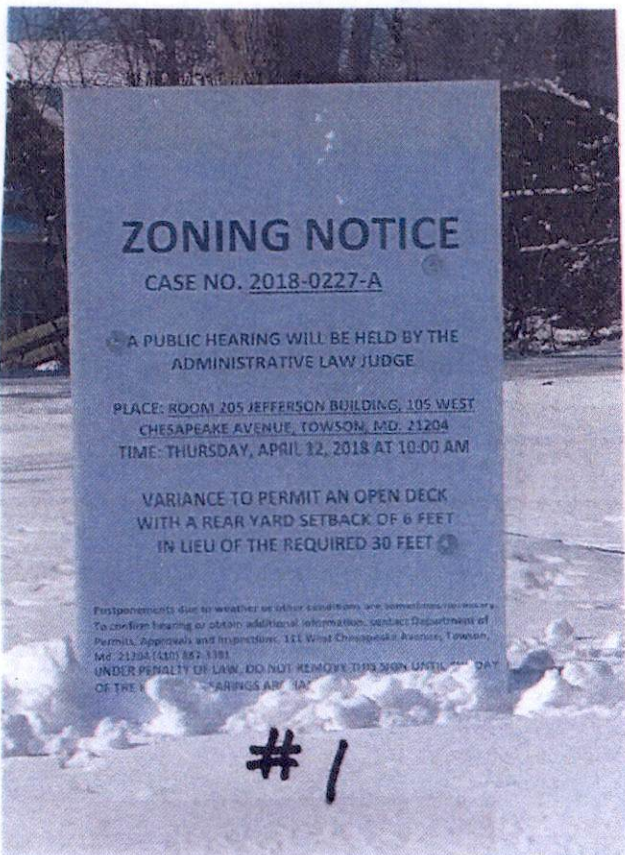
CERTIFICATE OF POSTING

Date: MARCH 22, 2018

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(Signature of Sign Poster)

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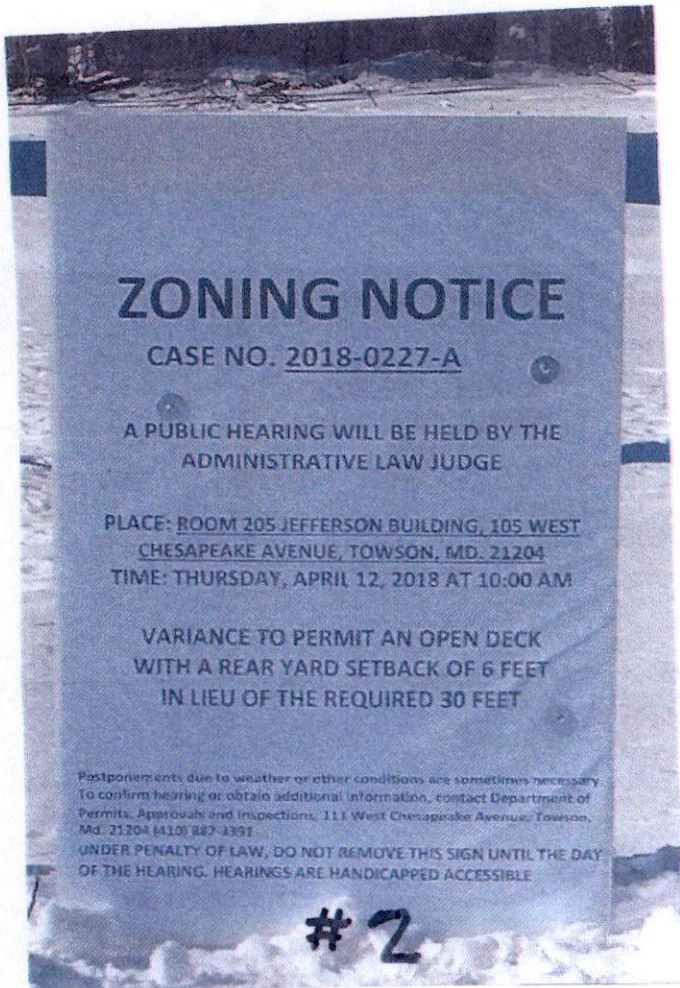
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(City, State, Zip Code of Sign Poster)

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(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

March 19, 2018

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: 2018-0227-A

5433 Joppa Road

S/s Joppa Road, 50 ft. W/of centerline of Brewers Drive

11th Election District – 6th Councilmanic District

Legal Owners: Toro Services, LLC

Variance to permit an open deck with a rear yard setback of 6 ft. in lieu of the required 30 ft.

Hearing: Thursday, April 12, 2018 at 10:00 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: Toro Services, LLC, 8303 Philadelphia Road, Rosedale 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 FRIDAY, MARCH 23, 2018.**
- (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
Thursday, March 22, 2018 Issue - Jeffersonian

Please forward billing to:
Toro Services, LLC
8303 Philadelphia Road
Rosedale, MD 21237

410-977-6065

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

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
5433 Joppa Road; S/S of Joppa Road,
50' W of the c/line of Brewers Drive
11th Election & 6th Councilmanic Districts
Legal Owner(s): Toro Services, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-227-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.

RECEIVED
MAR 09 2018

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 9th day of March, 2018, 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/neighbor 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: 2018-0227-A
Property Address: 5433 JOPPA RD.
Property Description: S/S of Joppa Rd, south E WEST
of BREWER DR.
Legal Owners (Petitioners): TORO SERVICES LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: TORO SERVICE LLC
Company/Firm (if applicable): _____
Address: 8303 PHILADELPHIA ROAD
ROSEDALE MD 21237
Telephone Number: (410) 977-6065

Revised 7/9/2015

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

NO 166205

Date: 3/2/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000	6150					75.00

Total: 75.00

Rec From: DAVE BILLINGSLEY
For: 2018-0227-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DAY

3/05/2018 3/02/2018 10:08:17

REC 4502 - MATH JEL

RECEIPT 4 446319 3/02/2018 DFLJ

Dept 5 550 ZONING VERIFICATION

CL NO. 166205

Receipt Tot \$75.00

1250.00 CL 1.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

April 4, 2018

Toro Services LLC
8303 Philadelphia Road
Rosedale MD 21237

RE: Case Number: 2018-0227 A, Address: 5433 Joppa 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 February 3, 2018. 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Date: 3/8/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2018-0227-A

Variance
Toro Services LLC
5433 Foppa 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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

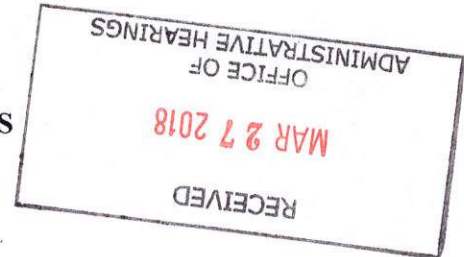
INTER-OFFICE MEMORANDUM

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

DATE: 3/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-227



INFORMATION:

Property Address: 5433 Joppa Road
Petitioner: Toro Services, LLC
Zoning: DR 2H
Requested Action: Variance

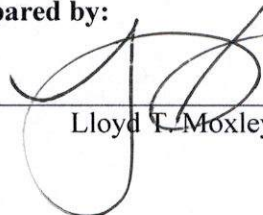
The Department of Planning has reviewed the petition for variance to permit an open deck with a rear yard setback of 6 feet in lieu of the required 30 feet.

The site is located in the Honeygo Overlay District.

The Department of Planning has no objection granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Ngone Seye Diop
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0227-A
Address 5433 Joppa Road
(Toro Services, LLC Property)

Zoning Advisory Committee Meeting of **March 12, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

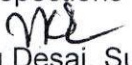
Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 23, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0218-A, 0221-A, 0222-A, 0225-SPH, 0226-A and 0227-A

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-227

DATE: 3/26/2018

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Property Address: 5433 Joppa Road
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Requested Action: Variance

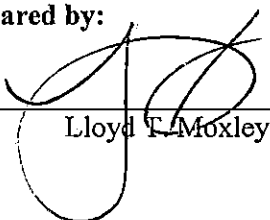
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Prepared by:



Lloyd F. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Ngone Seye Diop
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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Reviewer: Steve Ford

CASE NAME 5433 JOPPA ROAD
CASE NUMBER 2018-0227-A
DATE 4/12/18

NAME

CITY, STATE, ZIP

E - MAIL

DAYE BILLINGSLEY	601 CHARWOOD CT	EDGEWOOD MO 64040 dwb0209@yahoo.com
------------------	-----------------	-------------------------------------

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment3/23DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment3/14DEPS
(if not received, date e-mail sent _____)No Comment

FIRE DEPARTMENT

3/26/18PLANNING
(if not received, date e-mail sent _____)No Objection3/8/18

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/22/18

SIGN POSTING

Date:

1st3/22/182nd4/16/18

by

Bellingsley
Bellingsley

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 - 11 Account Number - 1112040225								
Owner Information										
Owner Name:		WAGNER BRENT MICHAEL WAGNER TARA ELISABETH				Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		5433 EAST JOPPA RD PERRY HALL MD 21128-9323				Deed Reference:		/40084/ 00384		
Location & Structure Information										
Premises Address:		5433 E JOPPA RD PERRY HALL 21128-9323				Legal Description:		.567 AC 5433 E JOPPA RD SS 1309FT W PHILADELPHIA RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0072	0018	0592		0000				2018		Plat Ref:
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1942		2,324 SF		720 SF		24,698 SF		04		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation		
2	YES	STANDARD UNIT		SIDING	3 full	1 Detached				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2017		07/01/2018		
Land:		86,400		86,400						
Improvements		240,000		226,200						
Total:		326,400		312,600		326,400		312,600		
Preferential Land:		0						0		
Transfer Information										
Seller: TORO SERVICES LLC				Date: 03/28/2018			Price: \$422,500			
Type: NON-ARMS LENGTH OTHER				Deed1: /40084/ 00384			Deed2:			
Seller: SCARINZI MARK D				Date: 05/15/2017			Price: \$167,500			
Type: NON-ARMS LENGTH OTHER				Deed1: /38964/ 00029			Deed2:			
Seller: LINTZ GEORGE A				Date: 09/16/1994			Price: \$50,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /10753/ 00100			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		0.00 0.00				

Tax Exempt:
Exempt Class:

Special Tax Recapture:
NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

PETITIONER'S EXHIBITS

**5433 JOPPA ROAD
CASE NO. 2018-0227-A**

193
5-15-18

Sen
4/13/18

- 1. PLAT TO ACCOMPANY PETITION DATED 2-10-2018 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP 0072 PARCEL 592**
- 4. DEED OF RECORD L.38964 F.29 DATED MAY 3, 2007**
- 5. SDAT REAL PROPERTY DATA SEARCH FOR NEW OWNER**
- 6. PHOTOS a-c**
- 7. AERIAL PHOTO**