### MEMORANDUM

DATE:

August 7, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0303-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on August 6, 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 SPECIAL HEARING

(5711 Edmondson Avenue)

1st Election District

1<sup>st</sup> Council District 5700 Edmondson, LLC

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0303-SPH

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of 5700 Edmondson, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the nonconforming use of a 2-unit dwelling since 1945. A site plan was marked and admitted as Petitioner's Exhibit 1.

Joshua Willet and professional engineer Rick Richardson 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 Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning ("DOP"). That agency did not opposed the request.

The subject property is 3,514 square feet in size and zoned DR-10.5. The property is improved with an end-of-group townhome constructed in 1942. Petitioner purchased the home this year from the original owner's estate. The dwelling has two living units or apartments, accessed through separate exterior entrance doors. In the 1955 zoning regulations, this was referred to as a "two-family dwelling," which was defined as having "one housekeeping unit over the other." BCZR (1955) §101.

ORDER RECEIVED FOR FILING

Generally speaking, a nonconforming use is one that was operating lawfully as of the date zoning regulations were first adopted which rendered the use non-permitted. *Howard County v. Meyer*, 207 Md. 389 (1955). The BCZR defines a nonconforming use as "[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." BCZR §101.1. Petitioner presented a series of photographs showing the electrical and HVAC units in the basement of the home which service both living units. In addition, the original owner's nephew submitted an affidavit stating the structure has been used as a two-unit dwelling since its construction in 1942. As such the petition for special hearing will be granted.

The DOP submitted a ZAC comment which included three proposed conditions for inclusion in the final order. I believe proposed condition numbers 2 & 3 are appropriate and will be included below. The first condition, however, would require Petitioner to repair all "broken walkways." Mr. Willet stated that the walkway located on his property (i.e., leading to the front door of the home) is in good condition, although the sidewalk adjoining the public road is in need of repair in a few places. Under the County Code, only the Department of Public Works ("DPW") can order a resident to repair a sidewalk adjacent to his home, and the owner is entitled to appeal that order to the County Executive or his designee. BCC §18-3-304. As such, I will not include the first condition in the order below, and if DPW believes the sidewalk needs to be repaired it must follow the procedure set forth in the County Code.

THEREFORE, IT IS ORDERED this 5th day of July, 2018 by this Administrative Law Judge, that the Petition for Special Hearing to approve the nonconforming use of a 2-unit dwelling since 1945, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

OUDER MEGE	IVED FOR FILING
Date	5/18
Ву	sen

2

- 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.
- Petitioner must comply with condition Nos. 2 & 3 in the DOP ZAC comment, a copy of which is attached hereto and made a part hereof.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date\_

By\_

### IN FOR ZONING HEARIN

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 5711 Edmondson Avenue which is presently zoned DR-10.5 10 Digit Tax Account # 0116450881 Deed References: 40145/418 Property Owner(s) Printed Name(s) 5700 Edmondson, LLC

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

and plan attached hereto and made a part hereof, hereby petition for:
1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a non-conforming use of a 2 unit dwelling, since 1945
2 a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3a Variance from Section(s)

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 Pure	chaser/Lesse	e:		Legal Owners:		
<u> </u>				Joshua Willet		
Name- Type or P	Print			Name #1 – Type or Print	Name #2 – T	ype or Print
Signature		**************************************	**************************************	Signature #1	/_ Signature # :	2
				3595 Church Road	Ellicott City	MD
Mailing Address		City	State	Mailing Address	City	State
Zip Code  Attorney for I	RE	CENED FO	Andress		contacted:	ail Address
Signature	Date			Signature 30 E. Padonia Road,		
Mailing Address	BY	City	State	Mailing Address	City	State
Zip Code	Telephone #	/ Em	ail Address	21093 / 410-560-150 Zip Code Telepl	02 /rick@richardsonone # Ema	onengineering.net ail Address
CASE NUMBER	2018-0303-	SPH Filing	Date 5 17,18	Do Not Schedule Dates:		Reviewer

30 E. Padonia Road, Suite 500 Timonium, Maryland 21093

tel. 410-560-1502 fax 443-901-1208

### ZONING PROPERTY DESCRIPTION FOR 5711 EDMONDSON AVENUE BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of Edmondson Ave. which is 60 feet wide at the distance of 135 feet south of the edge of the nearest improved intersecting street of Malbrook Road, which is 50 feet wide. Thence the following courses and distances: S35°12'00"W 20.78', S42°18'00"E 89.56', N47°42'00"E 22.00', N47°42'00"E 19.13', N54°48'00"W 96.34', back to the point of beginning as recorded in Deed Liber 40145, Folio 418, containing 2,843 Sq.Ft. or 0.07 Ac.+/-. Located in the 1st Election District and 1st Council District.



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 5645995

### **Sold To:**

Joshua Willet - CU00659659 3595 Church Rd Ellicott City,MD 21043-4401

### Bill To:

Joshua Willet - CU00659659 3595 Church Rd Ellicott City,MD 21043-4401

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

Jun 12, 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: # 2018-0303-SPH 5711 Edmondson Avenue, 135 ft. S/of centerline of Malbrook Road 1st Election District - 1st Councilmanic District Legal Owner(s) Joshua Willet Special Hearing to determine whether or not the Administrative Law Judge should approve a non-conforming use of a 2 unit dwelling since 1945. Hearing: Monday, July 2, 2018 at 10:00 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.

### **Debra Wiley**

From:

SGT ROBERT BLACK <1opie@comcast.net>

Sent:

Thursday, June 28, 2018 11:45 PM

To:

Administrative Hearings; Rick Richardson

Subject:

Re-Certifications For 2018-0303-SPHA & 2018-0304-SPHA

**Attachments:** 

Re-Cert 1 2018-0303-SPH Sign 1.doc; Re-Cert 2 2018-0303-SPH Sign 2.doc; Re-Cert 1

2018-0304-SPH Sign 1.doc; Re-Cert 2 2018-0304-SPH Sign 2.doc

Re-Certificates For 5701 & 5711 Edmondson Ave

RECEIVED

JUN 2 9 2018

OFFICE OF ADMINISTRATIVE HEARINGS

# CE SIFICATE OF POST G

	RE: Case No.:
	Petitioner/Developer:
	Joshua Willet
	July 2, 2018 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections	
County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	RECEIVED
Attn: Kristen Lewis:	JUN 2 9 2018
Ladies and Gentlemen:	OFFICE OF ADMINISTRATIVE HEARINGS
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were
	June 12, 2018
The sign(s) were posted on	(Month, Day, Year)
S	June 28, 2018
	(Signature of Sign Poster) (Date)
ZONINGNOTICE	SSG Robert Black
CASE / 2018-0303-SPH	(Print Name)
IN TOWSON, MD.  PLACE - ROOM 208 JEFFERSON BUILDING	1508 Leslie Road
TOUTS: Surchal Housing to Colombia whether	(Address)
March a merchaloring too of a Zimi	Dundalk, Maryland 21222

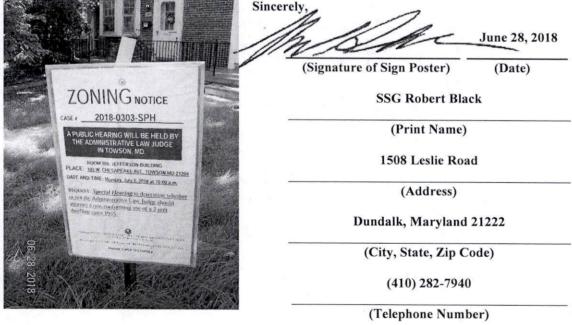
(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CANIBOLIS ...

	2018-03 RE: Case No.:	803-SPH
	Petitioner/Developer:	
	Joshu	a Willet
	July Date of Hearing/Closing:	2, 2018
Baltimore County Department of Permits, Approvals and Inspections	RECEIVE	D
County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	JUN 2 9	
Attn: Kristen Lewis:	OFFICE ( ADMINISTRATIVE	
Ladies and Gentlemen:		
This letter is to certify under the pena posted conspicuously on the property	alties of perjury that the necessary sign(s) required by located at:	aw were
5711 Edmondson Avenue	SIGN 2 Re-Certification	n
The sign(s) were posted on		
	(Month, Day, Year)	
	Sincerely,	



# CI TIFICATE OF POS IG

1	RE: Case No.:	2018-0303-SPH
	Petitioner/Developer:	
		Joshua Willet
	Date of Hearing/Closing:	July 2, 2018
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		•
This letter is to certify under the penalties of perposted conspicuously on the property located at		
5711 Edmondson Avenue	SIGN 1	•
The sign(s) were posted on	une 12, 2018	
(I	Month, Day, Year)	
	(Signature of Sign Poster)	June 12, 2018
ZONINGNOTICE	(Signature of Sign Poster)  SSG Robert Bla	(Date)
CASE 2018-0303-SPH APUBLIC HEARING WILL BE HELD BY		
IN TOWSON MD.  RODY 205, JEFFERSON BUR DING  PLANTING MEDISAGE AND TOWSON MD.	(Print Name) 1508 Leslie Ro	
BY S. ESA Special Harrison	(Address)	
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	(City, State, Zip C	Code)
HODD ON THE TOTAL	(410) 282-794	0
学の対象に対象している。	(Telephone Num	ber)

	RE: Case No.:
	Petitioner/Developer:
	Joshua Wille
	July 2, 2018  Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties posted conspicuously on the property loca	of perjury that the necessary sign(s) required by law were ted at:
5711 Edmondson Avenue	SIGN 2
The sign(s) were posted on	June 12, 2018
	(Month, Day, Year)
	Sincerely
	June 12, 2018
ZONING NOTICE	(Signature of Sign Poster) (Date)
CASE 2018-0303-SPH	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGEN	(Print Name)
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	Dundalk, Maryland 21222
(Septembrilly (Constant)	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 30, 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: 2018-0303-SPH

5711 Edmondson Avenue S/s Edmondson Avenue, 135 ft. S/of centerline of Malbrook Road 1st Election District — 1st Councilmanic District Legal Owners: Joshua Willet

Special Hearing to determine whether or not the Administrative Law Judge should approve a non-conforming use of a 2 unit dwelling since 1945.

Hearing: Monday, July 2, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabion Director

AJ:kl

C: Joshua Willet, 3595 Church Road, Ellicott City 21043 Rick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 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

Tuesday, June 12, 2018 Issue - Jeffersonian

Please forward billing to:

Josh Willet 3595 Church Road Ellicott City, MD 21043 717-465-7101

### 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: 2018-0303-SPH** 

5711 Edmondson Avenue

S/s Edmondson Avenue, 135 ft. S/of centerline of Malbrook Road

1st Election District – 1st Councilmanic District

Legal Owners: Joshua Willet

Special Hearing to determine whether or not the Administrative Law Judge should approve a non-conforming use of a 2 unit dwelling since 1945.

Hearing: Monday, July 2, 2018 at 10:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jabler

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 SPECIAL HEARING 5711 Edmondson Avenue; S/S Edmondson Avenue, 135' S of Malbrook Road 1st Election & 1st Councilmanic Districts Legal Owner(s): Joshua Willet Petitioner(s)

- BEFORE THE OFFICE
- \* OF ADMINSTRATIVE
- \* HEARINGS FOR
- \* BALTIMORE COUNTY
- \* 2018-303-SPH

### **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

MAY 16 2018

DETER MAY ZD G GERMAN

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Peter Max Zummerman

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 16<sup>th</sup> day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zummerman

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 <u>Baltimore County Zoning Regulations</u> (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: 2018-0303-304 Property Address: 5711 EDMONDSov AVE
Property Description:
Legal Owners (Petitioners): <u>JOSHUA</u> WILLET®  Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Company/Firm (if applicable):  Address: 3595 CHURCH RD
ELLICOTT CITY, MD 21043
Telephone Number: 717 465 710/

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT	No: 168797 Date: ミ/7://ぶ	DUPLICATE PAID RECEIFT  BUSINESS ACTUAL FIRE DRA
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For Petition Re Species	l Henny	
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DONALD I. MOHLER III County Executive

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

June 27, 2018

Joshua Willet 3595 Church Road Ellicott City MD 21043

RE: Case Number: 2018-0303 SPH, Address: 5711 Edmondson Avenue

Dear Mr. Willet:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 7, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Richardson Engineering LLC, 30 E Padonia Road, Suite 500, Timonium MD 21093



STATE HIGHWAY ADMINISTRATION Larry Hogan Governor

Boyd K. Rutherford Lt. Governor

Pete K. Rahn Secretary

Gregory Slater Administrator

Date: 5/24/18

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. 2018-0303-5PH

Special Hearing Foshur Willet 5711 Edmondson Avenue.

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

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 11, 2018

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For May 21, 2018

Item No. 2018-0303-SPH, 0304-SPH, 0305-A, 0306-SPH, and 0309-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

**DATE:** 6/4/2018

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENT

Case Number: 18-303

RECEIVED OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 5711 Edmondson Avenue

Petitioner: Zoning:

Joshua Willet DR 10.5

Requested Action:

Special Hearing

The Department of Planning has reviewed the petition for a special hearing under Baltimore County Zoning Regulations (BCZR) Section 500.7 to determine whether or not the Administrative Law Judge should approve a nonconforming use of a 2-unit dwelling since 1945.

A site visit was conducted on May 23, 2018.

The property is a 2,843 square foot lot improved with an end-of-row townhouse containing two apartments. According to The State Department of Assessments and Taxation (SDAT), the dwelling was built in 1942. The exterior of the dwelling appears to be in good condition. There are two rear yard parking spaces and a one-car garage that are accessible from a rear alley. There is ample on-street parking in the vicinity. Portions of the abutting sidewalk are broken. The lawn areas haven't been mowed in some time and the grass is excessively tall.

The Department of Planning does not have any objections to approving this request provided the administrative law judge finds that the two apartments were lawfully established and recommends the following conditions:

- 1. All broken walkways shall be repaired.
- 2. The lawn areas shall be kept free from tall grass.
- 3. Each rental unit shall be registered and be licensed with Baltimore County unless an exemption is approved by the County.

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

Prepared by:

loyd T. Moxley

Division Chief:

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s:\planning\dev rev\zac\zacs 2018\18-303.docx

Date: 6/4/2018

Subject: ZAC # 18-303

Page 2

### AVA/JGN/LTM/

c: Dennis Wertz
Patrick C. Richardson Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date.

Bv.\_

### **BALTIMORE COUNTY, MARYLAND** INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

**DATE:** 6/4/2018

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMEN

Case Number: 18-303

RECEIVED

INFORMATION:

**Property Address:** 

5711 Edmondson Avenue

Petitioner:

Joshua Willet

Zoning:

DR 10.5

Requested Action:

Special Hearing

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

Prepared by:

loyd T. Moxley

Division Chief:

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Date: 6/4/2018

Subject: ZAC # 18-303

Page 2

### AVA/JGN/LTM/

c: Dennis Wertz
Patrick C. Richardson Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**



RECEIVED

MAY 16 2018

OFFICE OF

ADMINISTRATIVE HEARINGS

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:

May 16, 2018

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0303-SPH

Address

5711 Edmondson Avenue

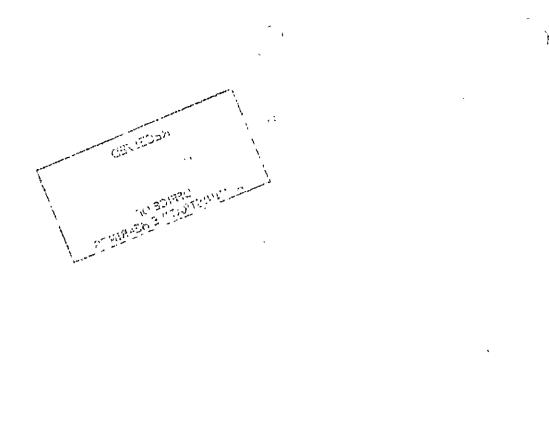
(Willet Property)

Zoning Advisory Committee Meeting of May 21, 2018.

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

Reviewer:

Steve Ford



### BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

**DATE:** 6/4/2018

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: 18-303

INFORMATION:

Property Address: 5711 Edmondson Avenue

Petitioner:

Joshua Willet

Zoning:

DR 10.5

Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing under Baltimore County Zoning Regulations (BCZR) Section 500.7 to determine whether or not the Administrative Law Judge should approve a nonconforming use of a 2-unit dwelling since 1945.

A site visit was conducted on May 23, 2018.

The property is a 2,843 square foot lot improved with an end-of-row townhouse containing two apartments. According to The State Department of Assessments and Taxation (SDAT), the dwelling was built in 1942. The exterior of the dwelling appears to be in good condition. There are two rear yard parking spaces and a one-car garage that are accessible from a rear alley. There is ample on-street parking in the vicinity. Portions of the abutting sidewalk are broken, The lawn areas haven't been mowed in some time and the grass is excessively tall.

The Department of Planning does not have any objections to approving this request provided the administrative law judge finds that the two apartments were lawfully established and recommends the following conditions:

- 1. All broken walkways shall be repaired.
- 2. The lawn areas shall be kept free from tall grass.
- 3. Each rental unit shall be registered and be licensed with Baltimore County unless an exemption is approved by the County.

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

Prepared by:

loyd T. Moxley

Division Chief:

s:\planning\dev rev\zac\zacs 2018\18-303.docx

Date: 6/4/2018

Subject: ZAC # 18-303

Page 2

### AVA/JGN/LTM/

c: Dennis Wertz Patrick C. Richardson Jr., Richardson Engineering, LLC Office of the Administrative Hearings People's Counsel for Baltimore County

### **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:

May 16, 2018

SUBJECT:

**DEPS Comment for Zoning Item** 

# 2018-0303-SPH

Address

5711 Edmondson Avenue

(Willet Property)

Zoning Advisory Committee Meeting of May 21, 2018.

 $\underline{X}$  The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Case No.: 2018-303-SPH

Exhibit Sheet

Sheet & Sheet

7/5/18 Sen

Petitioner/Developer

Protestant

		*
No. 1	Plan	
No. 2	title deed.	
No. 3	Title deed	
No. 4	Photos	
No. 5	Affidavit	
No. 6		
No. 7		
No. 8	. ,	
No. 9		
No. 10		
No. 11		
No. 12		·

MiCasa Title Groul 5 File No. MD-100808 Tax ID# 01-0116450881

This Deed, made this \_\_\_\_\_\_ day of April \_\_\_\_\_\_, 20/8 \_\_\_\_\_, by and between Don Paul Pistorio, Personal Representative of the Estate of Dominic J Pistorio, Grantor; and 5700 Edmondson LLC, a Maryland limited liability company, party of the second part, GRANTEE.

Hipereas, on April 14, 2015, the Register of Wills of Howard County (the "Court") granted administration of the Estate of the Decedent to Don Paul Pistorio as Personal Representative of the Estate of the Decedent in Estate No.26078.

**Bhereas**, Grantor in the capacity as Personal Representative in the Estate of the Decedent has complete and full power and authority by law, to grant and convey the entire fee simple interest in the hereinafter described property; and

**Bhereas**, as part of the administration of the Estate of the Decedent, Grantor desires to convey the entire fee simple estate in the hereinafter described property to the Grantee.

### - Witnesseth -

That in consideration of the sum of One Hundred Twenty Five Thousand Dollars and No Cents (\$125,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR as Personal Representative as the Estate of the Decedent, does hereby grant and convey to 5700 Edmondson LLC, a Maryland limited liability company, in fee simple, all that lot of ground situate in the County of Baltimore and described as follows, that is to say:

Beginning for the second thereof an point on the southeast side of the south drive of Edmondson Avenue as widened distant one hundred and five tenths fee southwesterly form the intersection of said southeast side of said south drive of Edmondson Avenue as widened and the southwest side of Malbrook Road, said point of beginning being at the intersection of said southeast side of said south drive of Edmondson Avenue, as widened and as line drawn northwesterly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the northeast, and running thence binding on said southeast side of said south drive of Edmondson Avenue, as widened south thirty five degrees, twelve minutes west twenty and seventy eight one hundredths feet to the southwest outline of Westowne, thence binding on said southwest outline, south forty two degrees, eighteen minutes east eighty nine and fifty six one hundredths feet, thence at right angles to said last mentioned course, north forty seven degrees, forty two minutes east twenty two feet, then continuing said last course, binding on the northwest side of a Fifteen foot alley there situate, north forty seven degrees, forty two minutes east nineteen and thirteen one hundredths feet to intersect a line drawn southeasterly from the place of beginning through the center of said partition wall, thence reversing said line so drawn and binding thereon, north fifty four degrees, forty eight minutes west ninety six and thirty four one hundredths feet to the place of beginning. The improvements thereon being known as 5711 Edmondson Avenue

Being a portion of the property conveyed to Dominic J. Pistorio, by virtue of Deed from Samuel M. Pistorio and Constance V. Pistorio, dated June 16, 1941, recorded June 17, 1941, among the Land Records of Baltimore County, Maryland, in Liber 1167, folio 376. The said Dominic J. Pistorio departed of this life on or about March 25, 2015. Whereas Don Paul Pistorio was appointed as Personal Representative of the Howard County Estate No. 26078 on April 14.

Personal Representative of the Howard County

Estate Board State

Representative of the Howard County

Estate County/CC03.01.07 - 120.00

Representative of the Howard County

Estate County/CC03.01.07 - 200.01

Estate County/CC03.01.07

Estate County/CC03.01.07

Estate County/CC03.01

Estate County/CC03.

PET. NO.2

CE62 40002. Date available 04/17/2018. Printed 07/02/2018 BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40145, p. 0419, MSA\_ **Together with** the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said 5700 Edmondson LLC, a Maryland limited liability company, its successors and assigns, in fee simple.

 $\mathfrak{And}$  Grantor does hereby covenant to execute such further assurances of the same as may be requisite.

**Witness** the hand and seal of Grantor the day and year first above written.

The Estate of Dominic J Pistorio

Hon (Pull Story) P.P.

By: Don Paul Pistorio, Personal Representative

STATE of MM

COUNTY OF WOUNTY

, to wit:

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

KENNETH J. BATTAGLIA Notary Public-Maryland Baltimore City My Commission Expires

Notary Public My commission expires:

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Mark Gheiler, Attorne

AFTER RECORDING, PLEASE RETURN TO: MiCasa Title Group, LLC 1777 Reisterstown Road, Suite 240 Baltimore, MD 21208

Witnesseth that in consideration of the sum of Five Bollars (\$5.00) and other good and role able considerations this day paid the receipt whereof is hereby acknowledged the said many of the first part does hereby grant and assign without recourse water the said party of the second part its successors and assigns all that lot of ground stante in Baltimore county. Maryland known as #41 Sectord Avenue Edgevator and more particularly agaorited in the more than from Joseph R Ryan and Arrilla Stadel Ryan his wife to the said The Moss-Rouse Company dated April 25 lysl and recorded among the Land Bocords of Baltimore County in Liber C w B ar play folio #8 the mortgage itself file debt thereby secured and the promissory note thereis must 1ozač

To have end to hold the above mentioned lot of ground together with the above sentioned nortgage the debt thereby secured and the promissory note thereis mentioned unto and to the proper use of the said The Prudential Insurance Company of America its successors and sasten

Witness the corporate seel of the said party of the first part and the signature of its President of Vice-Provident thereto

Attest

The Moss-Rouse Company

Virginia B Scholl

Ву Jenes W Mouse

(Corporate Seal)

Prosident

State of Maryland City of Baltimore to wit

I Horsby certify that on this; 15th day of June in the year one thousand nine hundred and forty-one before me the subscriber a Notary Public of the State of Maryland in and for the city of Baltimore aforesaid personally appeared James W Rouse the Vice-President of the said The Mess-Rouse Company the within named party of the first part and he acknowledged the aforgoing Assignment of Hortgage to be the act of said body corporate

As witness my hand and Hotarial Seal

(Notarial Seal

Virginia B Sewell

Notary Public

Recorded Ione 17 1941 at 12.40 P M and Exd per C Willing Browns Jr Clork

183986

: This Deed made this sixteenth day of June in the year one thousand

Dood to

Semiel M Pistorio & Mr : nine hundred and forty-one by Samuel M Pistorio and Constance V : Pistorio his wife of Baltimore County State of Manyland parties

: of the first part and Dominic J. Pistonic unservied of Balisote

Dominia J Pistorio State Tex \$5.50 U S Stepp \$5.85

City State of Moryland party of the second part

Witnesseth that in consideration of Five Dollars (\$5.00) and other good and valuable considerations the receipt whereof is hereby adknowledged the said parties of the first part do grant and convey unto the said party of the second part his heirs and assigns in fee sisple all that lot or parcel of ground situate lying and being in Baltimore County State of Maryland and described as follows that is to may

Beginning for the same at the intersection of the scuthwest side of Helbreck Road and the southeast side of Edmondson Avanue shows on the Plat of Westowns recorded among the land his ords of Baltimore County in Plat Book C W B Jr No 12 folio 63 etc and remains thouse bining on said southwest side of Malbrook Road Southeasterly by a line curving to the right with a ten foot midius the distance of fifteen and thirty-five one-hundredthe feet south lifty-dedegrees forty-cight minutes east twelve feet and southedstorly by a line our fine with a six headred fourteen end minety-two one-hundredthe feet redige the fifth eight and nimeteen one-hundredthe feet to the northwest side of a fiftee

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situate themse binding on the sorthwest side of said alley with the use thoroof in common with others south, thirty-live degrees twelve minutes west eighty-nine and/one-hundredths test thence still binding on the northwest side of said siley south twenty-seven degrees forty-two minutes went fifty-eight and oight ons-hundredths fost to the southwestermost publine of said plat of Westowns thence binding on said southwesternmost outline north fortytwo degrees eighteen minutes west eighty-nine and fifty-six one-hundredths feet to said south east side of Edmondson Ayenus themse binding on said southeast side of Edmondson Avenus morth thirty-five degrees twelve minutes east one hundred twenty-one and twenty-eight one-hundredths fact to the place of beginning. The improvements thereon to be known as Nos 5701 -05-05-07-09 and 11 Kanopitson Avenue

Being a part of the whole lot or parted of ground described in a deed from Jones Keelty and Hora Equity his wife to Samuel M Pistorio and wife dated January 31 1940 and recorded caong the Land Records of Bultimore county in Liber C W B Jr No 1086 folio 520 ste

Togother with the buildings and improvements thereon erected ande or being and all and every the rights alleys ways waters privileges appurtenances and adventages to the same belonging or in any vise appertaining

To have and to hold the said lot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtchances and advantages there'to belonging or appertaining unto and to the proper use and bonefit of the said Dominie I Pistorio his hairs and assigns in fee simple

And the onid grantors hereby covenant that they have not dong or suffered to be done any act matter or thing whatsoever to enquineer the property hereby conveyed that they will warrant specially the property hereby granted and that they will execute such further essurences of the seme as may be requisite

Witness the hands and seals of said grantors

Samuel M Pistorio

(SEAL)

Kathryn S Holmes

Constance V Pistorio

· (SEAL)

State of Maryland City of Baltimore to wit

I Hereby certify that on this loth day of June in the year one thousand nine hundred and forty-one before me the subscriber A Notary Public of the State of Maryland in and for Baltimore County admission personally appeared Samuel & Pistoric and Constance V Pistoric his wife the within mamed grantors and they acknowledged the foregoing Deed to be their respective act

Witness the hand and Moterial Seal the day and year last above written Kathryn S Holmes (Notarial Seal)

Notary Public

Recorded June 17 1941 at 1.30 P H and End per C Willing Browne Jr Clerk

: This Mortgago made this 27th day of June A D 1941 by and between

Joseph & Bright & Mf .... . Joseph M Bright and Gertrude S Bright his wife of the County of

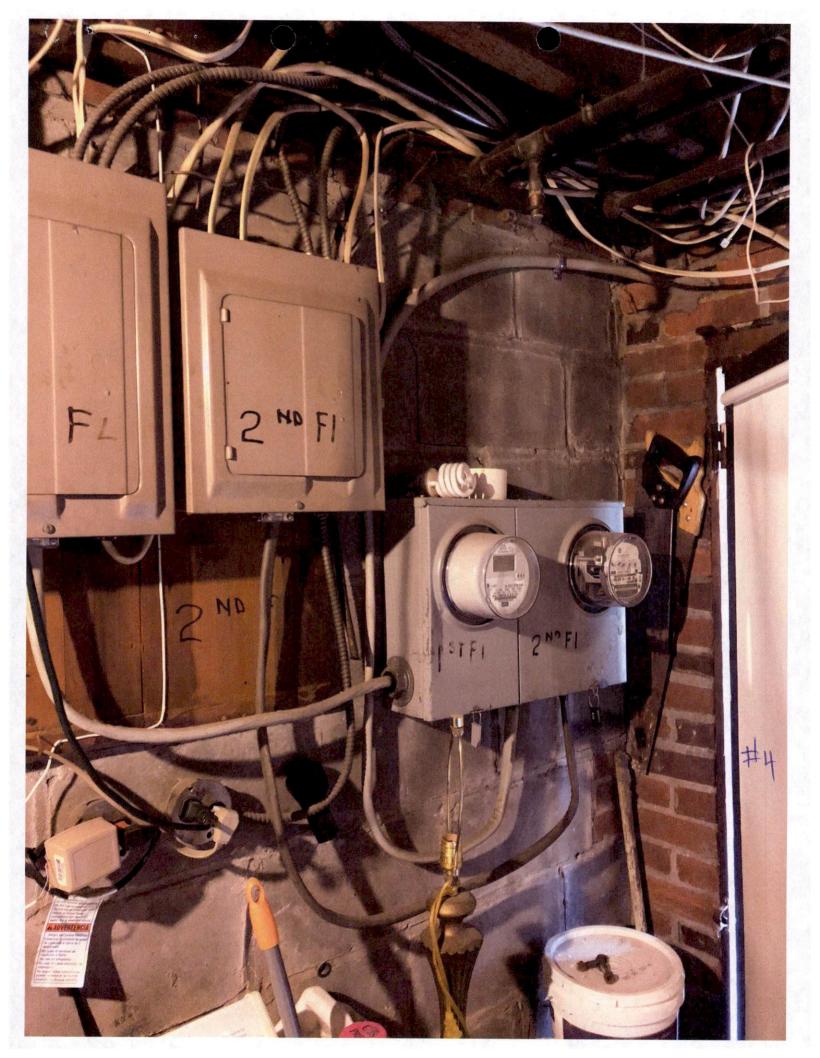
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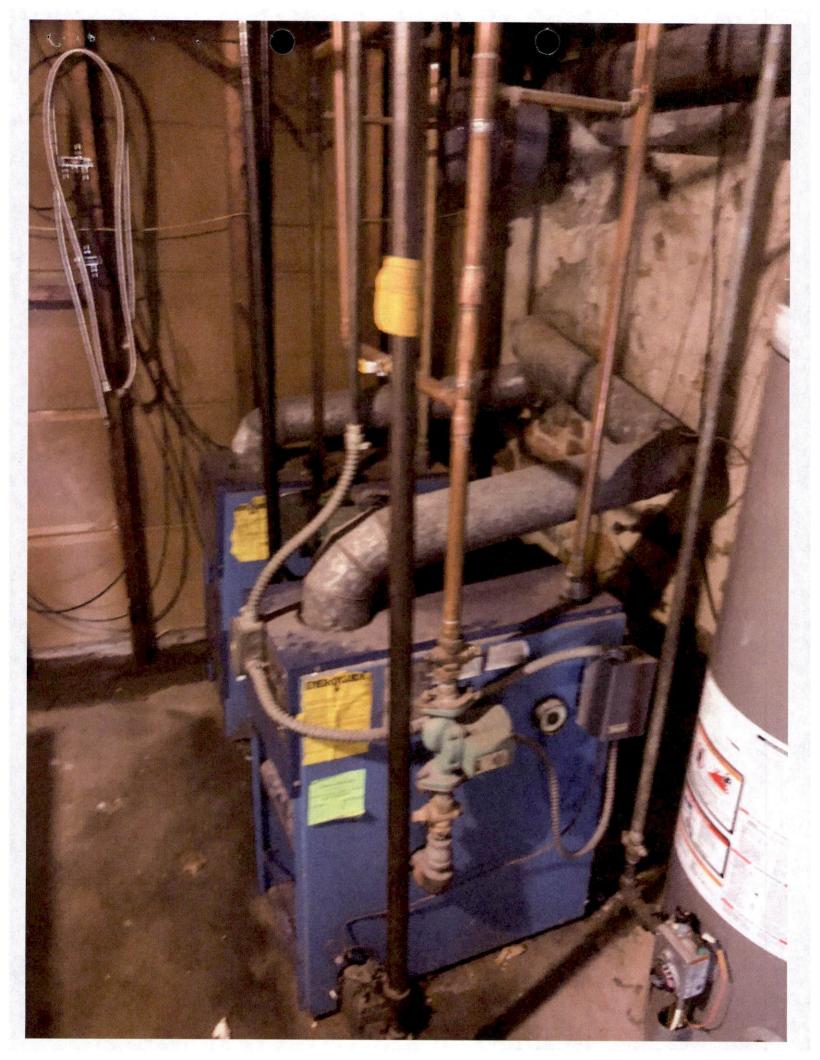
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COUNTY CIRCUIT COURT (Land Records) CWB Jr. 1167.







### **AFFIDAVIT**

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits, Approvals and Inspections (PAI), as follows:

That the information herein given is with the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Affiant (Handwritten Signature)	Affiant (Printed Name)
11 LYNNGATE CONUMBIA MO 21044	410-227-1617
Address	Phone Number
BASED ON YOUR PERSONAL KNOWLEDGE, PLEASE	ANSWER THE FOLLOWING:
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every year since	
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2. Can you also verify and testify, if necessary, every year since	, that said apartments have been occupied by re
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The Affiant herein, personally known or satisfactori	
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AS WITNESS my hand and Notarial Seal.	
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	-// PO
	My Commission Expires

KENNETH J. BATTAGLIA Notary Public-Maryland Baltimore City

My Commission Expires August 14, 2021

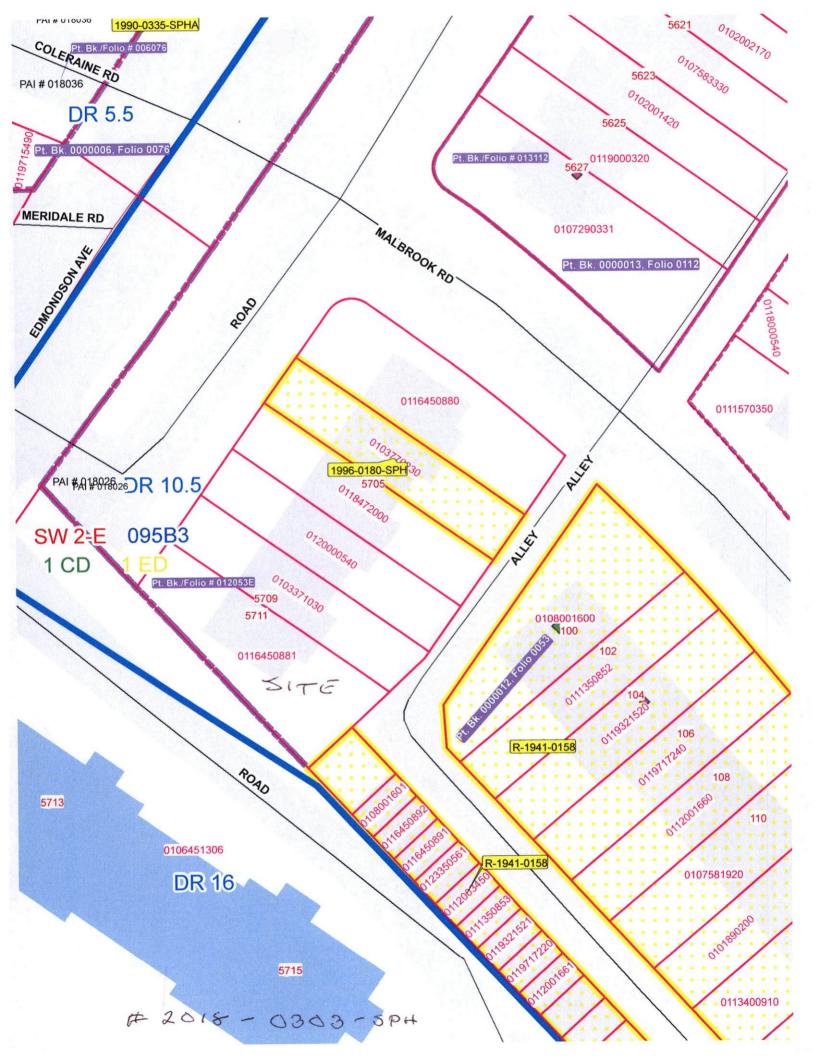
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KI NNETP J. BATTAGL D N 1817 Public Merupud Baltimus City My 1 Limits on Excites My 2021



CASE NAME _	5701	EDMO	VDSM/	AVE
CASE NUMBER DATE 7/2/	2	018-0	303	
DATE 7/2/	18			_

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL		
REK RICHARDSON JOSH Willet	30 E PADENIA RD SUITE	500 TIMONIUM, MD 21093	RICK PICHARDSON ENGLINEERING, M		
Josh Willet	3595 Church Rd	500 TIMONIUM, MD 21093 Ellicotl City MD 21047	gosneatlant is pacific marketing,		
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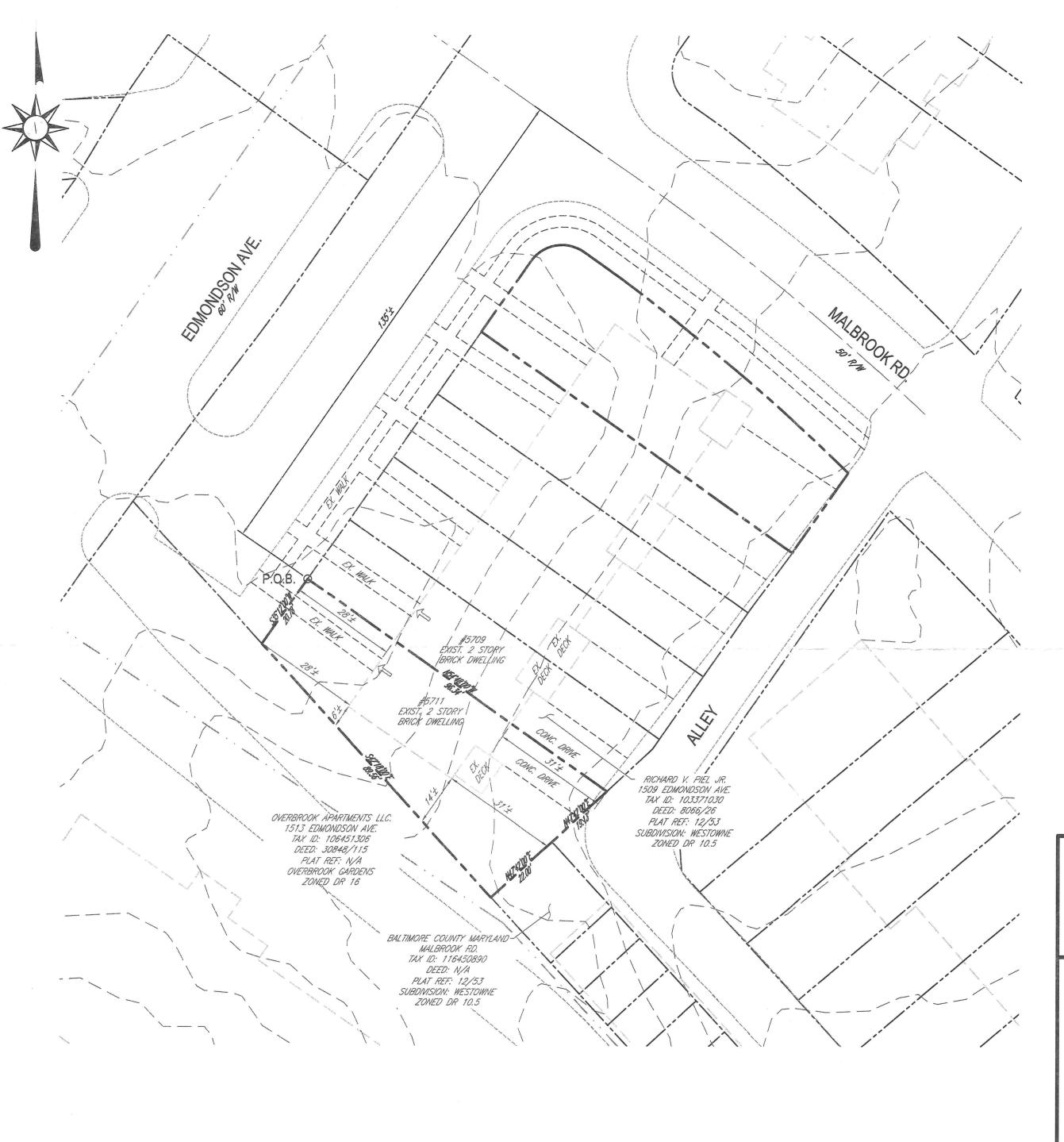
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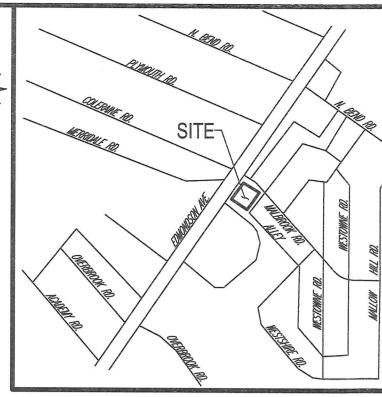
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### Real Property Data Search

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# **LOCATION MAP**

# **GENERAL NOTES:**

 OWNER/DEVELOPER: 5700 EDMONDSON LLC.

> 3595 CHURCH RD. ELLICOTT CITY MD 21043

2. TAX ID:

3. TAX MAP:

PARCEL:

LOT:

4. DEED REF: 40145/418

5. PLAT REF: 12/53 6. SUBDIVISION: WESTOWNE

7. SITE AREA

GROSS: 3,514 SF or 0.08 Ac.±

NET: 2,843 SF or 0.07 Ac.± ZONING: DR 10.5

7. ELECTION DISTRICT: 1

8. COUNCIL DISTRICT: 1

9. SITE IS NOT HISTORIC

10. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

11. SITE IS NOT LOCATED IN THE FLOOD ZONE PER FEMA FIRM MAP FM2400100387F.

12. UTILITIES:

PUBLIC WATER & SEWER

13. THERE ARE NO PRIOR ZONING CASES.

# Richardson Engineering, LLC

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

PLAN TO ACCOMPANY ZONING PETITION FOR

SPECIAL HEARING

EXISTING RESIDENCE

5711 EDMONDSON AVENUE

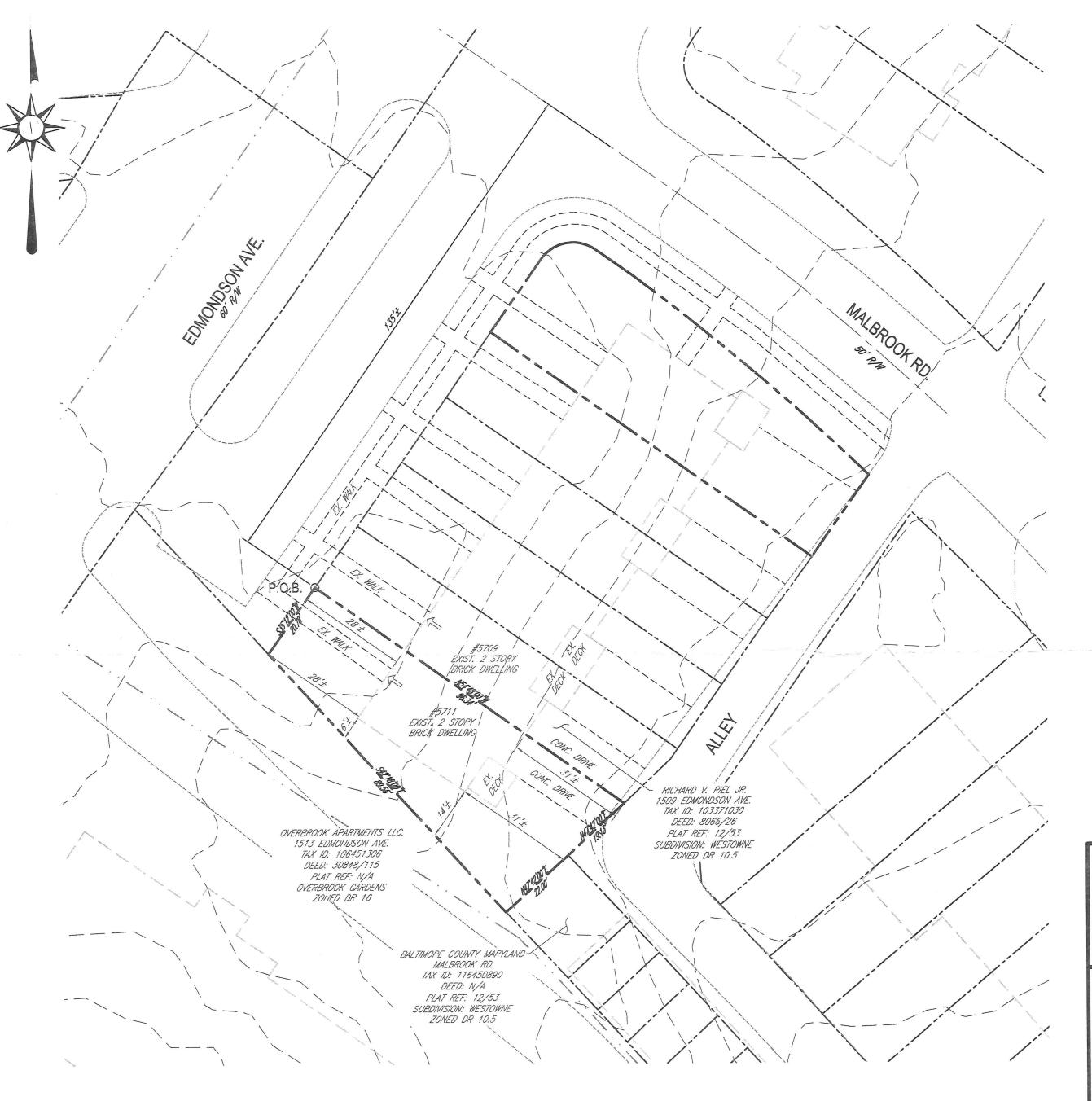
1ST ELECTION DISTRICT

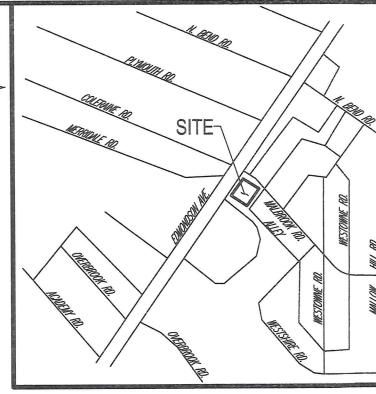
BALTIMORE COUNTY, MARYLAND

REVISIONS



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	CLB	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	4/30/18	18047	1 OF 1





# **LOCATION MAP**

SCALE: 1" = 500'

# **GENERAL NOTES:**

- 1. OWNER/DEVELOPER: 5700 EDMONDSON LLC. 3595 CHURCH RD.
- ELLICOTT CITY MD 21043 2. TAX ID: 0116450881
- TAX MAP: 95
  GRID: 22
  PARCEL: 222
- 4. DEED REF: 40145/418
- 5. PLAT REF: 12/53
- 6. SUBDIVISION: WESTOWNE
- 7. SITE AREA GROSS: 3,514 SF or 0.08 Ac.±
- 6. ZONING: DR 10.5
- 9 COLINCII DISTRICT:
- . SITE IS NOT HISTORIC
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- 11. SITE IS NOT LOCATED IN THE FLOOD ZONE PER FEMA FIRM MAP FM2400100387F.
- 12. UTILITIES:
- PUBLIC WATER & SEWER
- 13. THERE ARE NO PRIOR ZONING CASES.

# Richardson Engineering, LLC

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

PLAN TO ACCOMPANY ZONING PETITION FOR

SPECIAL HEARING

EXISTING RESIDENCE

5711 EDMONDSON AVENUE

1ST ELECTION DISTRICT
REVISIONS

BALTIMORE COUNTY, MARYLAND

ONS	DRAWN BY:	CHECKED BY:	SCALE:
	CLB	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
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