

MEMORANDUM

DATE: August 7, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0304-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	*	BEFORE THE
(5701 Edmondson Avenue)		
1 st Election District	*	OFFICE OF
1 st Council District		
5700 Edmondson, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0304-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.

Josh Willet and professional engineer Rich 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 oppose the request.

The subject property is 3,023 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.

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Date 7/5/18

By Sen

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. Pet. Ex. No. 5. 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. Pet. Ex. No. 4. 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:

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Date

7/5/18

By

Aln

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 comply with proposed condition numbers 2 and 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

7/5/18

By

sln



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 5701 Edmondson Avenue which is presently zoned DR-10.5
 Deed References: 40146/396 10 Digit Tax Account # 0116450880
 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)

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. **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

3. a 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 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:

Joshua Willet /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3505 Church Road Ellicott City MD

Mailing Address City State

21043 / 717-4657101 / josh@atlanticpacificmarketing.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC, Rick Richardson

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium, MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

CASE NUMBER 2018-0304-SPH Filing Date 5/7/18

Do Not Schedule Dates: Reviewer JF

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

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

**ZONING PROPERTY DESCRIPTION FOR
5701 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 56 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: N35°12'00"E 22.50', R=10:00' 15.71', S54°48'00"E 12.00', R=614.92 78.19', S35°12'00"W 25.55', N54°48'00"W 100.00', back to the point of beginning as recorded in Deed Liber **40146**, Folio **396**, containing **3,023** Sq.Ft. or **0.07** Ac.+/- . Located in the 1st Election District and 1st Council District.

MiCasa Title Group, LLC
 File No. **MD-100807**
 Tax ID# **01-0116450880**

LR - Deed (w Taxes)
 Recording only ST20.00
 Name: PISTORIO/5700
 EDMONDSON LLC
 Ref:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State 625.00
 LG - NR Tax - 1kd 0.00
 SubTotal: 685.00
 Total: 660.00
 04/15/2018 09:21
 CC03-LL
 #10178970 CC0301 -
 Baltimore
 County/CC03.01.06 -
 Register 06

This Deed, made this 5 day of April, 2018, 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.

Whereas, on April 14, 2015, the Register of Wills for 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.

Whereas, 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

Whereas, 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 first thereof at the intersection of the southeast side of south drive of Edmondson Avenue, as widened, and the southwest side of Malbrook Road and running thence, binding on said southeast side of said south drive of Edmondson Avenue, a widened south fifty two degrees, twelve minutes west twenty and five tenths feet to intersect a 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 southwest, thence reversing said line so drawn and binding thereon south fifty four degrees, forty eight minutes east one hundred fee to the northwest side of an fifteen four alley there situate, thence binding on the northwest side of said alley with the use thereof in common with others, north thirty five degrees, twelve minutes east twenty five and fifty five one hundredths fee to said south west side of Malbrook Road, thence binding on said southwest side of Malbrook Road the three following courses and distances, namely:
 Northwesterly by a line curving to the left with a six hundred fourteen and ninety two one hundredths foot radius the distance of seventy eight and nineteen one hundredths feet north fifty four degrees, forty eight minutes west twelve feet and northwesterly by a line curving to the left with a ten foot radius the distance of fifteen and seventy one one hundredths feet to the place of beginning. The improvements thereon being known as 5701 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, 2015.

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.

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.

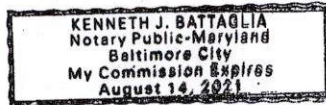
The Estate of Dominic J. Pistorio

By: Don Paul Pistorio P.R.
Don Paul Pistorio, Personal Representative

STATE of Maryland
COUNT OF Howard, to wit:

I hereby certify that on this 5 day of April, 2018 before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared Don Paul Pistorio, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged himself to be the Personal Representative of the Estate of Dominic J Pistorio and who, in my presence, signed and sealed the foregoing Deed and acknowledged it to be his act and deed as Personal Representative of the foregoing Estate, giving oath under penalties of perjury that the consideration recited herein is correct.

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



[Signature]
Notary Public
My commission expires: 8/14/2021

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.

[Signature]
Mark Gheller, Attorney

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 Dollars (\$5.00) and other good and valuable considerations this day paid the receipt whereof is hereby acknowledged the said party of the first part does hereby grant and assign without recourse unto the said party of the second part its successors and assigns all that lot of ground situate in Baltimore County Maryland known as #41 Seaford Avenue Edgewater and more particularly described in the mortgage from Joseph R Ryan and Arrilla Stadel Ryan his wife to the said The Moss-Rouse Company dated April 25 1941 and recorded among the Land Records of Baltimore County in Liber C W B Jr #115 folio #6 the mortgage itself the debt thereby secured and the promissory note therein mentioned

To have and to hold the above mentioned lot of ground together with the above mentioned mortgage the debt thereby secured and the promissory note therein mentioned unto and to the proper use of the said The Prudential Insurance Company of America its successors and assigns

Witness the corporate seal of the said party of the first part and the signature of its President or Vice-President thereto

Attest

Virginia B Sewell

(Corporate Seal)

The Moss-Rouse Company

By James W Rouse

President

State of Maryland City of Baltimore to wit

I Hereby certify that on this 13th 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 Moss-Rouse Company the within named party of the first part and he acknowledged the foregoing Assignment of Mortgage to be the act of said body corporate

As witness my hand and Notarial Seal

(Notarial Seal)

Virginia B Sewell

Notary Public

Recorded June 17 1941 at 12.40 P M and Exd per C Willing Browne Jr Clerk

183985 : This Deed made this sixteenth day of June in the year one thousand
Samuel M Pistorio & Wf : nine hundred and forty-one by Samuel M Pistorio and Constance V
Deed to : Pistorio his wife of Baltimore County State of Maryland parties
Dominic J Pistorio : of the first part and Dominic J. Pistorio unmarried of Baltimore
State Tax \$3.50 :
U S Stamp \$3.85 : City State of Maryland 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 acknowledged 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 simple all that lot or parcel of ground situate lying and being in Baltimore County State of Maryland and described as follows that is to say

Beginning for the same at the intersection of the southwest side of Malbrook Road and the southeast side of Edmondson Avenue shown on the Plat of Westowne recorded among the Land Records of Baltimore County in Plat Book C W B Jr No 12 folio 55 etc and running thence binding on said southwest side of Malbrook Road southeasterly by a line curving to the right with a ten foot radius the distance of fifteen and thirty-five one-hundredths feet south fifty-four degrees forty-eight minutes east twelve feet and southeasterly by a line curving to the right with a six hundred fourteen and ninety-two one-hundredths feet radius the distance of eight and nineteen one-hundredths feet to the northwest side of a fifteen foot alley

situate thence binding on the northwest side of said alley with the use thereof in common with others south thirty-five degrees twelve minutes west eighty-nine and ^{one}/_{one-hundredths} feet thence still binding on the northwest side of said alley south twenty-seven degrees forty-two minutes west fifty-eight and eight one-hundredths feet to the southwesternmost outline of said plat of Westowne thence binding on said southwesternmost outline north forty-two degrees eighteen minutes west eighty-nine and fifty-six one-hundredths feet to said southeast side of Edmondson Avenue thence binding on said southeast side of Edmondson Avenue north thirty-five degrees twelve minutes east one hundred twenty-one and twenty-eight one-hundredths feet to the place of beginning The improvements thereon to be known as Nos 5701 -03-05-07-09 and 11 Edmondson Avenue

Being a part of the whole lot or parcel of ground described in a deed from James Keelty and Nora Keelty his wife to Samuel M Pistorio and wife dated January 31 1940 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 1086 folio 320 etc

Together with the buildings and improvements thereon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in any wise 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 appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Dominio J. Pistorio his heirs and assigns in fee simple

And the said grantors hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite

Witness the hands and seals of said grantors

Test

Samuel M Pistorio

(SEAL)

Constance V Pistorio

(SEAL)

Kathryn S Holmes

State of Maryland City of Baltimore to wit

I Hereby certify that on this 16th 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 ~~admitted~~ personally appeared Samuel M Pistorio and Constance V Pistorio his wife the within named grantors and they acknowledged the foregoing Deed to be their respective act

Witness the hand and Notarial Seal the day and year last above written

(Notarial Seal)

Kathryn S Holmes

Notary Public

Recorded June 17 1941 at 1.30 P M and Exd per C Willing Browne Jr Clerk

187961 : This Mortgage made this 27th day of June A D 1941 by and between Joseph M Bright & Wf : Joseph M Bright and Gertrude S Bright his wife of the County of Baltg to : Baltimore in the State of Maryland hereinafter called the mortgagors Merchants Mortgage Co : and Merchants Mortgage Company a corporation organized and existing under the laws of the State of Delaware hereinafter called the mortgagor. : The mortgage was made in full payment of Thirty-One Hundred & 00/100 Dollars. : The mortgage was made subject to the condition precedent to the granting

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.

Don Paul Pistorio
Affiant (Handwritten Signature)

Don P. Pistorio
Affiant (Printed Name)

5221 LYNNGATE RD COLUMBIA MD 21044
Address

410-287-1617
Phone Number

BASED ON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 5701 Edmondson Ave Catonsville MD 21228 has been occupied as a two-apartment dwelling every year since

1941 ? YES
(Month) (Year) (answer)

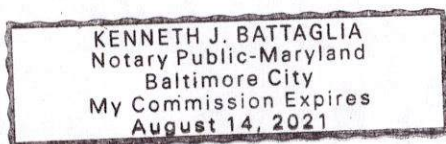
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since

1941 ? YES
(Month) (Year) (answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify this, 5 day of April, 2018, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Don Paul Pistorio.
The Affiant herein, personally known or satisfactorily identified to me as such Affiant.

AS WITNESS my hand and Notarial Seal.



Don P. Pistorio
NOTARY PUBLIC
My Commission Expires 2/4/2021

2000

2000

2000

2000

2000

2000

2000

PET. 4



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 5645982

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: # 2018-0304-SPH
5701 Edmondson Avenue
S/s Edmondson Avenue, south from 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 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.

06/12/18 5645982

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

2018-0304-SPH

RE: Case No.: _____

Petitioner/Developer: _____

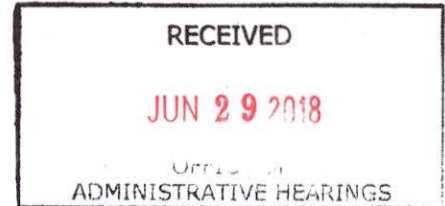
Joshua Willet

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

Attn: Kristen Lewis:



Ladies and Gentlemen:

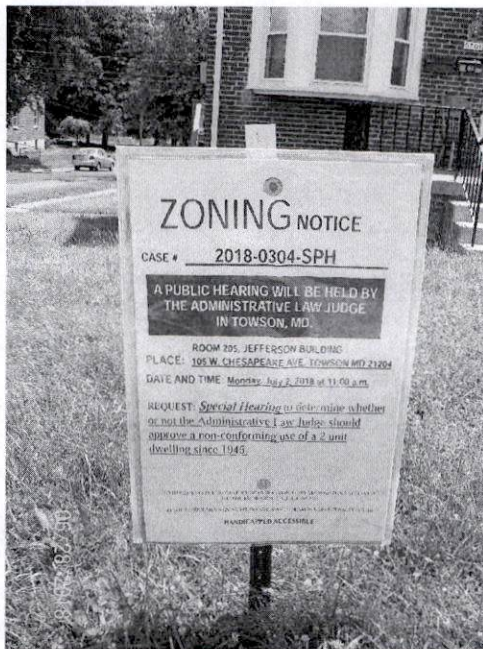
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

5701 Edmondson Avenue

SIGN 1 Re-Certification

June 12, 2018

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



Sincerely,

 June 28, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0304-SPH

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

Attn: Kristen Lewis:



Ladies and Gentlemen:

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

5701 Edmondson Avenue

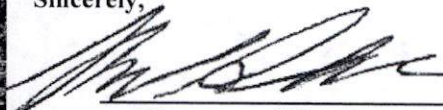
SIGN 2 Re-Certification

June 12, 2018

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



Sincerely,

 June 28, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0304-SPH

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

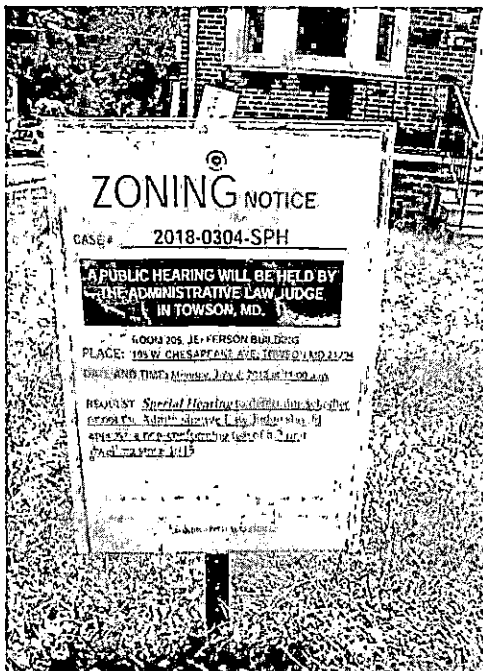
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

5701 Edmondson Avenue

SIGN 1

June 12, 2018

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



Sincerely,

June 12, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0304-SPH

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**

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

5701 Edmondson Avenue

SIGN 2

June 12, 2018

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



Sincerely,

June 12, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 2018-0304-SPH

5701 Edmondson Avenue

S/s Edmondson Avenue, south from 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 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: 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:
Joshua 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: 2018-0304-SPH

5701 Edmondson Avenue
S/s Edmondson Avenue, south from 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 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 SPECIAL HEARING
5701 Edmondson Avenue; S/S Edmondson
Avenue, 56' 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
* 2018-304-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

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 16th 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 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: 2018-0304-DPH

Property Address: 5701 EDMONDSON AVE

Property Description: _____

Legal Owners (Petitioners): JOSHUA WILLET

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSH WILLET

Company/Firm (if applicable): _____

Address: 3595 CHURCH RD
ELLICOTT CITY, MD 21043

Telephone Number: 717 465-7101

Revised 7/9/2015

**CASHIER'S
VALIDATION**



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: 2018-0304 SPH, Address: 5701 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

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

7-2

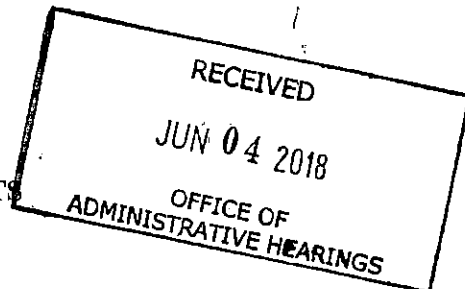
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/4/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-304



INFORMATION:

Property Address: 5701 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.

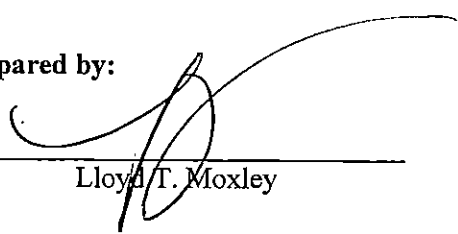
The property is a 3,023 square foot lot improved with an end-of-row townhouse containing two apartments. According to the State Department of Assessments and Taxation (SDAT), the dwelling was built in 1942. The exterior of the dwelling appears to be in good condition. There is a rear yard parking space and a one-car garage that are accessible from a rear alley. There is ample on-street parking in the vicinity. A small portion of the front yard concrete walkway is 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:

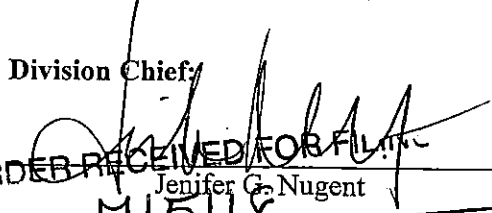
1. The broken walkway shall be repaired.
2. The lawn areas shall be kept free from tall grass.
3. Each rental unit shall be registered and be licensed with Baltimore County unless an exemption is approved by the county.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


ORDER RECEIVED FOR FILING
Jennifer G. Nugent

Date 7/5/18

By den

Date: 6/4/2018
Subject: ZAC # 18-304
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 7/5/18
By Sen



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. 2018-0304-SPH

Special Hearing
Joshua Willet
5701 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

7-2

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/4/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-304



INFORMATION:

Property Address: 5701 Edmondson Avenue
Petitioner: Joshua Willet
Zoning: DR 10.5
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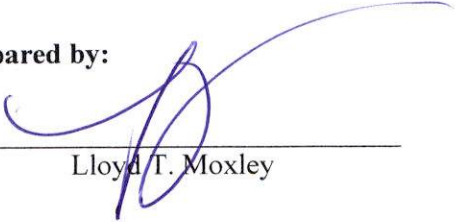
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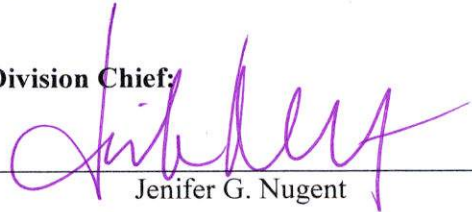
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3. Each rental unit shall be registered and be licensed with Baltimore County unless an exemption is approved by the county.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

RECEIVED
JUN 1 1971
ADMINISTRATIVE SERVICES
OFFICE OF

Date: 6/4/2018
Subject: ZAC # 18-304
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

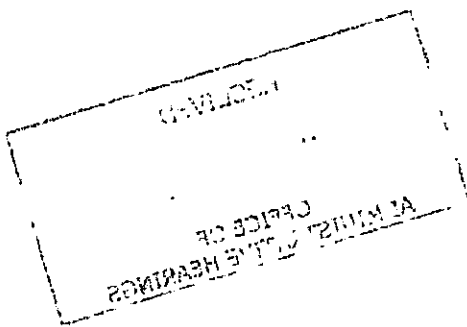
DATE: May 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0304-SPH
Address 5701 Edmondson Avenue
(Willet Property)

Zoning Advisory Committee Meeting of **May 21, 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: June 11, 2018

FROM: VKD
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
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 6/4/2018

FROM: Andrea Van Arsdale ,
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-304

INFORMATION:

Property Address: 5701 Edmondson Avenue
Petitioner: Joshua Willet
Zoning: DR 10.5
Requested Action: Special Hearing

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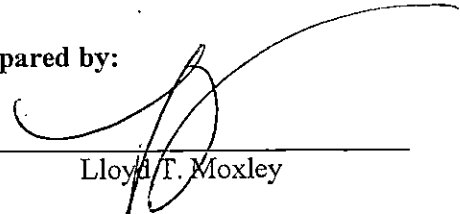
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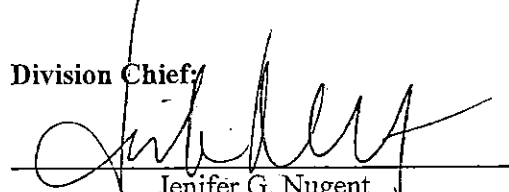
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

Date: 6/4/2018
Subject: ZAC # 18-304
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 # 2018-0304-SPH
Address 5701 Edmondson Avenue
(Willet Property)

Zoning Advisory Committee Meeting of **May 21, 2018**.

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

Reviewer: Steve Ford

Case No.:

2018-0304-SPH

Exhibit Sheet

Petitioner/Developer

8-7-18

Protestant

slr
7-5-18

No. 1	Site plan	
No. 2	Title deed-2018	
No. 3	Title deed-1941	
No. 4	Affidavit	
No. 5	Photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PET. 5









Pt. Bk. 0000006, Folio 0076
Lot # 155 0123154590
1990-0335-SPHA

PAI # 018036
Pt. Bk./Folio # 006076
PAI # 018036

Lot # 181C
0119715490

DR 5.5

MERIDALE RD

0103230155

EDMONDSON AVE

MALBROOK RD

ROAD

ALLEY

EDMONDSON AVE

DR 10.5

PAI # 018026

PAI # 018026

Pt. Bk./Folio # 012053E

095B3

5701
0116450880

1996-0180-SPH

0103770230

5705
0118472000

0120000540

0103371030

5711

0116450881

ROAD

5713

DR 16

0106451306

5715

1 CD
1 ED
SW 2-E

0108001600
100

102

0111350852

0119321520

0119717240

0112001660

0107581920

0101890200

0113400910

0113202071

R-1941-0158

R-1941-0158

1995-0193-S

0113007180
5617
0123500260

5619
0102002170
5621

0107583330
5623

0102001420
5625

Pt. Bk. 0000012, Folio 0053
0119000320
5627

0107290331

0118000540

142

0111570350

CASE NAME 5701 EDMONDSON AVE
CASE NUMBER 2018-0304
DATE 7/2/18

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

2

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>6/11</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO COMMENT</u>
<u>5/16</u>	DEPS (if not received, date e-mail sent _____)	<u>NO COMMENT</u>
_____	FIRE DEPARTMENT	_____
<u>6/4</u>	PLANNING (if not received, date e-mail sent _____)	<u>NO objections w/ conditions</u>
<u>5/24</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>6/12/18</u>	
SIGN POSTING (1 st)	Date: <u>6/12/18</u>	by <u>SSG BLACK</u>
SIGN POSTING (2 nd)	Date: <u>6/28/18</u>	by <u>SSG BLACK</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

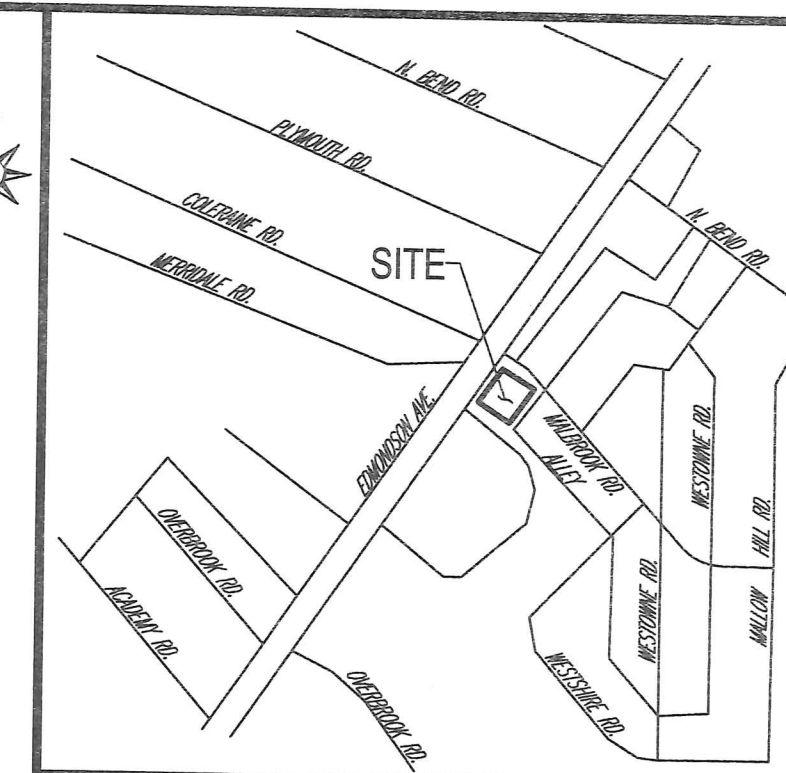
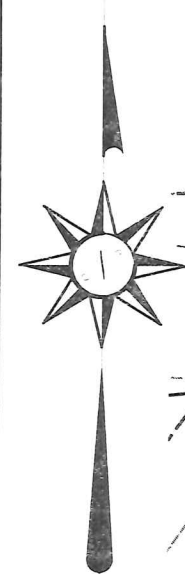
Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 01 Account Number - 0116450880							
Owner Information										
Owner Name:		5700 EDMONDSON LLC			Use:		RESIDENTIAL			
Mailing Address:		3595 CHURCH RD ELLICOTT CITY MD 21043-			Principal Residence:		NO			
					Deed Reference:		/40146/ 00396			
Location & Structure Information										
Premises Address:		5701 EDMONDSON AVE BALTIMORE 21228-			Legal Description:		LT SES EDMONDSON AV SE COR MALBROOK RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0095	0022	0222		0000				2016	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		1,320 SF				2,597 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2	YES	END UNIT	BRICK	2 full	1 Attached					
Value Information										
			Base Value	Value	Phase-in Assessments					
				As of	As of		As of			
				01/01/2016	07/01/2017		07/01/2018			
Land:			50,200	50,200						
Improvements			89,800	89,400						
Total:			140,000	139,600	139,600		139,600			
Preferential Land:			0				0			
Transfer Information										
Seller: PISTORIO DOMINIC J				Date: 04/16/2018		Price: \$125,000				
Type: ARMS LENGTH IMPROVED				Deed1: /40146/ 00396		Deed2:				
Seller:				Date:		Price: \$0				
Type:				Deed1: /01167/ 00376		Deed2:				
Seller:				Date:		Price:				
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										

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application**Date:**



LOCATION MAP

SCALE: 1" = 500'

GENERAL NOTES:

- OWNER/DEVELOPER:
5700 EDMONDSON LLC.
3595 CHURCH RD.
ELLICOTT CITY MD 21043
- TAX ID: 0116450880
- TAX MAP: 95
GRID: 22
PARCEL: 222
LOT: N/A
- DEED REF: 40146/396
- PLAT REF: 12/53
- SUBDIVISION: WESTTOWNE
- SITE AREA
GROSS: 7,392 SF or 0.17 Ac.±
NET: 3,023 SF or 0.07 Ac.±
- ZONING: DR 10.5
- ELECTION DISTRICT: 1
- COUNCIL DISTRICT: 1
- SITE IS NOT HISTORIC
- SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- SITE IS NOT LOCATED IN THE FLOOD ZONE PER FEMA FIRM MAP FM2400100387F.
- UTILITIES:
PUBLIC WATER & SEWER
- THERE ARE NO PRIOR ZONING CASES.

PATRICIA A. FOLTZ
2903 EDMONDSON AVE.
TAX ID: 103770230
DEED: 20998/195
PLAT REF: 12/53
SUBDIVISION: WESTTOWNE
ZONED DR 10.5

Richardson Engineering, LLC

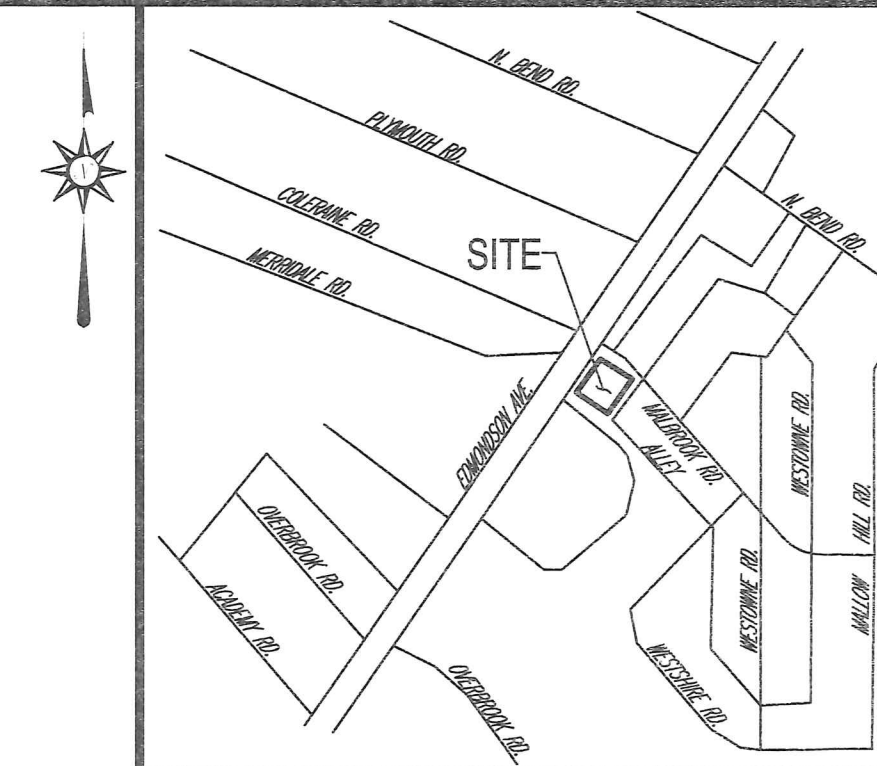
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING EXISTING RESIDENCE

5701 EDMONDSON AVENUE
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS

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



SCALE: 1" = 500'

1. OWNER/DEVELOPER:
5700 EDMONDSON LLC.
3595 CHURCH RD.
ELLICOTT CITY MD 21043
2. TAX ID: 0116450880
3. TAX MAP:
GRID: 22
PARCEL: 222
LOT: N/A
4. DEED REF: 40146/396
5. PLAT REF: 12/53
6. SUBDIVISION: WESTOWNE
7. SITE AREA
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12. UTILITIES:
PUBLIC WATER & SEWER
13. THERE ARE NO PRIOR ZONING CASES.

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

5701 EDMONDSON AVENUE
1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CLB	CHECKED BY: PCR	SCALE: 1" = 20'
	DATE: 4/30/18	JOB NO.: 18047	SHEET NO.: 1 OF 1