

✓ JB 2-22-19
JS 2-25-19

M E M O R A N D U M

DATE: March 28, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0174-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 27, 2019. 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.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(#81 Rossville Blvd.) *

14th Election District *

6th Council District *

Chioma Agwu, *Legal Owner* *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0174-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Chioma Agwu, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to confirm an existing lot under 10,000 sq. ft. in area does not affect neighboring lot density. In addition, a Petition for Variance was filed pursuant to BCZR Section 1B02.3.C.1 as follows: (1) to allow a sum of side yard setbacks of 20 ft. in lieu of the required 25 ft.; (2) lot width of 50 ft. in lieu of the required 70 ft.; and (3) to permit an existing lot with a lot size of 8,451 sq. ft. in lieu of the required 10,000 sq. ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Agwu Chioma and professional engineer Mostafa Izadi appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the reviewing county agencies.

SPECIAL HEARING

The Special Hearing request seeks a determination that granting the zoning relief requested will not “affect neighboring lot density.” The property is zoned DR 3.5, which of course

ORDER RECEIVED FOR FILING

Date 2/25/19

By Don

would permit 3.5 single-family dwellings per acre. BCZR §1B02.2.A. The existing lot (known as Lot 81) which was created by the Plat of Gum Spring Farm (Ex. No. 2) recorded in 1925, is 8,451 sq. ft. in size, which is just 15% less than the 10,000 sq. ft. minimum lot size required under the current regulations. Based on a review of the plat it appears several of the lots adjoining the subject property are unimproved, and thus I believe sufficient density exists to construct the dwelling.

VARIANCE

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

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

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

The property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because she would be unable to construct a single-family dwelling on the lot she recently purchased for that purpose. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County agency opposition.

A letter of opposition dated February 18, 2019 was filed by Mrs. Barnes, who indicates she is a "neighbor behind Lot 81." Mrs. Barnes expressed concern that the "proposed yard setback would result in an encroachment on our land." Based on a review of the site plan prepared and sealed by Mr. Izadi, the dwelling located to the rear (south) of the subject property is 7504 Perryspring Way, owned by Aurora and Roderick Roasa. Mrs. Barnes would appear to own the house next door at 7502 Perryspring Way. In any event, the zoning relief requested concerns side

ORDER RECEIVED FOR FILING

2

Date

2/25/19

By

Sen

yard setbacks, and the rear yard setback from the proposed dwelling (where the subject property adjoins the homes on Perryspring Way) will be far in excess of the 30 ft. required by the DR 3.5 regulations.

In its ZAC comment the DOP raised an issue concerning ingress and egress from the site. This is a valid point, especially since the property boundary shown on the site plan does not appear to adjoin Rossville Boulevard. Mr. Izadi indicated he was aware of the issue, and stated the Petitioner did not want to have a survey performed without first obtaining the necessary zoning relief. Mr. Izadi stated the Petitioner was going to have the property surveyed in the near future, and he anticipates the lot will have legal access to the highway.

THEREFORE, IT IS ORDERED this 25th day of **February, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to confirm an existing lot under 10,000 sq. ft. in area does not affect neighboring lot density, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from BCZR Section 1B02.3.C.1 as follows: (1) to allow a sum of side yard setbacks of 20 ft. in lieu of the required 25 ft.; (2) to allow a lot width of 50 ft. in lieu of the required 70 ft.; and (3) to permit an existing lot with a lot size of 8,451 sq. ft. in lieu of the required 10,000 sq. ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her 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.

ORDER RECEIVED FOR FILING

Date

2/25/19

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 2/25/19

4 By slh



PETITION FOR ZONING HEARING(S)

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

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

Address Rossville BLVD Lot #81 which is presently zoned 3.5
 Deed References: 40352/00344 10 Digit Tax Account # 1419073375
 Property Owner(s) Printed Name(s) AGWU, CHIOMA

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)

SEE Attached

SEE Attached

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)

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:

N/A
 Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Attorney for Petitioner:

N/A
 Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

AGWU, CHIOMA
 Name #1 - Type or Print Name #2 - Type or Print
☒ Chioma Agwu
 Signature #1 Signature #2
6011 Cedonia Av, Baltimore MD
 Mailing Address City State
21206 (410) 294-2302 maxwachinemere@hotmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

MOSTAFA IZADI, PE
 Name - Type or Print
 Signature
P.O. Box 129 Riderwood, MD
 Mailing Address City State
21139 (410) 382-9180 mizadi@aec-engineers.com
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0174-SPHA Filing Date 11/29/18

Do Not Schedule Dates:

Reviewer big

2019-0174-SPHA

1568 Variance from section: 1B02.3.C.1 BCZR: To allow a side yard setback of 10 feet in lieu and a sum 20 feet in lieu of 25 feet, and to allow a lot width of 50 feet in lieu of the required 70 feet respectively. To permit an existing lot with a lot size of 8,451 square feet in lieu of the required 10,000 square.

Special Hearing: To conform an existing lot under 10,000 square feet of lot area does not affect neighboring lot density.

TAX ACCOUNT NO. 14119073375

LOT #81

GUM SPRING FARM SUBDIVISION

THE ZONING PETITION PROPERTY DESCRIPTION:

Part A:

Beginning at a point 45.50' (+/-) southeast side of Gum Spring Road Center line extension and Southside of Rossville BLVD (80' ROW) being known and designated as lot 81 (50' x169')

Part B:

Being Lot 81, in the subdivision of Gum Spring Farm recorded among the land records of Baltimore County in Plat Book No. 0008, Folio 0005, containing 8,451 SF (0.194 Acres), located in 14th Election District and 6th council district.



2019-0174-SPAA

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
Rossville Blvd Lot 81; S/S Rossville Blvd; * OF ADMINISTRATIVE
S 45' c/line of Gum Spring Road * HEARINGS FOR
14th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Chioma Agwu *
Petitioner(s) *
2019-174-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

DEC 06 2018

CERTIFICATE OF SERVICE

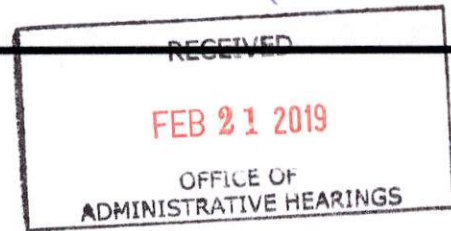
I HEREBY CERTIFY that on this 6th day of December, 2018, a copy of the foregoing Entry of Appearance was mailed to Mostafa Izadi, P.E., P.O. Box 129, Riderwood, Maryland 21139, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Wednesday, February 20, 2019 8:28 PM
To: Administrative Hearings
Subject: Lot 81 Rossville Boulevard



2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2019-0174-SCHA
PETITIONER/DEVELOPER
M. Ogle
12801
DATE OF HEARING/CLOSING
2/22/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMAN:
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
LOT #81 Rossville Boulevard
Sheet #2

THIS SIGN(S) POSTED ON January 31, 2019 February 18, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDENBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE
CASE NO. 2019-0174-SCHA
A Petition for a Special Use Permit has been filed with the Planning and Zoning Commission for the following property:
Lot #81 Rossville Boulevard
Sheet #2
The Commission will hold a public hearing on this matter on February 22, 2019 at 10:00 AM in Room 111 of the County Office Building, 111 West Chesapeake Avenue, Baltimore, MD 21201. Any person wishing to speak at the hearing should contact the Planning and Zoning Commission at 443-629-3411.

Posting 2/16/19 Sheet #2

CERTIFICATE OF POSTING

CASE NO. 2014-0174-SPHA

PETITIONER/DEVELOPER

2015/01/19

12/20/14

DATE OF HEARING/CLOSING

2/20/15

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

LOT #91 ROSSVILLE BOULEVARD

2014/1/19

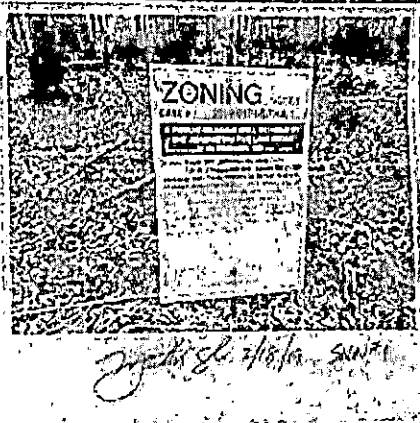
THIS SIGN(S) POSTED ON

January 31, 2014 February 18, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogile
SIGNATURE OF SIGN POSTER

MARTIN OGILE
9912 MAIDENBROOK ROAD
PARKVILLE, MD, 21234
410-209-1411



Sent from my iPhone

CERTIFICATE OF POSTING

CASE NO. 2019-0174-SPHA

PETITIONER/DEVELOPER

MOSTAFA

12 AD1

DATE OF HEARING/CLOSING

2/22/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

LOT #81 ROSSVILLE BOULEVARD
SIGN #1

THIS SIGN(S) POSTED ON January 31, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/31/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE

CASE # 2019-0174-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave. Towson MD 21204

DATE AND TIME: Friday, February 22, 2019 at 10:00 a.m.

REQUEST: Special Hearing to confirm an existing lot under 10,000 sq. ft. of lot area does not affect neighboring lot density. Variance to allow a side yard setback of 10 ft. in lieu of 15 ft. and sum of 20 ft. in lieu of 25 ft., and to allow a lot width of 50 ft. in lieu of the required 70 ft., respectively. To permit an existing lot with a lot size of 8,451 sq. ft. in lieu of the required 10,000 sq. ft.

1. The applicant hereby certifies that the information provided in this notice is true and correct to the best of their knowledge and belief. The applicant also certifies that the information provided in this notice is not false or misleading in any material respect.

2. The applicant hereby certifies that the information provided in this notice is not false or misleading in any material respect.

3. The applicant hereby certifies that the information provided in this notice is not false or misleading in any material respect.

4. The applicant hereby certifies that the information provided in this notice is not false or misleading in any material respect.

HANDICAPPED ACCESSIBLE

myra sh 1/31/19 SIGN#1

CERTIFICATE OF POSTING

CASE NO. 2019-0174-SPHA

PETITIONER/DEVELOPER

MUSTAFA

12 ADI

DATE OF HEARING/CLOSING

2/22/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER
NECESSARY SIGN(S) REQUIRED BY
THE PROPERTY LOCATED AT

LOT #81

THIS SIGN(S) POSTED ON January 31, 2019
(M)

SINCERELY,

Martin Ogle 1/31/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

mizadi@aec-engineers.biz

ZONING NOTICE

CASE # 2019-0174-SPHA

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IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

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FOR INFORMATION ONLY, TO BE READ AT THE PUBLIC HEARING. SEE TOWSON ORDINANCE 10-100-01-01 FOR THE FULL TEXT OF THE VARIANCE REQUEST.

FOR INFORMATION ONLY, TO BE READ AT THE PUBLIC HEARING. SEE TOWSON ORDINANCE 10-100-01-01 FOR THE FULL TEXT OF THE VARIANCE REQUEST.

HANDICAPPED ACCESSIBLE

myadingle 1/31/19 SIGN #2

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

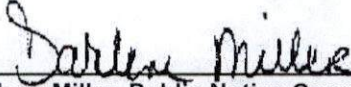
PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

2/1/2019

Order #: 11681976
Case #: 2019-0174-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0174-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0174-SPHA

Lot #81, Rossville Boulevard

S/s Rossville Boulevard, south of centerline of Gum Spring Road

14th Election District - 6th Councilmanic District

Legal Owners: Chioma Agwu

Special Hearing to confirm an existing lot under 10,000 sq. ft. of lot area does not affect neighboring lot density. Variance to allow a side yard setback of 10 ft. in lieu of 15 ft. and sum of 20 ft. in lieu of 25 ft.; and to allow a lot width of 50 ft. in lieu of the required 70 ft. respectively. To permit an existing lot with a lot size of 8,451 sq. ft. in lieu of the required 10,000 sq. ft.

Hearing: Friday, February 22, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

fl



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

January 17, 2019

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: 2019-0174-SPHA

Lot #81, Rossville Boulevard

S/s Rossville Boulevard, south of centerline of Gum Spring Road

14th Election District – 6th Councilmanic District

Legal Owners: Chioma Agwu

Special Hearing to confirm an existing lot under 10,000 sq. ft. of lot area does not affect neighboring lot density. Variance to allow a side yard setback of 10 ft. in lieu of 15 ft. and sum of 20 ft. in lieu of 25 ft.; and to allow a lot width of 50 ft. in lieu of the required 70 ft. respectively. To permit an existing lot with a lot size of 8,451 sq. ft. in lieu of the required 10,000 sq. ft.

Hearing: Friday, February 22, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Chioma Agwu, 6011 Cedonia Avenue, Baltimore 21206
Mostafa Izadi, P.O. Box 129, Riderwood 21139

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 2, 2019.**
- (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: THE DAILY RECORD
Friday, February 1, 2019 - Issue

Please forward billing to:
Chioma Agwu
6011 Cedonia Avenue
Baltimore, MD 21206

410-294-2302

NOTICE OF ZONING HEARING

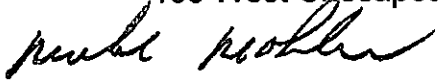
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0174-SPHA

Lot #81, Rossville Boulevard
S/s Rossville Boulevard, south of centerline of Gum Spring Road
14th Election District – 6th Councilmanic District
Legal Owners: Chioma Agwu

Special Hearing to confirm an existing lot under 10,000 sq. ft. of lot area does not affect neighboring lot density. Variance to allow a side yard setback of 10 ft. in lieu of 15 ft. and sum of 20 ft. in lieu of 25 ft.; and to allow a lot width of 50 ft. in lieu of the required 70 ft. respectively. To permit an existing lot with a lot size of 8,451 sq. ft. in lieu of the required 10,000 sq. ft.

Hearing: Friday, February 22, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson, 21204



Mike Mohler
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.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019-0174-SPHA

Property Address: Rossville Blvd - Gum Spring Farms - lot #81

Property Description: _____

Legal Owners (Petitioners): AGWU CHIOMA

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: AGWU Chioma

Company/Firm (if applicable): —

Address: 6011 Cedonia Ave, Balt., MD 21206

Telephone Number: (410) 294-2302

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

No. **177722**

Date: **11/29/18**

PAID RECEIPT

BUSINESS ACQUISITION 11/29/2018 11/29/2018 10:35:44

RECEIPT # 073433 11/29/2018

238 ZONING VERIFICATION

177722

Receipt Tot \$150.00
\$150.00 CR
\$5.00 CB
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				150.00

Total: **150.00**

Rec From: **Chionu E. Agwu**

For: **1419073375**

2019-0174 SP4A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 14, 2019

Agwu, Chioma
6011 Cedonia Ave
Baltimore MD 21206

RE: Case Number: 2019-0174-A, Rossville BLVD Lot #81

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 29, 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Mostafar Izadi P.O Box 129 Riderwood, MD 21139

BALTIMORE COUNTY, MARYLAND

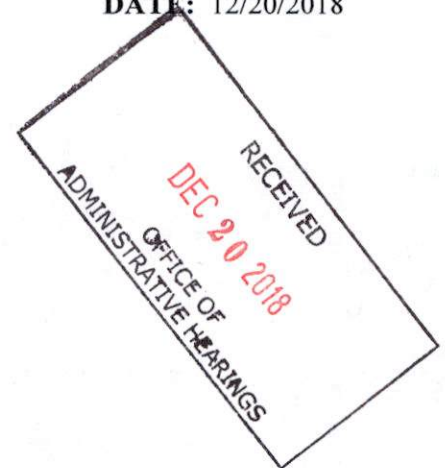
INTER-OFFICE MEMORANDUM

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

DATE: 12/20/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-174



INFORMATION:

Property Address: Rossville Boulevard
Petitioner: Agwu Chioma
Zoning: DR 3.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should confirm an existing lot under 10,000 square feet of lot area does not affect lot density and also the petition for variance to allow a side yard setback of 10 feet, a sum (of side yards) of 20 feet, a lot width of 50 feet and a lot area of 8,451 square feet in lieu of the required 15 feet, 25 feet, 70 feet and 10,000 square feet respectively.

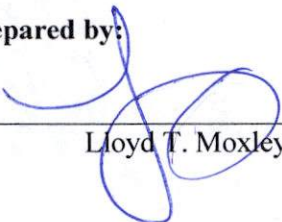
A site visit was conducted on December 7, 2018. The subject property is located within the South Perry Hall-White Marsh Area Plan.

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

The Department recommends the petitioners must demonstrate to the satisfaction of the Administrative Law Judge that they have legal and physical ingress and egress to the property.

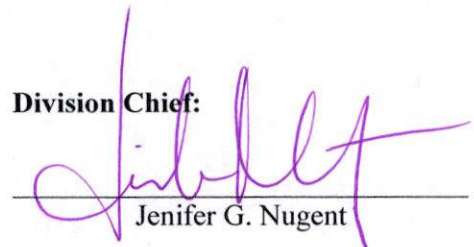
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Josephine Selvakumar
Mostafa Izadi, PE
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-174

DATE: 12/20/2018

INFORMATION:

Property Address: Rossville Boulevard
Petitioner: Agwu Chioma
Zoning: DR 3.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should confirm an existing lot under 10,000 square feet of lot area does not affect lot density and also the petition for variance to allow a side yard setback of 10 feet, a sum (of side yards) of 20 feet, a lot width of 50 feet and a lot area of 8,451 square feet in lieu of the required 15 feet, 25 feet, 70 feet and 10,000 square feet respectively.

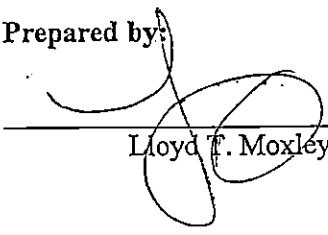
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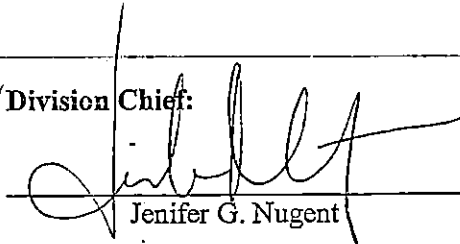
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Prepared by:


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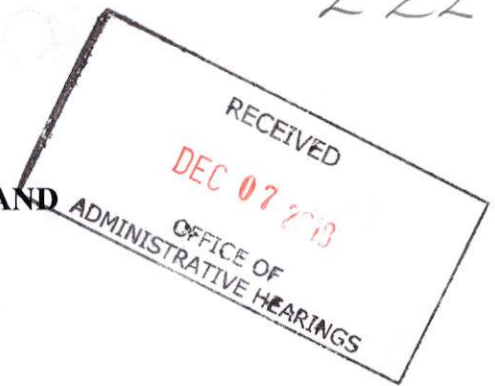
AVA/JGN/LTM/

c: Josephine Selvakumar
Mostafa Izadi, PE
Office of the Administrative Hearings
People's Counsel for Baltimore County

2-22

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: December 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0174-SPHA
Address 81 Rossville Boulevard
(Chioma Property)

Zoning Advisory Committee Meeting of **December 10, 2018**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 12/6/18

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

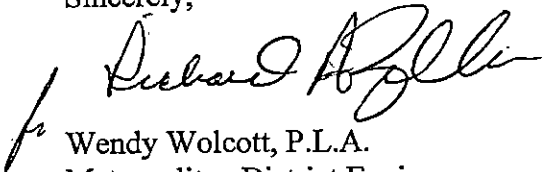
Dear Ms. Lewis:

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. 2019-0174-SPHA

*Variance, Special Hearing
Agua Chirina
Rossville Boulevard 81*

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

- E. The owner of a building shall have the burden of proving that an individual is related by blood, marriage, or adoption either to the owner or to the other individuals in the domicile as required under Paragraph A.1 or A.2 of this definition.

BOATYARD — A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types.

[Bill No. 64-1963]

BREWERY — An establishment with a valid alcoholic beverage manufacturer's license Class 5, 6, 7 or 8, issued in accordance with the Annotated Code of Maryland, Article 2B, Sections 2-206, 2-207, 2-208 or 2-209.

[Bill Nos. 185-1995; 64-2015]

BREWERY, CLASS 5A — A brewery with a state Class 5 license which produces 100,000 or more barrels of malt beverage per year.

[Bill No. 185-1995]

BREWERY, CLASS 5B — A brewery with a state Class 5 license which produces less than 100,000 barrels of malt beverage per year.

[Bill No. 185-1995]

BREWERY, CLASS 6 — A brewery with a state Class 6 (pub-brewery) license. A Class 6 brewery is accessory to a standard restaurant and produces no more than 2,000 barrels of malt beverage per year.

[Bill No. 185-1995]

BREWERY, CLASS 7 — A brewery with a state Class 7 (micro-brewery) license. A Class 7 brewery is established in conjunction with a standard restaurant and produces no more than 10,000 barrels of malt beverage per year. For the purposes of these regulations, a standard restaurant with a state Class 7 license shall be defined as a Class 7 brewery.

[Bill No. 185-1995]

BREWERY, CLASS 8 — A brewery located on a minimum of ten acres with a Class 8 (farm brewery) license, which sells and delivers malt beverage manufactured in a facility on the licensed farm with an ingredient from a Maryland agricultural product grown thereon, and produces no more than 15,000 barrels of malt beverage per year.

[Bill No. 64-2015]

BUILDING — A structure enclosed within exterior walls or fire walls for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT — The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above

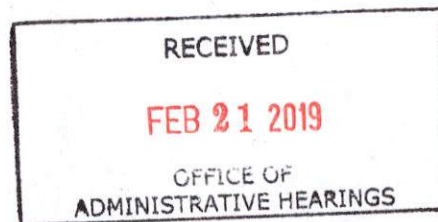
CASE NAME 2019-174
CASE NUMBER _____
DATE 2/22/19

[illegible]

JB 2/22/19
10 AM

Debra Wiley

From: Administrative Hearings
Sent: Thursday, February 21, 2019 7:32 AM
To: 'Office Manager'
Subject: RE: case # 2019-0174-SPHA



Good Morning,

This is to acknowledge receipt of your correspondence, which will be placed in the appropriate case file for the judge's review.

Thank you for contacting the Office of Administrative Hearings.

From: Office Manager [mailto:thespecialbusinessteam@gmail.com]
Sent: Wednesday, February 20, 2019 3:53 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: case # 2019-0174-SPHA

Good afternoon.

Please see the attached letter to be reviewed by the judge tomorrow at the hearing in objection to the variance request.

Thank you
Mr. Barnes 410-505-8668

*please confirm receipt of this email. Thank you very much



Mrs. Barnes. Neighbor behind Lot 81 (Rossville Blvd)

Objection to Grant of Variance

PREPARED DATE
February 18, 2019

We are writing this letter in **objection to the variance request of lot 81 on Rossville Blvd. (case number: 2019-0174-SPHA)**

The proposed yard setback would result in an encroachment on our land and privacy of our yard.

In addition, we have had to endure several mishaps due to land development to areas too close to our property tree lines. This has included, but not limited to the causing of dead trees to collapse on our home's property lines along with neighboring homes and decks in the backs of these homes.

We are requesting that the boundaries to not be allowed to be encroached upon for we feel that this is not only a personal boundary issue but historically has been a financial liability to personal property as a result of such actions.

With any questions, please feel free to contact me directly at 410-505-8668 Mr. Barnes

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
12/7	DEPS (if not received, date e-mail sent _____)	NO Comment
_____	FIRE DEPARTMENT	_____
12/20	PLANNING (if not received, date e-mail sent _____)	NO Objection
12/16	STATE HIGHWAY ADMINISTRATION	NO Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
2/21	ADJACENT PROPERTY OWNERS	Objection
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 2/1/19	
SIGN POSTING (1 st)	Date: 1/31/19	by Ogle
SIGN POSTING (2 nd)	Date: 2/18/19	by Ogle
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

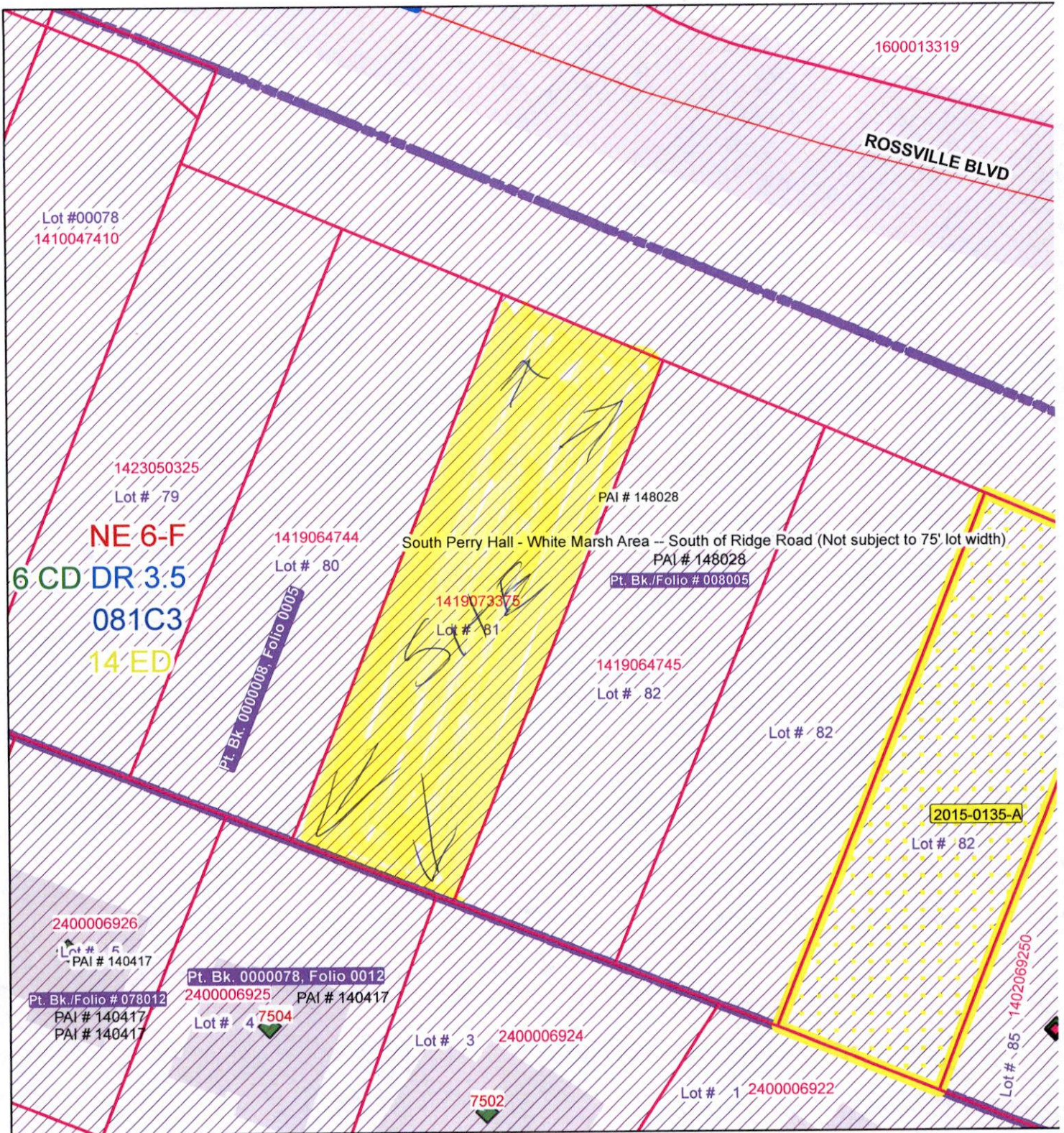
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: Exempt Class:				Special Tax Recapture: NONE							
Account Identifier:				District - 14 Account Number - 1419073375							
				Owner Information							
Owner Name:		AGWU CHIOMA		Use: Principal Residence:		RESIDENTIAL NO					
Mailing Address:		6011 CEDONIA AVE BALTIMORE MD 21206-		Deed Reference:		/40352/ 00344					
				Location & Structure Information							
Premises Address:		ROSSVILLE BLVD ROSEDALE 21237-3715		Legal Description:		TX CS #03-C-04-7035 GUM SPRING FARMS					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
0081	0018	0757		0000			81	2018		0008/0005	
Special Tax Areas:				Town: Ad Valorem: Tax Class:				NONE			
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area 8,451 SF		County Use 04			
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation				
Value Information											
		Base Value		Value As of 01/01/2018		Phase-In Assessments As of 07/01/2018		As of 07/01/2019			
Land:		2,100		2,100							
Improvements		0		0							
Total:		2,100		2,100		2,100		2,100			
Preferential Land:		0						0			
Transfer Information											
Seller: JUNG BARRY S Type: ARMS LENGTH VACANT				Date: 06/13/2018 Deed1: /40352/ 00344				Price: \$35,000 Deed2:			
Seller: STOVALL WILLIAM H Type: NON-ARMS LENGTH OTHER				Date: 08/28/2005 Deed1: /23012/ 00477				Price: \$0 Deed2:			
Seller: STOVALL JAMES Type: NON-ARMS LENGTH OTHER				Date: 12/23/1986 Deed1: /07364/ 00087				Price: \$0 Deed2:			
Exemption Information											
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019					
County:		000		0.00							
State:		000		0.00							
Municipal:		000		0.00 0.00		0.00 0.00					
Tax Exempt: Exempt Class:				Special Tax Recapture: NONE							
Homestead Application Information											
Homestead Application Status: No Application											
Homeowners' Tax Credit Application Information											
Homeowners' Tax Credit Application Status: No Application											
Date:											

Rossville Boulevard, Tax #14, 9-073-375



Publication Date: 11/26/2018



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



1 inch = 40 feet

2019-074-SPHA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS ROSSVILLE BOULEVARD, ROSEDALE, MD 21237
OWNER NAME CHIOMA AGWU
SUBDIVISION NAME GUM SPRING FARMS LOT# 81 BLOCK# - SECTION# -
PLAT BOOK# 0008 FOLIO# 0005 10 DIGIT TAX# 1419073375 DEED REF.# 40352/00344

SCOPE OF VARIANCE REQUESTED:

1. USE UNDER SIZE LOT AREA
MINIMUM LOT SIZE IN DR 3.5 IS 10,000 SQ.FT.
THE REQUESTED VARIANCE FOR PROPOSED LOT SIZE IS 8,451 SQ.FT.

2. MINIMUM LOT WIDTH IS 70'.
THE REQUESTED VARIANCE FOR PROPOSED LOT SIZE WIDTH IS 50'.

3. THE MINIMUM SIDE SETBACKS ARE 25' COMBINED.
THE REQUESTED VARIANCE FOR SIDE SETBACKS OF A TOTAL 20' AND MINIMUM 10' EACH SIDE.

THE VARIANCES IS TO REQUEST THE FOLLOWING:

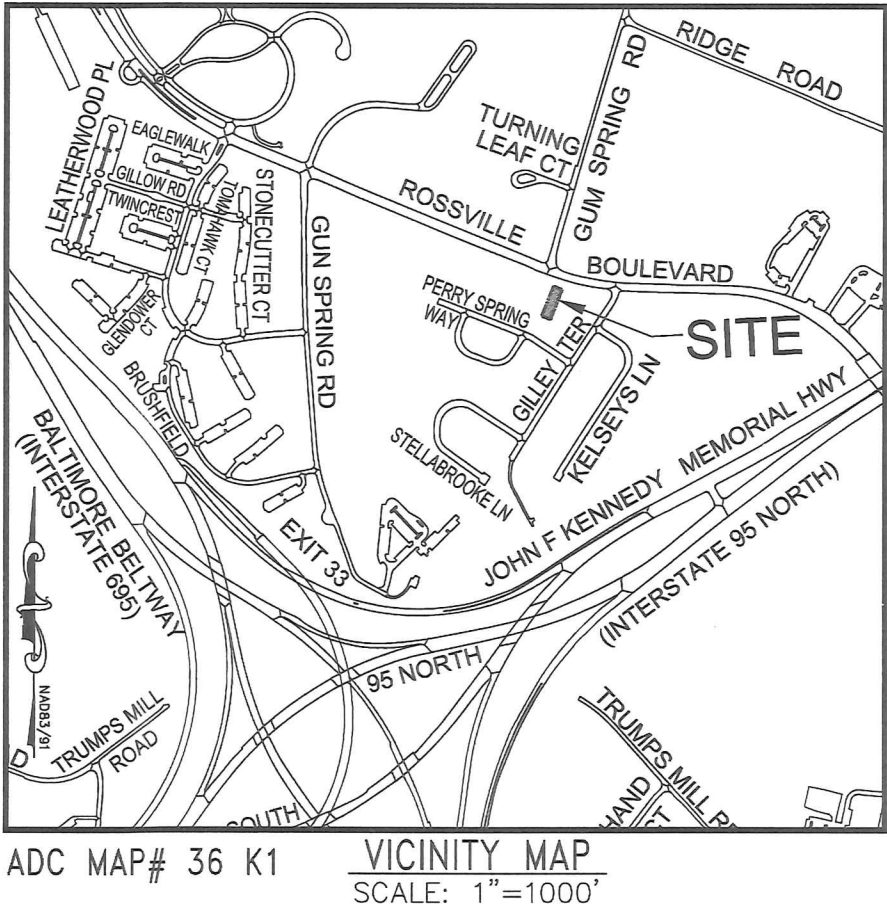
1. PERMIT THE CONSTRUCTION OF A DWELLING ON A LOT LESS THAN 70 FT. WIDE
2. PERMIT THE CONSTRUCTION OF A DWELLING ON A LOT LESS THAN 10,000 SQ.FT. AREA
3. PERMIT THE CONSTRUCTION OF A DWELLING ON A LOT LESS THAN A TOTAL OF 25 FT. SIDE SETBACKS.

THE APPROVAL IS REQUESTED FOR HARDSHIP AND ANY OTHER RELIEF DEEMED NECESSARY BY THE ZONING DEPARTMENT.

SITE DATA:

TAX ACCOUNT NUMBER: 1419073375
OWNER'S NAME: CHIOMA AGWU
PROPERTY ADDRESS: ROSSVILLE BOULEVARD
ROSEDALE, MD 21237
OWNER'S MAILING ADDRESS: 6011 CEDONIA AVENUE
BALTIMORE, MD 21206
ROSSVILLE BOULEVARD, ROSEDALE, MD 21237
TAX MAP: 0081
PARCEL: 0757
AREA: 8,451 ± SF
ZONING: DR 3.5
DISTRICT: 14
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

THE SURVEY WAS OBTAINED FROM BALTIMORE COUNTY GIS DIGITAL DATA.



Advanced Engineering Consultants, PC.
Engineers & Planners
P.O. BOX 129 RIDERWOOD, MD 21139
TEL: 410-382-9180 FAX: 410-296-0505
mizact@aec-engineers.biz

AEC

REVISIONS	DESCRIPTION	BY	DATE

TITLE: ZONING HARING PLAN FOR VARIANCE
ROSSVILLE BOULEVARD
TAX MAP 81, GRID 18, PARCEL 757
ELECTION DISTRICT - 14
ROSEDALE, MD 21237



DRAWN BY: TH
CHECKED BY: MI
SCALE: AS SHOWN

DATE: 11-26-2018

SHEET 1 OF 1

PET. No. 1

"PROFESSIONAL CERTIFICATION"
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
MOSTAFA IZADI, PE
LICENSE NO. 17248, EXPIRATION DATE: 02/11/2019

OWNER:
CHIOMA AGWU
6011 CEDONIA AVENUE
BALTIMORE, MD 21206
TEL: (410) 294-2302
EMAIL: maxwachinger@hotmail.com

ZONING MAP# NE 6-F
SITE ZONED: DR 3.5
ELECTION DISTRICT: 14
COUNCILMANIC DISTRICT: 06
LOT AREA ACREAGE: 0.194 ± AC
LOT AREA SQUARE FEET: 8,451 ± SF
HISTORIC ? NO
IN CBQA ? NO
IN FLOODPLAIN NO

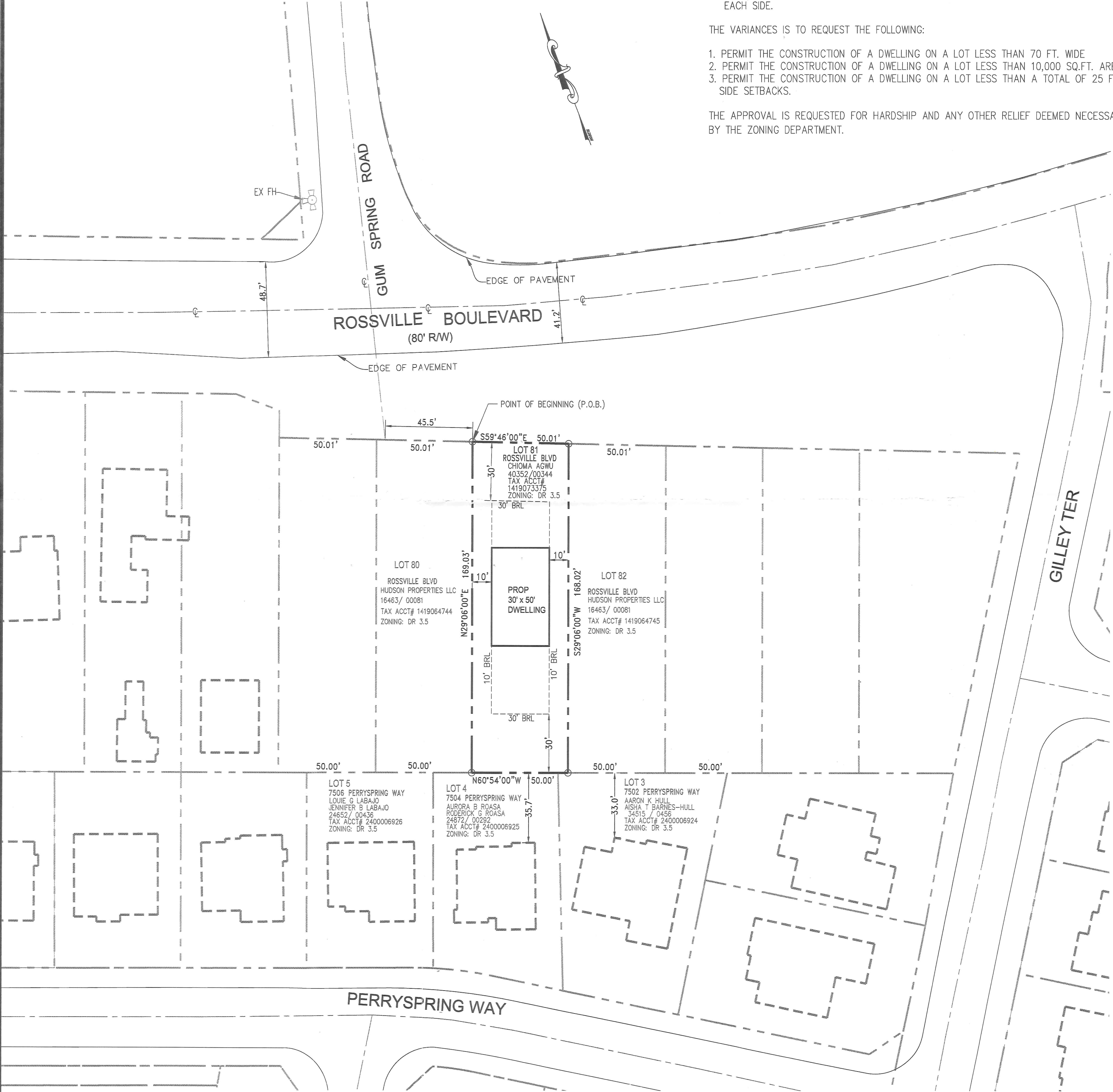
UTILITIES ? MARK WITH X
WATER IS: PUBLIC X PRIVATE
SEWER IS: PUBLIC X PRIVATE

PRIOR HEARING ? N/A
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW: N/A

VIOLATION CASE INFO: N/A



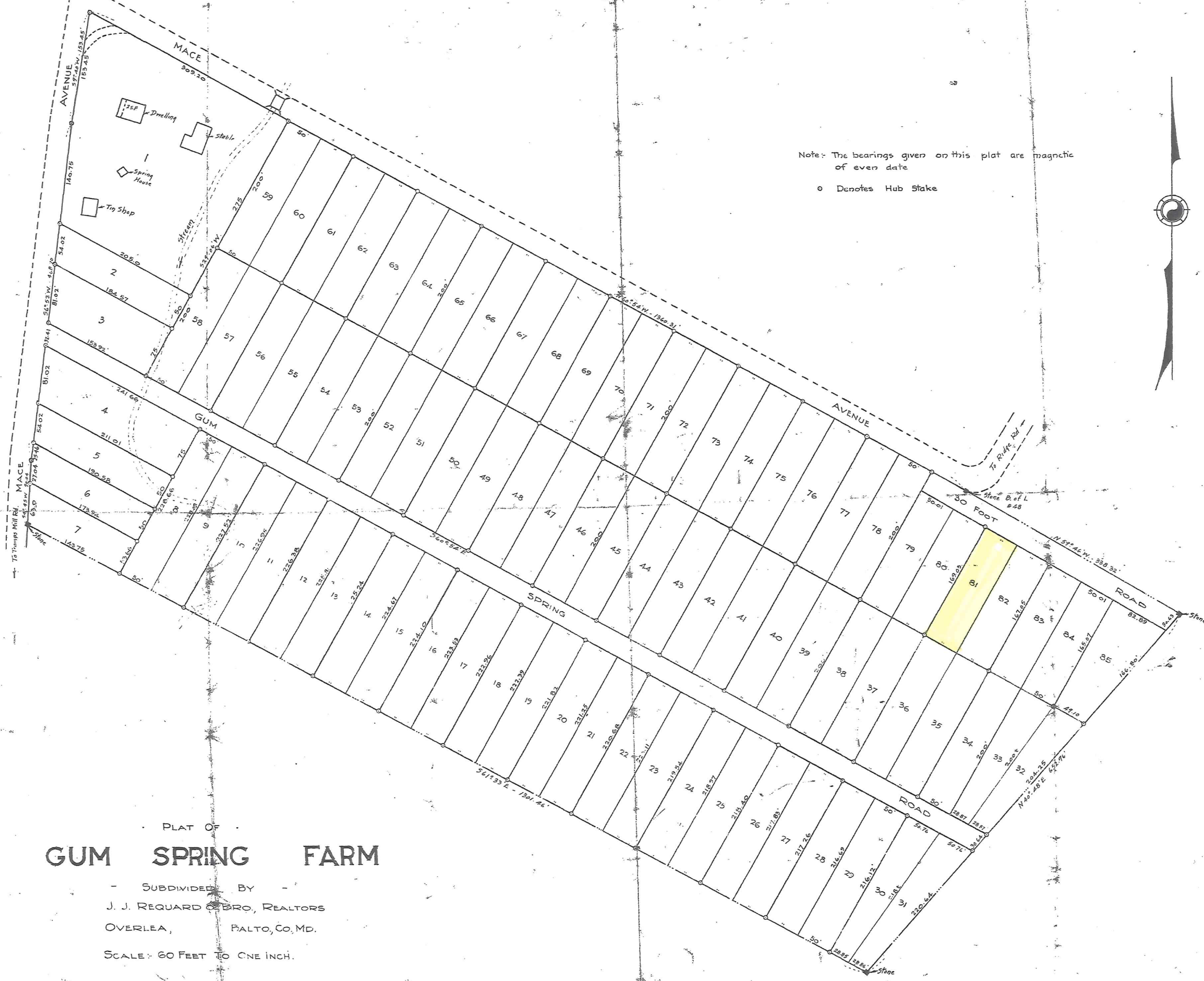
ZONING MAP
SCALE: 1"=200'



SITE PLAN
SCALE: 1"=30'



BALTIMORE COUNTY CIRCUIT COURT (Filed) Plat Book VPC-8, p. 5, MSA, C2138, 3860. Data available: 10/25/2015. Printed: 11/07/2015.



Note: The bearings given on this plat are magnetic of even date.
o Denotes Hub Stake



PLAT OF
GUM SPRING FARM
- SUBDIVIDED BY -
J. J. REQUARD & BRO., REALTORS
OVERLEA, BALTO, CO, MD.
SCALE: 60 FEET TO ONE INCH.

PET. No. 2

Survey & Plat By
W. M. Lee & Co., Surveyors & Civil Eng.
#3408 Belair Rd., Balto., Md.
Scale: 1" = 60' Date: May 16, 1925

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
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3. PERMIT THE CONSTRUCTION OF A DWELLING ON A LOT LESS THAN A TOTAL OF 25 FT. SIDE SETBACKS.

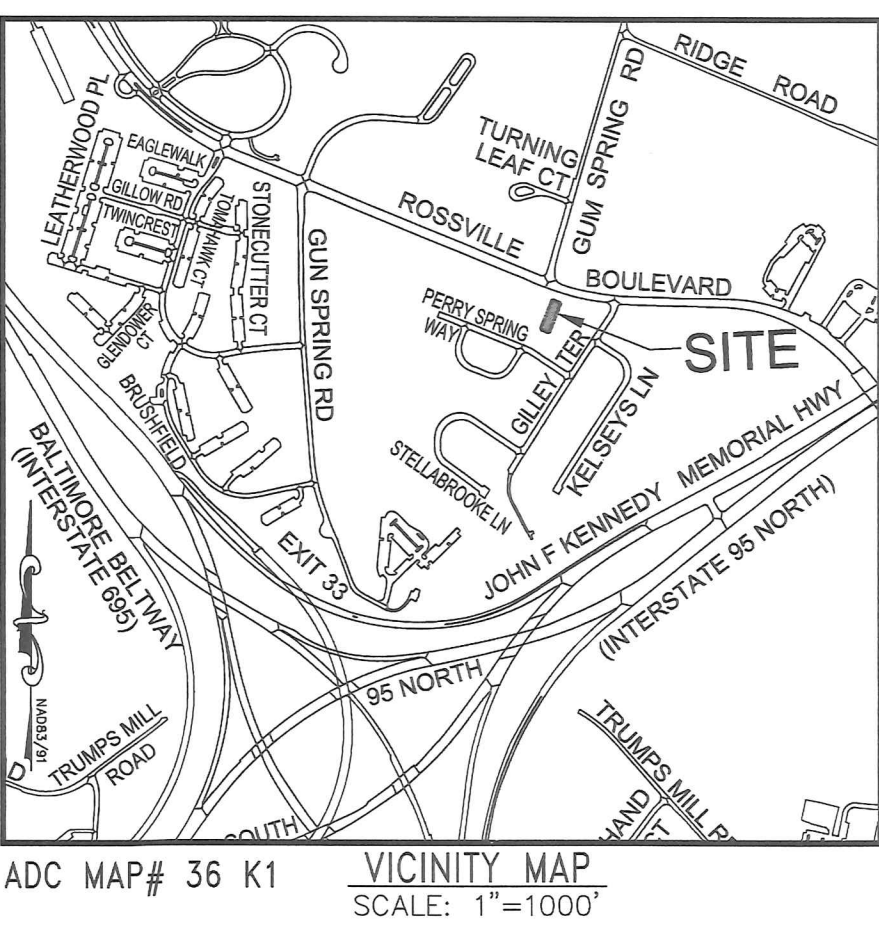
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TAX PREMISE ADDRESS:
TAX MAP: 0081
PARCEL: 0757
AREA: 8,451 ± SF
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ELECTION DISTRICT: 14
COUNCILMANIC DISTRICT: 06
LOT AREA ACREAGE: 0.194 ± AC
LOT AREA SQUARE FEET: 8,451 ± SF
HISTORIC ? NO
IN CBCA ? NO
IN FLOODPLAIN NO

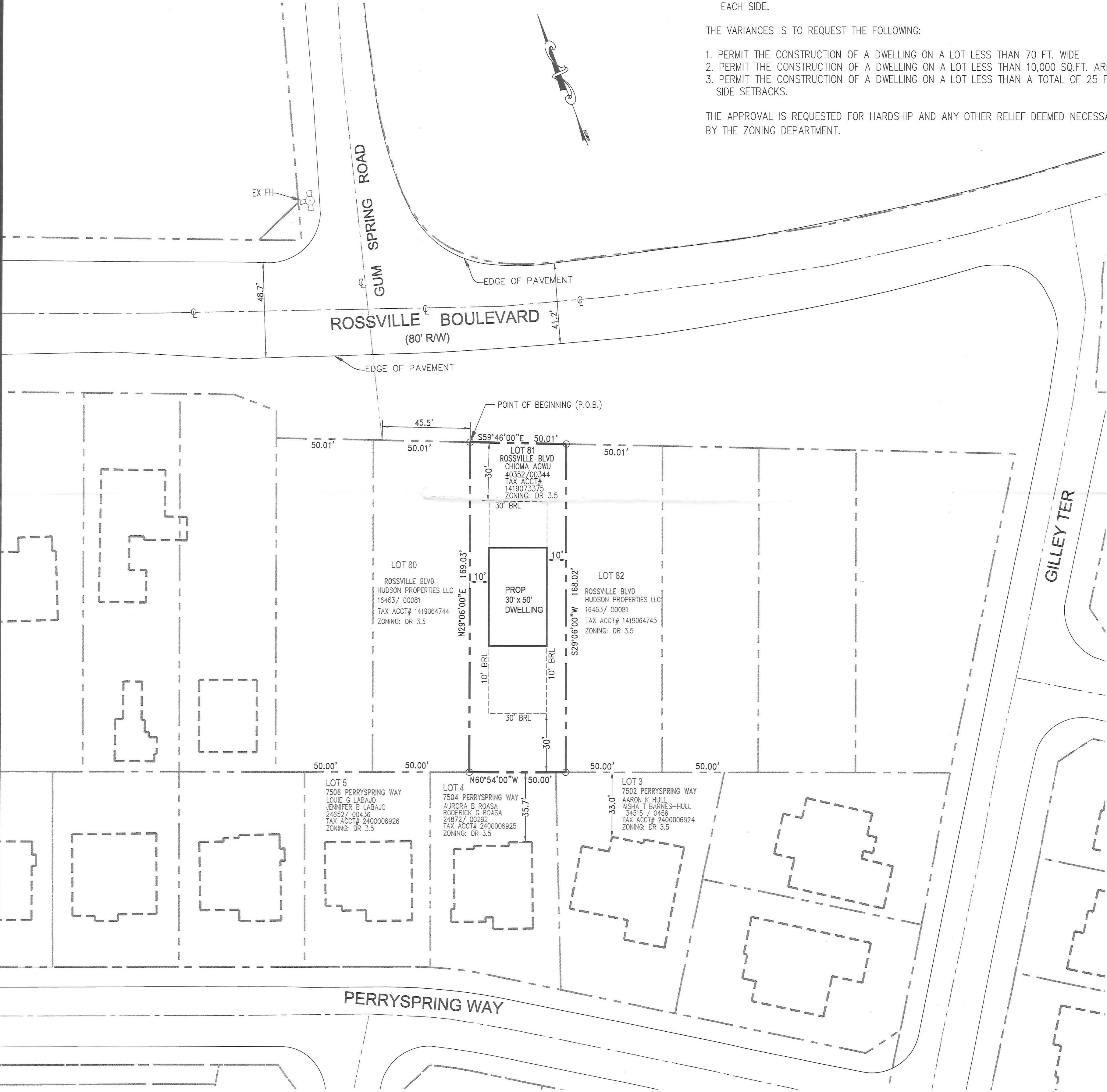
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WATER IS: PUBLIC X PRIVATE
SEWER IS: PUBLIC X PRIVATE

PRIOR HEARING ? N/A
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW: N/A

VIOLATION CASE INFO: N/A



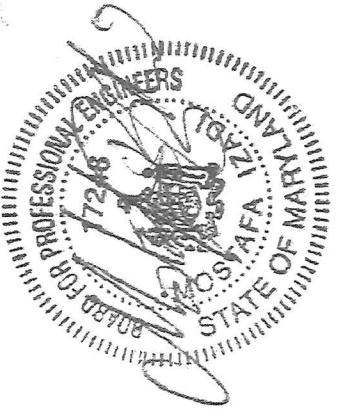
ZONING MAP
SCALE: 1"=200'



SITE PLAN
SCALE: 1"=30'

REVISIONS	DESCRIPTION	BY	DATE

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DRAWN BY: TH
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DATE: 11-26-2018
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TEL: (410) 294-2302
EMAIL: maxwachinere@hotmail.com

2019-0774 SQA