

M E M O R A N D U M

DATE: January 10, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0497-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on January 9, 2020. 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
(8116 Redstone Road) *

11th Election District
5th Council District
Joseph A. Espodito,
Legal Owner
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2019-0497-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 Joseph A. Espodito, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for amendment to the Final Development Plan (“FDP”) of Fox Creek Farm with respect to Lot 5 only. In addition, a Petition for Variance was filed pursuant to BCZR §1A04.3.B.2.B to allow a side yard setback of 18 ft. in lieu of the required 50 ft. for a principal dwelling. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Ben Battaglia appeared in support of the requests. John B. Gontrum, Esq. represented Petitioner. 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 County reviewing agencies.

SPECIAL HEARING

The record evidence establishes that Petitioner is entitled to the relief requested in the Special Hearing; to wit, an amendment to the Final Development Plan of the Fox Creek Farm development with respect to Lot 5 only. The amendment will simply allow the garage, which

ORDER RECEIVED FOR FILING

Date 12/10/19

By Sen

was previously proposed to be free standing, to be connected to the principal residence via a breezeway. This amendment is within the spirit and intent of the BCZR.

VARIANCE

As to the variance, it requires 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 lot in question is irregular in shape and has a steep topography in the rear of the residential structure. Further, it abuts a stormwater management area on the side facing the aforementioned garage. As such, the property is unique. The setback variance is now needed because of the proposed breezeway connection between the principal residence and the garage, which, under the BCZR, makes the garage part of the principal residence. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because they would be unable to construct the proposed breezeway connection. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this **10th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing for amendment to the Final Development Plan ("FDP") of Fox Creek Farm with respect to Lot 5 only, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to allow a side yard setback of 18 ft. in lieu of the required 50 ft. for a principal dwelling, be and is hereby GRANTED.

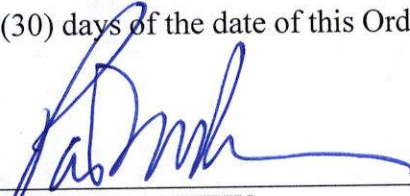
ORDER RECEIVED FOR FILING

Date 12/10/19
By Sen

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 his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:slh

ORDER RECEIVED FOR FILING

Date 12/10/19

By sen



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 8116 Redstone Road which is presently zoned RC5

Deed References: 39829/280

10 Digit Tax Account # 2500008274

Property Owner(s) Printed Name(s) Joseph A. Esposito

(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 an amendment to the FDP of Fox Creek Farm with respect to Lot 5 only.

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

3. ☒ a **Variance** from Section(s)

PETITION FOR VARIANCE FROM SECTION 1A04.3.B.2.B TO ALLOW A SIDE YARD SETBACK OF 18' IN LIEU OF THE REQUIRED 50' FOR A PRINCIPAL DWELLING.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:

THE LOT CONFIGURATION, TOPOGRAPHY AND CONSERVATION EASEMENT IMPACT THE LOCATIONS OF THE STRUCTURES AND FOR OTHER REASONS TO BE PRESENTED AT THE 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:

N/A

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204

410-832-2055

jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Joseph Esposito

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10 Chestnut Woods Drive, Bel Air, Maryland

Mailing Address

City

State

21014

Zip Code

Telephone #

Email Address

Representative to be contacted:

John B. Gontrum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address

City

State

21204

410-832-2055

jgontrum@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0497-SPHA Filing Date 10/21/2019

Do Not Schedule Dates: _____

Reviewer JWP

ZONING PROPERTY DESCRIPTION

FOX CREEK FARM

Beginning at a point on the east side of Redstone Road with a right of way that's 40' wide at a distance of 547' west of the centerline of the nearest improved intersecting street Yellowstone Road which has a 50' right of way.

Being Lot #5 in the subdivision of Fox Creek Farm as recorded in Baltimore County Plat Book #29, Folio 145, containing 1.92 Acres and/or 83,693 Square Feet. Located in the Eleventh Election District and Fifth Council District.

2019-0497-SPHA

CERTIFICATE OF POSTING

CASE NO. 2019-0497-SPHA

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR &
PRESTON L.L.P.

DATE OF HEARING/CLOSING
December 9, 2019

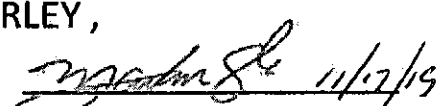
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN :

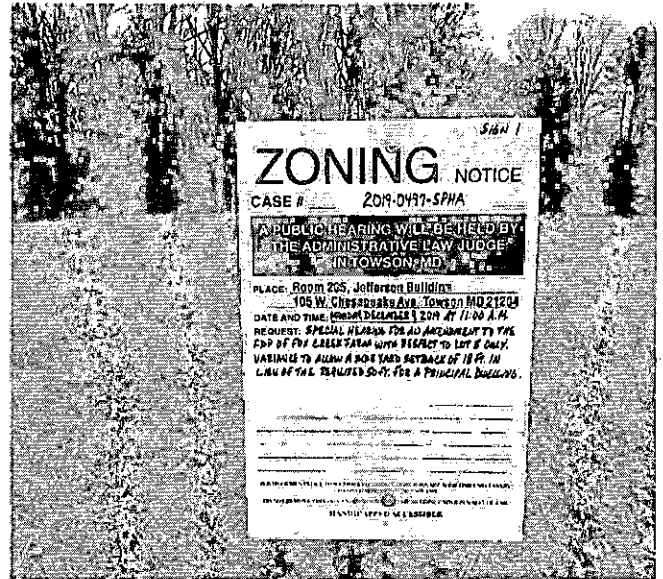
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
8116 REDSTONE ROAD

THE SIGN(S) POSTED ON NOVEMBER 17 2019
(MONTH, DAY, YEAR)

SINCERLEY ,


MARTIN OGLE

9912 MAIDBROOK RD.
PARKVILLE, MD 21234
443-629-3411



SIGN #1

CERTIFICATE OF POSTING

CASE NO. 2019-0497-SPHA

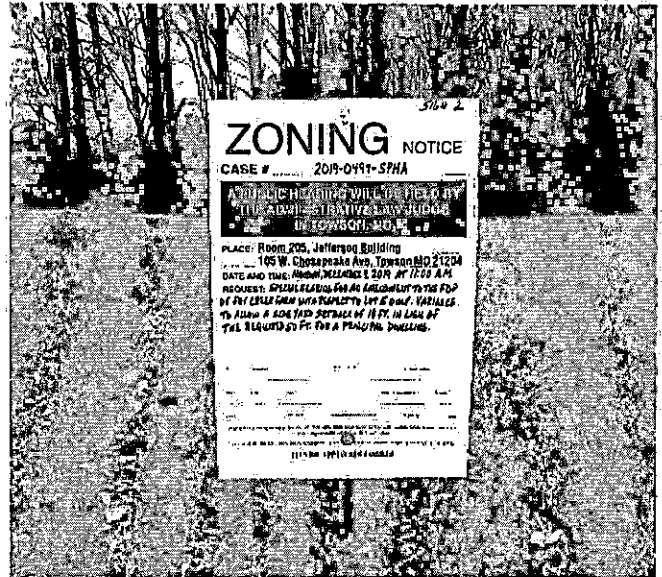
PETITIONER/DEVELOPER

WHITEFORD, TAYLOR &

PRESTON L.L.P.

DATE OF HEARING/CLOSING

December 9, 2019



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

8116 REDSTONE ROAD

516 N#2

THE SIGN(S) POSTED ON NOVEMBER 17 2019
(MONTH, DAY, YEAR)

SINCERLEY,

Martin Ogle 11/17/19

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

11/19/2019

Order #: 11814327
Case #: 2019-0497-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0497-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: 2019-0497-SPHA

8116 Redstone Road

East side of Redstone Road, west of Yellowstone Road

11th Election District - 5th Councilmanic District

Legal Owners: Joseph Esposito

Special Hearing for an amendment to the FDP of Fox Creek Farm with respect to Lot 5 only. Variance to allow a side yard setback of 18 ft. in lieu of the required 50 ft. for a principal dwelling.

Hearing: Monday, December 9, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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 410-887-3301.

n19



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 6, 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: 2019-0497-SPHA

8116 Redstone Road

East side of Redstone Road, west of Yellowstone Road

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Joseph Esposito, 10 Chestnut Woods Drive, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 19, 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
Thursday, November 19, 2019 – Issue

Please forward billing to:

John Gontrum
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2055

NOTICE OF ZONING HEARING

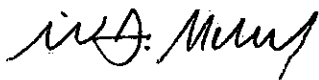
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CASE NUMBER: 2019-0497-SPHA

8116 Redstone Road
East side of Redstone Road, west of Yellowstone Road
11th Election District – 5th Councilmanic District
Legal Owners: Joseph Esposito

Special Hearing for an amendment to the FDP of Fox Creek Farm with respect to Lot 5 only. Variance to allow a side yard setback of 18 ft. in lieu of the required 50 ft. for a principal dwelling.

Hearing: Monday, December 9, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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 * BEFORE THE OFFICE
AND VARIANCE *
81196 Redstone Road; E/S of Redstone Road, * OF ADMINISTRATIVE
547' W of Yellowstone Road *
11th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Joseph A. Esposito *
Petitioner(s) * BALTIMORE COUNTY
* 2019-497-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

OCT 29 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2019-0497-SPHA
Property Address: 8116 Redstone Road
Property Description: E/S of Redstone Road, 547' W. of Yellowstone Road.
Legal Owners (Petitioners): Joseph Esposito
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph Esposito
Company/Firm (if applicable): _____
Address: 10 Chestnut Woods Drive
Beltair, Md 21014
Telephone Number: _____

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

No. **190548**

PAID RECEIPT

Date: 10/21/2019

BUSINESS ACTUAL TIME DRN
 10/21/2019 10/21/2019 11:23:33 5

REG WSOS WALKIN LRD
 >>RECEIPT# 039047 10/21/2019 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount	
001	806	0000		6150				150.00	190548

Recst Tot 150.00
 150.00 CK .00 CA
 Baltimore County, Maryland

Total: 150.00

Rec From: Whiteford Taylor

For: Variance - 8116 Redstone Rd
2019-0497-(ESP15170)

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 2, 2019

John B. Gontrum
1 W. Pennsylvania Ave Ste 300
Towson MD 21204

RE: Case Number: 2019-0497-SPHA, 8116 Redstone Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 21, 2019. 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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Joseph Esposito 10 Chestnut Wood Drive Bel Air Baltimore MD 21014

12-9-19

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-497

DATE: 11/15/2019



INFORMATION:

Property Address: 8116 Redstone Road
Petitioner: Joseph Esposito
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing under section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the administrative law judge should approve an amendment to the final development plan of the Fox Creek Farm with respect to Lot 5 only. A variance from Section 1A04.3.B.2.B is being requested to allow a side yard setback of 18 feet in lieu of the required 50 feet for a principal dwelling.

A site visit was conducted on November 7, 2019. The lot is located at the end of a cul-de-sac.

The Department of Planning has no objections to the requested relief.

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

Division Chief:

Jennifer G. Nugent

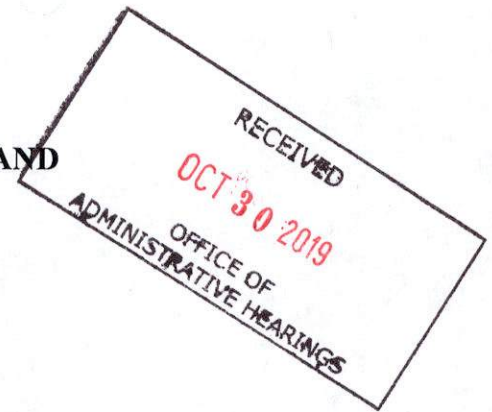
CPG/JGN/LTM/

c: Megan Benjamin
John B. Gontrum, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-9-19 11AM

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: October 30, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0497-SPHA
Address 8116 Redstone Road
(Espodito Property)

Zoning Advisory Committee Meeting of **October 25, 2019.**

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: 10/29/19

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. *2019-0497-SPHA*

*Special Hearing, Variance
Joseph Esposito
8116 Redstone Road*

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

CASE NAME _____
CASE NUMBER 2019-0497
DATE SPHA

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

10/30 DEVELOPMENT PLANS REVIEW
 (if not received, date e-mail sent _____)

No Comments

11/15 DEPS
 (if not received, date e-mail sent _____)

No Objections

10/29 FIRE DEPARTMENT
 PLANNING
 (if not received, date e-mail sent _____)

No Objection

 STATE HIGHWAY ADMINISTRATION
 TRAFFIC ENGINEERING

 COMMUNITY ASSOCIATION

 ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/19/19

SIGN POSTING (1st) Date: 11/17/19 by Ogle

SIGN POSTING (2nd) Date: 12-6-19 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

PM 12-9-19
11 AM

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Friday, December 6, 2019 10:09 AM
To: Administrative Hearings
Subject: 2019-0497-SPHA

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

8116 Redstone Road 2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2019-0497-SPHA

PETITIONER/DEVELOPER
WHITEFORD TAYLOR &
PRESTON L.L.P.

DATE OF HEARING/CLOSING
December 9, 2019

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
8116 REDSTONE ROAD

THE SIGN(S) POSTED ON NOVEMBER 17 2019
(MONTH, DAY, YEAR)

SINCERLEY,
Marty Ogle
MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
3-629-3411

Shea #1
December 6, 2019

ZONING
CASE # 2019-0497-SPHA
A PUBLIC HEARING WILL BE HELD AT THE
ADMINISTRATIVE LAW ROOM
ON THURSDAY, DEC 12, 2019
AT 10:00 AM
THE HEARING WILL BE HELD AT THE
ADMINISTRATIVE LAW ROOM
111 WEST CHESAPEAKE AVENUE
BALTIMORE, MD 21201
FOR MORE INFORMATION, CONTACT THE
ADMINISTRATIVE LAW ROOM AT 3-629-3411
OR VISIT THE WEBSITE AT
BALTIMORECOUNTY.GOV/ADMINISTRATIVEHEARINGS



CERTIFICATE OF POSTING

CASE NO. 2019-0497-SPHA

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR &

PRESTON L.P.

DATE OF HEARING/CLOSING

December 9, 2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

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(MONTH, DAY, YEAR)

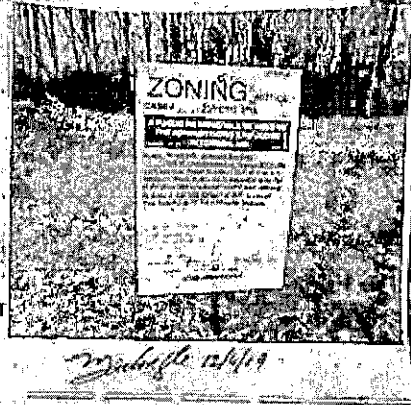
SINCERELY,

Martin Ogle
MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

33-629-3411



Sent from my iPhone

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 11 Account Number - 2500008274			
Owner Information					
Owner Name:		ESPOSITO JOSEPH A		Use:	RESIDENTIAL
Mailing Address:		10 CHESTNUT WOODS DR BEL AIR MD 21014		Principal Residence:	NO
				Deed Reference:	/39829/ 00280
Location & Structure Information					
Premises Address:		8116 REDSTONE RD KINGSVILLE MD 21087-		Legal Description:	1.9214 AC 8116 REDSTONE RD SS FOX CREEK FARM
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0055	0022	0042	.11010006.04	9145	5 2018 Plat Ref: 79/145
Special Tax Areas: None		Town:		None	
		Ad Valorem:		None	
		Tax Class:		None	
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area County Use
					1.9200 AC 04
Stories	Basement	Type	Exterior	Quality	Full/Half Bath Garage Last Notice of Major Improvements
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2018	07/01/2019	07/01/2020
Land:		72,100	72,100		
Improvements		14,900	14,000		
Total:		87,000	86,100	86,100	86,100
Preferential Land:		0			0
Transfer Information					
Seller: FCF KINGSVILLE LLC		Date: 01/09/2018		Price: \$255,000	
Type: ARMS LENGTH IMPROVED		Deed1: /39829/ 00280		Deed2:	
Seller: JOHNSON ROBERT K		Date: 07/15/2014		Price: \$450,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /35154/ 00285		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2019	07/01/2020	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

Case No.: 2019-0497-SPHA 8116 Redstone
Road

Exhibit Sheet

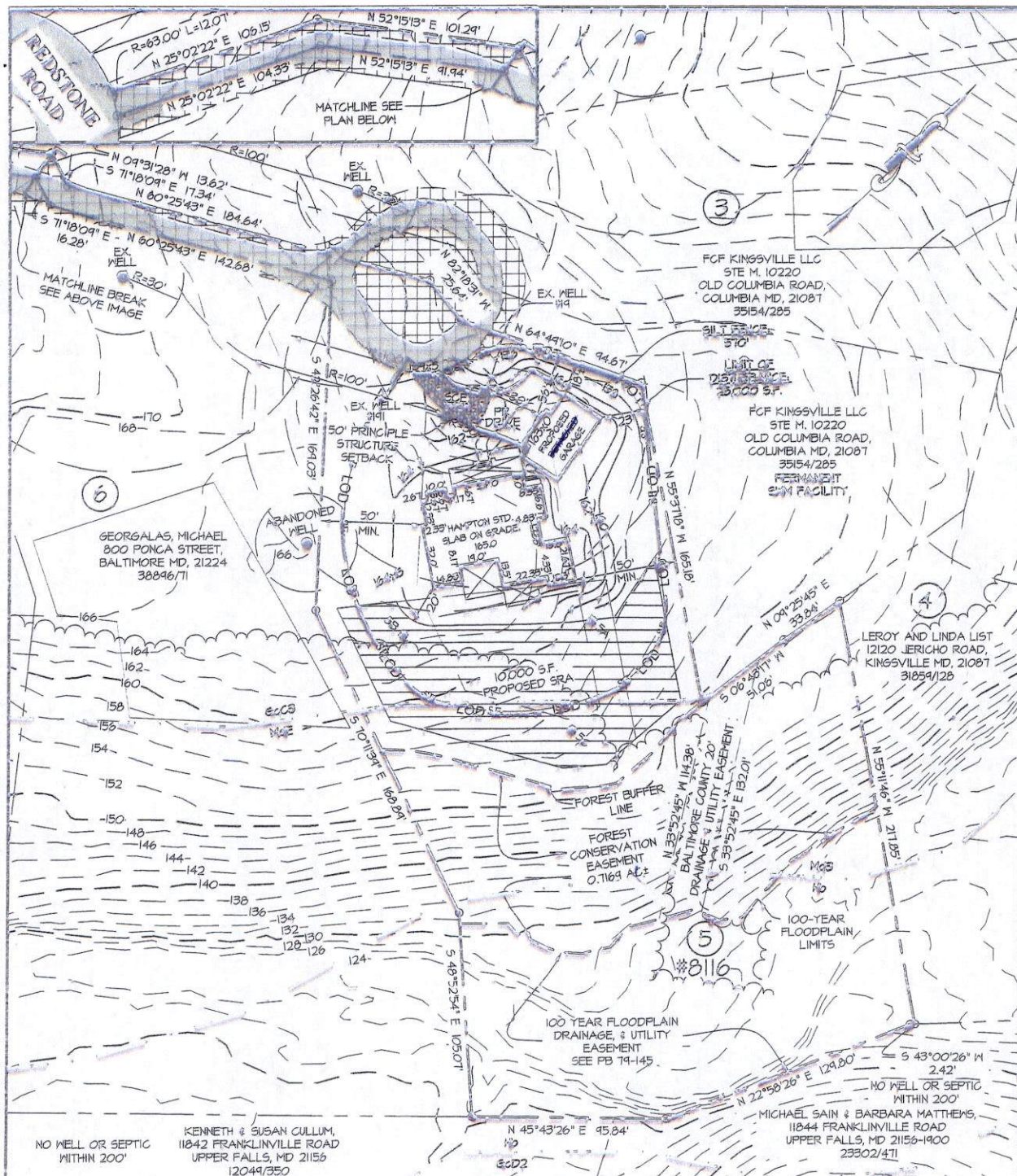
Petitioner/Developer

DW
1-10-2020

Protestants

Sen
12/10/19

No. 1	Site Plan	
No. 2	Aerial Photos of Site	
No. 3	GIS Plat	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



NOTES

LEGEND

PETITIONER' S

EXHIBIT NO.

BAY STATE LAND SERVICES



REVISED SITE PLAN
LOT 5
FOX CREEK FARM

ELEVENTH ELECTION DISTRICT
FIFTH COUNCILMANIC DISTRICT; BALTIMORE COUNTY, MARYLAND

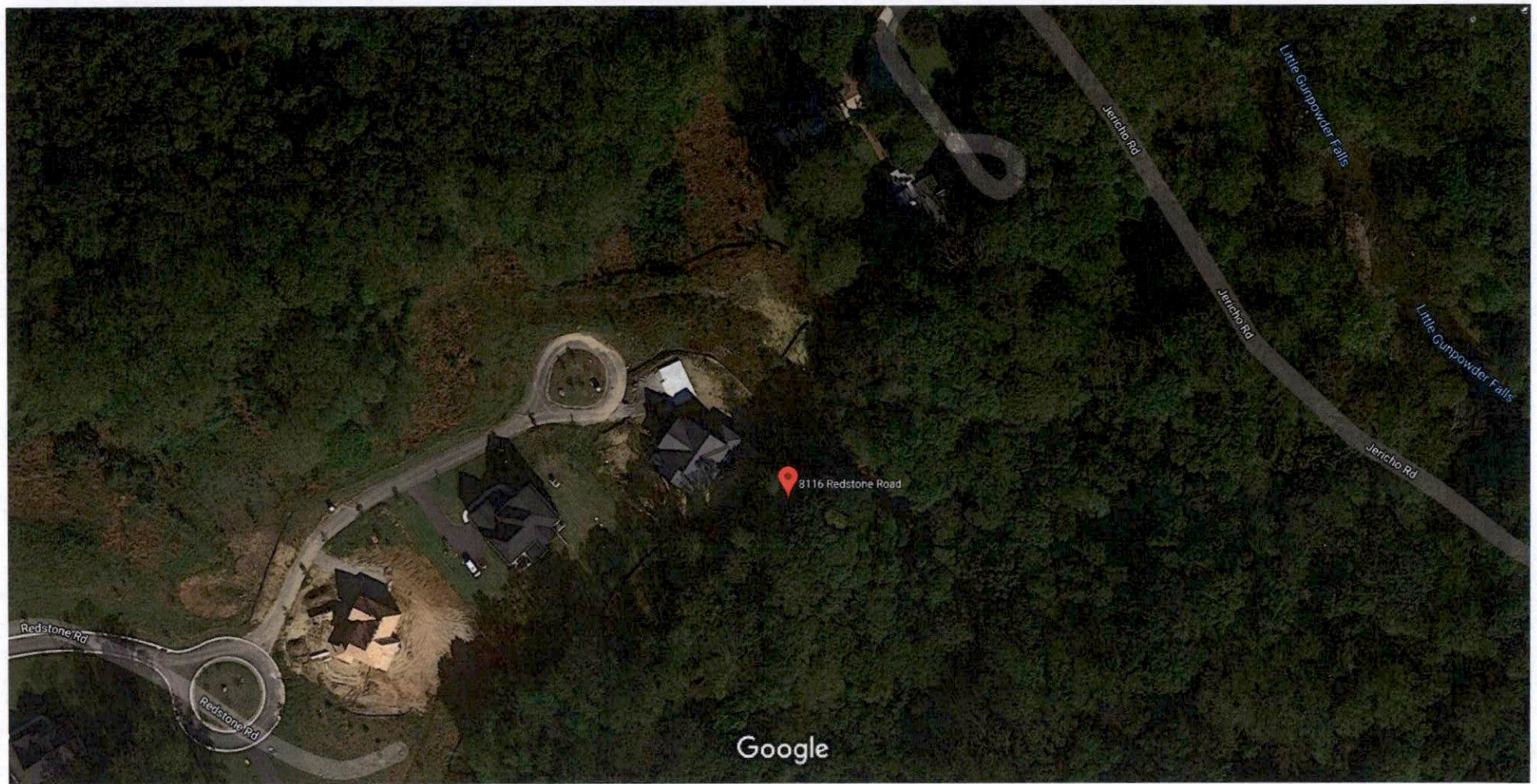
SCALE: 1" = 30'	DATE: 8/22/2018	DRAWN BY: TRL/CTM	JOB NO. 1753
-----------------	-----------------	-------------------	--------------

7019-0497-ARHA

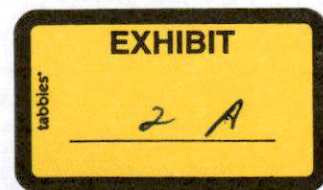
**ATTACHMENT TO SITE PLAN
LOT 5 FOX CREEK FARM
8116 REDSTONE ROAD**

NOTES:

1. ZONING PLAN IS FOR: VARIANCE
2. ADDRESS: #8116 REDTONE ROAD, KINGSVILLE MD 21087
3. OWNER: JOSEPH A. ESPOSITO
4. SUBDIVISION NAME: FOX CREEK FARM
5. LOT#: 5
6. PLAT BOOK #: J.L.E. 79-145
7. 10 DIGIT TAX #: 2500008274
8. DEED REF.#: J.L.E. 39829-280
9. ZONING MAP#: 055B3
10. SITE ZONED: RC-5 (RURAL RESIDENTIAL)
11. ELECTION DISTRICT: ELEVENTH ELECTION DISTRICT
12. COUNCIL DISTRICT: FIFTH COUNCILMANIC DISTRICT
13. LOT AREA ACREAGE: 1.92 AC.± (83,693 SQ.FT.)
14. THIS PROPERTY IS NOT A BALTIMORE COUNTY LANDMARK OR IN A HISTORIC DISTRICT
15. THIS SITE IS LOCATED IN A FLOODPLAIN PER FEMA MAP #2400100285F (9/26/2008) AS DEPICTED
16. WATER: PRIVATE
17. SEWER: PRIVATE
18. PRIOR ZONING CASE: #2007-0291-A. (APPLIES TO ANOTHER LOT IN THE SUBDIVISON)
19. THERE ARE NO ZONING VIOLATIONS ON RECORD



Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft





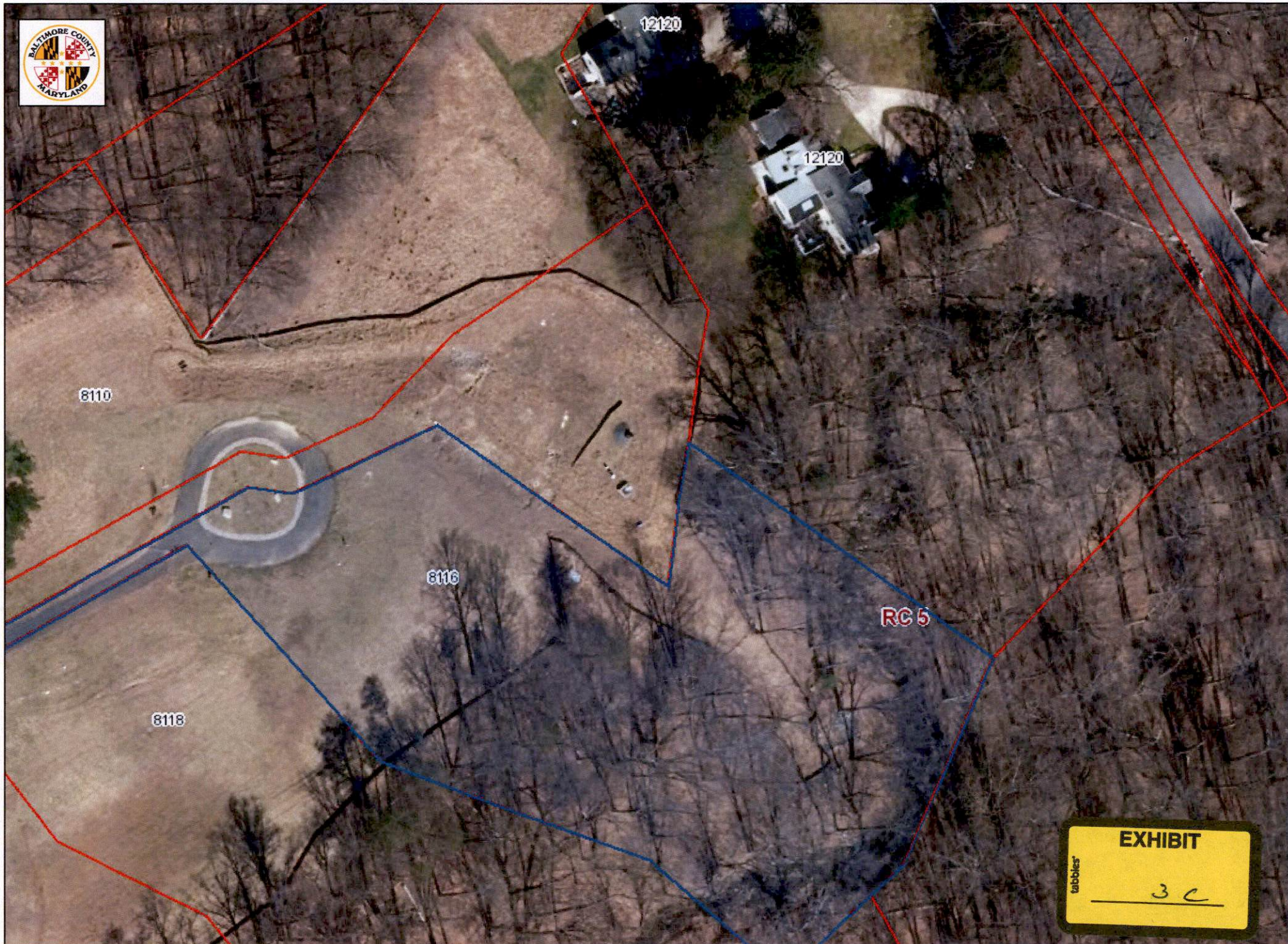
Map data ©2019, Map data ©2019 20 ft

EXHIBIT

2 B

tabbles®

Baltimore County - My Neighborhood

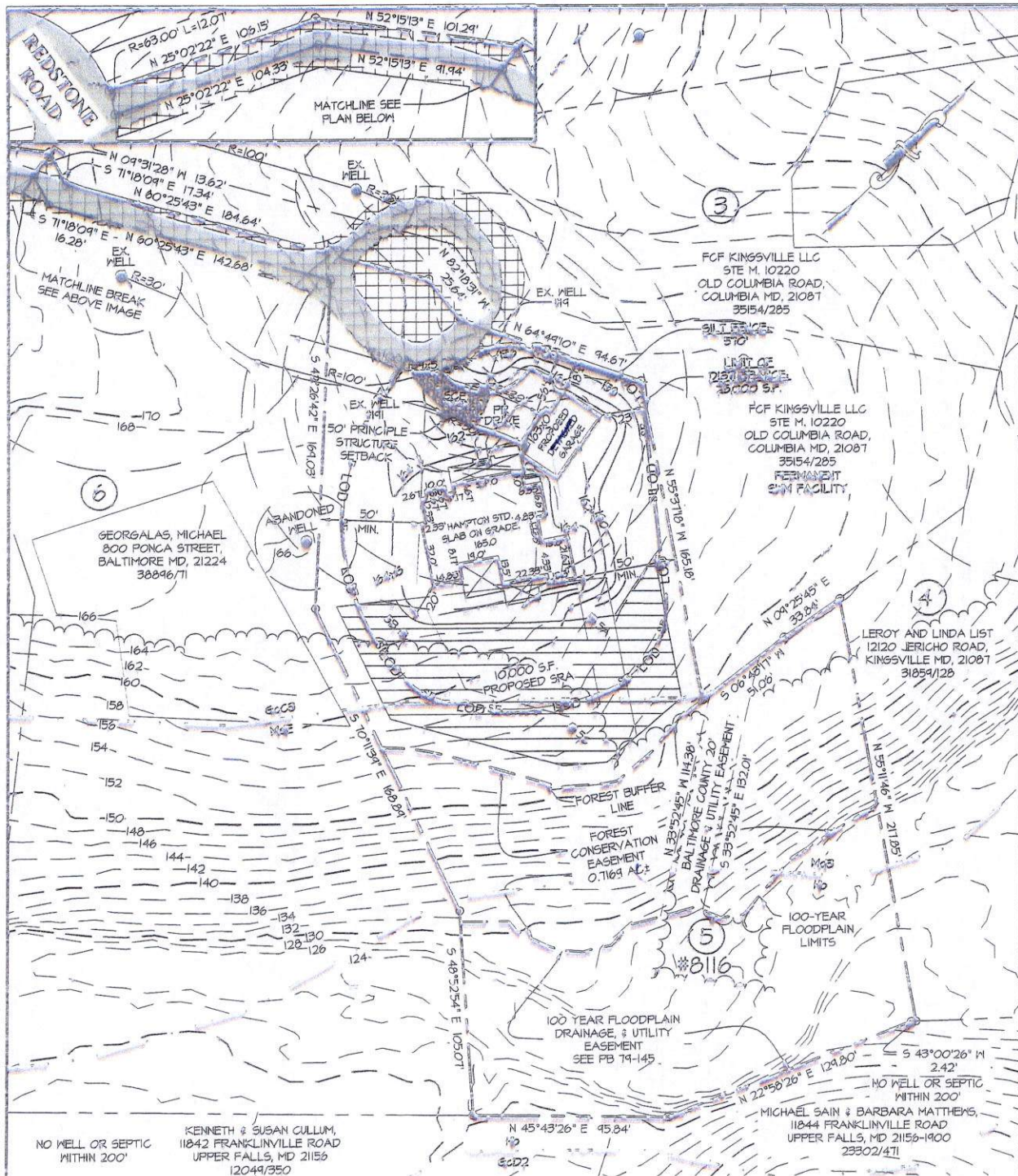


EXHIBIT

tabbles

3 C

The seal of Baltimore County, Maryland, is a circular emblem. It features a yellow border with the words "BALTIMORE COUNTY" at the top and "MARYLAND" at the bottom in black capital letters. The center of the seal is divided into four quadrants by a white cross. The top-left quadrant is black with a yellow diagonal stripe. The top-right quadrant is white with a red cross. The bottom-left quadrant is white with a red cross. The bottom-right quadrant is black with a yellow diagonal stripe. There are three yellow stars in the center of the seal, one in each quadrant.



LOT PLAN
SCALE: 1" = 50'

LEGEND

- EXISTING SRA
- PROPOSED SRA
- INGRESS/EGRESS EASEMENT
- EXISTING PAVING

NOTES

1. THIS PLOT PLAN IS BASED ON FINAL DEVELOPMENT PLAN D.R.C. #121410B AND ZONING CASE #2018-0326-A.
2. THIS PLAN IS FOR A BUILDING PERMIT ONLY AND HAS PREPARED WITHOUT THE BENEFIT OF A FIELD BOUNDARY SURVEY. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY.
3. A FIELD BOUNDARY SURVEY SHOULD BE PERFORMED PRIOR TO FIELD STAKE-OUT OF HOUSE.
4. EXISTING CONTOURS & NATURAL FEATURES FROM BALTIMORE COUNTY 615.
5. CUT = 100 C.Y. / FILL = 100 C.Y. (EARTHWORK VOLUMES ARE ESTIMATED AND MUST BE VERIFIED)
6. HOUSE ELEV. & LOT GRADES MAY REQUIRE MODIFICATIONS AT TIME OF STAKEOUT.
7. ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVAL AND INSPECTIONS.
8. SEPTIC TRENCH LENGTH TO BE DETERMINED AT TIME OF SEPTIC PERMIT APPLICATION.
9. STORMWATER MANAGEMENT SHALL BE ADDRESSED IN ACCORDANCE WITH BALTIMORE COUNTY REQUIREMENTS AND THE APPROVED MINOR SUBDIVISION PLAN.
10. GARAGE ORIENTATION IS MODIFIED FROM ORIGINAL HOUSE PLAN.

PLAT REF.: J.L.E. 79/145

BAY STATE LAND SERVICES

Civil & Structural Engineers
Land Planners & Land Surveyors
Environmental Engineers
Geo-Technical, Materials Testing and Inspections



2012 Rock Spring Road
Suite D
Forest Hill, Maryland 21150
Phone: 410-879-4747
Fax: 410-420-3949
www.baystatelandservices.com

REVISED SITE PLAN
LOT 5
FOX CREEK FARM
#8116 REDSTONE ROAD
FOR: BATTAGLIA HOMES LLC

ELEVENTH ELECTION DISTRICT
FIFTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' DATE: 3/22/2018 DRAWN BY: TRUGHY JOB NO. 17153

2019-1497-8PHA

**ATTACHMENT TO SITE PLAN
LOT 5 FOX CREEK FARM
8116 REDSTONE ROAD**

NOTES:

1. ZONING PLAN IS FOR: VARIANCE
2. ADDRESS: #8116 REDTONE ROAD, KINGSVILLE MD 21087
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16. WATER: PRIVATE
17. SEWER: PRIVATE
18. PRIOR ZONING CASE: #2007-0291-A. (APPLIES TO ANOTHER LOT IN THE SUBDIVISON)
19. THERE ARE NO ZONING VIOLATIONS ON RECORD

ELECTION DISTRICT 11
COUNCIL DISTRICT 5
ZONED RC-5
ZONING MAP #055B3

LOT 18
#8100
#1600004222
2007-0291-A
PLAT:35/05

LOT 1
#8104
#2500008271
2007-0291-A
PLAT: 79/549

LOT 2
#8108
#2500008278
2007-0291-A
PLAT: 79/549

#1214
#1102089170
DEED: 16726/621

#12124
#102089170
DEED: 16726/621

LOT 3
#8110
#2500008273
2007-0291-A
PLAT: 79/145

LOT 3
#8025
#1600004195
2007-0291-A
PLAT: 35/05

LOT 9
#8103
#2500008281
2007-0291-A
PLAT: 79/549

LOT 7
#8120
#25000008279
2007-0291-A
PLAT: 79/549

LOT 6
#8118
#2500008275
2007-0291-A
PLAT: 79/145

LOT 5
#8116
#2500008274
2007-0291-A
FLAT: 79/145

SWM
RESERVATION 'B'
#2500008276
2007-0291-A
PLAT: 79/145

LOT 8
#8109
#2500008280
2007-0291-A
PLAT: 79/549

SWM
RESERVATION 'A'
#2500008282
2007-0291-A
PLAT: 79/549

LOT 4
#12120
#118047575
2007-0291-A
DEED: 31859/128

PETITIONER' S

EXHIBIT NO. 3

GIS MAP

FOX CREEK FARM

#8116 REDSTONE ROAD
FOR: BATTAGLIA HOMES LLC

FIFTH COUNCILMANIC DISTRICT
ELEVENTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

TYPICAL
LOT #
ADDRESS #
TAX ACCOUNT #
ZONING CASE #
PLAT/DEED #

LOT 2
#11842
#2200027594
2007-0291-A
DEED: 12049/350

#11844
#2200027593
DEED: 23302/471

DATE
05-23-18

SCALE
1"=100'

CHECKED BY
CDC

DRAWN BY
TPI



BAY STATE LAND SERVICES

Engineers * Surveyors * Planners * Architects * Geotechnical Testing

P.O. Box 853, Bel Air, Maryland 21014
2012 Rock Spring Road, Forest Hill, Maryland 21050
Phone: (410) 879-4747 Fax: (410) 420-3949
www.baystatelandservices.com

DRAWING NO.
GIS01
SHEET 1 OF 1
SLS JOB NO.
1153

2019-0497-SPHA