

IN RE: PETITION FOR VARIANCE

E side of Stone Eagle Road, 3750' S
of the c/line of Dulaney Valley Road
10th Election District
3rd Council District
(12831 Stone Eagle Road)

James L. and Sara A. Ball
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2011-0341-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by James L. and Sara A. Bell, legal owners of the above property. The Petitioners are requesting Variance relief under Sections 103.1, 1A00.4, 1B01.3 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling with a height of 40 feet in lieu of the maximum allowed 35 feet, and to amend the Final Development Plan of Eagles Nest Estates II, Lot 3 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner James Ball. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest. In fact, Petitioners' neighbors have all indicated they are supportive of the requested relief. See Petitioners' Exhibit 2.

Testimony and evidence revealed that the subject property is an unimproved lot (known as Lot #3 of Eagles Nest Estates II) which is irregularly shaped, contains 2.061 acres, and is zoned R.C.6, although the Petition for variance also indicates the zoning is "vested RC4".

ORDER RECEIVED FOR FILING

Date 7-1-11

By

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments received on June 21, 2011, from the Department of Environmental Protection and Sustainability (DEPS), indicate that Groundwater Management will need to review any proposed building permit for a dwelling on this site. In addition, Environmental Impact Review has stated that since the dwelling is proposed in an existing Forest Conservation Easement, the dwelling must be redesigned to avoid the easement or allow reconfiguration of this easement, including legal extinguishment of the existing Forest Conservation Easement. Based on my review of the site plan (Petitioners' Exhibit 1), it does not appear as if the proposed dwelling is "in an existing Forest Conservation Easement," per the DEPS comment, but that is an issue for another day. There were no adverse ZAC comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioners have met this test when the subject property is compared to the other lots in this and the adjoining subdivision (Cloverland Farms). The subject property is unimproved, and is one of the last vacant lots in these adjoining developments. The Petitioners presented photographs

ORDER RECEIVED FOR FILING

Date 7-1-11

By 

(Petitioners' Exhibit 3) of the surrounding homes, and all appear to have roof lines in excess of 35 feet.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship. The Petitioners have had architectural renderings (Petitioners' Exhibit 4) prepared at great expense, and the proposed home has received approval from the subdivision's architectural committee. If the Petitioners could not build the home as designed and approved, they would be put to further expense and delay that would constitute a practical difficulty and financial hardship.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 1 day of July, 2011 by this Administrative Law Judge that Petitioners' Variance request from Sections 103.1, 1A00.4, 1B01.3 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling with a height of 40 feet in lieu of the maximum allowed 35 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

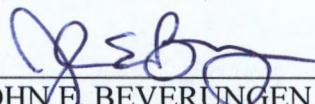
ORDER RECEIVED FOR FILING

Date 7-1-11

By [Signature]

2. Petitioners shall comply with the ZAC comments received from the Department of Environmental Protection and Sustainability (DEPS), dated June 21, 2011.

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

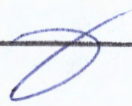


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 7-1-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 1, 2011

JAMES L. AND SARA A. BALL
2502 HARTHAM COURT
LUTHERVILLE MD 21093

Re: Petition for Variance
Case No. 2011-0341-A
Property: 12831 Stone Eagle Road

Dear Mr. and Mrs. Ball:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



TAX ACCOUNT # 2300011738

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12831 Stone Eagle Road
which is presently zoned RC6 (vested RC4)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Sections 103.1, 1A00.4, 1B01.3 and 1B02.3.B – to permit a proposed dwelling with a height of 40 feet in lieu of the maximum allowed 35; and to amend the Final Development Plan of Eagles Nest Estates II, lot 3 only

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. **Unnecessarily Burdensome** – Strict compliance of the height regulations would necessitate a redesign of the entire structure and eliminate the usefulness of 1,368 sq feet of finished living space.
2. **Injustice to Applicant** – Several of the existing homes in Eagles Nest II and the adjoining neighborhood (Cloverland Farms) already exceed the 35 foot height limitation (see pictures). Restricting our design would make the structure inconsistent with the bulk, massing and architectural rhythm of our neighbors. Please see letter of Variance Approval from homeowners on adjoining lots, (lots #2, #4 and #5) dated May 12th, 2011. Building elevation plans were submitted and approved by the Eagles Nest II architectural committee.
3. **Spirit of Ordinance** – Granting this Variance will be in keeping with the spirit of the ordinance. We are seeking relief to allow a slightly larger height (40 ft) that is being driven by the style of the house (English Country) and desire to have finished space within the roof cavity. There are homes in Eagles Nest II and adjoining Cloverland that have roof heights that exceed 35' and our proposed dwelling is very similar in style and mass. Given the size of the lot, minimal variance and approval by adjoining neighbors, our variance request surely will not be detrimental.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

James L. Ball

Name - Type or Print

Signature

Sara A. Ball

Name - Type or Print

Signature

2502 Hartham Court balljl@comcast.net 443-254-4381

Address

Telephone No.

Lutherville/Timonium, Maryland 21093

City

State

Zip Code

Representative to be Contacted:

Jim Ball

Name

2502 Hartham Court

Address

Telephone No.

Lutherville/Timonium, Maryland 21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 2011-0341-A

ZONING DESCRIPTION FOR 12831 Stone Eagle Road, Phoenix, Maryland 21131

Beginning at a point on the East side of Stone Eagle Road which is 50 feet
Wide at the distance of at the distance of 3,750 feet East of the
Centerline of the nearest improved intersecting Street Dulaney Valley Road
which is 60 feet wide. Being Lot #3,
Block ---, Section # --- in the subdivision of Eagles Nest Estates II
as recorded in Baltimore County Plat Book #73, Folio #73/108, Plat #2,
containing 2.0601 acres. Also known as 21831 Stone Eagle Road
and located in the 10th Election District, 3rd Councilmanic District.

Item #0341

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 9, 2011 Issue - Jeffersonian

Please forward billing to:
James Ball
2502 Hartham Court
Lutherville, MD 21093

443-254-4381

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: 2011-0341-A

12831 Stone Eagle Road

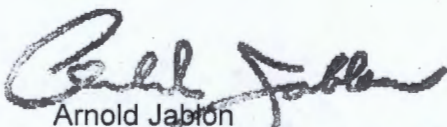
E/side of Stone Eagle Road, 3750 feet (+/-) south of the centerline of Dulaney Valley Road

10th Election District – 3rd Councilmanic District

Legal Owners: James & Sara Ball

Variance to permit a proposed dwelling with a height of 40 feet in lieu of the maximum allowed 35; and to amend the Final Development Plan of Eagles Nest Estates, II, lot 3 only.

Hearing: Monday, June 27, 2011 at 10:00 a.m. in Room 104, 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.



KEVIN KAMENETZ
County Executive

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

June 1, 2011

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: 2011-0341-A

12831 Stone Eagle Road

E/side of Stone Eagle Road, 3750 feet (+/-) south of the centerline of Dulaney Valley Road

10th Election District – 3rd Councilmanic District

Legal Owners: James & Sara Ball

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Hearing: Monday, June 27, 2011 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: James & Sara Ball, 2502 Hartham Court, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 11, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE LAW JUDGE OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 2011-0341-A

Petitioner: JAMES and SARA BALL

Address or Location: 2502 Hartham Court
Lutherville/Timonium, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES BALL

Address: 2502 Hartham Court
Lutherville/Timonium, MD 21093

Telephone Number: 443-254-4381

**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: # 2011-0331-A
12831 Stone Eagle Road
E/side of Stone Eagle Road,
3750 feet (+/-) south of the
centerline of Dulaney Valley
Road
10th Election District:
3rd Councilmanic District
Legal Owner(s): James &
Sara Ball
Variance: to permit a pro-
posed dwelling with a
height of 40 feet in lieu of
the maximum allowed 35;
and to amend the Final De-
velopment Plan of Eagles
Nest Estates, II, lot 3 only.
Hearing: Monday, June
27, 2011 at 10:00 a.m. in
Room 104, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

06/114 June 9 278160

CERTIFICATE OF PUBLICATION

6/9/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 6/9/, 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/13/2011

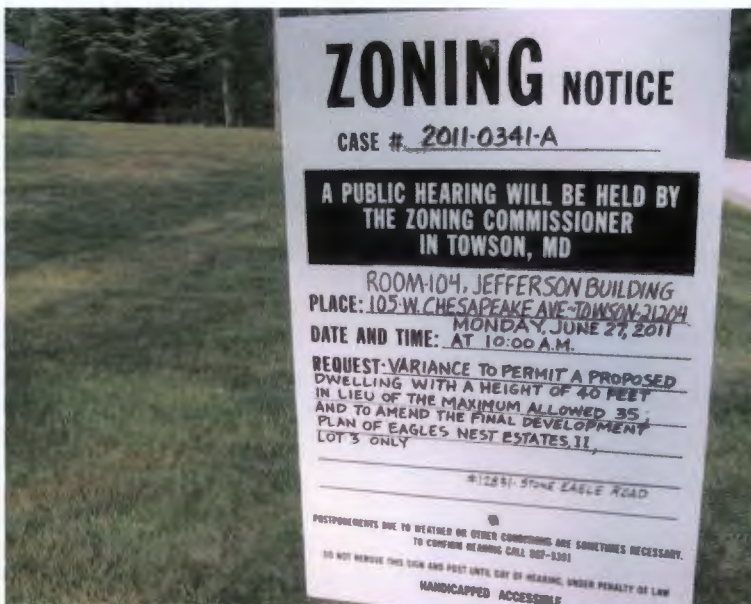
Case Number: 2011-0341-A

Petitioner / Developer: JAMES & SARA BALL

Date of Hearing (Closing): JUNE 27, 2011

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
12831 STONE EAGLE ROAD

The sign(s) were posted on: JUNE 11, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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

No. **65991**

Date:

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total:

Rec
From:

For:

DISTRIBUTION

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

CASH RECEIPT

NO. 65991 DATE 10/20/01
 BALTIMORE COUNTY, MARYLAND
 OFFICE OF BUDGET AND FINANCE
 RECEIVED FROM 10/20/01
 FOR 1000.00
 TOTAL 1000.00
 BALANCE 1000.00

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

June 22, 2011

James & Sara Ball
2502 Hartham Court
Lutherville, MD 21093

RE: Case Number: 2011-0341-A, 12831 Stone Eagle Road

Dear Mr. & Mrs. Ball,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 20, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 26, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 30, 2011**

Item No.:

Special Hearing: 2011-0311-SPHA, 2011-0342-SPHA.

Administrative Variance: 2011-0336A, 2011-0338A.

Variance: 2011-0311-SPHA, 2011-0337A, 2011-0341A, 2011-0342-SPHA, 2011-0343A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DM}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2011
Item Nos. 2011-336, 337, 338, 341, 342,
And 343.

DATE: May 31, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06132011 -NO COMMENTS.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 5-31-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

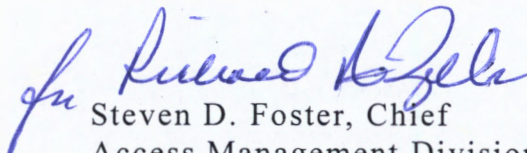
RE: Baltimore County
Item No. 2011-0341-A
Variance
James & Sarah Ball
12831 Stone Eagle Road.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. 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 Item No. 2011-0341-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 21 2011

OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 21, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-341-A
Address 12831 Stone Eagle Road
(Ball Property)

Zoning Advisory Committee Meeting of May 30, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – Glenn Shaffer; *Environmental Impact Review*

Additional Comments:

1. The dwelling is proposed in an existing Forest Conservation Easement. Therefore, it must either be redesigned to avoid the easement or the pending variance request granted to allow reconfiguration of this easement, including legal extinguishment of the existing Forest Conservation Easement. – Glenn Shaffer; *Environmental Impact Review*
2. A proposed dwelling (building permit) will need Groundwater Mgmt. review. – Dan Esser; *Groundwater Management*

RE: PETITION FOR VARIANCE * BEFORE THE
12831 Stone Eagle Road; E/S Stone Eagle *
Road, 3750' S of c/line Dulaney Valley Road * ADMINISTRATIVE LAW
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): James & Sara Ball * JUDGE FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-341-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 26 2011

.....|

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 26th day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to Jim Ball, 2502 Hartham Court, Lutherville/Timonium, MD 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - Fwd: 2011-0341-A

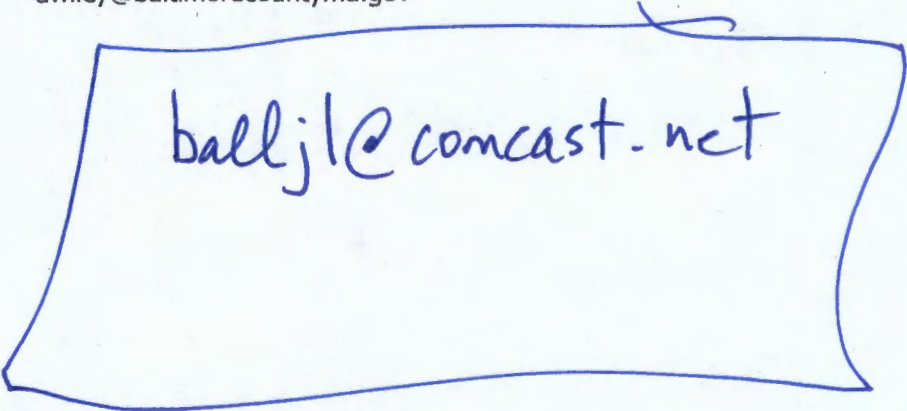
From: Debra Wiley
To: Lewis, Kristen
Date: 6/24/2011 3:13 PM
Subject: Fwd: 2011-0341-A

Hi Kristen,

Thanks for delivering the above-referenced file; however, in reviewing the Petition (see attached), it appears James & Sara Ball are referencing in No. 2 pictures and letter of approval from homeowners. Unfortunately, I do not see either.

Please advise and thanks again.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



balljl@comcast.net

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 10 Account Number - 2300011738

Owner Information

Owner Name: BALDAUF GEORGE R
BALDAUF GLORIA A
Use: RESIDENTIAL
Mailing Address: 12833 STONE EAGLE RD
PHOENIX MD 21131-2307
Principal Residence: NO
Deed Reference: 1) /28159/ 00248
2)

Location & Structure Information

Premises Address
12831 STONE EAGLE RD
0-0000
Legal Description
2.0601 AC
12831 STONE EAGLE RD ESR
EAGLES NEST II

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0053	0001	0413		0000			3	2	Plat Ref:	0073/ 0108

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		2.0600 AC	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2010	07/01/2011
Land	181,800	181,800		
Improvements:	0	0		
Total:	181,800	181,800	181,800	181,800
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: * NONE *

2000 ZONING MAP
NE 17C & 17 D

R. C. 4

R. C. 4

N-66,000 N-66,000

STONE

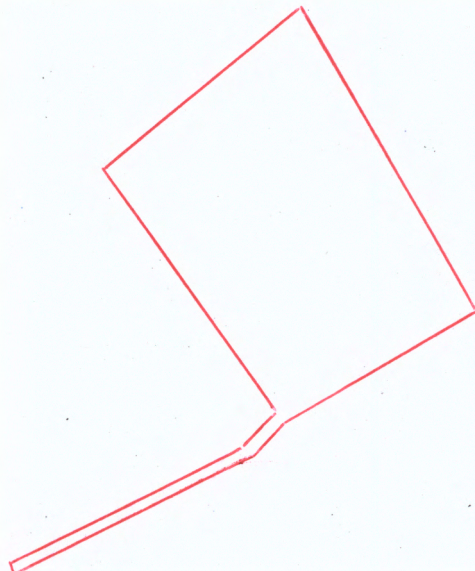
EAGLE

R. C. 4

N-65,000 N-65,000

R. C. 4

Item # 0341



General Notes

1. THIS PLAT WAS SUBMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 20-201.
2. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE INSTALLATION OF SURVEY OR EVIDENCE IN BALTIMORE COUNTY.
3. THE INFORMATION SHOWN HEREON MAY BE REPRODUCED BY A SUBSEQUENT AMENDED PLAT.
4. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, BALTIMORE COUNTY, OR THE DEPARTMENT OF PUBLIC WORKS.
5. THE PLAN FOR THE PROPERTY SHOWN ON THIS PLAT WAS APPROVED ON SEPTEMBER 10, 2001.
6. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PAVEMENT, OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
7. THE OWNER/DEVELOPER SHALL COMPLY WITH THE BEST MANAGEMENT PRACTICES REQUIRED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCES MANAGEMENT.
8. THERE SHALL BE NO CLEARING, BURNING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT UNLESS FOREST CONSERVATION EASEMENT IS PROVIDED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCES MANAGEMENT.
9. EXCEPT AS OTHERWISE INDICATED, 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 PLANNING AND DEVELOPMENT. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
10. THE AREA DESIGNATED AS A FORESTLAND INCLUDES THE AREA BOUNDARIES OF THE FOREST BUFFER EASEMENT AND A BUFFER OF FIFTY FEET, EXCEPT WHERE SHOWN OTHERWISE. THE ELEVATIONS SHOWN ON THE FORESTLAND SECTIONS ARE THE 100-YEAR DESIGN FREQUENCY SURFACE ELEVATIONS.
11. THIS SITE IS LOCATED IN THE LION HARBOR WATERSHED.
12. TOTAL AREA OF LOTS - 36.00 AC.
13. TOTAL AREA OF THIS PLAT - 36.00 AC.
14. ANY FOREST BUFFER EASEMENT AROUND FOREST CONSERVATION EASEMENT SHALL BE SUBJECT TO PROTECTIVE CONSERVATION MEASURES AS FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
15. FLOOD COLLECTION DRAINAGE SYSTEMS, AND ROAD IMPROVEMENTS ARE TO BE PROVIDED TO THE LOCATION OF THE FORESTLAND AND STREET BOUNDARY OF LOT 7.
16. SOIL REGULATION TESTS SHALL BE MADE FOR A PERIOD OF FIVE YEARS FROM THE DATE THE RECORDS ARE SUBMITTED TO THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCES MANAGEMENT. AT THE EXPIRATION OF THIS PERIOD, NEW TESTS MAY BE REQUIRED.
17. ALL REQUIREMENTS OF THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCES MANAGEMENT PERTAINING TO PROTECTIVE CONSERVATION MEASURES MUST BE COMPLIED WITH PRIOR TO APPROVAL OF BUILDING APPLICATIONS.

Forest Conservation Easement (FCE)

Curve	Radius	Length	Bearing	Chord	Tangent
1	100.00	100.00	S 89° 57' 30" E	100.00	100.00
2	100.00	100.00	S 89° 57' 30" E	100.00	100.00
3	100.00	100.00	S 89° 57' 30" E	100.00	100.00
4	100.00	100.00	S 89° 57' 30" E	100.00	100.00
5	100.00	100.00	S 89° 57' 30" E	100.00	100.00
6	100.00	100.00	S 89° 57' 30" E	100.00	100.00
7	100.00	100.00	S 89° 57' 30" E	100.00	100.00
8	100.00	100.00	S 89° 57' 30" E	100.00	100.00
9	100.00	100.00	S 89° 57' 30" E	100.00	100.00
10	100.00	100.00	S 89° 57' 30" E	100.00	100.00
11	100.00	100.00	S 89° 57' 30" E	100.00	100.00
12	100.00	100.00	S 89° 57' 30" E	100.00	100.00
13	100.00	100.00	S 89° 57' 30" E	100.00	100.00
14	100.00	100.00	S 89° 57' 30" E	100.00	100.00
15	100.00	100.00	S 89° 57' 30" E	100.00	100.00
16	100.00	100.00	S 89° 57' 30" E	100.00	100.00
17	100.00	100.00	S 89° 57' 30" E	100.00	100.00
18	100.00	100.00	S 89° 57' 30" E	100.00	100.00
19	100.00	100.00	S 89° 57' 30" E	100.00	100.00
20	100.00	100.00	S 89° 57' 30" E	100.00	100.00
21	100.00	100.00	S 89° 57' 30" E	100.00	100.00
22	100.00	100.00	S 89° 57' 30" E	100.00	100.00
23	100.00	100.00	S 89° 57' 30" E	100.00	100.00
24	100.00	100.00	S 89° 57' 30" E	100.00	100.00
25	100.00	100.00	S 89° 57' 30" E	100.00	100.00
26	100.00	100.00	S 89° 57' 30" E	100.00	100.00
27	100.00	100.00	S 89° 57' 30" E	100.00	100.00
28	100.00	100.00	S 89° 57' 30" E	100.00	100.00
29	100.00	100.00	S 89° 57' 30" E	100.00	100.00
30	100.00	100.00	S 89° 57' 30" E	100.00	100.00
31	100.00	100.00	S 89° 57' 30" E	100.00	100.00
32	100.00	100.00	S 89° 57' 30" E	100.00	100.00
33	100.00	100.00	S 89° 57' 30" E	100.00	100.00
34	100.00	100.00	S 89° 57' 30" E	100.00	100.00
35	100.00	100.00	S 89° 57' 30" E	100.00	100.00
36	100.00	100.00	S 89° 57' 30" E	100.00	100.00
37	100.00	100.00	S 89° 57' 30" E	100.00	100.00
38	100.00	100.00	S 89° 57' 30" E	100.00	100.00
39	100.00	100.00	S 89° 57' 30" E	100.00	100.00
40	100.00	100.00	S 89° 57' 30" E	100.00	100.00
41	100.00	100.00	S 89° 57' 30" E	100.00	100.00
42	100.00	100.00	S 89° 57' 30" E	100.00	100.00
43	100.00	100.00	S 89° 57' 30" E	100.00	100.00
44	100.00	100.00	S 89° 57' 30" E	100.00	100.00
45	100.00	100.00	S 89° 57' 30" E	100.00	100.00
46	100.00	100.00	S 89° 57' 30" E	100.00	100.00
47	100.00	100.00	S 89° 57' 30" E	100.00	100.00
48	100.00	100.00	S 89° 57' 30" E	100.00	100.00
49	100.00	100.00	S 89° 57' 30" E	100.00	100.00
50	100.00	100.00	S 89° 57' 30" E	100.00	100.00

Coordinates

Point	North	East
1	55344.00	10775.54
2	55344.00	10775.54
3	55344.00	10775.54
4	55344.00	10775.54
5	55344.00	10775.54
6	55344.00	10775.54
7	55344.00	10775.54
8	55344.00	10775.54
9	55344.00	10775.54
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17	55344.00	10775.54
18	55344.00	10775.54
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33	55344.00	10775.54
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35	55344.00	10775.54
36	55344.00	10775.54
37	55344.00	10775.54
38	55344.00	10775.54
39	55344.00	10775.54
40	55344.00	10775.54
41	55344.00	10775.54
42	55344.00	10775.54
43	55344.00	10775.54
44	55344.00	10775.54
45	55344.00	10775.54
46	55344.00	10775.54
47	55344.00	10775.54
48	55344.00	10775.54
49	55344.00	10775.54
50	55344.00	10775.54

Forest Buffer Easement (FBE)

Curve	Radius	Length	Bearing	Chord	Tangent
1	100.00	100.00	S 89° 57' 30" E	100.00	100.00
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50	100.00	100.00	S 89° 57' 30" E	100.00	100.00

		Curve		Data		
Name	Date	Radius	Length	Bearing	Chord	Tangent
C1	8-20-66	700.00	330.30	S 34° 37' 42" E	827.80	105.02
C2	8-20-66	800.00	330.64	S 34° 37' 42" E	827.72	105.01

Case No.: 2011-0341-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Letter from Neighbors dated 5-12-11	
No. 3	Photos	
No. 4	Architectural Elevations (DRAWINGS)	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

May 12, 2011

Subject: Zoning Office – Baltimore County
Towson, Maryland

Regarding: James and Sara Ball – Lot#3, Eagles Nest II

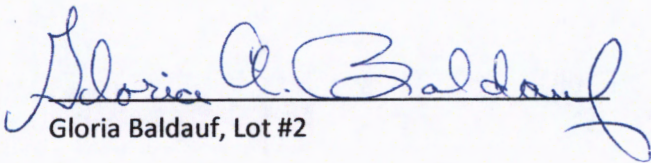
Ladies and Gentlemen:

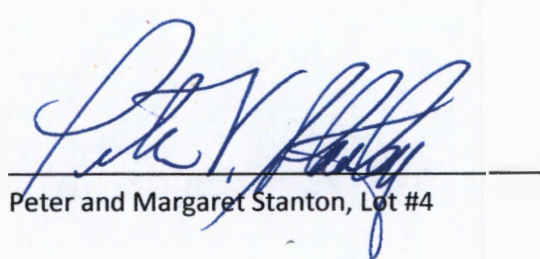
We understand that James and Sara Ball will be filing a request with your offices that seeks a Zoning Variance with regard to their planned house construction on Lot #3 of Eagles Nest Estates II. The request will seek an exception to the thirty-five foot grade-to-roof peak height restriction.

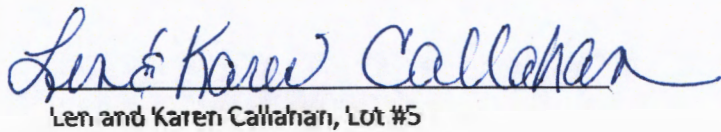
We are property owners of adjoining property (Lots #2, #4 and #5). We have reviewed the Ball's house plans and have no objections to the requested exception to height restriction. We think the Ball's house will be in keeping with the aesthetic characteristics of the Eagles Nest II development.

If you have any questions please feel free to contact us.

Sincerely,


Gloria Baldauf, Lot #2


Peter and Margaret Stanton, Lot #4


Len and Karen Callahan, Lot #5

DEVELOPER' S

EXHIBIT NO.

2

Lot 17



Lot 18



6/19

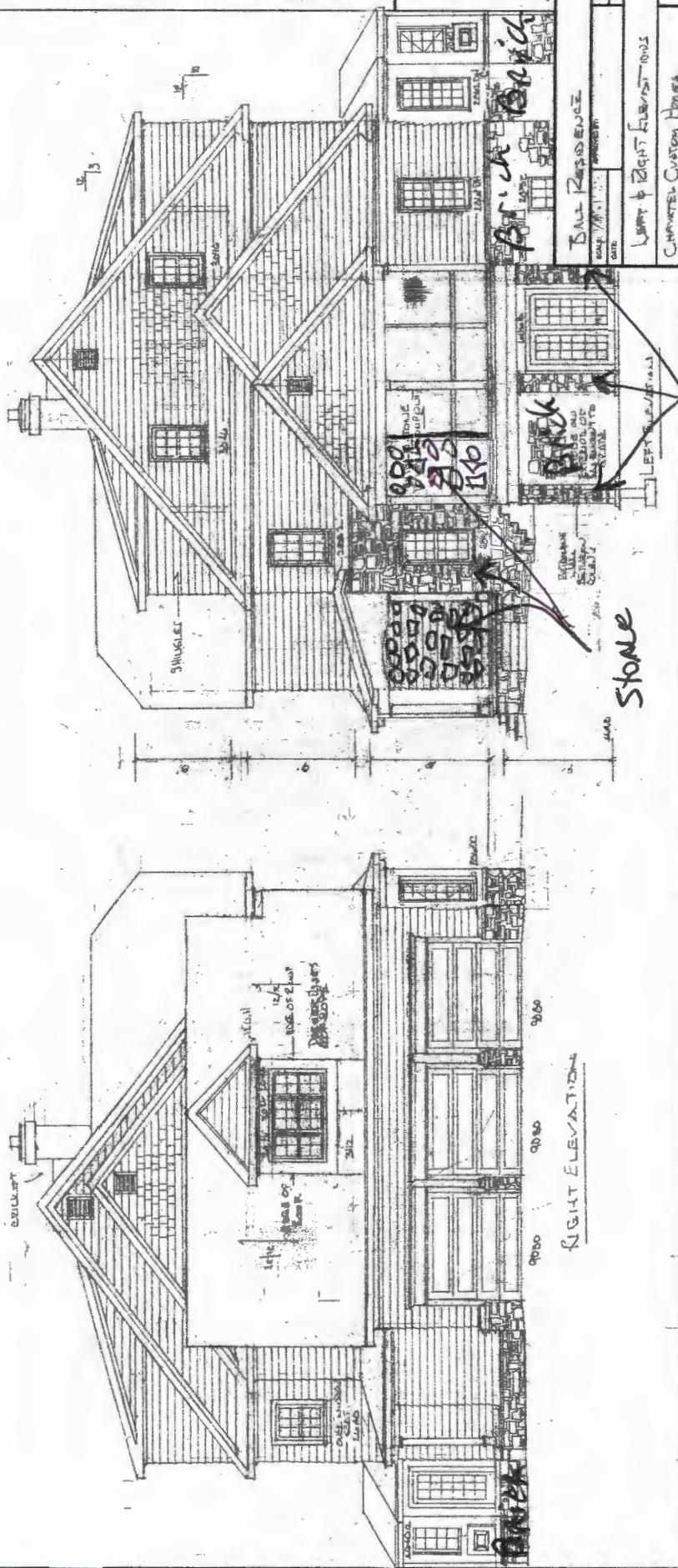


5107



Lot 22





Stone on Columns

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

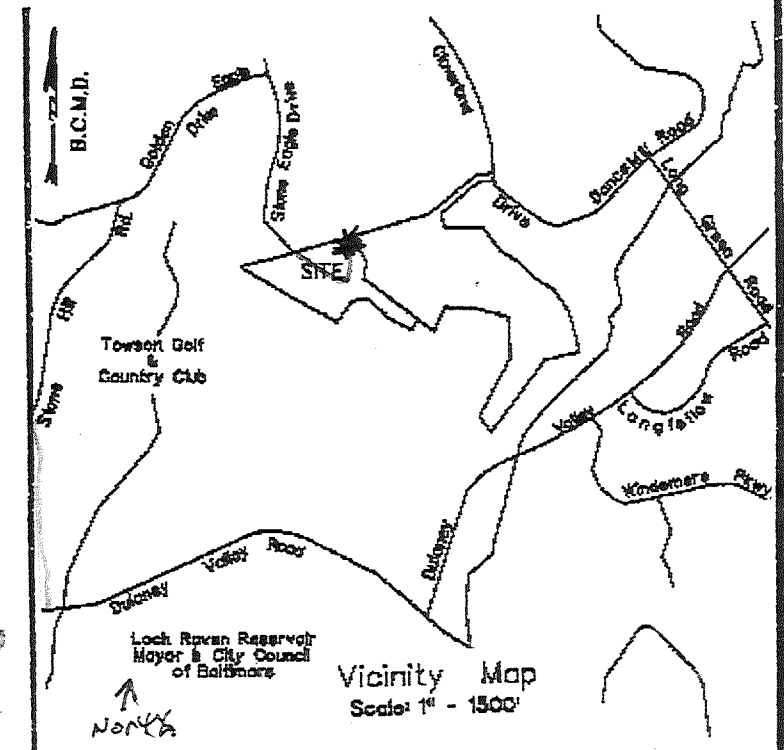
PROPERTY ADDRESS: 12831 Stone Eagle Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Eagles Nest Estates II

plat book # 73, folio # 108, lot # 3, section # _____ Plat 2

OWNER: JAMES AND SARA BALL



LOCATION INFORMATION

Election District: 10th

Councilmanic District: 3rd

1"=200 scale map #: 053A1

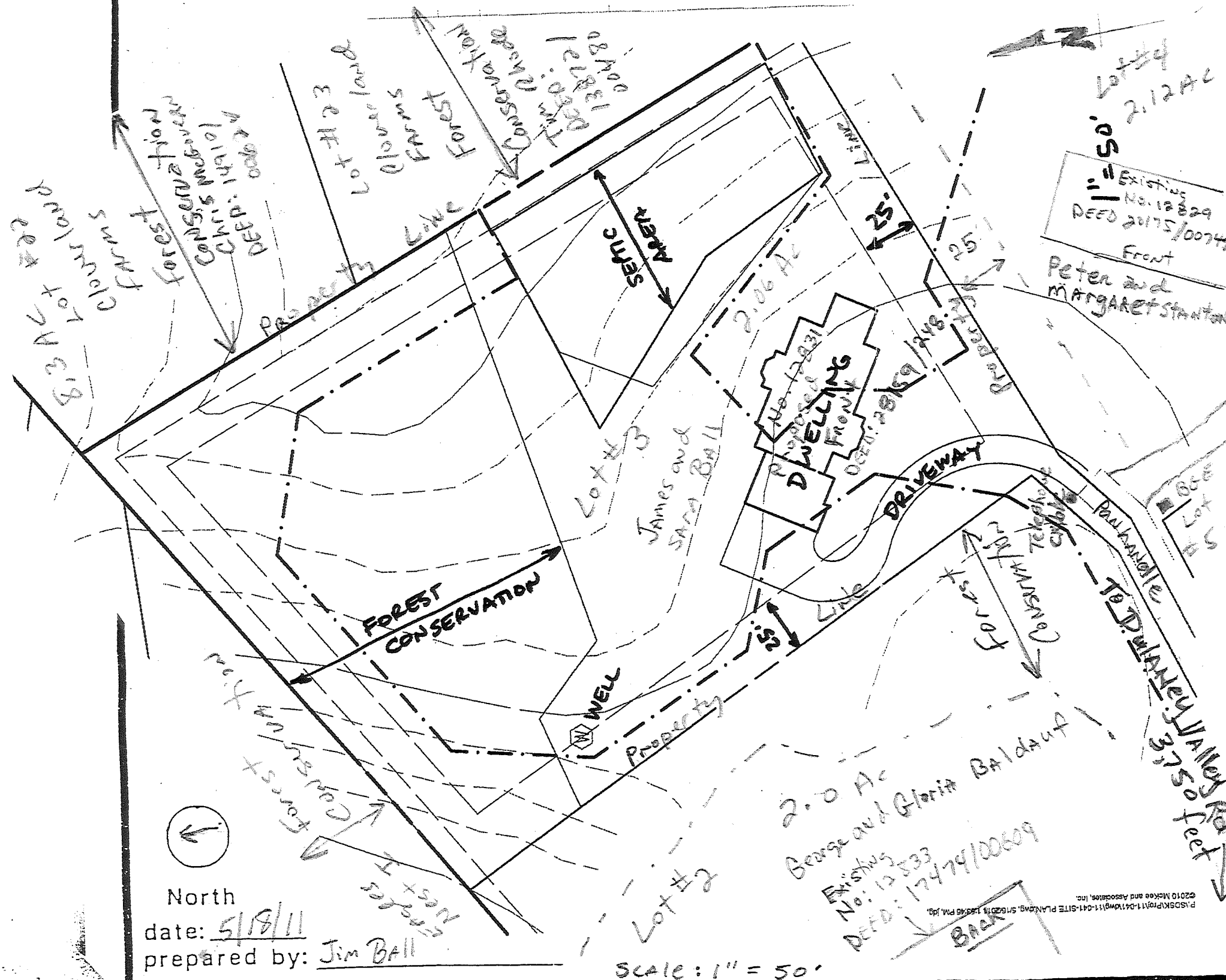
Zoning: RC 6 (vested RC 4)

Lot size: 2.0601 acreage 89,738 square feet

	public	private
SEWER:	☐	☒
WATER:	☐	☒
Chesapeake Bay Critical Area:	☐	☒
100 YEAR Flood PLAIN	☐	☒
Prior Zoning Hearings:	☐	☒
Historic	☐	☒

Zoning Office USE ONLY!

reviewed by: RJ ITEM #: _____ CASE #: 2011-0341-A



North
date: 5/18/11
prepared by: Jim Ball

Scale: 1" = 50'

DEVELOPER'S
EXHIBIT NO. 1