IN RE: PETITION FOR SPECIAL HEARING N side of East Ruhl Road, 270' E of Ruhl Road 6th Election District 3rd Councilmanic District **(2464 East Ruhl Road)** Robert L. and Noreen M. Alban Petitioners	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2011-0368-SPH**

* * * * * * * * * * * * * * *

OPINION AND ORDER

This matter comes before this Administrative Law Judge for consideration of a Petition for Special Hearing filed by Robert L. and Noreen M. Alban, legal owners of the subject property. As originally filed, the Petition for Special Hearing was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a non-density transfer of 4.9 acres from the property of Alban (2464 East Ruhl Road) to the property of McCullough (21327 North Ruhl Road).[1] The subject property and requested relief are more fully described on the revised site plan, which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing on this Petition were Robert Alban, legal owner, Richard McCullough, the transferee of the property, and Bruce E. Doak, a consultant and Property Line Surveyor with Gerhold, Cross & Etzel, Ltd., who prepared the site plan for this property. 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 citizens present. Dave Lykens appeared on behalf of the Department of Environmental Protection and Sustainability.

ORDER RECEIVED FOR FILING
Date 8-31-11
By DM

[1] As a result of the Zoning Advisory Committee (ZAC) comment received August 8, 2011, the relief requested was revised from 4.9 acres to 4.3 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) received August 8, 2011, which indicate as follows:

"1. The dwelling located at 2464 East Ruhl Road (Alban Property) is served by a developed spring water supply and a sewage disposal system which has been confirmed to be failing, discharging sewage to the Little Falls via an underground private storm drain pipe system traversing the property. Soil percolation tests were conducted on the 4.9 acre tract of land to be transferred to the McCullough property to identify a sewage disposal area to serve Mr. Alban's dwelling located at 2464 East Ruhl Road. The test results are favorable. The Groundwater Management section of the DEPS recommends that the area to be transferred from the Alban Property to the McCullough property be reduced to 4.3 acres as shown in the attached plan in order to provide an acceptable sewage disposal area and a repair area to serve the house at 2464 East Ruhl Road (Alban Property). Also, GWM requests that, as a condition of the Lot Line Adjustment, the owners of 2464 East Ruhl Road install a new sewage disposal system on the property prior to the recordation of the new lots.

2. The existing dwellings located at 21327 North Ruhl Road (McCullough Property) are served by individual well supplies and sewage disposal systems. Inspection of the wells and sewage disposal systems find all are functioning properly at this time.

3. The Agricultural Preservation section supports this request as the owner of the property acquiring the new acreage has indicated the purpose is for farming. Agricultural Preservation section would like to request that the zoning order specify that the transferred area of 4.9 acres can not be used for construction of a dwelling or used to support a dwelling (ie. Well, septic or stormwater management facility for a dwelling)."

Testimony and evidence presented demonstrated that the property which is the subject of this special hearing request, consists of 9.1 acres, more or less, and is zoned RC 2. This property is owned by Robert L. and Noreen M. Alban. The Albans are interested in conveying as a non-density transfer 4.3 acres of their land unto their adjacent property owner and neighbor, Richard McCullough. At the present time, Mr. McCullough owns 2.7 acres and lives within the dwelling located on that land. He is interested in acquiring the 4.3 acres from his neighbor, Mr. Alban, and adding it to his 2.7 acres. The purpose of the transfer is for agricultural reasons and overall density

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By

will not be affected in that both lots will have one additional right of subdivision. However, it should be noted that the 4.3 acre parcel which is the subject of this non-density transfer shall in no way be improved with a single family dwelling. That 4.3 acre area of land shall remain in open farm use.

The applicants submitted into evidence letters of support from nearby proper owners, namely Howard Turnbaugh, Sr. and Willard and Diana Elder. Those letters of support were submitted into evidence as Petitioners' Exhibit 4A and 4B. In addition, the request was reviewed by Baltimore County reviewing agencies who support the request; however, it should be noted that the Department of Environmental Protection and Sustainability (DEPS) has requested certain conditions of approval which will be imposed at the end of this Order.

As to the special hearing relief, I find that the non-density transfer of the 4.3 acres from Mr. and Mrs. Alban to Richard McCullough can be approved without any detrimental impact on the surrounding community or surrounding properties. In addition, the transfer of this land will not affect the overall density of either the Alban property or the McCullough property. Therefore, the special hearing request shall be granted.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 31st day of August, 2011, that the Petitioner's request for Special Hearing relief, filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a non-density transfer of 4.3 acres from the property of Alban (2464 East Ruhl Road) to the property of McCullough (21327 North Ruhl Road), be and is hereby GRANTED, subject to the following:

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Date 8-31-11
By

1. 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 would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioners shall comply with the ZAC comment received from the Department of Environmental Protection and Sustainability dated August 8, 2011; a copy of which is attached hereto and made a part hereof.

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

Timothy Kotroco

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

Attachment

TMK/pz

ORDER RECEIVED FOR FILING
Date 8-31-11
By

Xtra copy

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 0 8 2011

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: August 8, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-368-SPH
Address 2464 East Ruhl Road
(Alban Property)

Zoning Advisory Committee Meeting of June 27, 2011.

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

1. The dwelling located at 2464 East Ruhl Road (Alban Property) is served by a developed spring water supply and a sewage disposal system which has been confirmed to be failing, discharging sewage to the Little Falls via an underground private storm drain pipe system traversing the property. Soil percolation tests were conducted on the 4.9 acre tract of land to be transferred to the McCullogh property to identify a sewage disposal area to serve Mr. Alban's dwelling located at 2464 East Ruhl Road. The test results are favorable. The Groundwater Management section of the DEPS recommends that the area to be transferred from the Alban Property to the McCullogh property be reduced to 4.3 acres as shown in the attached plan in order to provide an acceptable sewage disposal area and a repair area to serve the house at 2464 East Ruhl Road (Alban Property). Also, GWM requests that, as a condition of the Lot Line Adjustment, the owners of 2464 East Ruhl Road install a new sewage disposal system on the property prior to the recordation of the new lots.

2. The existing dwellings located at 21327 North Ruhl Road (McCullough Property) are served by individual well supplies and sewage disposal systems. Inspection of the wells and sewage disposal systems find all are functioning properly at this time.

3. The Agricultural Preservation section supports this request as the owner of the property acquiring the new acreage has indicated the purpose is for farming. Agricultural Preservation section would like to request that the zoning order specify that the transferred area of 4.9 acres can not be used for construction of a dwelling or used to support a dwelling (ie. Well, septic or stormwater management facility for a dwelling). – *Wallace Lippincott; Agricultural Preservation.*

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Date 8-31-11
By DJ

KEVIN KAMENETZ
County Executive

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

August 31, 2011

ROBERT L. AND NOREEN M. ALBAN
2464 EAST RUHL ROAD
FREELAND MD 21053

Re: Petition for Special Hearing
Case No. 2011-0368-SPH
Property: 2464 East Ruhl Road

Dear Mr. and Mrs. Alban:

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 an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact the appeals clerk at 410-887-3391.

Sincerely,

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd. #100, Towson, MD 21286
Richard McCullough, 21327 North Ruhl Road, Freeland MD 21053

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2464 East Ruhl Road

which is presently zoned RC2

*(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)*

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

A NON-DENSITY TRANSFER OF 4.9 ACRES FROM THE PROPERTY OF ALBAN TO THE PROPERTY OF McCULLOUGH

(FROM 2464 E. RUHL RD. TO 21327 N. RUHL RD.)

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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

ORDER RECEIVED FOR FILING

Address Telephone No.

Date 8-31-11

City State Zip Code

By DW

Legal Owner(s):

ROBERT L. ALBAN SR

Name - Type or Print

Robert L. Alban Sr

Signature

NOREEN M. ALBAN

Name - Type or Print

Noreen M. Alban

Signature

2464 E. RUHL ROAD 410-357-8355

Address Telephone No.

FREELAND MD 21053

City State Zip Code

Representative to be Contacted:

BRUCE E. DOAL

GERHOLD CROSS & ETZEL, LTD.

Name

320 E. TOWSONTOWN BLVD. 410-823-4470

Address Telephone No.

TOWSON MD 21286

City State Zip Code

4471

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

Case No. 2011-0368-SPH

UNAVAILABLE FOR HEARING 7/4/11 - 7/22/11

REV 9/15/98

Reviewed By JL Date 6/24/11

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

June 9, 2011

ZONING DESCRIPTION
9.1 Acre AlbanProperty
Tax ID: 06-01-035120
North and East Ruhl Roads
Baltimore County, Maryland

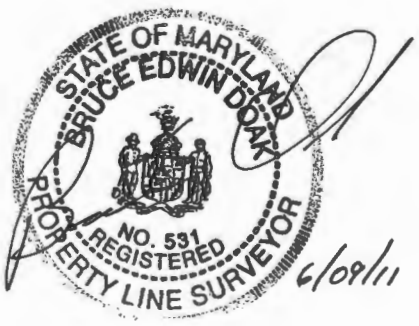
All that piece or parcel of land situate, lying and being in the Sixth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning at a point in the center of East Ruhl Road, 270' more or less northeasterly along the center of said road from its intersection with North Ruhl Road, thence leaving said road and running,

1) North 52 degrees 30 minutes 00 seconds East 286.71 feet,
2) North 29 degrees 32 minutes 13 seconds East 355.62 feet, thence crossing said road
3) North 47 degrees 50 minutes 58 seconds West 374.80 feet, and
4) South 62 degrees 49 minutes 50 seconds West 534.99 feet to a point in North Ruhl Road, thence running in said road
5) South 12 degrees 30 minutes 00 seconds West 247.35 feet, and
6) South 24 degrees 55 minutes 47 seconds East 367.84 feet, thence leaving said road and running
7) North 59 degrees 49 minutes 20 seconds East 247.93 feet, and
8) South 40 degrees 50 minutes 20 seconds East 53.86 feet to the point of beginning ,

Containing 9.1 Acres of land, more or less.

0368



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

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: # 2011-0368-SPH
2464 East Ruhl Road
N/s East Ruhl Road, 270 feet east of North Ruhl Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Robert and Noreen Alban, Sr.
Special Hearing: for a non-density transfer of 4.9 acres from the property of Alban to the property of McCullough (from 2464 E. Ruhl Road to 21327 N. Ruhl Road).
Hearing: Tuesday, August 9, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/7/703 July 26 282103

CERTIFICATE OF PUBLICATION

7/28/, 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 7/26/, 2011.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case#2011-0368-SPH

PETITIONER: Robert and Noreen Alban, Sr.

DATE OF HEARING: August 9, 2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN LEWIS

LADIES AND GENTLEMEN:

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

LOCATION:
2464 East Ruhl Road

(see page 2 for full size photo)

POSTED ON: July 21, 2011

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZIEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE
CASE # :2011-0368-SPH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.
PLACE: Room 205, Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD
TIME : 11:00 am Tuesday, August 9, 2011
Special Hearing: for a non-density transfer of 4.9 acres from the property of Alban to the property of McCullough (from 2464 E. Ruhl Road to 21327 N. Ruhl Road).
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE
07.21.2011 10:46

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 26, 2011 Issue - Jeffersonian

Please forward billing to:
Richard McCullough 410-357-8935
21327 North Ruhl Road
Freeland, MD 21053

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: 2011-0368-SPH
2464 East Ruhl Road
N/s East Ruhl Road, 270 feet east of North Ruhl Road
6th Election District – 3rd Councilmanic District
Legal Owners: Robert and Noreen Alban, Sr.

Special Hearing for a non-density transfer of 4.9 acres from the property of Alban to the property of McCullough (from 2464 E. Ruhl Road to 21327 N. Ruhl Road).

Hearing: Tuesday, August 9, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

KEVIN KAMENETZ
County Executive

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

July 18, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0368-SPH
2464 East Ruhl Road
N/s East Ruhl Road, 270 feet east of North Ruhl Road
6th Election District – 3rd Councilmanic District
Legal Owners: Robert and Noreen Alban, Sr.

Special Hearing for a non-density transfer of 4.9 acres from the property of Alban to the property of McCullough (from 2464 E. Ruhl Road to 21327 N. Ruhl Road).

Hearing: Tuesday, August 9, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Alban, 2464 E. Ruhl Road, Freeland 21053
Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 25, 2011.**
(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.

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: 2011-0368-SPH

Petitioner: Robert & Noreen Alban

Address or Location: 2964 East Ruhl Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard McCullough

Address: 21327 North Ruhl Road

Freeland MD 21053

Telephone Number: 410-357-8935

Revised 2/20/98 - SCJ

KEVIN KAMENETZ
County Executive

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

August 1, 2011

Robert and Noreen Alban, Sr.
2464 East Ruhl Road
Freeland, MD 21053

RE: Case Number 2011-0368-SPH, 2464 East Ruhl Road

Dear Mr. & Mrs. Alban, Sr.,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Bruce Doak, Gerhold Cross & Etzel, LTD, 320 E. Towsontown Blvd., Towson, MD 21204

Xtra copy

BALTIMORE COUNTY, MARYLAND

RECEIVED

AUG 08 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence

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

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

DATE: August 8, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-368-SPH
Address 2464 East Ruhl Road
(Alban Property)

Zoning Advisory Committee Meeting of June 27, 2011.

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

1. The dwelling located at 2464 East Ruhl Road (Alban Property) is served by a developed spring water supply and a sewage disposal system which has been confirmed to be failing, discharging sewage to the Little Falls via an underground private storm drain pipe system traversing the property. Soil percolation tests were conducted on the 4.9 acre tract of land to be transferred to the McCullogh property to identify a sewage disposal area to serve Mr. Alban's dwelling located at 2464 East Ruhl Road. The test results are favorable. The Groundwater Management section of the DEPS recommends that the area to be transferred from the Alban Property to the McCullogh property be reduced to 4.3 acres as shown in the attached plan in order to provide an acceptable sewage disposal area and a repair area to serve the house at 2464 East Ruhl Road (Alban Property). Also, GWM requests that, as a condition of the Lot Line Adjustment, the owners of 2464 East Ruhl Road install a new sewage disposal system on the property prior to the recordation of the new lots.

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July06, 2011

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2011
Item Nos. 2011-359, 361, 362, 363, 364, 365, 367, 368
And 369.

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-07112011 -NO COMMENTS.doc

KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **June 27, 2011**

Item No.:

Special Hearing: 2011-0359-SPHA, 2011-0361-SPH, 2011-0364-SPH, 2011-0368-SPH

Administrative Variance: 2011-0363A, 2011-0365A, 2011-0367A, 2011-0369A

Variance: 2011-0360A, 2011-0366-ASA

Special Variance: 2011-0366-ASA

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

RE: PETITION FOR SPECIAL HEARING 2464 East Ruhl Road; N/S East Ruhl Road, 270' E of North Ruhl Road 6th Election & 3rd Councilmanic Districts Legal Owner(s): Robert & Noreen Alban, Sr. Petitioner(s)	*	BEFORE THE ADMINSTRATIVE LAW JUDGE FOR BALTIMORE COUNTY 2011-368-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

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

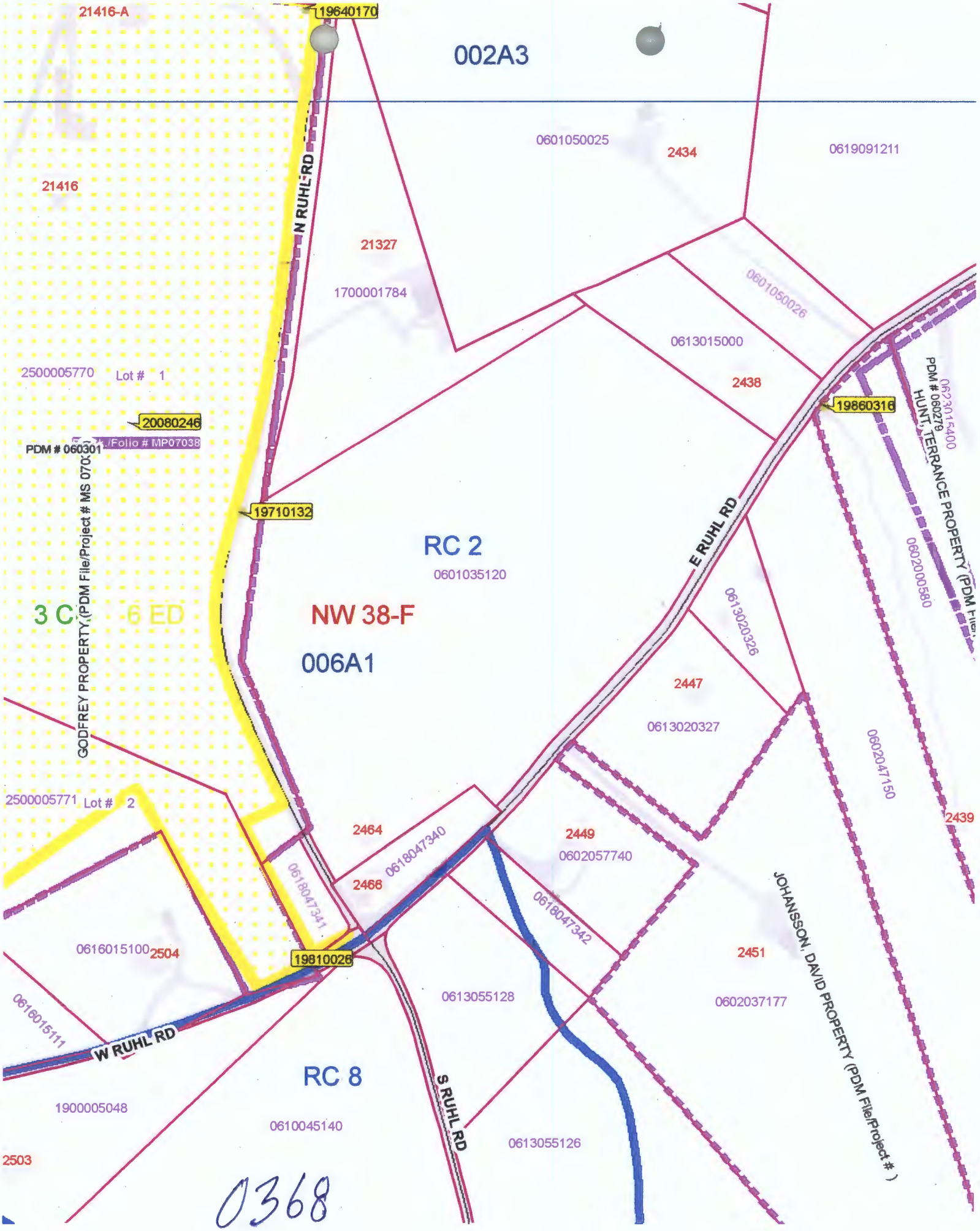
RECEIVED
JUL 06 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, 320 E Towsontowne Boulevard, Suite 100, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

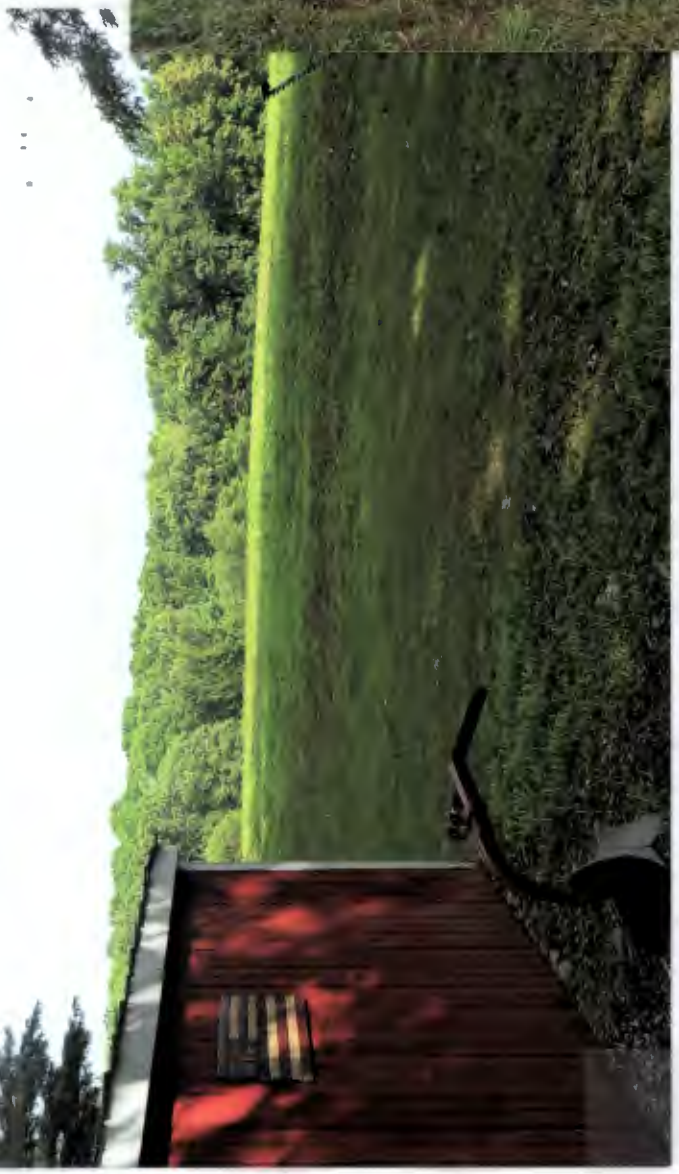
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


21416-A
19640170
002A3
0601050025
2434
0619091211
21416
N RUHL RD
21327
1700001784
0601050026
0613015000
2438
2500005770 Lot # 1
20080246
PDM # 060301
Folio # MP07038
19860316
0623015400
PDM # 060279
HUNT, TERRANCE PROPERTY (PDM File/Project #
19710132
RC 2
0601035120
E RUHL RD
0602000580
3 C
6 ED
NW 38-F
006A1
0613020326
2447
0613020327
GODFREY PROPERTY (PDM File/Project # MS 070
2500005771 Lot # 2
0602047150
2439
2464
0618047340
2449
0602057740
2466
0618047341
0618047342
JOHANSSON, DAVID PROPERTY (PDM File/Project #)
0616015100
2504
19810026
2451
0613055128
0602037177
0616015111
W RUHL RD
RC 8
S RUHL RD
1900005048
0610045140
0613055126
2503
0368

PETITIONER'S

EXHIBIT NO.

3 A-I



August 04, 2011

Howard P Turnbaugh
2466 E. Ruhl Rd.
Freeland, MD 21053

To Whom it May Concern,

I am aware of the Sale of Property between the Alban's and the McCullough's and I am in full support of the sale of this land. I am glad to see that this land is going to be sold to the McCullough's and that it will not be developed.

Thank you,

Howard P Turnbaugh sr.

Howard P. Turnbaugh, Sr.

PETITIONER'S

EXHIBIT NO. 4A

August 03, 2011

Willard & Diana Elder
PO Box 23
Freeland, MD 21053

To Whom it May Concern,

We are aware of the Sale of Property between Alban's and McCullough's and we support the sale of this land. We are glad to see that this land is going to be sold to the McCullough's and that it will not be developed.

Thank you,

Willard J Elder
Diana Elder

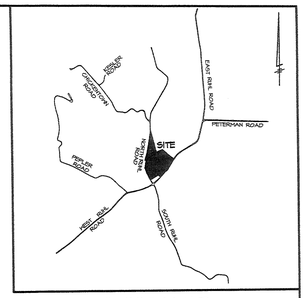
Willard and Diana Elder

PETITIONER'S

EXHIBIT NO. 4B

LEGEND

- EXISTING BUILDING
- WOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS



VICINITY MAP

1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS COMPILED FROM DEEDS OF RECORD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 06A1 & 02A3.
3. CENSUS TRACT 406000 REGIONAL PLANNING DISTRICT 301
   WATERSHED LOCH RAVEN RESERVOIR SUBSEWERSHED NON-SERVICE ZONE
   SCHOOL DISTRICT: ELEMENTARY - PRETTYBOY E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S.
   A.D.C. MAP & GRID 03 E3
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL PROPERTIES SHOWN HEREON ARE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
10. THE SEPTIC SYSTEMS ON THE ALBAN AND McCULLOUGH PROPERTIES WILL BE PUMPED AND INSPECTED.

R.C. 2 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO: CENTERLINE OF ANY STREET	75'
FROM ANY BUILDING FACE TO: LOT LINE OTHER THAN A STREET LINE	35'

DENSITY CALCULATIONS

EXISTING ZONING	R.C.-2
GROSS AREA	9.1 Ac.±
No. of LOTS ALLOWED	2 LOTS
No. of LOTS PROPOSED	1 LOT (EXISTING DWELLING)

NOTE: THE REMAINING DENSITY UNIT SHALL BE RETAINED BY ROBERT L. & NOREEN M. ALBAN

ACREAGE

BEFORE TRANSFER	
ALBAN PARCEL 228:	9.1 AC.±
McCULLOUGH PARCEL 252:	2.7 AC.±

AFTER TRANSFER	
ALBAN PARCEL 228:	4.8 AC.±
McCULLOUGH PARCEL 252:	7 AC.±

OWNERS

ROBERT L. ALBAN
&
NOREEN M. ALBAN
2464 EAST RUHL ROAD
FREELAND, MD 21053-9725
410-357-8355

SPECIAL HEARING REQUEST

TO APPROVE NON-DENSITY TRANSFER OF 4.3 Ac.± FROM THE PROPERTY OF ALBAN TO THE PROPERTY OF McCULLOUGH

PETITIONER'S EXHIBIT NO. 1

Revised Site Plan rec'd from DEPS 8/8

STATE OF MARYLAND
SHUKRI EDWIN SOUMI
NO. 531
REGISTERED
PROPERTY LINE SURVEYOR
8/05/11

License Exp. 2/27/13

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING

ALBAN PROPERTY

2464 EAST RUHL ROAD
Deed Ref: O.T.G. No. 4781 folio 637
Tax Account No.: 0601035120
Zoned R.C. - 2 ; GIS Tile 06A1 & 02A3
Tax Map 6; Grid 1; Parcel 228
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Revised

Scale: 1"=100' Date: JUNE 8, 2011

REVISION	DATE
TRANSFER AREA REVISED & PROPOSED SEPTIC RESERVE AREA ADDED	8/5/11

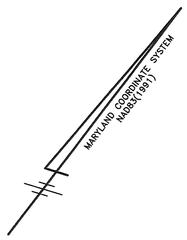
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

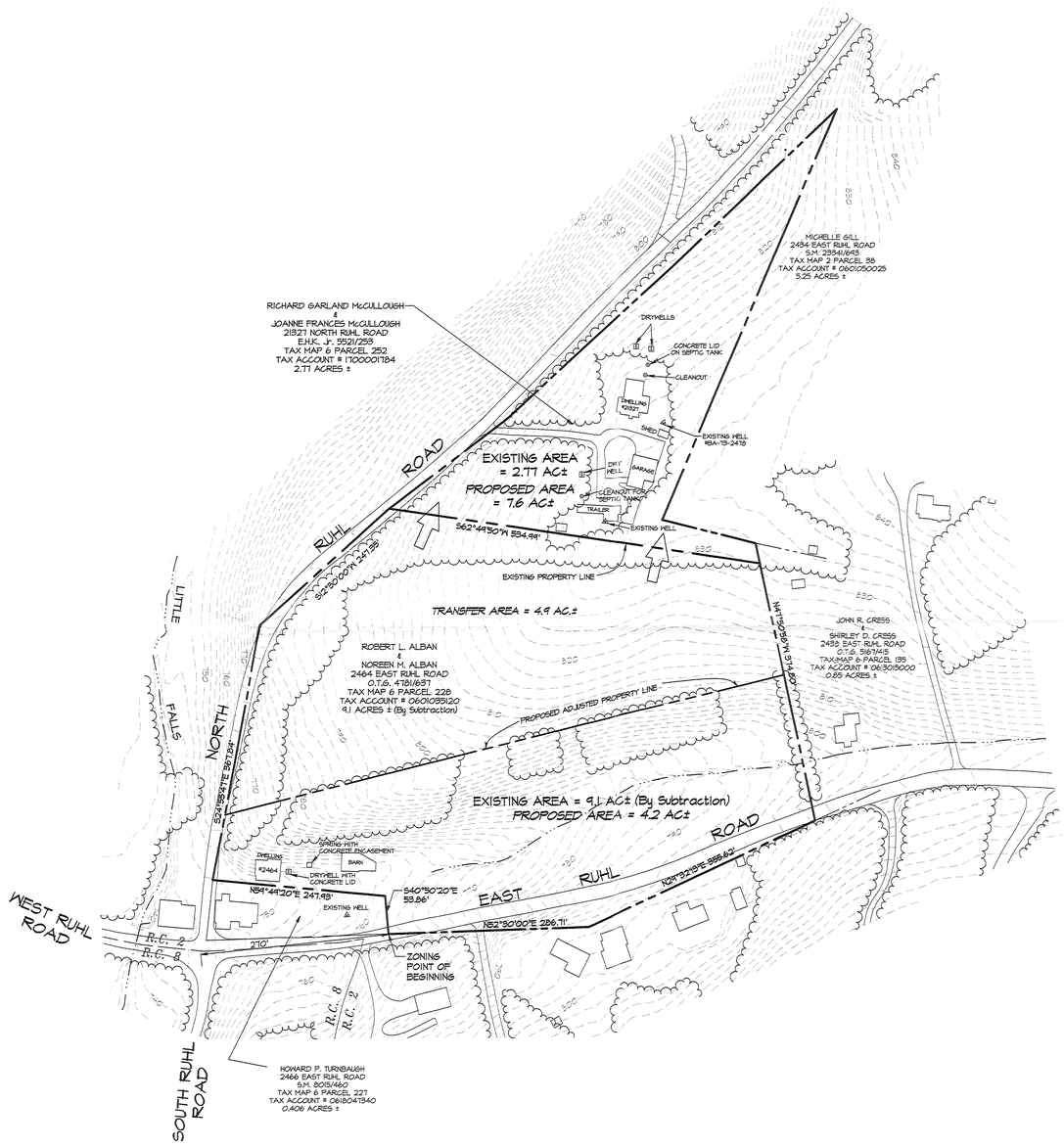
RECEIVED
AUG 08 2011
OFFICE OF ADMINISTRATIVE HEARINGS

COMPUTED: DRAWN: RTD CHECKED:

FILE:\MY\McCullough_North Ruhl\zoning plat 06_01_11.pro

2011-0368-SPH





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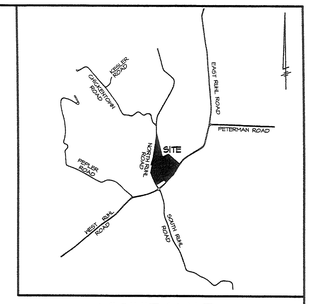

VICINITY MAP
1" = 2000'

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0368

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING

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Tax Account No.: 0601035120
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Tax Map 6; Grid 1; Parcel 228
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
BRUCE EDWIN DORR
No. 551
REGISTERED
PROPERTY LINE SURVEYOR
6/09/11

Scale: 1"=100' Date: JUNE 8, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: RTD	CHECKED:	

FILE: X:\MMcCullough-North Ruhl\zoning plat 06_01_11.pro

Case # 2011-0368-SPH