

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

N side of Wiseburg Road, 2,650' W of the *
c/line of Bernoudy Road
(1106 Wiseburg Road) *
7th Election District *
3rd Council District

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

*
CASE NO. 2012-0073-SPHA

Dustin Ellwood
Petitioner

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the property, Dustin Ellwood. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing garage less than 15 feet in height as an accessory structure on a lot with no principal structure until such time as the principal structure is erected. Variance relief is also being sought from Section 400.1 of the B.C.Z.R. to permit an existing garage less than 15 feet in height as an accessory structure in the front yard of a residentially zoned lot to be improved with a principal structure. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Petitioner Dustin Ellwood. A review of 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 at the hearing, and the file does not contain any letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date 11-10-11

By 

Testimony and evidence revealed that the subject property is 3.094 acres and is zoned RC4. The Petitioner's lot was originally part of a much larger parcel owned by his parents, and Mr. Ellwood said he was born and raised on the premises. The lot has an existing garage that is in good condition, and is used for storage of lawn equipment, tractors and related items. Petitioner indicated he wants to retain the garage on the lot, and is hoping to construct a two story dwelling on the northern portion of the site. Petitioner advised that he has a cordial relationship with all of his neighbors, and that they are supportive of his requests.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated September 27, 2011, which indicate that any future (new) building permits on this site will require review by Groundwater Management.

After considering the testimony and exhibits, and in light of the absence of any citizen or neighborhood opposition, I am persuaded to grant the requested special hearing relief. The garage is in good condition, and it would be wasteful to raze the structure. The garage has been in its present location for years, and allowing it to remain -- even though the dwelling is not yet erected -- makes sense.

Considering all of the testimony and evidence presented, I am also persuaded to grant the requested 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 further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date 11-10-11

2

By 

Pursuant to the advertisement, posting of the property and public hearing on this Petition and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 10 day of November, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief under Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing garage less than 15 feet in height as an accessory structure on a lot with no principal structure until such time as the principal structure is erected, be and is hereby granted.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief under Section 400.1 of the B.C.Z.R. to permit an existing garage less than 15 feet in height as an accessory structure in the front yard of a residentially zoned lot to be improved with a principal structure, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for his building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner will be required to return and be responsible for returning said property to its original condition.
2. Petitioner must comply with the ZAC comments received from the Department of Environmental Protection and Sustainability (DEPS) dated September 27, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 11-10-11

3

By XJ

JB - 11/7 @
11 AM
Rm. 205

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 27 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: September 27, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-0073-SPHA
Address 1106 Wiseburg Road
(Ellwood Property)

Zoning Advisory Committee Meeting of September 19, 2011.

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

1. Any future (new) building permits on this site will require review by Groundwater Mgmt.

Reviewer: *Dan Esser; Groundwater Management*

ORDER RECEIVED FOR FILING

Date 11-10-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

November 10, 2011

DUSTIN ELLWOOD
1106 WISEBURG ROAD
WHITE HALL MD 21161

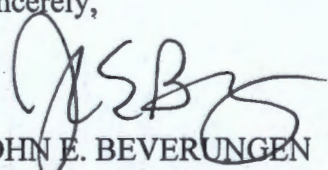
RE: Petitions for Special Hearing And Variance
(1106 Wiseburg Road)
Case No. 2012-0073-SPHA

Dear Mr. Ellwood:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits, Approvals and Inspections office at 410-887-3391.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



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 1106 Wiseburg RD White Hall MD 21161 which is presently zoned RC 4
Deed Reference SM 18238/052 10 Digit Tax Account # 2300012478
Property Owner(s) Printed Name(s) DUSTIN ELLWOOD & CRYSTAL D ELLWOOD

CASE NUMBER 2012-0073-SPHA Filing Date 9/12/11 Estimated Posting Date / / Reviewer BR

(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 EXISTING GARAGE LESS THAN 15' IN HEIGHT AS AN ACCESSORY STRUCTURE IN A LOT WITH NO PRINCIPAL STRUCTURE UNTIL SUCH TIME AS THE PRINCIPAL STRUCTURE IS ERECTED.
 2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
 3. ☒ a **Variance** from Section(s) 400.1 to permit AN EXISTING GARAGE LESS THAN 15' IN HEIGHT AS AN ACCESSORY STRUCTURE IN THE FRONT YARD OF A RESIDENTIALLY ZONED LOT IMPROVED WITH A PRINCIPAL STRUCTURE
- of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

DUSTIN ELLWOOD / CRYSTAL D ELLWOOD

Name #1 - Type or Print Name #2 - Type or Print

Dustin Ellwood / Crystal D Ellwood

Signature #1 Signature #2

1108 WISEBURG RD WHITE HALL MD

Mailing Address City State

21161 / 443-831-1170 /

Zip Code Telephone # Email Address

Representative to be contacted:

DUSTIN ELLWOOD

Name - Type or Print

Dustin Ellwood

Signature

1108 WISEBURG RD WHITE HALL MD

Mailing Address City State

21161 / 443-831-1170 /

Zip Code Telephone # Email Address

ZONING DESCRIPTION 1106 WISEBURG ROAD

Beginning for the same on the north side of Wiseburg Road which is 40 feet wide more or less at a distance of 2,650 feet west of the center of Bernoudy Road which is 50 feet wide.

Thence binding on the north side of Wiseburg Road North 89° 46' 23" East 41.50 feet.

Thence leaving the north side of Wiseburg Road and running the following courses and distances viz:

- (1) North 15° 39' 49" West 340.00 feet thence,
- (2) North 85° 30' 08" East 137.53 feet thence,
- (3) North 65° 41' 00" East 110.00 feet thence,
- (4) North 33° 37' 02" East 62.44 feet thence,
- (5) North 29° 50' 50" West 334.64 feet thence,
- (6) North 81° 32' 04" West 182.33 feet thence,
- (7) North 81° 32' 04" West 90.51 feet thence,
- (8) South 15° 39' 49" East 795.58 feet to the place of beginning

Being all of that property recorded in the Land Records of Baltimore County in Liber SM 18238 Folio 052; containing 134,774.64 square feet, or 3.094 acres of land, more or less. Located in the Seventh Election District, Third Councilmanic District, of Baltimore County, Maryland. Also known as Lot 2 in the Minor Subdivision "Property of Harry Ellwood", # M-99-054, as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

August 26, 2011

reports\zondesc\Ellwood Property.doc

#0073

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0073-SPHA

PETITIONER/DEVELOPER _____

DUSTIN & CRYSTAL ELLWOOD

DATE OF HEARING/CLOSING: _____

November 7, 2011

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 1106 WISEBURG RD

THIS SIGN(S) WERE POSTED ON

October 22, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/22/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MARYLAND

Case #: 2012-0073-SPHA

PLACE: ROOM 206, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

TIME & DATE: MONDAY NOVEMBER 7, 2011
AT 11:00 A.M.

*SPECIAL HEARING TO PERMIT AN EXISTING GARAGE LESS THAN
15 FEET IN HEIGHT AS AN ACCESSORY STRUCTURE IN A LOT
WITH NO PRINCIPAL STRUCTURE UNTIL SUCH TIMES AS THE
PRINCIPAL STRUCTURE IS ERECTED*

Postponements due to weather or other conditions are sometimes necessary.
To confirm hearing, call 410-887-1329 the day before the scheduled hearing date.

**DO NOT REMOVE THIS SIGN
UNTIL THE DAY OF THE HEARING,
UNDER PENALTY OF LAW**

HEARINGS ARE HANDICAPPED ACCESSIBLE

10/22/2011

Malinda 10/22/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0073-SPHA

Petitioner: Dustin Ellwood

Address or Location: 1106 Wiseburg RD White Hall MD 21161

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dustin ELLwood

Address: 1108 Wiseburg RD
White Hall MD 21161

Telephone Number: 443-831-1170

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 20, 2011 Issue - Jeffersonian

Please forward billing to:
Dustin Ellwood
1108 Wiseburg Road
White Hall, MD 21161

443-831-1170

NOTICE OF ZONING HEARING

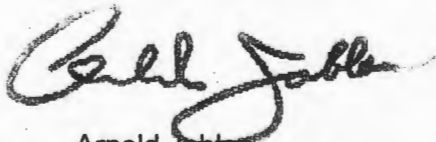
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0073-SPHA

1106 Wiseburg Road
N/side of Wiseburg Road, 2,650 feet west of centerline of Bernoudy Road
7th Election District – 3rd Councilmanic District
Legal Owners: Dustin & Crystal Ellwood

Special Hearing to permit an existing garage less than 15 feet in height as an accessory structure in a lot with no principal structure until such times as the principal structure is erected.

Hearing: Monday, November 7, 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 ADMINSTRATIVE 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

October 5, 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: 2012-0073-SPHA

1106 Wiseburg Road

N/side of Wiseburg Road, 2,650 feet west of centerline of Bernoudy Road

7th Election District – 3rd Councilmanic District

Legal Owners: Dustin & Crystal Ellwood

Special Hearing to permit an existing garage less than 15 feet in height as an accessory structure in a lot with no principal structure until such times as the principal structure is erected.

Hearing: Monday, November 7, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Ellwood, 1108 Wiseburg Road, White Hall 21161

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 22, 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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 20, 2011 Issue - Jeffersonian

Please forward billing to:

Dustin Ellwood
1108 Wiseburg Road
White Hall, MD 21161

443-831-1170

CORRECTED 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: 2012-0073-SPHA

1106 Wiseburg Road

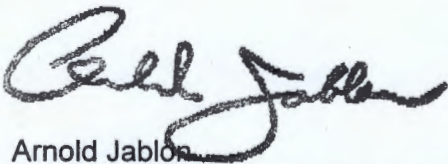
N/side of Wiseburg Road, 2,650 feet west of centerline of Bernoudy Road

7th Election District – 3rd Councilmanic District

Legal Owners: Dustin & Crystal Ellwood

Special Hearing to permit an existing garage less than 15 feet in height as an accessory structure in a lot with no principal structure until such times as the principal structure is erected.
Variance to permit an existing garage less than 15 feet in height as an accessory structure in the front yard of a residentially zoned lot to be improved with a principal structure.

Hearing: Monday, November 7, 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 ADMINSTRATIVE 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

October 13, 2011

REVISED 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: 2012-0073-SPHA

1106 Wiseburg Road

N/side of Wiseburg Road, 2,650 feet west of centerline of Bernoudy Road

7th Election District – 3rd Councilmanic District

Legal Owners: Dustin & Crystal Ellwood

Special Hearing to permit an existing garage less than 15 feet in height as an accessory structure in a lot with no principal structure until such times as the principal structure is erected. Variance to permit an existing garage less than 15 feet in height as an accessory structure in the front yard of a residentially zoned lot to be improved with a principal structure.

Hearing: Monday, November 7, 2011 at 11:00 a.m. in Room 205, 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: Mr. & Mrs. Ellwood, 1108 Wiseburg Road, White Hall 21161

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 22, 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.**

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

No. **74449**

Date: **9/12/11**

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

Total: **\$ 150.00**

Rec From: **Dustin Ellwood**

For: **Special Hearing + Variance**

DISTRIBUTION

CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

STRESS HARD!!!!

9012-0073-SP11A

PAID RECEIPT

BUSINESS ACTUAL TIME PER
 9/12/2011 9/12/2011 09:46:50 3
 REC 1504 WALKIN SHI SAH
 RECEIPT # 512362 9/12/2011 05/11
 Dept 5 520 ZONING VERIFICATION
 CR NO. 074449

Recpt Tot \$150.00
 \$150.00 CR \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: # 2012-0073-SPHA

1106 Wiseburg Road

N/side of Wiseburg Road, 2,650 feet west of centerline of Bernoudy Road

7th Election District - 3rd Councilmanic District

Legal Owner(s): Dustin & Crystal Ellwood

Special Hearing: to permit an existing garage less than 15 feet in height as an accessory structure in a lot with no principal structure until such times as the principal structure is erected. **Variance:** to permit an existing garage less than 15 feet in height as an accessory structure in the front yard of a residentially zoned lot to be improved with a principal structure.

Hearing: Monday, November 7, 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.

Printed Oct. 20

289008

CERTIFICATE OF PUBLICATION

10/20/2011

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 10/20/2011.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

October 24, 2011

Mr. & Mrs. Ellwood
1108 Wiseburg Road
White Hall, MD 21161

RE: Case Number 2012-0073-SPHA, 1106 Wiseburg Road

Dear Mr. & Mrs. Ellwood,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 03, 2011
Item Nos. 2012-067,068,069,071,072
And 073.

DATE: September 23, 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-10032011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-19-11

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

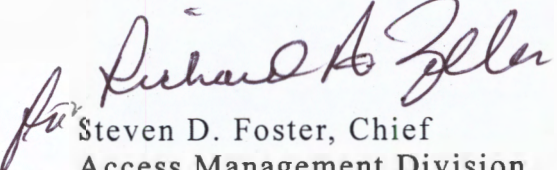
RE: Baltimore County
Item No. 2012-0073-SPHA
Special Hearing
Dustin Ellwood
1106 Wiseburg Road

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. 2012-0073-SPHA.

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,


for Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

JB - 11/7 @
11 AM
Rm. 205

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 27 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: September 27, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-0073-SPHA
Address 1106 Wiseburg Road
(Ellwood Property)

Zoning Advisory Committee Meeting of September 19, 2011.

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

1. Any future (new) building permits on this site will require review by Groundwater Mgmt.

Reviewer: *Dan Esser; Groundwater Management*

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1106 Wiseburg Road; N/S Wiseburg Road, * ADMINISTRATIVE LAW
2650' W of c/line Bernody Road *
7th Election & 3rd Councilmanic Districts * JUDGE FOR
Legal Owner(s): Dustin Ellwood *
Petitioner(s) * BALTIMORE COUNTY
* 2012-073-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

SEP 19 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Dustin Ellwood, 1108 Wiseburg Road, White Hall, MD 21161, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: December 12, 2011
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0073-SPHA

The appeal period for the above-referenced case expired on December 10, 2011. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/21/2011 8:16 AM
Subject: ZAC Comments

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you ave any questions or concerns.

2012-0067-SPHA - 205 Bloomsbury Avenue - (Historic Area)
Hearing Date: None in data base as of 9/20

2012-0068-A - 1701 Searles Road
Hearing Date: None in data base as of 9/20

2012-0069-SPHA - 6701 Chippewa Court
Hearing Date: None in data base as of 9/20

2012-0070-XA - 328 Main Street
Hearing Date: None in data base as of 9/20

2012-0071-A - 2035 Pleasant Villa Avenue
Administrative Variance: Closing 10/3

2012-0072-A - 111 Regester Avenue
Hearing Date: None in data base as of 9/20

2012-0073-SPHA - 1106 Wiseburg Road
Hearing Date: None in data base as of 9/20

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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 07 Account Number - 2300012478

Owner Information

Owner Name: ELLWOOD DUSTIN C
ELLWOOD CRYSTAL D
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1108 WISEBURG RD
WHITE HALL MD 21161-9402
Deed Reference: 1) /18238/ 00052
2)

Location & Structure Information

Premises Address
WISEBURG RD
0-0000
Legal Description
3.094 AC
NS WISEBURG RD
5200 FT NE YORK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0017	0016	0525		0000				2	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3.0900 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	147,170	110,900		
Improvements:	0	0		
Total:	147,170	110,900	110,900	110,900
Preferential Land:	0			0

Transfer Information

Seller: ELLWOOD HARRY K	Date: 06/26/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18238/ 00052	Deed2:
Seller: ELLWOOD HARRY K/MARY LOU	Date: 10/01/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15615/ 00082	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

CASE NAME _____
CASE NUMBER 2012-0073-SP4A
DATE 11/7/2011

NAME _____

CITY, STATE, ZIP

E-MAIL

Dustin Ellwood	1106 Wiseburg RD.	White Hall MD 21161	EllwoodB@esbl.net
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JB

11/7
11 Am

Case No.: 2012-0073-SPHA

Exhibit Sheet

19W 12-12-11
SMA 12-12-11

Petitioner/Developer

Protestant

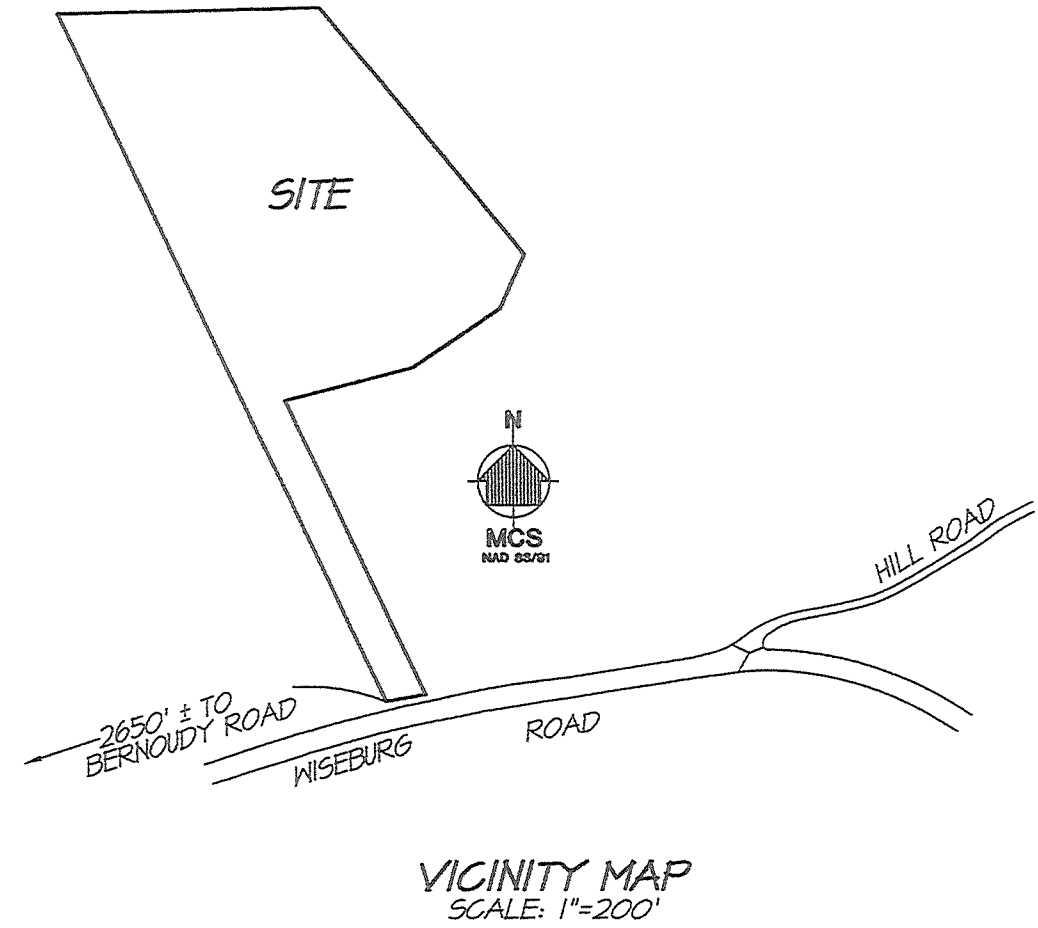
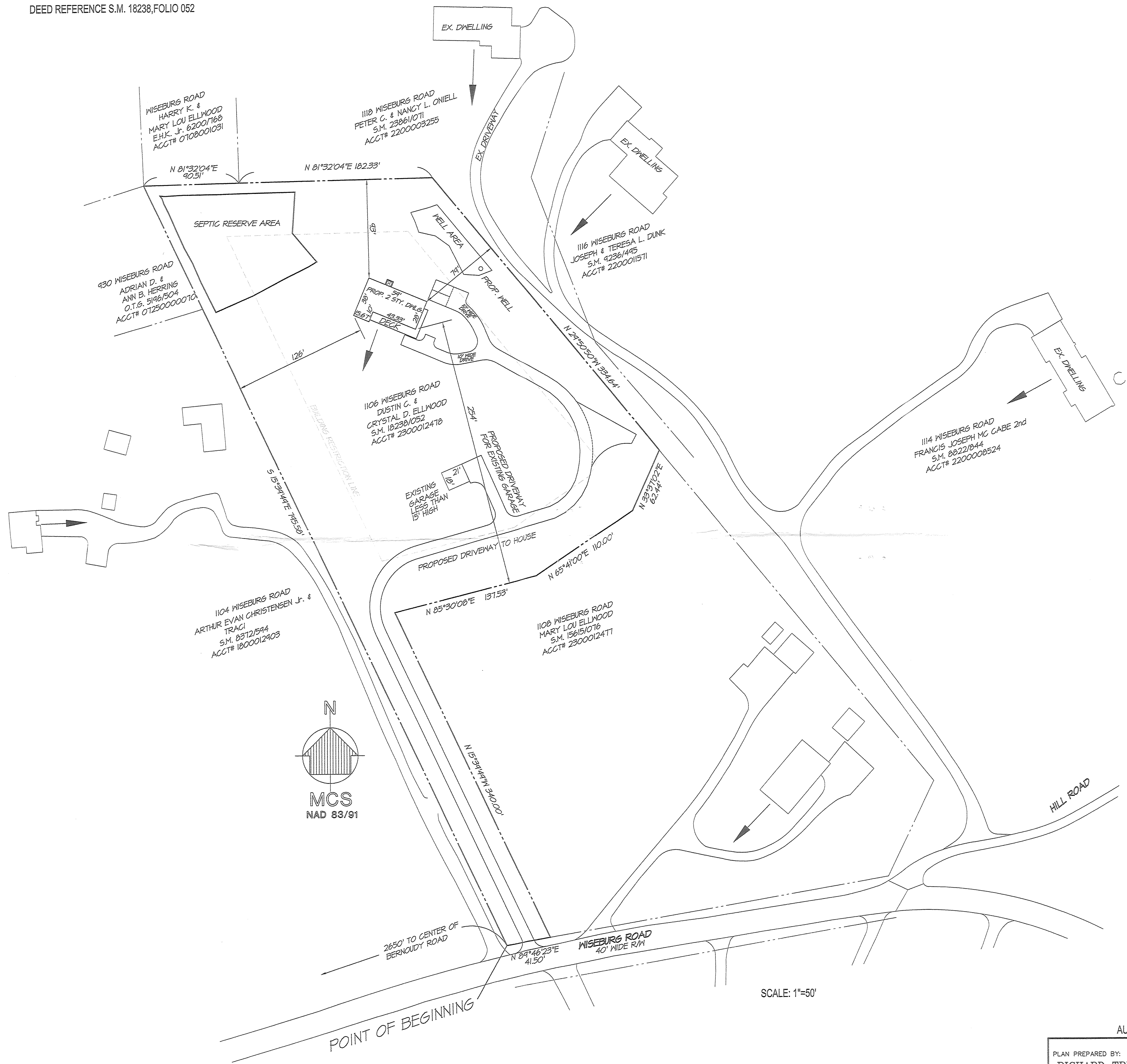
No. 1	Site Plan	
No. 2	Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE X SPECIAL HEARING

#1106 WISEBURG ROAD, WHITEHALL, MD. 21161 OWNERS NAMES: DUSTIN C. and CRYSTAL D. ELLWOOD
MINOR SUBDIVISION M-99-054, "PROPERTY OF HARRY K. ELLWOOD" LOT#2
TAX ACCOUNT NUMBER 23-00012478 DEED REFERENCE S.M. 18238,FOLIO 052



LOCATION INFORMATION

ELECTION DISTRICT 7
COUNCILMANIC DISTRICT 3
ZONING MAP # 17B2
SITE ZONING RC 4
LOT AREA ACREAGE 3.094 Ac.±
SQUARE FEET 134,774.64
SEWER IS PRIVATE
WATER IS PRIVATE
IN CHESAPEAKE BAY CRITICAL AREA NO
IN 100 YEAR FLOOD PLAIN NO
HISTORIC PROPERTY/ BUILDING NO
PRIOR ZONING HEARING NO
IF SO, GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE NO:

PETITIONER'S
EXHIBIT NO. 1

AUGUST 30, 2011
PLAN PREPARED BY:
RICHARD TRUELOVE P.E.,Inc.
registered civil engineer
414 Lyman Avenue
Baltimore, Maryland 21212-3511
(410)433-6800 FAX (410)435-9029