

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

W/side of Spooks Hill Road; 1,710' NW
of Rayville Road
(18827 Spooks Hill Road)
6th Election District
3rd Council District

John Calhoun
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY

* **CASE NO. 2012-0207-SPHA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, John Calhoun. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To abandon the special exception in Case No. 1949-1411-X approved for use as a social club (gun and hunting club);
- To permit the non-density transfer of a 3.869 acre parcel to an adjoining property owned by John L. Calhoun;
- To permit the non-density transfer of a 1.053 acre parcel to an adjoining property owned by John L. Calhoun, and
- To permit the non-density transfer of a 0.730 acre parcel to an adjoining property (18801 Spooks Hill Road) owned by John L. Calhoun.

The Petitioner also seeks variance relief from Section 1A01.3.B.3 of the B.C.Z.R., to permit a side yard setback of 0' in lieu of the required 35' on the original 1.017 acre parcel. 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 John Calhoun and Bruce

E. Doak with Gerhold, Cross & Etzel, Ltd., the registered professional land surveyors who

ORDER RECEIVED FOR FILING

Date 4-19-12

By RS

prepared the site plan. Jeffrey Livingston, with the Department of Environmental Protection and Sustainability, attended the hearing and testified as to certain concerns identified by his agency. 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.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is zoned RC 2, and in the aggregate contains over 50 acres. The land has been owned by Petitioner's family for many years, and 1 acre lots were created in 1954 and 1955. The property is bounded on three sides by Prettyboy Reservoir, and is approximately 60-70% wooded. Petitioner indicated he wanted to complete the non-density transfers to "clean up" the configuration and layout of the existing lots. Specifically, Petitioner desires to create one large lot (approximately six acres) by transferring two parcels into the existing 1.017 acre lot on the east side of Spooks Hill Road. Petitioner desires to transfer the 0.730 acre parcel into the existing 1.000 acre lot (which contains a single story dwelling) to provide a "buffer" of sorts between that dwelling and the farm fields adjacent thereto, so that corn or other crops are not positioned close to the front of the home.

Consideration of the request for special hearing is complicated by the fact that neither the Baltimore County Code or the Baltimore County Zoning Regulations contain regulations addressing the matter. Apparently, there is but a brief reference in the Zoning Commissioner's Policy Manual (pg. 1A-3), and the bottom line is that such transfers "may" be granted provided the "end result" does not create additional density or lots. In this case, Mr. Livingston indicated the Department of Environmental Protection and Sustainability did not oppose the relief, provided

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Date 4-29-12

By [signature]

that no additional lots are thereafter created on the parcels transferred. I am satisfied that the Department of Environmental Protection and Sustainability has thoroughly evaluated this request, and will therefore grant the relief, subject to the conditions enumerated below.

Based on the evidence presented, I also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the subject property is rural and very remote, and is mostly wooded. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

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. This is demonstrated by the absence of community opposition and the support of the Department of Environmental Protection and Sustainability.

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

THEREFORE, IT IS ORDERED, this 19th day of April, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To abandon the special exception in Case No. 1949-1411-X approved for use as a social club (gun and hunting club);
- To permit the non-density transfer of a 3.869 acre parcel to an adjoining property (containing 1.017 acres +/-) owned by John L. Calhoun as shown on Petitioner's Exhibit 1;
- To permit the non-density transfer of a 1.053 acre parcel to an adjoining property (containing 1.017 acres +/-) owned by John L. Calhoun as shown on Petitioner's

ORDER RECEIVED FOR FILING

Date 4-19-12

3

By [Signature]

Exhibit 1, and

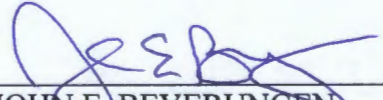
- To permit the non-density transfer of a 0.730 acre parcel to an adjoining property (containing 1.000 acres +/-) (known as 18801 Spooks Hill Road) owned by John L. Calhoun as shown on Petitioner's Exhibit 1,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the B.C.Z.R., to permit a side yard setback of 0' in lieu of the required 35' on the original 1.017 acre parcel, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioner may apply for any required building permits 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. There shall be no rights of subdivision or development associated with the non-density transfers approved in this Order. In other words, there shall be no additional density or building lots created as a result of the approval of the special hearing relief. None of the three (3) non-density parcels transferred herein, nor the 1.000 acre, +/- (known as 18801 Spooks Hill Road) and 1.017 acre, +/- (identified as parcel 2 on Tax Map 16, Account Identifier 0615005050) parcels into which the non-density parcels were transferred, shall hereafter be subdivided in any fashion.
3. Within one hundred twenty (120) days of the date of this Order, new Deeds shall be recorded in the Land Records of Baltimore County referencing this case and incorporating the conditions and restrictions of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 4-19-12

4

By [Signature]



KEVIN KAMENETZ
County Executive

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

April 19, 2012

JOHN CALHOUN
1512 IVY HILL ROAD
COCKEYSVILLE MD 21030

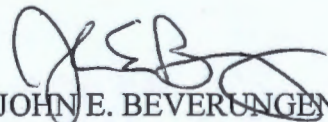
RE: Petitions for Special Exception and Variance
Case No.: 2012-0207-SPHA
Property: 18827 Spooks Hill Road

Dear Mr. Calhoun:

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 Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100,
Towson, MD 21286



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 18827 Spooks Hill Road which is presently zoned RC2

Deed References: EHK Jc 6444 / 365 10 Digit Tax Account # 0603000050

Property Owner(s) Printed Name(s) JOHN L. CALHOUN

(SELECT THE HEARING(S) BY MARKING X 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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED PAGE

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

3. X a Variance from Section(s)

SEE ATTACHED PAGE

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 (Petitioners):

JOHN L. CALHOUN

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1512 IVY HILL ROAD COCKEYSVILLE, MD

Mailing Address

City

State

21030

Zip Code

410-252-9669

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Name - Type or Print

Signature

320 E. TOWSONTOWN BLVD. TOWSON MD.

Mailing Address

City

State

21286

Zip Code

410-823-7470 BDOAK@GLELIMITED.CC

Telephone #

Email Address

CASE NUMBER 2012-0207-SPHA

Filing Date 3/21/12

Do Not Schedule Dates:

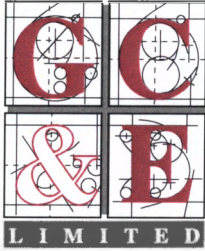
Reviewer Bh

SPECIAL HEARING REQUESTS

- 1) TO ABANDON THE SPECIAL EXCEPTION CASE #1949-1411-X,
APPROVED FOR USE AS A SOCIAL CLUB (GUN & HUNTING CLUB)
- 2) TO PERMIT THE NON-DENSITY TRANSFER OF A 3.869 ACRE± PARCEL
TO AN ADJOINING PROPERTY OWNED BY JOHN L. CALHOUN
- 3) TO PERMIT THE NON-DENSITY TRANSFER OF A 1.053 ACRE± PARCEL
TO AN ADJOINING PROPERTY OWNED BY JOHN L. CALHOUN
- 4) TO PERMIT THE NON-DENSITY TRANSFER OF A 0.730 ACRE± PARCEL
TO AN ADJOINING PROPERTY (18801 SPOOKS HILL ROAD) OWNED BY
JOHN L. CALHOUN

VARIANCE REQUEST

VARIANCE OF SECTION 1A01.3.B.3, TO PERMIT A SIDE YARD SETBACK OF 0'
IN LIEU OF THE REQUIRED 35' ON THE ORIGINAL 1.017 ACRE± PARCEL.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

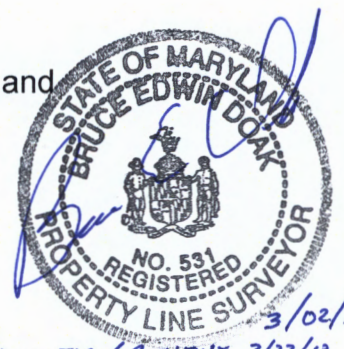
March 1, 2012

ZONING DESCRIPTION Property of John L. Calhoun #18827 Spooks Hill Road

Beginning for the same in Spooks Hill Road, 1710 feet, more or less, west of the center of Rayville Road, thence leaving Spooks Hill Road and running for the outlines of the petitioners, 1) North 72 degrees 55 minutes 11 seconds West 761.29 feet, 2) North 36 degrees 11 minutes 40 seconds West 59.14 feet, 3) North 87 degrees 11 minutes 40 seconds West 547.94 feet, 4) South 83 degrees 56 minutes 30 seconds West 380.73 feet, 5) South 02 degrees 21 minutes 17 seconds West 549.17 feet, 6) South 05 degrees 49 minutes 54 seconds West 406.96 feet, 7) South 13 degrees 09 minutes 51 seconds East 306.02 feet, 8) South 01 degree 55 minutes 56 seconds West 43.99 feet, 9) South 66 degrees 19 minutes 06 seconds East 971.67 feet to a point in Spooks Hill Road, thence running in Spooks Hill Road, 10) North 31 degrees 01 minute 54 seconds East 41.10 feet, thence leaving Spooks Hill Road 11) South 25 degrees 53 minutes 13 seconds East 263.74 feet, 12) South 81 degrees 53 minutes 56 seconds East 472.19 feet, 13) North 49 degrees 41 minutes 09 seconds West 296.18 feet, 14) North 61 degrees 32 minutes 58 seconds East 61.39 feet, 15) North 10 degrees 21 minutes 05 seconds West 243.65 feet, 16) North 73 degrees 34 minutes 30 seconds West 312.70 feet to a point in Spooks Hill Road, thence running in Spooks Hill Road, 17) North 17 degrees 55 minutes 05 seconds East 164.75 feet, thence leaving Spooks Hill Road 18) South 73 degrees 34 minutes 30 seconds East 225.30 feet, 19) North 10 degrees 21 minutes 05 seconds West 456.29 feet to a point in Spooks Hill Road, thence running in Spooks Hill Road, 17) North 30 degrees 46 minutes 44 seconds East 233.46 feet, thence leaving Spooks Hill Road 18) North 56 degrees 07 minutes 58 seconds West 241.08 feet, 19) South 33 degrees 52 minutes 02 seconds West 130.00 feet, 20) North 56 degrees 07 minutes 58 seconds West 258.40 feet, 21) North 33 degrees 52 minutes 02 seconds East 150.00 feet, 22) South 56 degrees 07 minutes 58 seconds East 498.40 feet to a point in Spooks Hill Road, thence running in Spooks Hill Road, 23) North 35 degrees 59 minutes 18 seconds East 284.63 feet and 24) North 54 degrees 56 minutes 51 seconds East 274.09 feet to the point of beginning.

Containing 47.276 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



LIC. EXP. / RENEWS 2/22/13

#0207

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

No. **73643**

Date: **3/2/12**

PAID RECEIPT

BUSINESS ADDRESS: 100 N. CALVERT ST. BALTIMORE, MD 21202
PHONE: (410) 396-2100 FAX: (410) 396-2101

RECEIPT # 71153 DATE: 03/02/12

5.50 (MAY 11 2012)

Receipt for \$150.00

\$150.00

Baltimore County, Maryland

		Rev		Sub		Source/		Rev/					
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS	Acct	Amount	Dep		
001	800	0200		6150						\$ 150.00	001		

Total: **\$ 150.00**

Rec From: **Gettull, Charles E Jr**

For: **Special Hearing & Var**

DISTRIBUTION

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

CASHIER'S
VALIDATION

**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: 2012 - 0207 - SPHA

Petitioner: JOHN L. CALHOUN

Address or Location: 18827 SPOOKS HILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN L. CALHOUN

Address: 1512 IVY HILL ROAD

COCKEYSVILLE, MO 21030

Telephone Number: 410-252-9669

Revised 2/20/98 - SCJ

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: # 2012-0207-SPHA

18827 Spooks Hill Road

W/s of Spooks Hill Road, 1710 feet N/w of Rayville Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): John Calhoun

Special Hearing: to abandon the special exception case 1949-1411-X, approved for use as a social club (gun and hunting club); to permit the non-density transfer of a 3.869 acre ± parcel to an adjoining property owned by John Calhoun; to permit the non-density transfer of a 1.053 acre ± parcel to an adjoining property owned by John Calhoun; to permit the non-density transfer of 0.730 acre ± to an adjoining property (18801 Spooks Hill Road) owned by John Calhoun. **Variance:** to permit a-side yard setback of 0' in lieu of the required 35' on the original 1.017 acre ± parcel.

Hearing: Tuesday, April 17, 2012 at 10:00 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 04/601 April 3

300815

CERTIFICATE OF PUBLICATION

4/5/, 2012

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 4/3/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: Case# 2012-0207-SPHA

PETITIONER: John Calhoun

DATE OF HEARING: April 17, 2012

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

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
18827 Spooks Hill Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: March 23, 2012



KEVIN KAMENETZ
County Executive

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

March 20, 2012

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: 2012-0207-SPHA

18827 Spooks Hill Road
W/s of Spooks Hill Road, 1710 feet N/w of Rayville Road
6th Election District – 3rd Councilmanic District
Legal Owners: John Calhoun

Special Hearing to abandon the special exception case 1949-1411-X, approved for use as a social club (gun and hunting club); to permit the non-density transfer of a 3.869 acre $\pm$ parcel to an adjoining property owned by John Calhoun; to permit the non-density transfer of a 1.053 acre $\pm$ parcel to an adjoining property owned by John Calhoun; to permit the non-density transfer of 0.730 acre $\pm$ to an adjoining property (18801 Spooks Hill Road) owned by John Calhoun.

Variance to permit a side yard setback of 0' in lieu of the required 35' on the original 1.017 acre $\pm$ parcel.

Hearing: Tuesday, April 17, 2012 at 10:00 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: John Calhoun, 1512 Ivy Hill Road, Cockeysville 21030
Bruce Doak, GC&E, 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, APRIL 2, 2012.**
- (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.

ZONING NOTICE

CASE #2012-0207-SPHA

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

PLACE: Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

TIME: Tuesday, April 17, 2012 at 10:00 AM

DATE :

Special Hearing

To abandon the special exception case 1949-1411-X, approved for the use as a social club (gun and hunting club); to permit the non-density transfer of a 3.869 acre +- parcel to an adjoining property owned by John Calhoun; to permit the non-density transfer of a 1.053 acre +- parcel to an adjoining property owned by John Calhoun; to permit the non-density transfer of 0.730 acre+- to an adjoining property (18801 Spooks Hill Road) owned by John Calhoun.

Variance

To permit a side yard setback of 0' in lieu of the required 35' on the original 1.047 acre+- parcel.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE #2012-0207-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

PLACE: Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

TIME: Tuesday, April 17, 2012 at 10:00 AM

DATE: Tuesday, April 17, 2012 at 10:00 AM

Special Heating

[illegible]Variance

Variance
expresses a value and symbol as 17 is used to represent 17, or the original 1.00² area + parcel.

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 105–112

HEARINGS ARE HANDY-TAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

March 20, 2012

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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: John Calhoun, 1512 Ivy Hill Road, Cockeysville 21030
Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21286

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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 3, 2012 Issue - Jeffersonian

Please forward billing to:
John Calhoun
1512 Ivy Hill Road
Cockeysville, MD 21030

410-252-9669

NOTICE OF ZONING HEARING

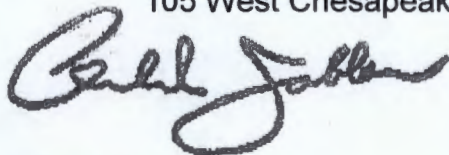
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- 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.

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

18827 Spooks Hill Road; W/S Spooks Hill
Road, 1710' N/W of Rayville Road

6th Election & 3rd Councilmanic Districts

Legal Owner(s): John Calhoun

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-207-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

MAR 09 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2012, 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, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2012-207-~~SP~~PHA

Exhibit Sheet

DW 5/22/12
4/18/12
P3

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Tax Map	
No. 3	BC "My Neighborhood" Map	
No. 4	Aerial Photo of Site	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



CZMP 2012 Map

Created By
Baltimore County
My Neighborhood



This data may be
inal land does
not I warranties
with or i s, express
or i se.
Bal r damages,
incl ential
dar s a result
of, arising from or in connection with the use of or reliance upon this data.

PETITIONER'S

EXHIBIT NO. 3

MEMORANDUM

DATE: May 22, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0207-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 21, 2012. 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

CASE NAME CALHOUN PROPERTY
CASE NUMBER 2012 207- 5P44
DATE 4/17/12

[illegible]

Debra Wiley - ZAC Comment - 2012-0207-SPHA

From: Debra Wiley
To: Livingston, Jeffrey; Lykens, David
Date: 4/11/2012 12:32 PM
Subject: ZAC Comment - 2012-0207-SPHA
Attachments: ZAC Comments - Distribution Mtg. of 3/12

Good Afternoon,

Please see attached in reference to 2012-0207-SPHA to be heard on Tuesday, April 17th **(RC 2 zone)**.

Thanks.

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

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/9/2012 11:02 AM
Subject: ZAC Comments - Distribution Mtg. of 3/12

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.

2012-0178-SPHA - 2301 York Road
No hearing date assigned as of today

2012-0207-SPHA - 18827 Spooks Hill Road
No hearing date assigned as of today

2012-0208-A - 12519 Falls Road
Administrative Variance - Closing Date: 3/26/12

2012-0209-SPH - 508 Warren Road
No hearing date assigned as of today

2012-0210-A - 7731 North Cove Road - **CRITICAL AREA & FLOODPLAIN**
No hearing date assigned as of today

2012-0211-A - 19007 Hopkins / 605 Calder Castle Court
No hearing date assigned as of today

2012-0212-A - 702 Stevenson Lane
Administrative Variance - Closing Date: 4/2/12

2012-0213-A - 7418 Eastern Avenue
No hearing date assigned as of today

Thanks.

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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>No + CBA</u>	<u>RC 2 zone</u> DEPS (if not received, date e-mail sent <u>4/11 and 3/9</u>)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent _____)	
<u>3-13</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>1973-0021-X - Shooting range / outdoor rec. club</u> <u>1949-1411-X Social Club (Din/Hunting)</u> <u>Denied</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>4-3-12</u>	
SIGN POSTING	Date: <u>3-23-12</u> by <u>Dook</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

JB 4-17 10AM, 205

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
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Legal Administrative Secretary
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410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

April 9, 2012

John L. Calhoun
1512 Ivy Hill Road
Cockeysville, MD 21030

RE: Case Number: 2012-0207SPHA, Address: 18827 Spooks Hill Road

Dear Mr. Calhoun:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 2, 2012. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontowne Blvd, Towson, MD 21286

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-13-12

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

RE: Baltimore County
Item No. 2012-0207-SPHA
Special Hearing Variance
John Calhoun
18827 Spooks Hill Road

Dear Ms. Lewis:

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. 2012-0207-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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2012
Item Nos. 2012-178, 207, 208, 209, 211
And 213

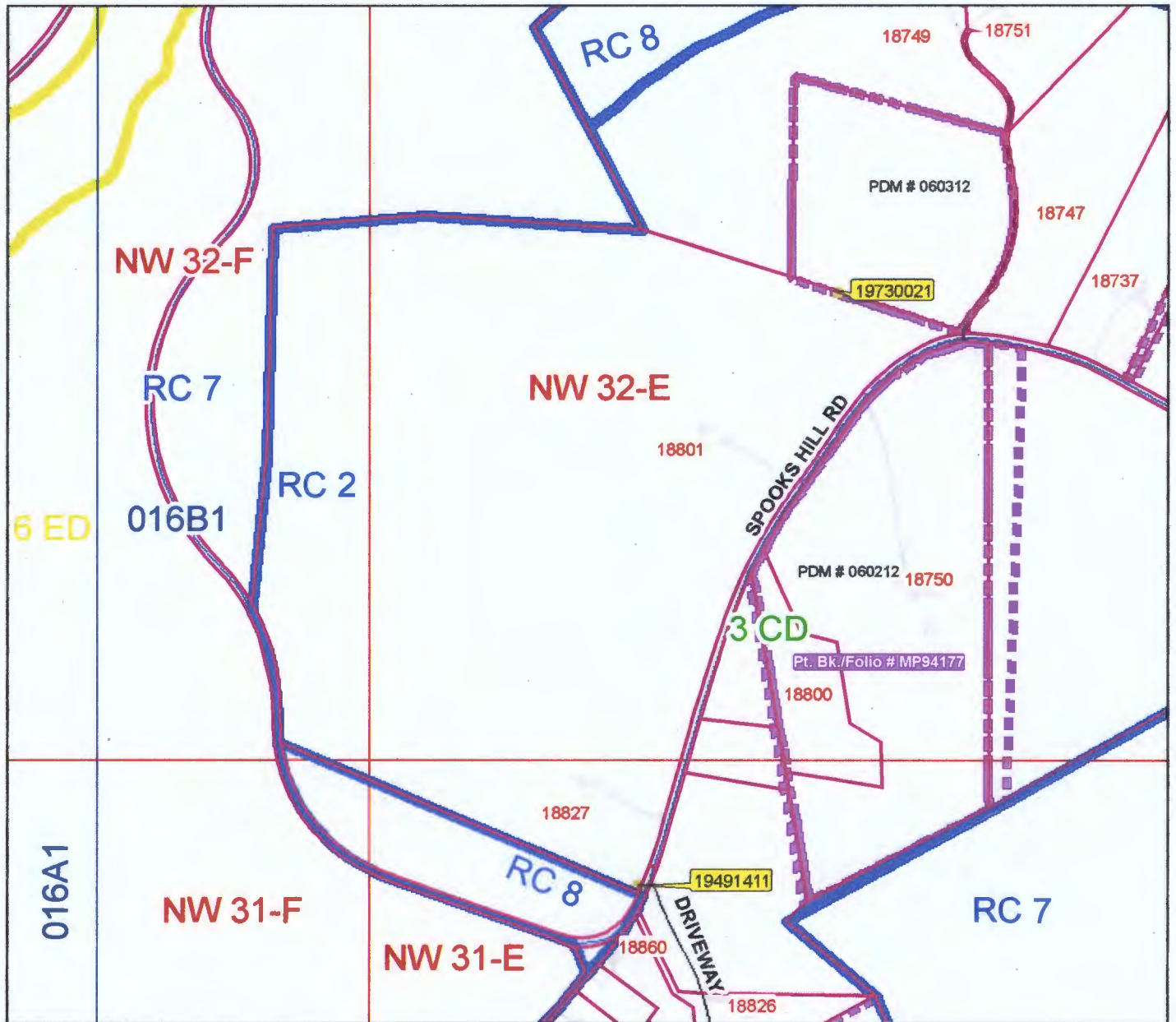
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03262012-NO COMMENTS.doc

18801 Spooks Hill Road



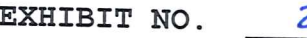
Publication Date: March 02, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

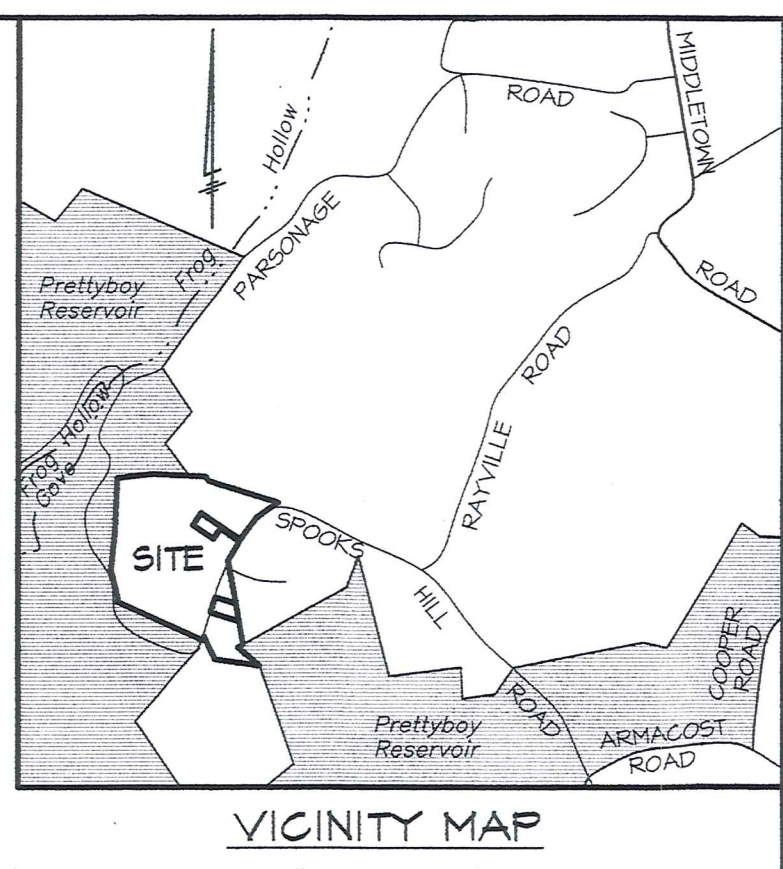
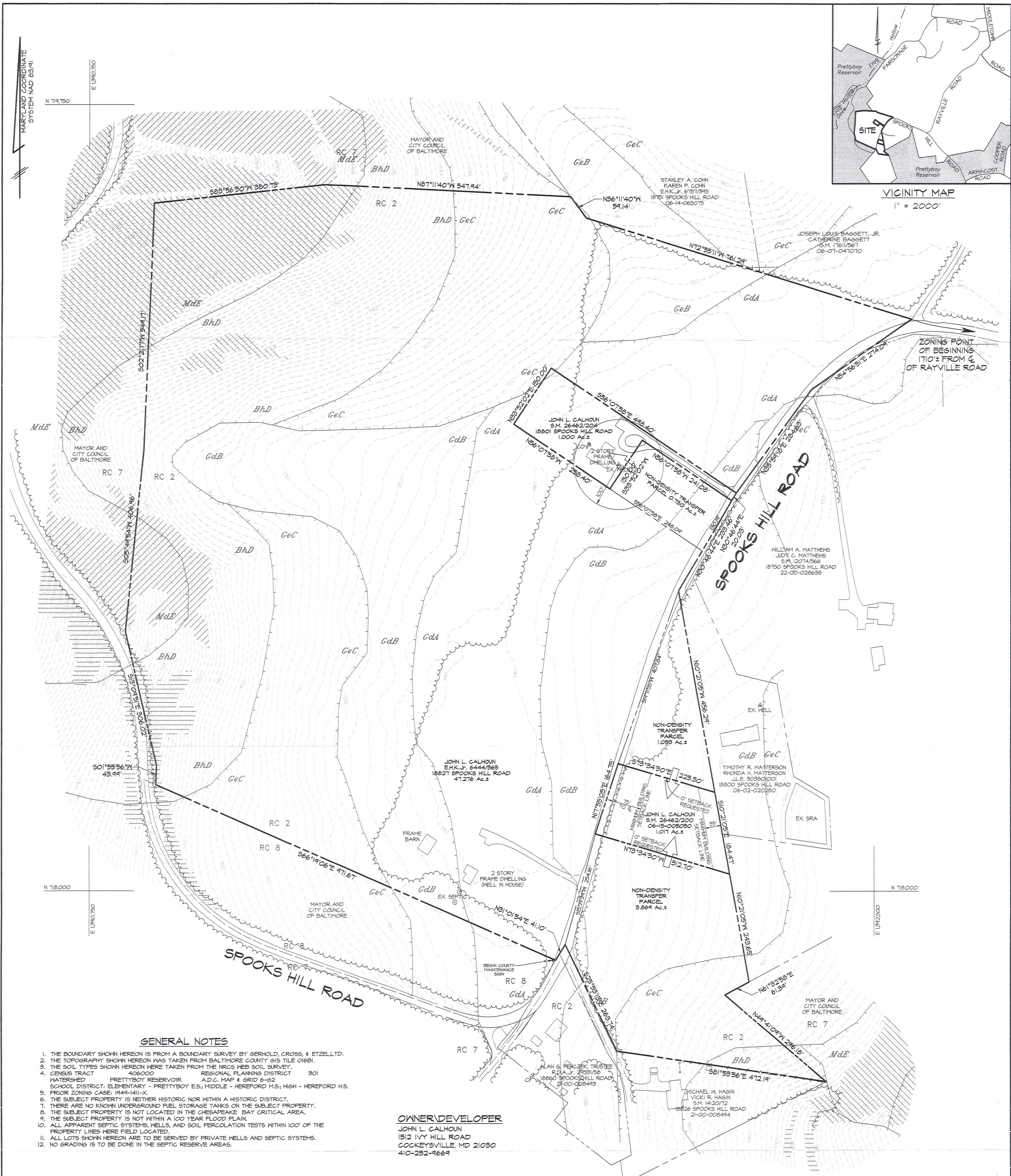


0 400 800
Feet

1 inch = 400 feet

0207





GENERAL NOTES

- 1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
- 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 016B1.
- 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM THE NRCS WEB SOIL SURVEY.
- 4. CENSUS TRACT 406000 REGIONAL PLANNING DISTRICT 301
- 5. WATERSHED PRETTYBOY RESERVOIR
- 6. SCHOOL DISTRICT: ELEMENTARY - PRETTYBOY E.S., MIDDLE - HEREFORD M.S., HIGH - HEREFORD H.S.
- 7. PRIOR ZONING CASE: 1944-1411-X
- 8. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
- 9. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
- 10. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 11. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
- 12. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
- 13. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- 14. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.

OWNER/DEVELOPER

JOHN L. CALHOUN
1512 IVY HILL ROAD
COCKEYSVILLE, MD 21030
410-252-9669

SPECIAL HEARING REQUESTS

- 1) TO ABANDON THE SPECIAL EXCEPTION CASE #1944-1411-X, APPROVED FOR USE AS A SOCIAL CLUB (GUN & HUNTING CLUB)
- 2) TO PERMIT THE NON-DENSITY TRANSFER OF A 3.869 ACRE± PARCEL TO AN ADJOINING PROPERTY OWNED BY JOHN L. CALHOUN
- 3) TO PERMIT THE NON-DENSITY TRANSFER OF A 1.033 ACRE± PARCEL TO AN ADJOINING PROPERTY OWNED BY JOHN L. CALHOUN
- 4) TO PERMIT THE NON-DENSITY TRANSFER OF A 0.730 ACRE± PARCEL TO AN ADJOINING PROPERTY (18801 SPOOKS HILL ROAD) OWNED BY JOHN L. CALHOUN

VARIANCE REQUEST

VARIANCE OF SECTION 1A01.3.B.3, TO PERMIT A SIDE YARD SETBACK OF 0' IN LIEU OF THE REQUIRED 35' ON THE ORIGINAL 1.017 ACRE± PARCEL.

PLAT TO ACCOMPANY
A PETITION FOR A
SPECIAL HEARING AND VARIANCES
CALHOUN PROPERTIES

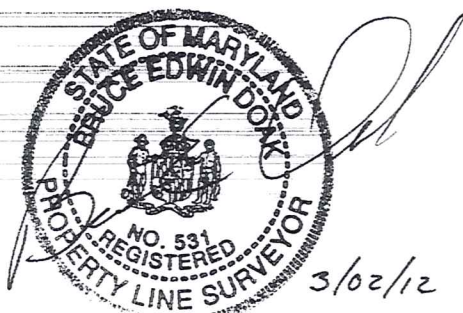
18827 SPOOKS HILL ROAD
Deed Ref: E.H.K., Jr. No. 6444 folio 365
18801 SPOOKS HILL ROAD
Deed Ref: S.M. No. 26462 folio 204
Tax Account No.: 06-03-000050
Tax Map 0016; Grid 0003; Parcel 0001
SPOOKS HILL ROAD
Deed Ref: S.M. No. 26462 folio 200
Tax Account No.: 06-15-005050
Tax Map 0016; Grid 0003; Parcel 0002
Zoned R.C. 2; GIS Tile 016B1
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

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'

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC TANK ABSORPTION FIELDS	DWELLINGS WITH BASEMENTS	LOCAL ROADS & STREETS
BhD	Very Limited: Depth to bedrock (1.00); Too steep (1.00); Slow water movement (1.00); Seepage, bottom layer (1.00)	Very Limited: Too steep (1.00); Depth to hard bedrock (1.00); Depth to soft bedrock (0.84); Shrink-swell (0.50)	Very Limited: Too steep (1.00); Shrink-swell (0.50); Frost action (0.50); Low strength (0.22); Depth to hard bedrock (0.10)
GdA, GdB, GdB	Somewhat Limited: Slow water movement (0.68)	Not limited	Somewhat Limited: Low strength (0.78); Slope (0.63); Frost action (0.50)
GeC	Somewhat Limited: Slow water movement (0.68); Slope (0.63)	Somewhat Limited: Slope (0.63)	Somewhat Limited: Low strength (0.78); Frost action (0.50)
MdE	Very Limited: Too steep (1.00); Seepage, bottom layer (1.00); Depth to bedrock (1.00); Slow water movement (1.00)	Very Limited: Too steep (1.00); Depth to hard bedrock (1.00); Depth to soft bedrock (0.84); Shrink-swell (0.50)	Very Limited: Too steep (1.00); Shrink-swell (0.22); Depth to hard bedrock (0.10)



Scale: 1"=100'

Date: FEBRUARY 29, 2012

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PETITIONER'S

EXHIBIT NO. 1

#0207