

M E M O R A N D U M

DATE: January 31, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0230-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on January 28, 2013. 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

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

(6216 Ebenezer Road)
15th Election District
6th Councilmanic District
James H. and Robert P. Eurice
Petitioners

BEFORE THE

* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0230-XA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 6216 Ebenezer Road. The Petitions were filed by John B. Gontrum, Esq., on behalf of James H. and Robert P. Eurice, the legal owners of the subject property. The Special Exception Petition seeks relief to permit a firewood operation per Baltimore County Zoning Regulations (B.C.Z.R.) section 1A01.2.C.29 (g). Petitioner is also requesting Variance relief from § 409.8.A.2 of the B.C.Z.R., to allow a gravel surface for parking and access in lieu of required paving, and to allow parking spaces with no striping. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing was Cynthia Thomas, Robert Eurice and William N. Bafitis, P.E. with Bafitis & Associates, Inc., the consulting firm that prepared the site plan. John B Gontrum, Esquire, and Tim Kotroco, Esquire with Whiteford, Taylor & Preston, LLP, attended and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. Also appearing was George and Wendy Sheckells, Janet Sterling and Bryan Davenport.

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Date 12/27/12

By Den

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 Planning (DOP) on April 18, 2012, (Petitioner's Exhibit 5) which indicated that Department did not oppose the request and did not believe the operation would be detrimental to the health and welfare of the community. The DOP did however recommend that additional screening be provided at the site.

A ZAC comment was also received from Bureau of Development Plans Review (DPR) dated April 10, 2012 (Petitioner's Exhibit 4) indicating no opposition to granting the request for gravel instead of a durable and dustless parking surface.

Testimony and evidence offered at the hearing revealed that the subject property is 10.080 acres and is zoned RC-2. For many years, a portion of the property was farmed, although it appears that has not occurred in the last several years. In any event, the Petitioner proposes to use only about 1 acre of the property (the legal description for which was admitted as Petitioner's Exhibit 2) for the firewood operation. Ms. Thomas testified she and her ex-husband do all of the manual labor required for the business. She said they are associated with three (3) tree service companies, and that they are notified by the firms when cut wood is available. She then picks up that wood in a truck owned by Petitioner, and transports the wood to the subject property where it is split and stacked, and eventually sold and delivered to customers' homes.

The Petitioner presented testimony from William Bafitis, a P.E. who was accepted as an expert. Mr. Bafitis indicated he prepared the site plan (Petitioner's Exhibit 1) and he began by describing the property generally. Mr. Bafitis indicated it was "common" to find firewood operations in RC agricultural zones, and he testified that the 1 acre portion of the property at issue was relatively flat and that the splitting and storage of firewood would not cause runoff or other environmental damage to the site and vicinity. Mr. Bafitis opined that the Petitioner satisfied the

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Date 12/27/12
By DLN

Special Exception standards set forth in B.C.Z.R. § 502 and he believed the operation would have minimal impact on the community.

Thereafter, several members of the community testified in opposition to the zoning requests. The neighbors stated the site is poorly maintained and littered with debris. They were also concerned the operation could negatively impact the resale value of their homes. One resident (Ms. Sterling) indicated that the site was a "blight on the community" and she (and others) testified the Petitioner permitted tree service companies to "dump" large truck loads of wood at the site, although it was conceded that such dumping has not occurred in the last year or so. Community members were also disturbed that the Petitioner has in fact conducted firewood operations at this site for several years without zoning approval, and the County has apparently cited and fined the Petitioner. As explained at the hearing, Baltimore County policy is to hold such fines in abeyance, providing the Petitioner with time to secure the appropriate zoning approvals that would "legitimize" the operation.

The nature and substance of the neighbors' testimony (which obviously raised serious, valid concerns) highlights an important distinction between hearings before the zoning commissioner and hearings in the County's Department of Permits, Approvals, and Inspections for alleged violations of the zoning regulations and County law. As noted, the neighbors were very upset at the condition of the site, and they have reported those conditions to county inspectors. The present hearing, on the other hand, considers only whether a firewood operation (viewed prospectively) should be permitted as a Special Exception on this RC 2 zoned site. The Petitioner has pledged to conduct its business in a more responsible fashion, and the scope and parameters of the operation are set out on the site plan and the testimony of the Petitioner's witnesses. The historical (rather than proposed) use, or perhaps misuse, of the subject property is a matter for the

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Date 12/27/12

By Den

code enforcement bureau of the county, not the Office of Administrative Hearings (OAH), and it will be that agency that determines whether or not the Petitioner shall be fined or sanctioned in any way for its conduct to date.

SPECIAL EXCEPTION

As noted above, Petitioner seeks Special Exception relief to permit a firewood operation per Baltimore County Zoning Regulations (B.C.Z.R.) section 1A01.2.C.29 (g). Under Maryland law, a Special Exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a Special Exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the Special Exception use. In other words, it is inherent in the nature of a firewood business that surrounding neighbors would be inconvenienced by noise, a certain amount of traffic and the presence of cut and uncut wood. A protestant must show that (in this case) the operation at Ebenezer Road would be especially disruptive and detrimental when compared with, for example, an RC 2 site in Cockeysville.

I do not believe the Protestants in this case made such a showing. There was no testimony or evidence tending to establish the types of adverse impacts they feared - - depressed property values, noise and traffic - - and the severity of those impacts were peculiar to the Ebenezer Road location. This is required under Maryland Law before a Special Exception can be denied, and absent such evidence, I believe the firewood operation is a presumptively proper use. In addition, and as required by the B.C.Z.R., I also find the proposed use would occupy just a portion of the site and support the primary agricultural use in the vicinity, since the balance of the Petitioner's lot

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12/27/12

By

Den

(approximately 9 acres) could again be used for farming, which is the most preferred use in the RC 2 zone.

VARIANCE

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

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

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

Petitioner has met this test. The property is uniquely shaped, and the 10 acre parcel is unimproved and is situated among single family dwellings and certain commercial operations. In my opinion, these are "special circumstances" that make the property eligible for variance relief.

If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty and/or hardship. Indeed, Petitioner would need to provide blacktop or paving for the 2 parking spaces, which would serve only to increase runoff and degrade the agricultural nature of the land. 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. As conditioned in the Order that follows, the firewood operation will be of limited size and scope which will minimize the impacts upon the community.

The variance relief granted herein is extremely modest. It will in fact enhance the agricultural nature of the vicinity, in that impervious material will not be used in the RC-2 zone. So in that sense, I do not believe there will be any discernable impact upon the community associated with the design of the parking spaces. Finally, and as Mr. Bafitis testified, the parking spaces are shown on the plan for essentially illustrative purposes, given they will not be used for "customer" parking.

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Date 12/27/12

By Sen

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 27th day of December, 2012, that Petitioner's request for Special Exception relief under section 1A01.2.C.29 (g), of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a firewood operation, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance relief from § 409.8.A.2 of the B.C.Z.R., to allow a gravel surface for parking and access in lieu of required paving, and to allow parking spaces with no striping, be and is hereby GRANTED.

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

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Special Exception relief granted herein must be utilized within a period of two (2) years from the date hereof.
3. There shall be no sales of firewood from the subject property. The Petitioner, upon receiving orders from customers, shall deliver the firewood to the customer by truck.
4. The Petitioner must secure and maintain the appropriate forest products business license from the State of Maryland.
5. The only permitted activities at the site are the delivery of wood in a truck or other vehicle owned by the Petitioner, cutting, splitting or other processing of that wood, storage of the wood in neatly stacked piles, and delivery of the processed firewood to customers. Under no circumstances shall wood or timber of any sort be deposited onto the subject premises by tree companies or other contractors.

ORDER RECEIVED FOR FILING

Date

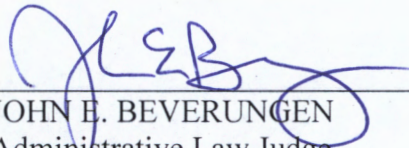
12/27/12

By

sen

6. The Petitioner shall restrict hours of operation at the site to 10 am to 4 pm, Monday through Friday.
7. The terms and conditions of this Order shall be enforceable by the Department of Permits, Approvals and Inspections, pursuant to Baltimore County Code § 32-3-602(a)

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/sln

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Date 12/27/12
By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 28, 2012

John B. Gontrum, Esquire
One West Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
Case No.: 2012-0230-XA
Property: 6216 Ebenezer Road

Dear Mr. Gontrum:

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 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Tim Kotroco, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204
Cynthia Thomas and Robert Eurice, 1633 Cape May Road, Baltimore, Maryland 21221
George and Wendy Sheckells, 818 Stumpf Road, Baltimore, Maryland 21220
Janet Sterling, 6217 Ebenezer Road, Baltimore, Maryland 21220
Bryan Davenport, 6213 Ebenezer Road, Baltimore, Maryland 21220

Geralynn Edwards
6211 Ebenezer Road
Baltimore, Maryland 21220

December 17, 2012

Baltimore County Zoning
W. Chesapeake Avenue
Towson, MD 21204

RE: CASE #2012-0230-XA

To Whom It May Concern:

We are writing to express our disagreement with the request for a variance on the property located at 6216 Ebenezer Road.

Our property is located across the street at 6211 Ebenezer Road. This is an established community of single family homes. I was born and raised at 6202 Ebenezer Road. This has been a residential/agricultural neighborhood long before I was born. It is a mixture of agricultural land where active farming takes place to residential homes where folks like us are raising our families.

The request to operate a business at this location does not fit with the make-up of the existing neighborhood. Operating a business in the middle of a residential area has proposed health risks as well as the potential for decreasing safety and property values in the area. Dust will be created by the gravel driveway as well as any wood that will be chopped or grinded. Safety is already compromised as people go in and out of there at random hours of the day and night that do not even work there. There will be increased traffic as customers enter and exit the site. We do not want a business across the street from our house. We need to protect the integrity of the existing neighborhood. There are many available sites in surrounding business areas that can be leased and serve this business owner in an area where it is already permissible to operate a business. A business of this nature has no place in the middle of a residential neighborhood. If this is approved, it will be a gateway for other businesses.

We have a right to protect the value of our property. This will cause a decrease in our property value as a business in the middle of a residential area corrupts the existing feel of a place where families want to settle down and raise their children. There is an elementary school .5 miles from this site. Who will want to move in to our house if we were to sell it with a business across the street? Is that inviting for a family looking for a place to settle down and raise children? Just as it would not be reasonable to put a house between IKEA and Sears, it is not reasonable to put a business between houses. Especially, when there are options that the business owner can access outside of the residential areas.

Thank you for considering the opinion of the residents this directly impacts.

Shawn Edwards

Geralynn Edwards

PRDT.
Citizen #1

Jeff Blatz
Room 205

May 7 / 10:00

Spec Exception Permit

AEW op Per BCZR
Sec 1A01 2C29 (G)

Variance to allow gravel
surface for parking access
in lieu of the Reg pavm

from 409, 8, 11, 2

to allow parking
spaces with no
striping

2012-0230-
X

5/7 10 AM

JOHN W. RICHARDSON

6836 EBENEZER ROAD
BALTIMORE, MARYLAND 21220

410-335-2000

- 1- New Business should have landscaping and storm management.
- 2- Curbing for access lane.
- 3- Landscaping with screening from neighbors property.
- 4- Hard surface to work the wood on.
- 5- Hard surface will keep varmints from living in the wood pile.
I have seen rats cross the road.
- 6- Business properly set back from road and neighbors.

RECEIVED

MAY 07 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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 6216 Ebenezer Road which is presently zoned RC 2
Deed References: 26236 / 451 10 Digit Tax Account # 1 5 0 5 8 4 0 1 4 0
Property Owner(s) Printed Name(s) James H. Eurice; Robert P. Eurice

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
A firewood operation per BCZR SLA01.2.C.29(g)
3. X a **Variance** from Section(s) 409.8.11.2 to allow a gravel surface for parking and access in lieu of required paving; from 409.8.11.2 to allow parking spaces with no striping.

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)

"To be presented at hearing"

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

John B. Gontrum

Name- Type or Print _____
Signature _____
1 W. Pennsylvania AV, Towson, MD
Mailing Address _____ City _____ State _____
21204 / 410-832-2055
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

James H. Eurice / Robert P. Eurice
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
1633 Cape May Road, Balto., MD
Mailing Address _____ City _____ State _____
21221 / 410-391-6959 /
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2012-0230-XA Filing Date 3/23/12 Do Not Schedule Dates: _____ Reviewer Th



Bafitis & Associates, Inc.

6216 EBENEZER ROAD ZONING DESCRIPTION

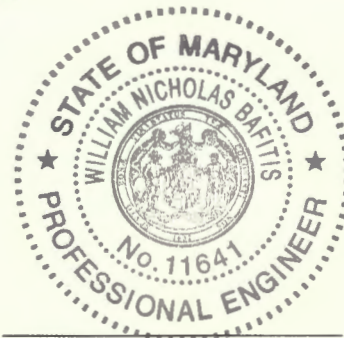
Beginning at a point near the center of Ebenezer Road future right-of-way 70 feet wide; and 823'± northwesterly from the centerline intersection of Stumps Road existing right-of-way 20 feet wide;

- 1.) Thence running along Ebenezer Road North 50°-57'-33" West 264.00 feet to a point;
- 2.) Thence leaving said road North 38°-32'-27" East 150.00 feet to a point; at the Limit of Special Exception Line
- 3.) Thence running along said line South 50°-57'-33" East 264.00 feet to a point;
- 4.) Thence leaving said line South 38°-32'-27" West 150.00 feet to the place of beginning.

Deed Reference 6236/451

Containing 39,600 Square Feet or 0.909 Acres more or less.

William N. Bafitis, P.E.
President



Seal

2012-0230-XA

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

No. **81369**

Date: **3/23/12**

PAID RECEIPT

BUSINESS **DATE** **TIME** **ISS**

3/27/2012 12:00 PM 12:00 PM

NO. 4502 WITH INVOICE

RECEIPT # 773001 - 03/20/12

NO. 5 510 2010/11/11/11/11/11

NO. 001301

Receipt for

\$835.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6130					835.00

Total: **835.00**

Rec From: **John Gontrean**

For: **Robert P. Eurice**

1633

2012-0230-SPHX

6216 Chevrolet RD

XA

DISTRIBUTION

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

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

CASE NO. 2013- 0230 XA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

4/10/12

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

C

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

FIRE DEPARTMENT

4/18/12

PLANNING
(if not received, date e-mail sent _____)

S/C

4/3/12

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. 0094608)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/27/12

SIGN POSTING

Date: 11/27/12

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

CASE NAME Ebenzer Rd.
CASE NUMBER 2012-230XA
DATE 12-17-12

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME Ebenezer Rd.
CASE NUMBER 2012-230 XA
DATE 12-17-12

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 15 Account Number - 1505840140

Owner Information

<u>Owner Name:</u>	EURICE JAMES H EURICE ROBERT P	<u>Use:</u>	AGRICULTURAL
<u>Mailing Address:</u>	365 EAGLE HILL RD PASADENA MD 21122-5303	<u>Principal Residence:</u>	NO
		<u>Deed Reference:</u>	1) /26236/ 00451 2)

Location & Structure Information

<u>Premises Address</u>	<u>Legal Description</u>
EBENEZER RD 0-0000	10.084 AC NS EBENEZER RD W STUMPS RD

<u>Map</u>	<u>Grid</u>	<u>Parcel</u>	<u>Sub District</u>	<u>Subdivision</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Assessment Area</u>	<u>Plat No:</u> <u>Plat Ref:</u>
0083	0009	0494		0000				3	

<u>Special Tax Areas</u>	<u>Town</u>	NONE
	<u>Ad Valorem</u>	
	<u>Tax Class</u>	

<u>Primary Structure Built</u>	<u>Enclosed Area</u>	<u>Property Land Area</u>	<u>County Use</u>
		10.0800 AC	33

<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>

Value Information

	<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>		
		As Of	As Of	As Of	
		01/01/2012	07/01/2012	07/01/2013	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
<u>Land</u>	3,700	3,700			
<u>Improvements:</u>	0	0			
<u>Total:</u>	3,700	3,700	3,700	3,700	
<u>Preferential Land:</u>	3,700			3,700	

Transfer Information

<u>Seller:</u>	EURICE JOSEPH G	<u>Date:</u>	10/04/2007	<u>Price:</u>	\$0
<u>Type:</u>	NON-ARMS LENGTH OTHER	<u>Deed1:</u>	/26236/ 00451	<u>Deed2:</u>	
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	

Exemption Information

<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

<u>Tax Exempt:</u>	<u>Special Tax Recapture:</u>
<u>Exempt Class:</u>	AGRICULTURAL TRANSFER TAX

Homestead Application Information

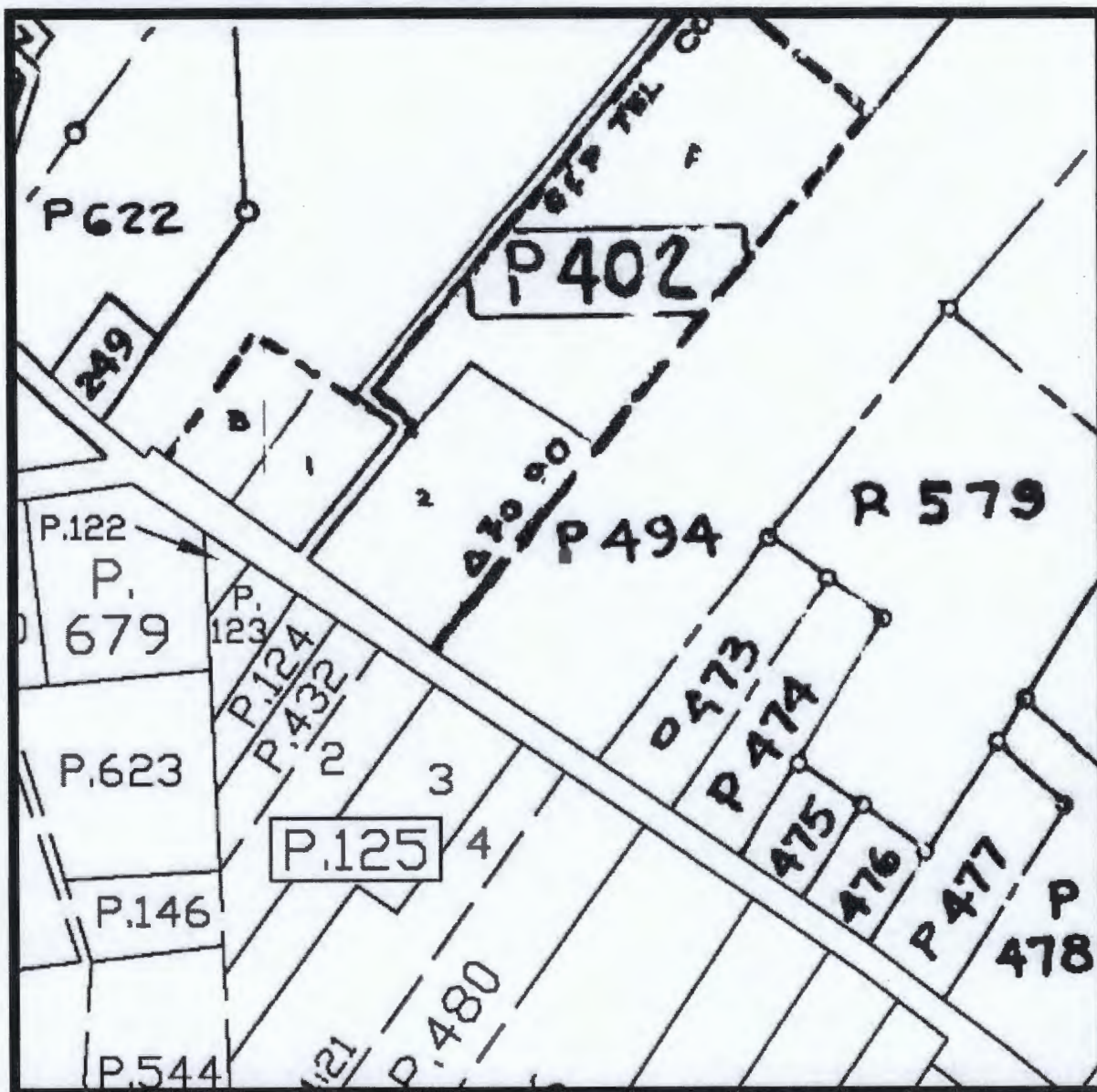
<u>Homestead Application Status:</u>	No Application
--------------------------------------	----------------



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 **Account Number - 1505840140**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

April 26, 2012

Lawrence Stahl, Esquire
Administrative Law Judge for Baltimore County
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

APR 30 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case No. 2012-230--XA
6216 Ebenezer Road

Dear Judge Stahl:

The above-referenced special exception and variance matter has been set for Monday, May 7, 2012 at 10 a.m., and on behalf of the Petitioner we wish to request a continuance of the hearing.

This matter arose out of a Code Enforcement Citation (Case No. 0094608) requiring that the firewood operation conducted on the site either cease or obtain a special exception. The enforcement action was brought upon the complaint of an adjacent neighbor, Mrs. Janet Sterling.

We have met with Mrs. Sterling and with her daughter and son-in-law Wendy and George Sheckells who also own adjacent property to the site, and they all suggested that the matter be continued so that they could review various proposals with respect to the property including landscaping and other conditions should the special exception request go forward. They agreed that the firewood season has passed, and there is little or no activity on the site at this time.

They are also aware that Mr. Eurice is not in the best of health and is scheduled for surgery later that week.

Accordingly, we are requesting that the matter be continued so that we may work with the adjoining residents to reach an understanding on the nature of the proposal going forward and either resolve or at least define any remaining open issues.

Lawrence Stahl, Esquire

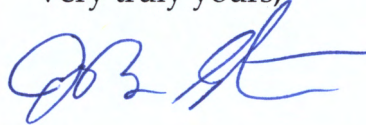
April 26, 2012

Page 2

Accordingly, we are requesting that the matter be continued so that we may work with the adjoining residents to reach an understanding on the nature of the proposal going forward and either resolve or at least define any remaining open issues.

Your favorable consideration of this request would be appreciated.

Very truly yours,



John B. Gontrum

cc. Mrs. Janet Sterling
George and Wendy Sheckells
People's Counsel for Baltimore County

JBG:jg

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 17, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6216 Ebenezer Road

INFORMATION:

Item Number: 12-230

Petitioner: James and Robert Eurice

Zoning: RC 2

Requested Action: Special Exception and Variance

RECEIVED

APR 18 2012

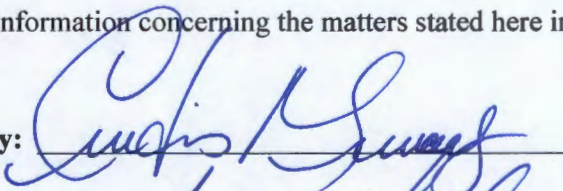
OFFICE OF ALBANY PLANNING

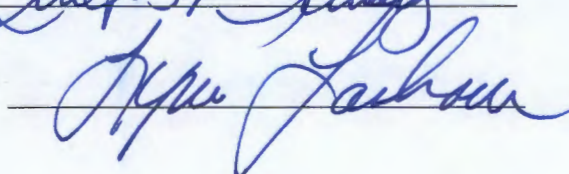
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's special exception and variance requests, as the proposed operation does not appear to be detrimental to the health, safety or general welfare of the surrounding community. However, the proposed operation should be moved further away from Ebenezer Road. As shown on the site plan it appears that the special exception area (box) begins at the centerline of Ebenezer Road. This area should be moved back at least 75 feet from the centerline of the road and not extend beyond 275 feet from the center line of the road. The access drive should be the only area of the special exception that abuts the road right of way. It appears that the aforementioned configuration for the special exception area would have the least impact on neighbors on all side of the subject property to include those on the other side of Ebenezer Road.

Additionally, increase the amount of proposed landscape screening. As shown on the site plan a single row of plantings are proposed. This should be increased to include at least three staggered rows of mature screen trees and shrubbery parallel to Ebenezer Road and supplement the existing vegetation adjacent to 6204 Ebenezer Road (labeled as 6210 on the site plan). This in combination with the existing vegetation on the site should provide a good visual buffer between the subject operation and adjacent properties.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by: 

Division Chief: 
AVA/LL: CM

5-17 @ 10 AM
205

Debra Wiley - ZAC Comments - Distribution Meeting of March 26, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/4/2012 1:55 PM
Subject: ZAC Comments - Distribution Meeting of March 26, 2012

Good Afternoon,

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.

2012-0229-A - 11206 Ridgeway Avenue South Avenue
Administrative Variance - Closing Date: No closing date reflected in data base 4/4

2012-0230-XA - 6216 Ebenezer Road
No date reflected in data base 4/4

2012-0231-SPHA - 1655 Belmont Avenue
No date reflected in data base 4/4

2012-0232-A - 2420 Bulls-Sawmill Road
No date reflected in data base 4/4

2012-0233-X - 6709 White Stone Road
No date reflected in data base 4/4

2012-0234-A - 311 Railroad Avenue
No date reflected in data base 4/4

2012-0235-A - 1218 Elm Ridge Avenue
No date reflected in data base 4/4

2012-0236-SPHA - 16928 York Road
No date reflected in data base 4/4

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 - Fwd: 2012-0230-XA

From: Debra Wiley
To: Lewis, Kristen
Date: 4/30/2012 2:58 PM
Subject: Fwd: 2012-0230-XA
CC: Zook, Patricia
Attachments: Message from "zoneprt1"

Hi Kristen,

Please find attached a request for a postponement for the above-referenced matter. Per Larry and John, they have no objections to this; however, this request is outside of the 5-day window and probably should be approved/granted by Arnold.

Can you please handle. Thanks in advance.

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

Subject: Fwd: 2012-0230-XA
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 4/30/2012 2:58 PM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: Kristen Lewis (klewis@baltimorecountymd.gov)	Read	4/30/2012 3:10 PM	
CC: Patricia Zook (pzook@baltimorecountymd.gov)	Read	4/30/2012 3:00 PM	

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: #2012-0230-XA

6216 Ebenezer Road

N/e side of Ebenezer Road, 823 +/- of the centerline of Stumps Road

15th Election District - 6th Councilmanic District

Legal Owner(s): James & Robert Eurice

Special Exception: to permit a firewood operation per BCZR sec. 1A01.2.C.29 (g). **Variance** to allow a gravel surface for parking access in lieu of the required paving; from 409.8.11.2 to allow parking spaces with no striping.

Hearing: Monday, December 17, 2012 at 1:30 p.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 11/745 November 27

889733



501 N. Calvert Street, Baltimore, MD 21278

November 29, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on November 27, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/27/2012

Case Number: 2012-0230-XA

Petitioner / Developer: JOHN GONTRUM, ESQ. of WHITEFORD,
TAYLOR & PRESTON, L.L.P.~JAMES & ROBERT EURICE

Date of Hearing (Closing): DECEMBER 17, 2012

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
6216 EBENEZER ROAD

The sign(s) were posted on: NOVEMBER 27, 2012



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

CERTIFICATE OF POSTING

2012-0230-XA

RE: Case No.: _____

Petitioner/Developer: _____

James and Robert Eurice

May 7, 2012

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: 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: _____

6216 Ebenezer Road

April 21, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

April 21, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

November 8, 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: 2012-0230-XA

6216 Ebenezer Road

N/e side of Ebenezer Road, 823 +/- N/w of the centerline of Stumps Road

15th Election District – 6th Councilmanic District

Legal Owners: James & Robert Eurice

Special Exception to permit a firewood operation per BCZR sec. 1A01.2.C.29 (g). Variance to allow a gravel surface for parking access in lieu of the required paving; from 409.8.11.2 to allow parking spaces with no striping.

Hearing: Monday, December 17, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Towson 21204
James & Robert Eurice, 1633 Cape May Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 27, 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.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 27, 2012 Issue - Jeffersonian

Please forward billing to:

John Gontrum
1 West Pennsylvania Avenue
Towson, MD 21204

410-832-2055

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: 2012-0230-XA

6216 Ebenezer Road

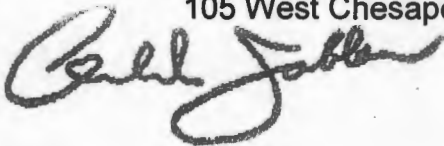
N/e side of Ebenezer Road, 823 +/- N/w of the centerline of Stumps Road

15th Election District – 6th Councilmanic District

Legal Owners: James & Robert Eurice

Special Exception to permit a firewood operation per BCZR sec. 1A01.2.C.29 (g). Variance to allow a gravel surface for parking access in lieu of the required paving; from 409.8.11.2 to allow parking spaces with no striping.

Hearing: Monday, December 17, 2012 at 1:30 p.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

May 1, 2012

James H Eurice
Robert P Eurice
1633 Cape May Road
Baltimore MD 21221

RE: Case Number 2012-0230 XA, Address: 6216 Ebenezer Road

Dear Mr. James & Mr. Robert Eurice:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 23, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
John B. Gontrum, Esquire, 1 W. Pennsylvania Avenue, Towson MD 21204

BALTIMORE COUNTY, MARYLAND**INTEROFFICE CORRESPONDENCE**

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item No. 2012-0230

DATE: April 10, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We take no exception to granting the request for gravel instead of a durable and dustless surface.

DAK:CEN

cc: File

ZAC-ITEM NO 12-0230-04092012.doc



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



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

Date: 4-3-12

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

RE: Baltimore County
Item No 2012-0230-KA
Special Exception Variance
James H. & Robert P. Eurice
6216 Ebenezer 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. 2012-0230-KA.

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

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 17, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6216 Ebenezer Road

INFORMATION:

Item Number: 12-230

Petitioner: James and Robert Eurice

Zoning: RC 2

Requested Action: Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's special exception and variance requests, as the proposed operation does not appear to be detrimental to the health, safety or general welfare of the surrounding community. However, the proposed operation should be moved further away from Ebenezer Road. As shown on the site plan it appears that the special exception area (box) begins at the centerline of Ebenezer Road. This area should be moved back at least 75 feet from the centerline of the road and not extend beyond 275 feet from the center line of the road. The access drive should be the only area of the special exception that abuts the road right of way. It appears that the aforementioned configuration for the special exception area would have the least impact on neighbors on all side of the subject property to include those on the other side of Ebenezer Road.

Additionally, increase the amount of proposed landscape screening. As shown on the site plan a single row of plantings are proposed. This should be increased to include at least three staggered rows of mature screen trees and shrubbery parallel to Ebenezer Road and supplement the existing vegetation adjacent to 6204 Ebenezer Road (labeled as 6210 on the site plan). This in combination with the existing vegetation on the site should provide a good visual buffer between the subject operation and adjacent properties.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:

Division Chief:
AVA/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item No. 2012-0230

DATE: April 10, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We take no exception to granting the request for gravel instead of a durable and dustless surface.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0230-04092012.doc

**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: # 2012-0230-XA
6216 Ebenezer Road
N/e side of Ebenezer Road,
823 +/- N/w of the center-
line of Stumps Road
15th Election District
6th Councilmanic District
Legal Owner(s): James, &
Robert Eurice
Special Exception to per-
mit a firewood operation
per BCZR sec. 1A01.2.C.29
(g). **Variance** to allow a
gravel surface for parking
access in lieu of the re-
quired paving; from
409.8.11.2 to allow parking
spaces with no striping.
Hearing: Monday, May 7,
2012 at 10:00 a.m. in
Room 205, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

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

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

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

04/227 April 19 302004

CERTIFICATE OF PUBLICATION

4/19/, 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 4/19/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

April 9, 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: 2012-0230-XA

6216 Ebenezer Road

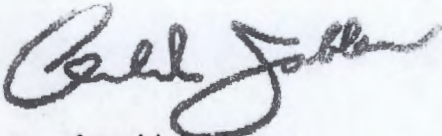
N/e side of Ebenezer Road, 823 +/- N/w of the centerline of Stumps Road

15th Election District – 6th Councilmanic District

Legal Owners: James & Robert Eurice

Special Exception to permit a firewood operation per BCZR sec. 1A01.2.C.29 (g). Variance to allow a gravel surface for parking access in lieu of the required paving; from 409.8.11.2 to allow parking spaces with no striping.

Hearing: Monday, May 7, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Towson 21204
James & Robert Eurice, 1633 Cape May Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 21, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 19, 2012 Issue - Jeffersonian

Please forward billing to:
John Gontrum
1 West Pennsylvania Avenue
Towson, MD 21204

410-832-2055

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: 2012-0230-XA

6216 Ebenezer Road

N/e side of Ebenezer Road, 823 +/- N/w of the centerline of Stumps Road

15th Election District – 6th Councilmanic District

Legal Owners: James & Robert Eurice

Special Exception to permit a firewood operation per BCZR sec. 1A01.2.C.29 (g). Variance to allow a gravel surface for parking access in lieu of the required paving; from 409.8.11.2 to allow parking spaces with no striping.

Hearing: Monday, May 7, 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 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 EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
6216 Ebenezer Road; NE/S Ebenezer Road, * OF ADMINISTRATIVE
823' N/W of c/line of Stumps Road *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): James & Robert Eurice *
Petitioner(s) * BALTIMORE COUNTY
* 2012-230-XA

* * * * *

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

APR 02 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2011, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 1 W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

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: 2012-0230-XA

Petitioner: James H + Robert P Eurice

Address or Location: 6216 Edgewater Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: John B Gontrum

Address: 1 West Pennsylvania Ave
Towson, MD 21204

Telephone Number: 410-832-2055

Revised 2/17/11 DT

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: 2012-0230-XA

Petitioner: James H & Robert P Eurice

Address or Location: 6216 Edgewater Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: John B Gontrum

Address: 1 West Pennsylvania Ave
Towson, MD 21204

Telephone Number: 410-832-2055

Revised 2/17/11 DT

Case No.:

2013-0230-XA

Exhibit Sheet

SN
12/28/12

Petitioner/Developer

Protestant

No. 1	Site Plan	12-17-12 Letter from Mr+Mrs. Edwards
No. 2	Legal description of 5X area	
No. 3	Color Photos 3A-3K	
No. 4	ZAC comment DPR	
No. 5	ZAC comment DOP	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Bafitis & Associates, Inc.

6216 EBENEZER ROAD ZONING DESCRIPTION

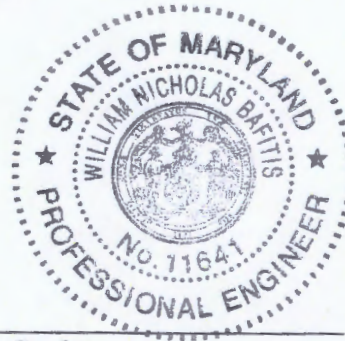
Beginning at a point near the center of Ebenezer Road future right-of-way 70 feet wide; and 823'± northwesterly from the centerline intersection of Stumps Road existing right-of-way 20 feet wide;

- 1.) Thence running along Ebenezer Road North 50°-57'-33" West 264.00 feet to a point;
- 2.) Thence leaving said road North 38°-32'-27" East 150.00 feet to a point; at the Limit of Special Exception Line
- 3.) Thence running along said line South 50°-57'-33" East 264.00 feet to a point;
- 4.) Thence leaving said line South 38°-32'-27" West 150.00 feet to the place of beginning.

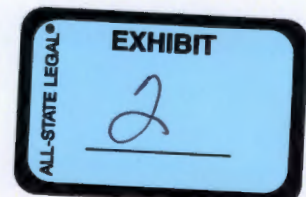
Deed Reference 6236/451

Containing 39,600 Square Feet or 0.909 Acres more or less.

William N. Bafitis, P.E.
President



Seal



ZONING NOTICE

CASE # 2012-0230-XA

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

**ROOM 205 JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE., TOWSON, 21204**

**DATE AND TIME: MONDAY, DECEMBER 17, 2012
AT 1:30 P.M.**

**REQUEST: SPECIAL EXCEPTION TO PERMIT A
FIREWOOD OPERATION PER BCZR SEC.
1A01.2.C.29(B), VARIANCE TO ALLOW A GRAVEL
SURFACE FOR PARKING ACCESS IN LIEU OF THE
REQUIRED PAVING; FROM 409.8.11.2 TO ALLOW
PARKING SPACES WITH NO STRIPING.**

6216 EBENEZER ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

EXHIBIT

3A

ALL-STATE LEGAL

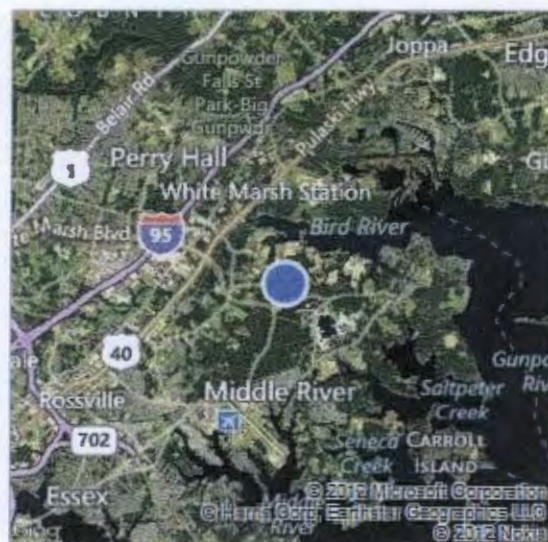
bing Maps

6220 Ebenezer Rd, Middle River, MD 21220

My Notes



On the go? Use **m.bing.com** to find maps, directions, businesses, and more



Bird's eye view maps can't be printed, so another map view has been substituted.

B

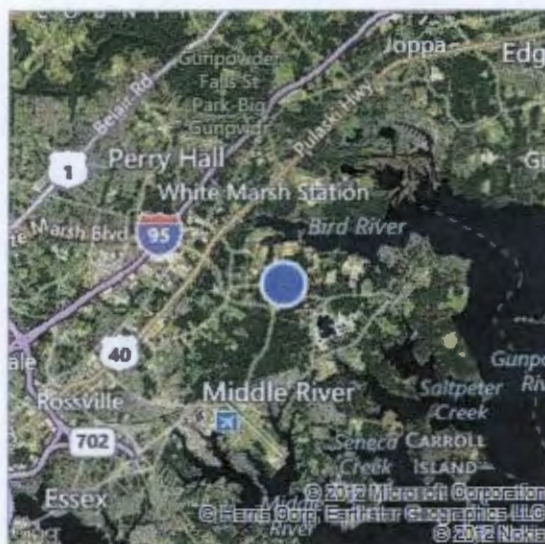
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C

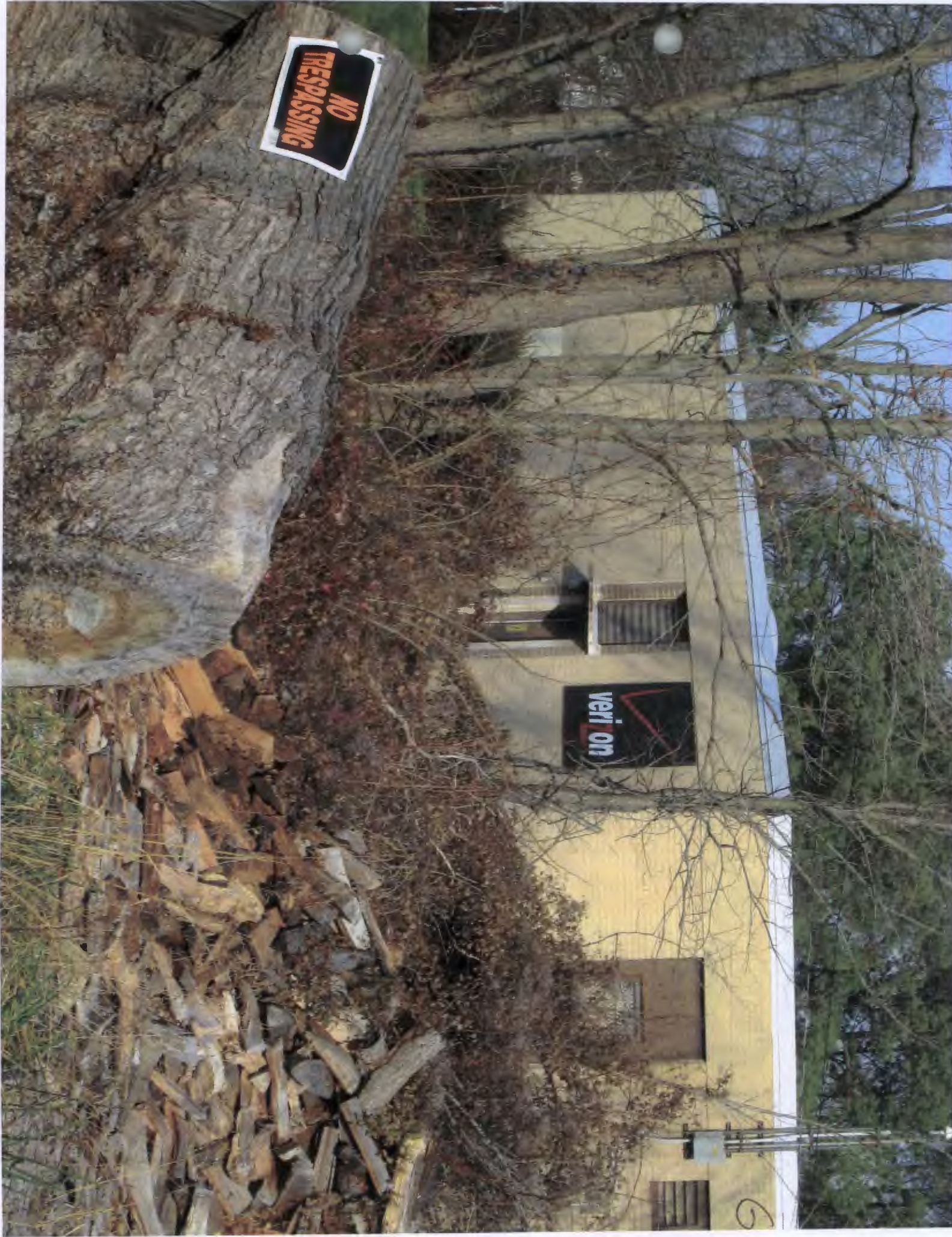


D



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7



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 17, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6216 Ebenezer Road

INFORMATION:

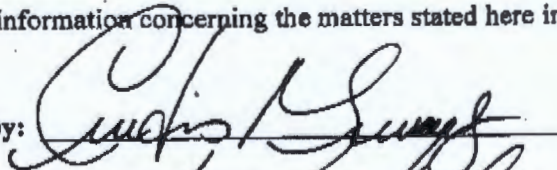
Item Number: 12-230
Petitioner: James and Robert Eurice
Zoning: RC 2
Requested Action: Special Exception and Variance

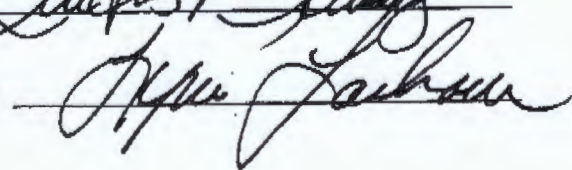
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department **does not oppose the petitioner's special exception and variance requests**, as the proposed operation does not appear to be detrimental to the health, safety or general welfare of the surrounding community. However, the proposed operation should be moved further away from Ebenezer Road. As shown on the site plan it appears that the special exception area (box) begins at the centerline of Ebenezer Road. **This area should be moved back at least 75 feet from the centerline of the road and not extend beyond 275 feet from the center line of the road. The access drive should be the only area of the special exception that abuts the road right of way.** It appears that the aforementioned configuration for the special exception area would have the least impact on neighbors on all side of the subject property to include those on the other side of Ebenezer Road.

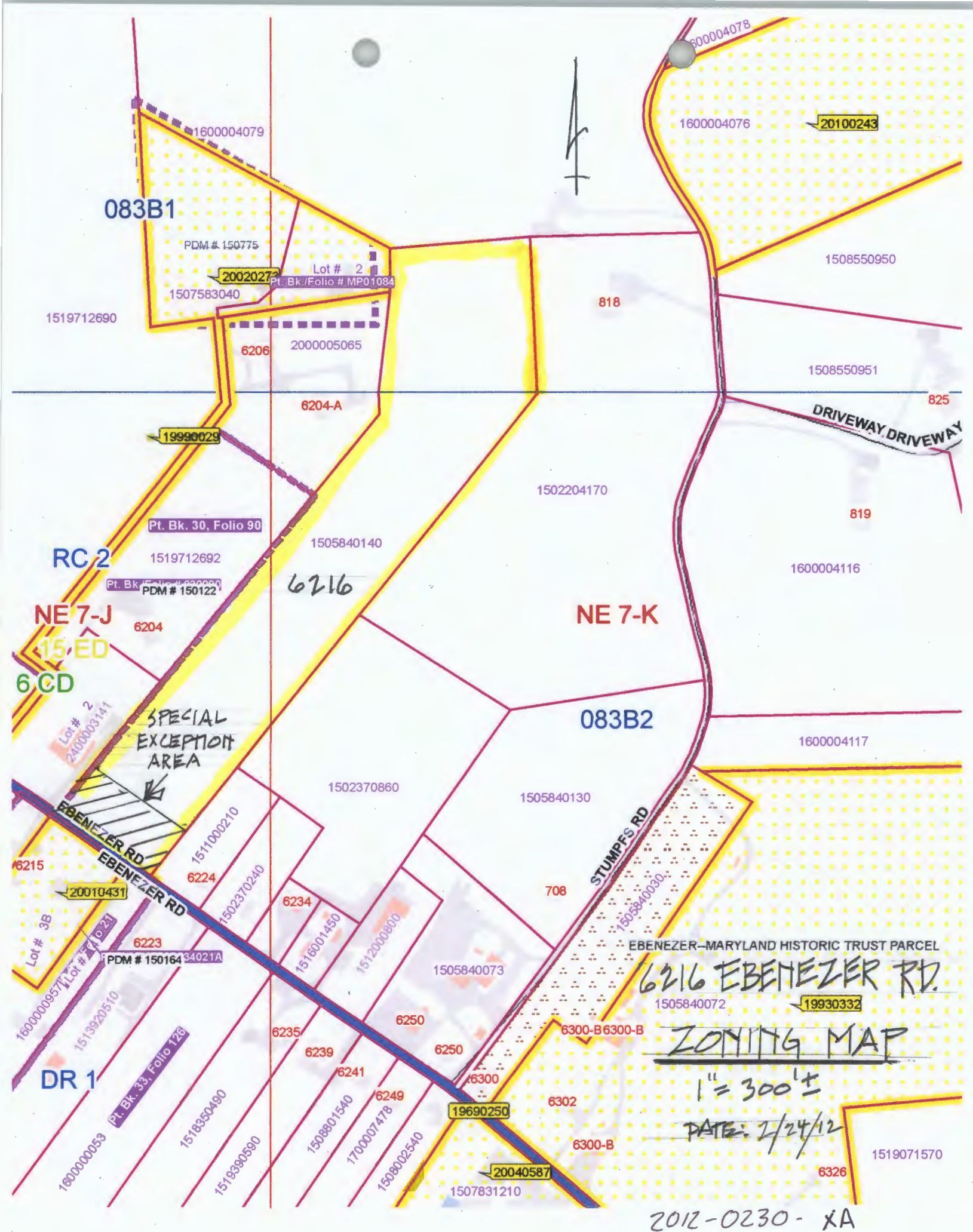
Additionally, increase the amount of proposed landscape screening. As shown on the site plan a single row of plantings are proposed. **This should be increased to include at least three staggered rows of mature screen trees and shrubbery parallel to Ebenezer Road and supplement the existing vegetation adjacent to 6204 Ebenezer Road (labeled as 6210 on the site plan).** This in combination with the existing vegetation on the site should provide a good visual buffer between the subject operation and adjacent properties.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by: 

Division Chief: 
AVA/LL: CM

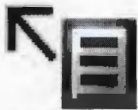






Effective: October 1, 2010

West's Annotated Code of Maryland Currentness
Natural Resources

Title 5. Forests and Parks (Refs & Annos)Subtitle 6. Forest Conservancy Districts (Refs & Annos)

§ 5-608. License required to operate forest products business

In general

(a)(1)(i) Any person engaged in a forest products business shall have a forest product operator's license issued by the Department.

(ii) The license is secured from the Department for every type of forest products manufacturing plant.

(iii) Before any sawmill or other plant is erected for the manufacture of lumber or other forest products or when the location of any manufacturing plant is to be changed, the location shall be reported to the Department prior to erection of the plant or the change of location.

(2) An applicant for a license shall:

(i) Submit to the Department an application on the form that the Department provides;

(ii) Demonstrate compliance with the Maryland Workers' Compensation Act under Title 9 of the Labor and Employment Article; and

(iii) Pay to the Department a fee set by the Department in an amount not to exceed the costs of carrying out this section.

(3) The term of a license is 1 year.

Duties of forest products business owners

(b) Each person to whom this subtitle applies shall:

- (1) Leave conditions favorable for regrowth. Any forest land on which cuttings are made shall be left by the operator in a favorable condition for regrowth, in order to maintain sufficient growing stock to supply raw materials for industry and furnish employment for forest communities continuously, if possible, or without long interruption;
- (2) Leave young growth. As far as feasible, every desirable seedling and sapling shall be protected during logging operations. Except where unavoidable in logging, immature trees may not be cut for any purpose except to improve the spacing, quality, and composition or conditions for restocking, or to obtain timber or wood for home use;
- (3) Arrange for restocking land after cutting by leaving trees of desirable species of suitable size singly, or in groups, well distributed and in a number to secure restocking. If the board approves, however, clear-cutting may be performed;
- (4) Maintain adequate growing stock after partial cutting or selective logging. Rules and regulations of the Department, defining standards of forest practice to obtain and maintain adequate growing stock in the different forest types, may vary with different forest types of the State;
- (5) Conduct timber harvesting operations in accordance with the sediment and erosion control standards under Title 4 of the Environment Article;
- (6) Accurately report to the Department the quality, quantity, and species of **firewood** sold or delivered in accordance with Title 11 of the Agriculture Article;
- (7) Comply with the terms of any applicable federal, State, or local permit, license, or approval;
- (8) Complete and submit to the Department an annual timber consumption report; and
- (9) Comply with the standards of practice adopted by the Department.

Suspension or revocation of license

(c)(1) The Department may suspend or revoke the license of a forest product operator for failure to comply with this subtitle.

(2) Before suspending or revoking a license under this subsection, the Department, in accordance with Title 10, Subtitle 2 of the State Government Article, shall:

- (i) Send by registered or certified mail written notice of the basis of the suspension or revocation to the license holder at the last known address of the license holder; and
- (ii) Hold a hearing on the license suspension or revocation if the license holder requests the hearing within 2 weeks after receiving the written notice.

(3) A person aggrieved by a final decision of the Department in a contested case relating to a license suspension or revocation under this subsection may appeal as authorized under §§ 10-222 and 10-223 of the State Government

Article.

Firewood and timber for domestic use

(d) The provisions of this section do not apply to cutting **firewood** and timber for domestic use for the owner or his tenant, but apply to all cutting not specifically excepted.

Recovery of costs and attorney's fees

(e) In a civil action before a court of competent jurisdiction, a person who suffers damages as a result of a violation of this section by a license holder may recover court costs and reasonable attorney's fees.

Regulations

(f) The Department may adopt regulations to implement this section.

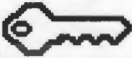
CREDIT(S)

Added by Acts 1973, 1st Sp. Sess., c. 4, § 1, eff. Jan. 1, 1974. Amended by Acts 1983, c. 8; Acts 2010, c. 406, § 1, eff. Oct. 1, 2010.

Formerly Art. 66C, § 396.

LIBRARY REFERENCES

Licenses  11(1).

Logs and Logging  4.

Westlaw Key Number Searches: 238k11(1); 245k4.

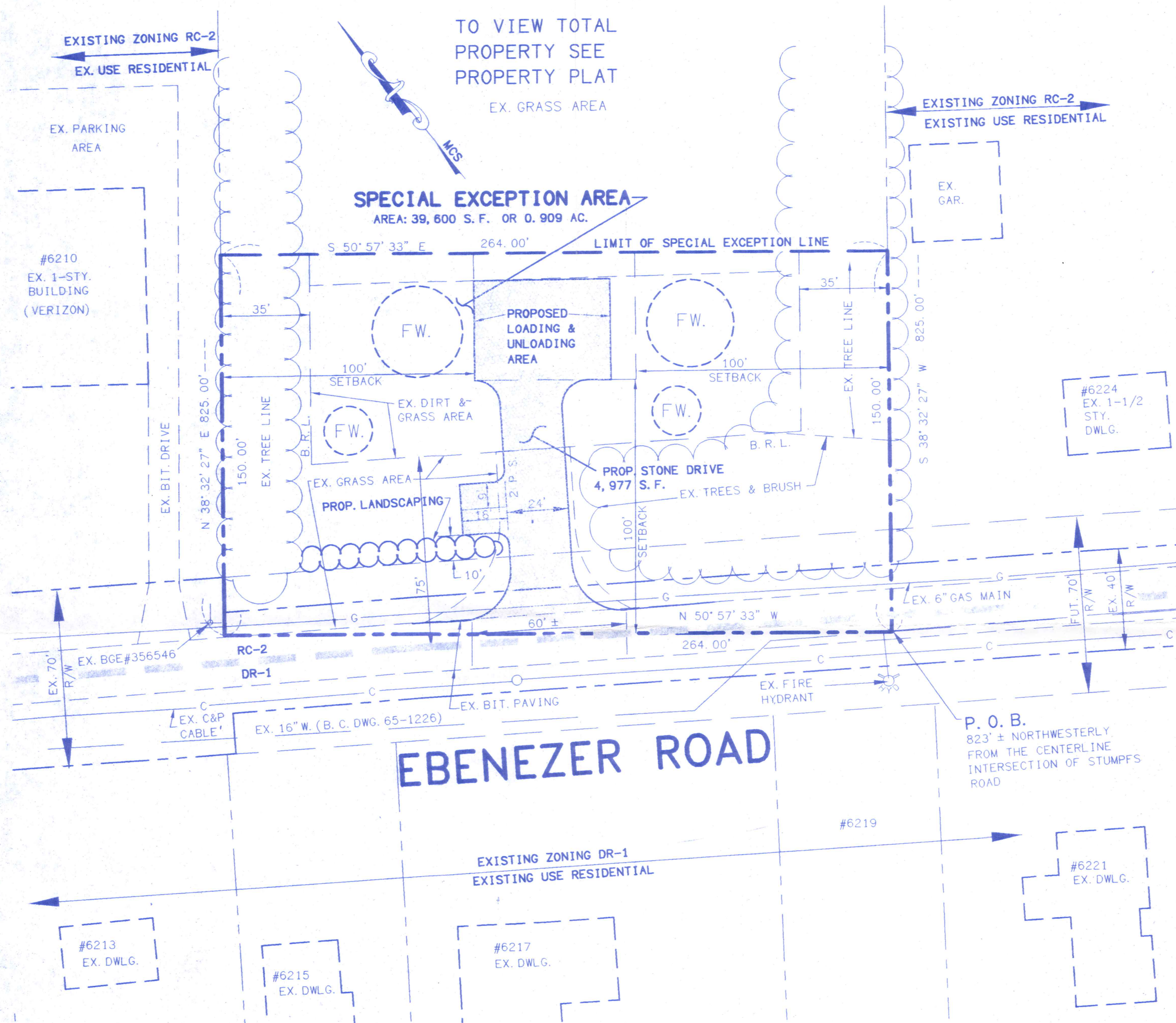
C.J.S. Logs and Logging §§ 2, 9, 26.

MD Code, Natural Resources, § 5-608, MD NAT RES § 5-608

The statutes and Constitution are current through all chapters of the 2012 Regular Session and the First and Second Special Sessions of the General Assembly.

(c) 2012 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

END OF DOCUMENT



- LEGEND**
- RC-2
 - DR-1
 - G
 - C
 - B.R.L.
 - FW
 - PROPERTY LINE
 - LOT LINE
 - EXISTING ZONING LINE
 - EXISTING GAS LINE
 - EXISTING C&P
 - UNDERGROUND CABLE
 - EXISTING WATER LINE
 - BUILDING RESTRICTION LINE
 - EXISTING FIREWOOD PILE

NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (FEB. 2012)
- The Firm Insurance Rate Map, 240010-0435F indicates that this site is situated within Zone X.
- Property lines shown hereon were established by public information.
- This site is not situated within the Chesapeake Bay Critical Areas (MAP 83)
- There shall be no clearing, grading, construction or disturbance of vegetation except permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- There is no significant plant or animal habitat on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water serves this site.
- Caution underground utilities may exist in Ebenezer Road & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- There are no previous development plans or permits issued for property.
- All firewood storage shall be screened with planting that provide a year-round visual upon maturity.
- No sales on site.

ZONING HISTORY

THERE ARE NO ZONING CASES FOR THIS SITE.

ZONING VIOLATION

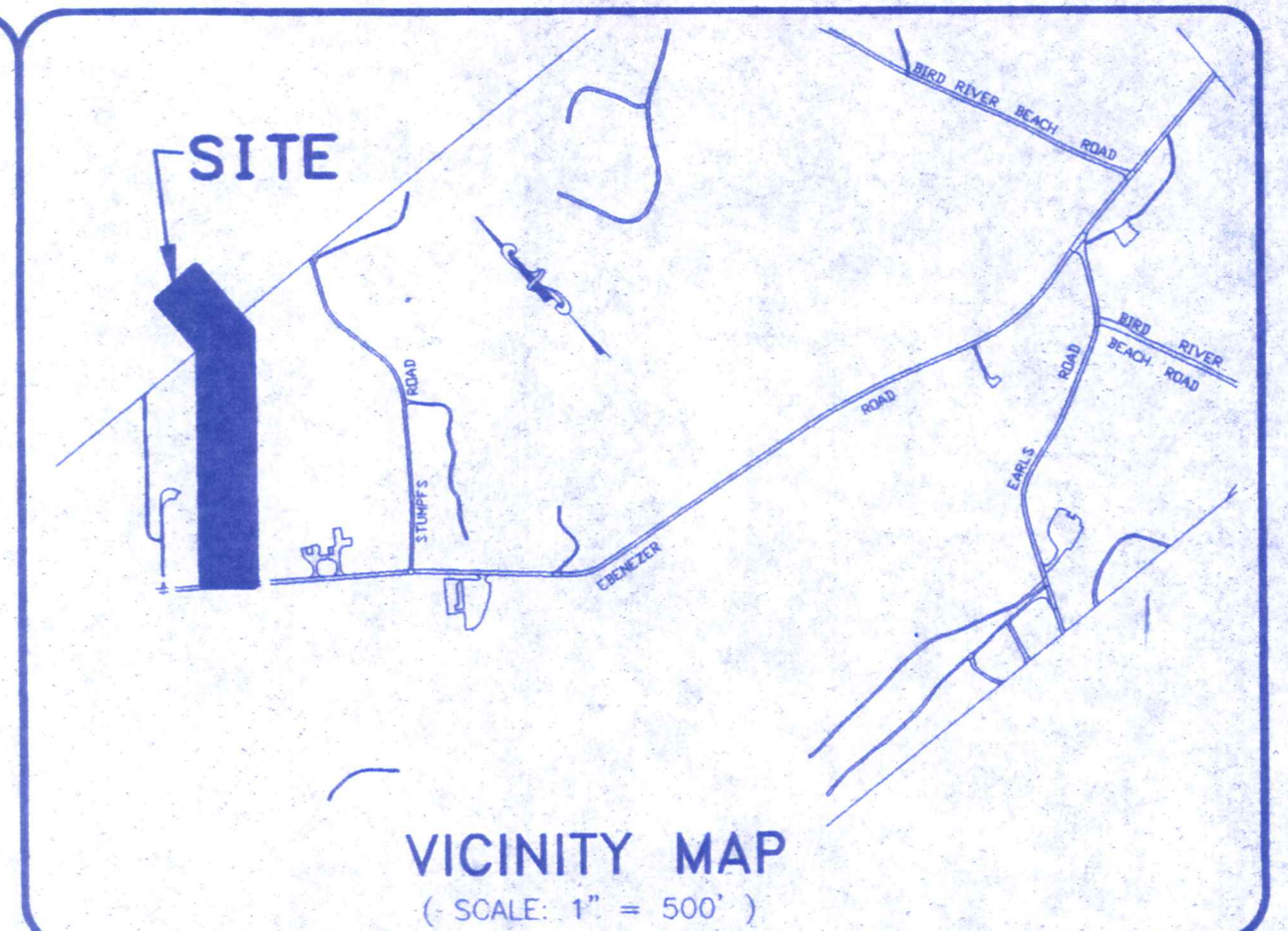
CASE NO. 0094608

SPECIAL EXCEPTION REQUEST

- TO ALLOW FIREWOOD OPERATION IN A RC-2 ZONE PER SECTION BCZR 1A01.2.C.29(g).

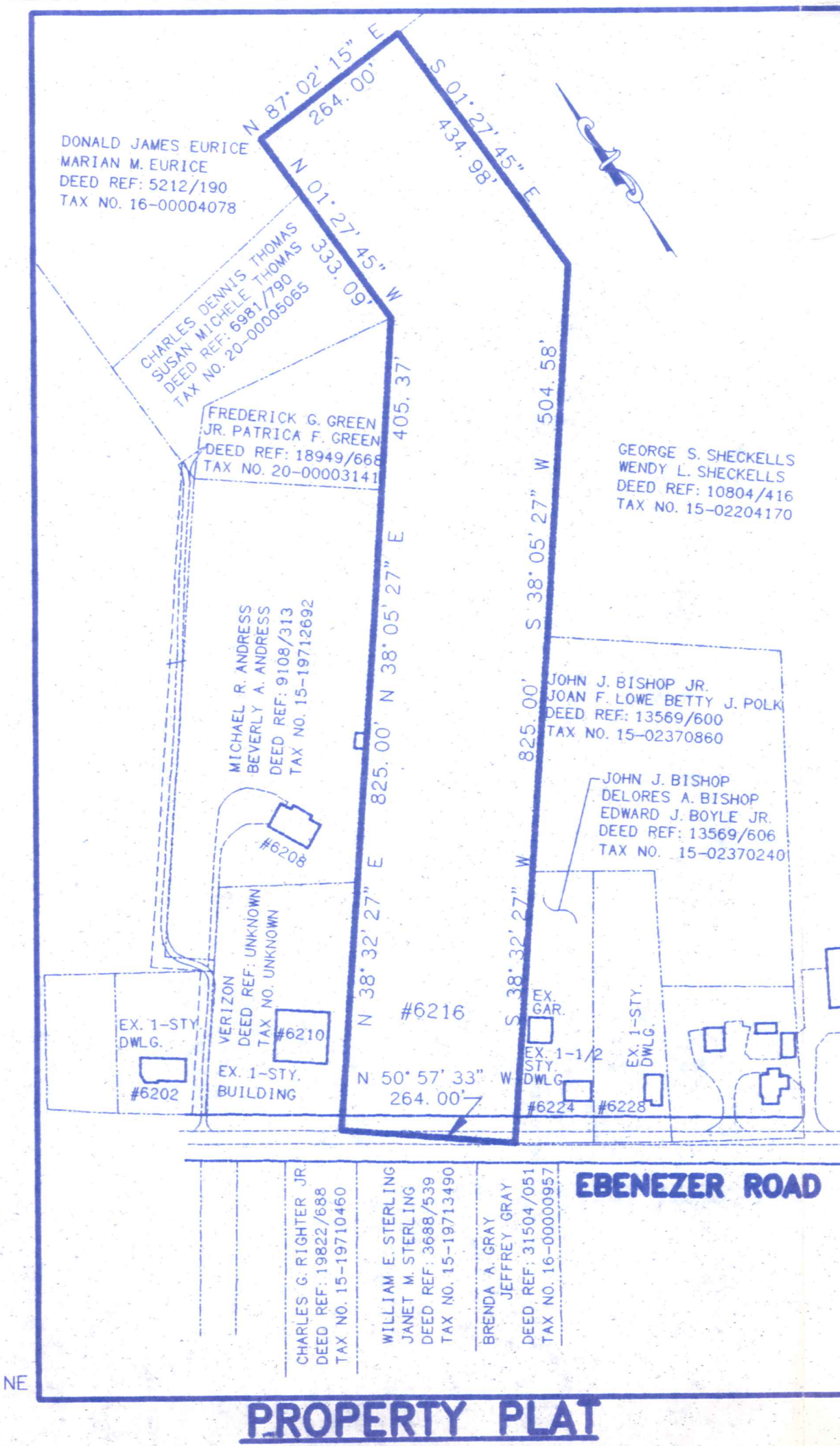
VARIANCE REQUEST

- TO ALLOW PARKING SPACES WITH NO STRIPING PER SECTION BCZR 409.8.A.6.
- TO ALLOW A GRAVEL SURFACE IN LIEU OF THE REQUIRED DURABLE AND DUTLESS SURFACE. PER SECTION BCZR 409.8A2.



SITE DATA

- OWNER: JAMES H. EURICE & ROBERT P. EURICE
#365 EAGLE HILL ROAD
PASADENA, MARYLAND 21122
TELEPHONE NO.: 410-391-6959
- DEED REF: 26236/451
- TAX ACC. NO.: 15-05840140
- TAX MAP: 83 PARCEL: 494 LOT: NONE
- PLAT REF: NONE
- ELECTION DISTRICT: 15TH
- CONCILMANIC DISTRICT: 6TH
- REGIONAL PLANNING DISTRICT: 322B
- CENSUS TRACT: 4517.02
- ZONING: RC 2
- ZONING MAP: 083B2 & 083B1
- USE: EXISTING: AGRICULTURAL
PROPOSED: AGRICULTURAL
- SITE AREA: GROSS: 439,241 S.F. OR 10.080 AC.
NET: 430,836 S.F. OR 9.890 AC.
SPECIAL EXCEPTION AREA: 39,600 S.F. OR 0.909 AC.
- PARKING:
REQUIRED:
1 P-S. PER 1 EMPLOYEE/2 EMPLOYEES = 2 P-S.
PROPOSED: = 2 P-S.



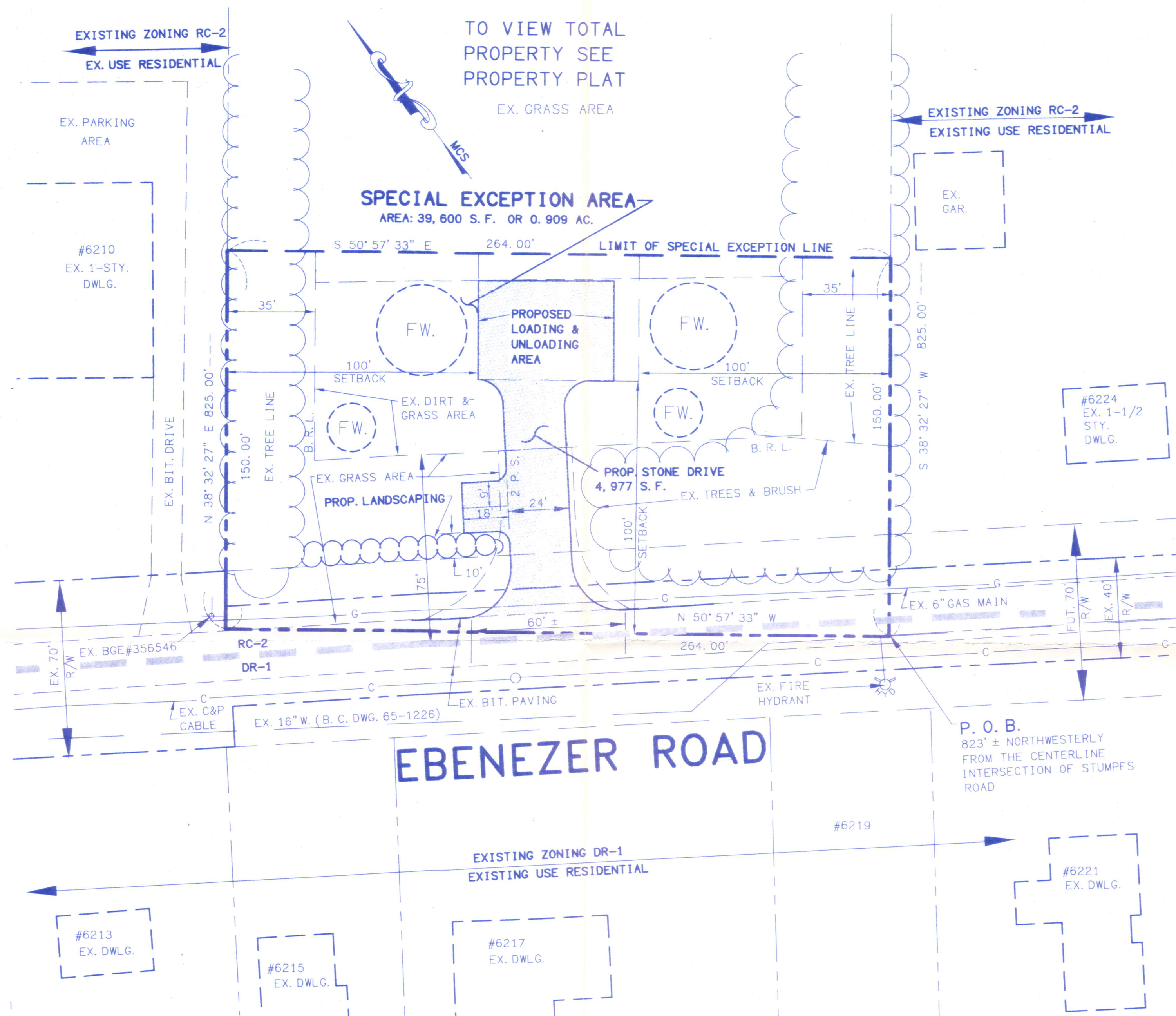
Bafitis & Associates, Inc.
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
1249 Englebert Rd. Baltimore, MD 21221
(410) 391-2336

**PLAN TO ACCOMPANY ZONING
PETITION FOR SPECIAL EXCEPTION
AND
VARIANCE
FOR
#6216 EBENEZER ROAD**

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

	1	SCALE: 1" = 30'
		JOB ORDER NO: 21202
WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2013	SHEET 1 OF 1	DATE: 03/06/12
		CHECKED: W.N.B.
NO. REVISIONS DATE		DRAWN: W.N.B.
REVISE #6210 TO VERIZON BUILDING.		12-14-12

EXHIBIT
1



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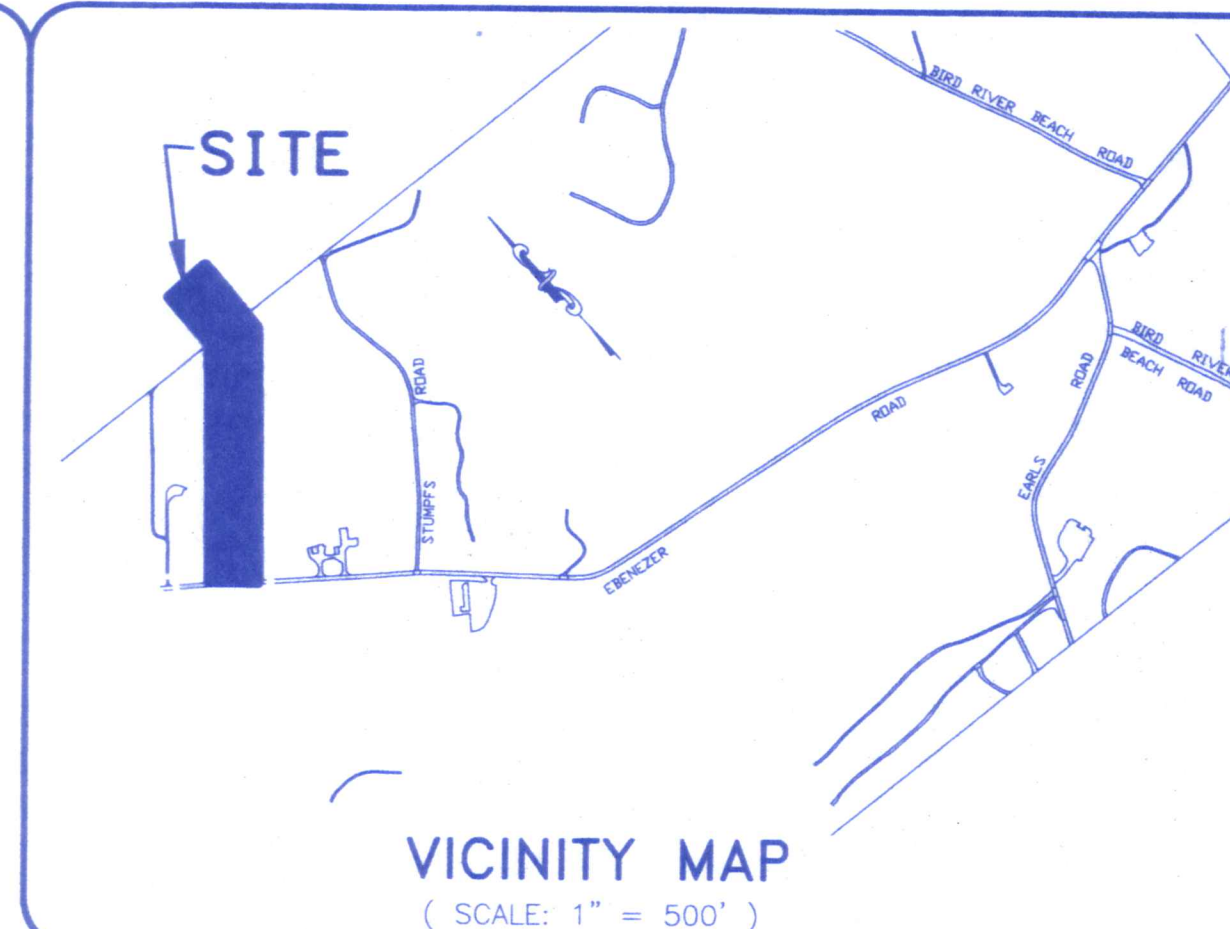
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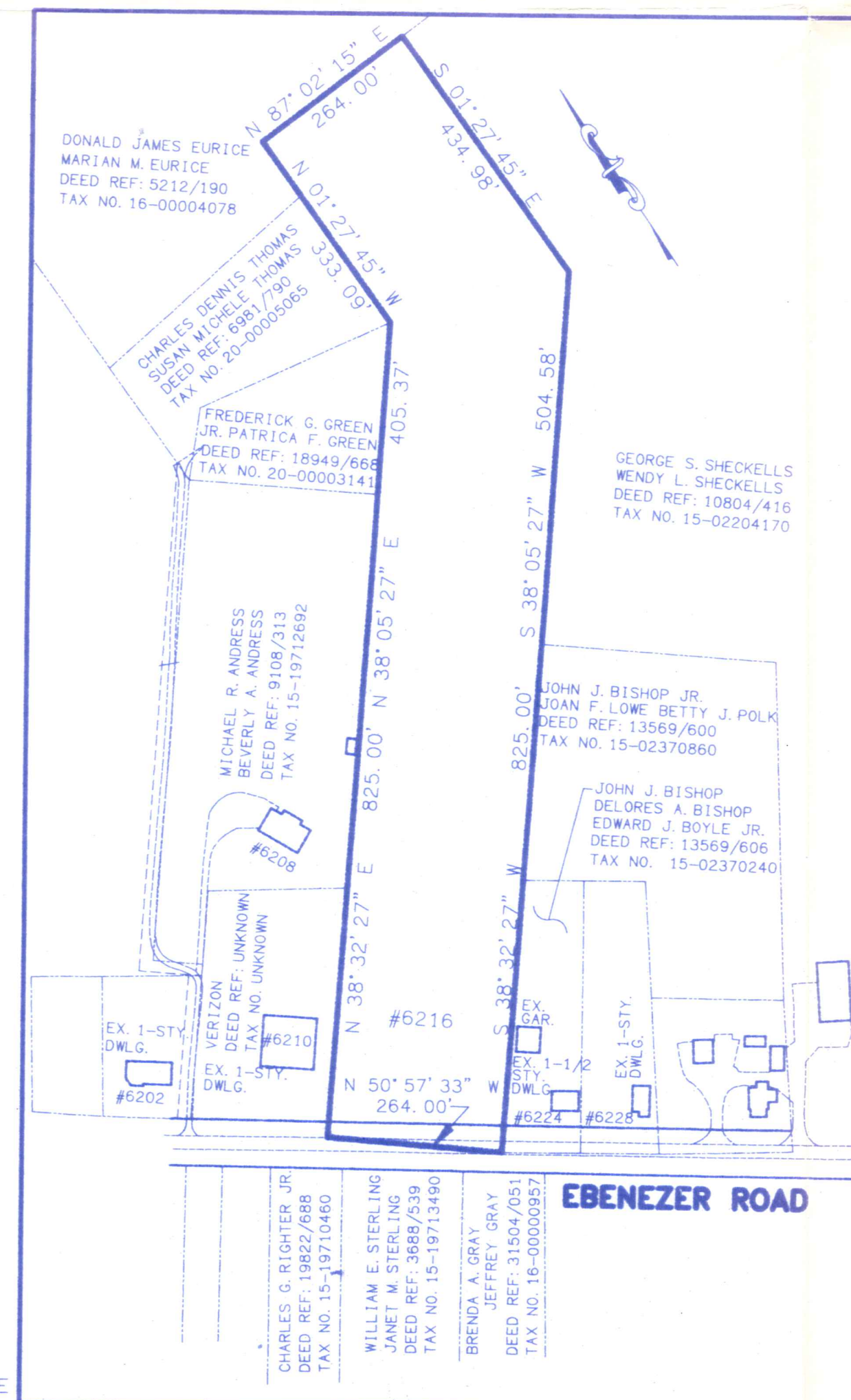
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REQUIRED:
1 P.S. PER 1 EMPLOYEE/2 EMPLOYEES = 2 P.S.
PROPOSED: = 2 P.S.



PROPERTY PLAT

SCALE: 1" = 200'

Case NO. 2012-0230-XA

Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221
(410) 391-2336

William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS

PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION AND VARIANCE FOR #6216 EBENEZER ROAD
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

1

SCALE: 1" = 30'

JOB ORDER NO: 21202

DATE: 03/06/12

CHECKED: W.N.B.

DRAWN: N.W.B.

NO. REVISIONS DATE