



KEVIN KAMENETZ
County Executive

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

December 27, 2012

Charles Hofsommer, Esquire
1220 A East Joppa Road
Towson, Maryland 21286

RE: Petition for Variance
Case No.: 2013-0085-A
Property: 10 Right Aileron Street

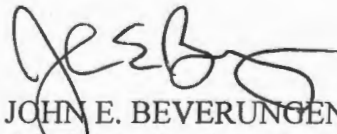
Dear Mr. Hofsommer:

As you know, a hearing on the Petition for Variance in the above matter was scheduled for December 21, 2012 at 11:00 a.m. You attended the hearing on behalf of the Petitioners, and indicated they wanted to withdraw the Petition at this time. I discussed the case with you briefly and there were no protestants or interested citizens in the hearing room.

As such, I have entered an Order permitting the withdraw without prejudice of the Petition, a copy of which is attached.

Should you have any further questions, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

RE: PETITION FOR ADMINISTRATIVE VARIANCE * BEFORE THE
10 Right Aileron Street; W/side Right ZONING COMMISSIONER
Aileron Street, 230' S c/line Fuselage Avenue*
15th Election & 6th Councilmanic Districts
Legal Owner(s): Matthew & Kendra Zeller * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2013-085-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 17 2012

.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 2012, a copy of the foregoing Entry of Appearance was mailed to, Charles Hofsommer, Esquire, 1220A East Joppa Road, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE

(10 Right Aileron Street)

15th Election District

6th Councilmanic District

Matthew P. and Kendra L Zeller

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2013-0085-A

* * * * *

ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Charles Hofsommer, Esquire on behalf of the legal owners of the subject property, Matthew P. and Kendra L. Zeller ("Petitioners"). The Petitioners are requesting Variance relief pursuant to Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Although a public hearing was scheduled for Friday, December 21, 2012, Charles Hofsommer, Esquire, counsel for Petitioners, appeared. Mr. Hofsommer stated on the record that there was a possibility his clients might withdraw their request. Subsequently therefore, the undersigned received a written request dated December 21, 2012, indicating in fact that his clients no longer wish to pursue.

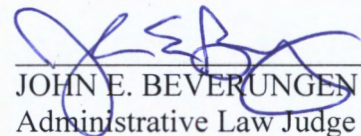
NOW, THEREFORE, IT IS ORDERED, this 27th day of December, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 100.6 of the

ORDER RECEIVED FOR FILING

Date 12/27/12

By Sen

Baltimore County Zoning Regulations (B.C.Z.R.), to permit the use of chickens on a tract of land with an acreage of 0.146 in lieu of the required 1acre, be and hereby rendered MOOT and the same is hereby DISMISSED WITHOUT PREJUDICE.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 12/27/12

By sln



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 10 Right Aileron St which is presently zoned DR 5.5
 Deed Reference 22285/00084 10 Digit Tax Account # 1519270900
 Property Owner(s) Printed Name(s) Matthew Zeller, Kendra Zeller

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

- ☒ **ADMINISTRATIVE VARIANCE** from section(s) 100.6 - to permit the use of chickens on a tract of land with an acreage of 0.146 in lieu of the minimum required!

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Charles Hof Sommer

Name- Type or Print

Signature

1220 A East Joppa Rd Towson Maryland

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Matthew Zeller / Kendra Zeller

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10 Right Aileron St Baltimore Maryland

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0085-A

Filing Date 10/9/12

Estimated Posting Date 10/21/12

Reviewer [Signature]

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 10 Right Aileron St Baltimore Maryland 21220
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The petitioners are requesting a variance because petitioner, Kendra Zeller, is medically sensitive to Candida Albicans, a fungus found in commercially produced poultry (See attached bloodwork & documentation). As such, Petitioners seek a variance to allow the organic, non-commercial stabling of poultry on their property - A permitted purpose on properties of 1 Acre. While Baltimore County Zoning Code 1-100.6 allows for an unlimited number of chickens on 1 Acre, Petitioners only seek a variance to allow no more than 4 chickens and no roosters on their 0.28 acre of land. Petitioners submit that the keeping of chickens in such a small number on their property will not result in any injustice to the neighbors or create a public nuisance, and it will allow an opportunity to provide an organic, sustainable food source for their family. (See letter from neighbors). Further, the Petitioners will construct the coop in such a manner as to eliminate risk of escape, reduce noise and prevent rodent issues (See attached construction document). Petitioners feel that a limited variance allowing no more than 4 chickens on Petitioner's property will meet the spirit of 1-100.6 while maintaining public safety and welfare.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Kendra Zeller
Signature of Affiant

Kendra Zeller
Name- Print or Type

Matthew P. Zeller
Signature of Affiant

Matthew P. Zeller
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of October, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Matthew Zeller Kendra Zeller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Kimberly J. Gill
Notary Public
1/13/14
My Commission Expires

IN RE: **PETITION FOR VARIANCE**

W/S Right Aileron Street, 230' S of the c/l
Fuselage Road
(10 Right Aileron Street)
15th Election District
6th Council District

Lillian Sexton
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-671-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Lillian Sexton, and Matthew and Kendra Zeller. Ms. Zeller is Ms. Sexton's granddaughter. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 47 feet in lieu of the required 55 feet, and side yard setbacks of 7.5 feet each in lieu of the required 10 feet, and approval of an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., and any other relief deemed appropriate by the Zoning Commissioner to allow redevelopment of the subject property with a single-family dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were Matthew and Kendra Zeller, and Buck Jones, Builder. There were no Protestants or other interested persons present.

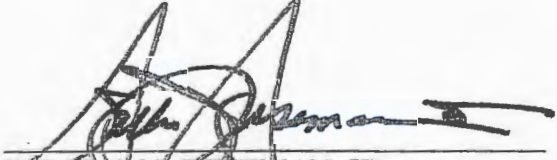
Testimony and evidence offered revealed that the subject property is a roughly pie-shaped lot located on the west side of Right Aileron Street, between Fuselage Road and Orems Road in Middle River. The property is also known as Lot 162 of Aero Acres, an older subdivision which was recorded in the Land Records in 1946, well prior to the effective date of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. The subject property contains a gross area of 6,360 sq.ft., more or less, zoned D.R.5.5. Those regulations require a minimum area of 6,000 sq.ft.,

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 to permit a lot width of 47 feet in lieu of the required 55 feet, and side yard setbacks of 7.5 feet each in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Variance seeking approval of an undersized lot, pursuant to Section 304.2 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0085 -A Address 10 Right Aileron St

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/9/12 Posting Date: 10/21/12 Closing Date: 11/05/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2013- 0085 -A Address 10 Right Aileron St

Petitioner's Name M + K Zeller Telephone 410 238-1592

Posting Date: 10/21/12 Closing Date: 11/05/12

Wording for Sign: To Permit the use of chickens on a tract of land with
an acreage of 0.146 in lieu of the minimum required 1

Revised 7/06/11

ZONING DESCRIPTION FOR 10 RIGHT AILERON STREET -

BEGINNING AT A POINT ON THE WEST SIDE OF RIGHT AILERON STREET
WHICH IS 50' WIDE AT A DISTANCE OF 230' SOUTH OF THE CENTERLINE OF
THE NEAREST IMPROVED INTERSECTING STREET FUSELAGE AVENUE
WHICH IS 60' WIDE. * BEING LOT # 162, IN THE SUBDIVISION OF AERO
ACRES AS RECRDED IN BALTIMORE COUNTY PLAT BOOK # 13, FOLIO # 139,
CONTAINING 6360/.146 ARCE. ALSO KNOWN AS 10 RIGHT AILERON STREET
AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMAN DISTRICT.

Item # 0085

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: 2013-0085-A

Petitioner: Matthew & Kenda Zeller

Address or Location: 10 Right Aileron St

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew Zeller

Address: 10 Right Aileron St

Baltimore, MD 21220

Telephone Number: 410-238-1592

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

No. **90107**

Date: **10/9/12**

PAID RECEIPT

BUSINESS ACTUAL TIME 0000
 10/09/2012 10:05:24S 09/09/12 2

REF 9502 MAIL RETN 2EL
 RECEIPT # 57700 10/09/2012 0611

DEPT 5 320 ZONING VERIFICATION
 CH NO. 090107

Receipt for \$75.00
 \$75.00 - 00 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$75.00

Total: **\$75.00**

Rec From: _____
 For: **zoning hearing - case #2013-0085-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0085-A

PETITIONER/DEVELOPER _____

KENDRA ZELLER

DATE OF HEARING/CLOSING: _____

12/21/12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 10 RILEY AVE

THIS SIGN(S) WERE POSTED ON December 1, 2012
(MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 12/1/12
SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

CASE # 2013-0085-A

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, DECEMBER 21, 2012
AT 11:00 A.M.

REQUEST: TO PERMIT THE USE OF CHICKENS ON
A TRACT OF LAND WITH AN ACREAGE OF 0.146
IN LIEU OF THE MINIMUM REQUIRED 1 ACRE

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

Malinda 12/1/12

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: #2013-0085-A

10 Right Alleron Street
W/s Right Alleron Street, 230 ft. S/of centerline of
Fuselage Avenue
15th Election District - 6th Councilmanic District
Legal Owner(s): Matthew & Kendra Zeller

Variance: to permit the use of chickens on a tract of land with an acreage of 0.146 in lieu of the minimum required 1 acre.

Hearing: Friday, December 21, 2012 at 11:00 a.m. In Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

J 11/344 November 29

889899



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 29, 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



KEVIN KAMENETZ
County Executive

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

November 14, 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: 2013-0085-A

10 Right Aileron Street

W/s Right Aileron Street, 230 ft. S/of centerline of Fuselage Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Matthew & Kendra Zeller

Variance to permit the use of chickens on a tract of land with an acreage of 0.146 in lieu of the minimum required 1 acre.

Hearing: Friday, December 21, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Charles Hofsommer, 1220A East Joppa Road, Towson 21286
Mr. & Mrs. Zeller, 10 Right Aileron Street, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 1, 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, November 29, 2012 Issue - Jeffersonian

Please forward billing to:
Matthew Zeller
10 Right Aileron Street
Baltimore, MD 21220

410-238-1592

NOTICE OF ZONING HEARING

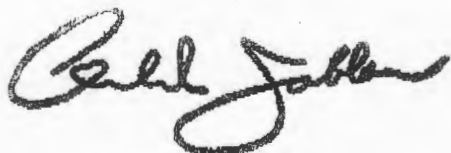
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CASE NUMBER: 2013-0085-A

10 Right Aileron Street
W/s Right Aileron Street, 230 ft. S/of centerline of Fuselage Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Matthew & Kendra Zeller

Variance to permit the use of chickens on a tract of land with an acreage of 0.146 in lieu of the minimum required 1 acre.

Hearing: Friday, December 21, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

November 7, 2012

Matthew & Kendra Zeller
10 Right Aileron Street
Baltimore MD 21220

RE: Case Number: 2013-0085 A, Address: 10 Right Aileron Street

Dear Mr. & Ms. Zeller:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 9, 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, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Charles Hofsommer, 1220 A East Joppa Road, Towson MD 21286

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-17-12

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

RE: Baltimore County
Item No 2013-0085-A
Administrative Variance
Matthew & Kendra Zeller
10 Right Aileron Street

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. 2013-0085-A.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller" or "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE : October 18, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For October 29, 2012
Item Nos. 2013-0085, 0086, 0087, 0088, and 0089

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

DAK. CEN
cc: File

AV - 11/5

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

NOV 01 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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

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

DATE: November 1, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013 - 0085-A
Address 10 Right Aileron Street
(Zeller Property)

Zoning Advisory Committee Meeting of October 15, 2012.

 X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: November 8, 2012

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings 

RE: Petition for Administrative Variance – 11/5/12 Closing Date
Case No. 2013-0085-A – 10 Right Aileron Street

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

Our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel

Debra Wiley - IO-Formal Demand 2013-0085-AV hearing needed-chickens.doc

From: Debra Wiley
To: Fisher, June; Lewis, Kristen
Date: 11/8/2012 12:22 PM
Subject: IO-Formal Demand 2013-0085-AV hearing needed-chickens.doc
Attachments: IO-Formal Demand 2013-0085-AV hearing needed-chickens.doc

Good Morning,

Please see the attached correspondence from Judge Stahl requesting this case be set in for a public hearing. I've stapled the correspondence to the front of the file folder in order that Kristen receive once files are picked up.

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

2013-0085-A

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

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

Account Identifier: District - 15 Account Number - 1519270900

Owner Information

Owner Name: ZELLER KENDRA LEIGH
ZELLER MATTHEW PAUL
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 10 RIGHT AILERON
BALTIMORE MD 21220-4629
Deed Reference: 1) /22285/ 00084
2)

Location & Structure Information

Premises Address
10 RIGHT AILERON ST
BALTIMORE 21220-4629
Legal Description
10 RIGHT AILERON ST
AERO ACRES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0016	0564		0000	1		162	3	Plat Ref: 0013/ 0139

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2006	2,508 SF	6,360 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	54,000	54,000		
Improvements:	341,800	164,700		
Total:	395,800	218,700	218,700	218,700
Preferential Land:	0			0

Transfer Information

Seller: SEXTON LILLIAN S	Date: 08/01/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22285/ 00084	Deed2:
Seller: SEXTON WILLIAM J	Date: 08/04/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08241/ 00813	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

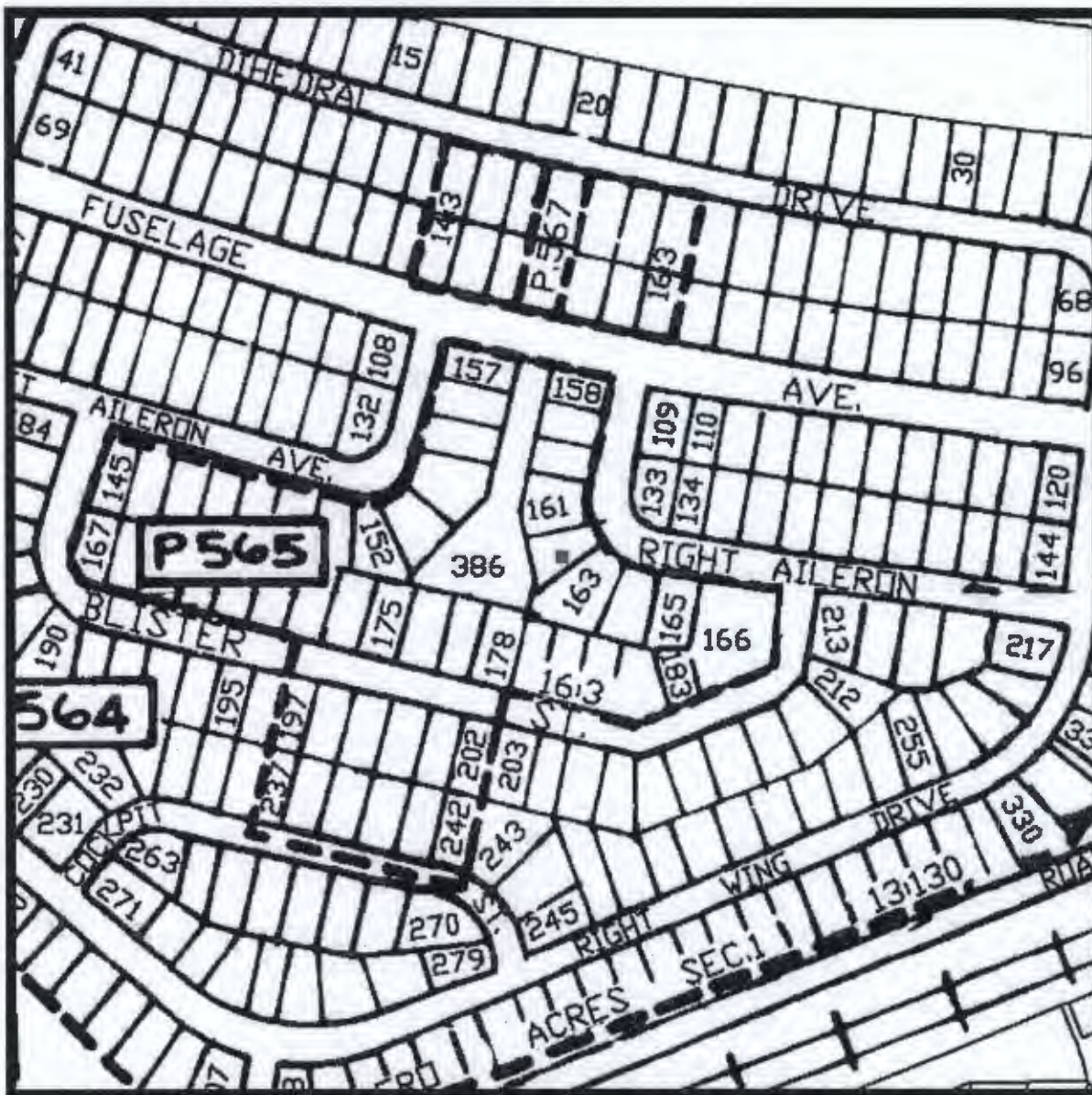
Homestead Application Status: Approved 01/27/2009



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

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

District - 15 Account Number - 1519270900



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

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. 2013-0085-A - 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

Sherry Nuffer - Withdrawal of Petition for Zoning Variance in 2013-0085-A

From: "Charles Hofsommer" <chofsommer@bloom-pa.com>
To: <snuffer@baltimorecountymd.gov>
Date: 12/21/2012 12:31 PM
Subject: Withdrawal of Petition for Zoning Variance in 2013-0085-A

Dear Sherry,

After consulting with my clients, and at my client's request, please mark the petitioner's request for the zoning variance in 2013-0085A as withdrawn.

Thanks you for your consideration in this matter.

Have a fantastic holiday!

Charles W. R. Hofsommer, Esquire
BLOOM & ASSOCIATES, P.A.
1220A East Joppa Road, Suite 223
Towson, MD 21286
443.632.9063

Notice: This electronic transmission, and any documents, files, or previous messages attached to it, is privileged and confidential, and is intended only for the use of the recipient(s) named in the address field. Further dissemination, distribution, or copying of this message or its contents is strictly prohibited. If the reader of this message is not an intended recipient, please notify the sender and destroy the message and any attached files immediately. The sender is not liable for any use or misuse contrary to these directions. A portion of this firm's practice involves debt collection - any information obtained may be used for that purpose. This email does not create an attorney-client relationship. An attorney-client relationship is created solely through the execution of a retainer agreement. Further, pursuant to recently-enacted U.S. Treasury Department Regulations, please be advised that any federal tax advice contained in this communication, including attachments or enclosures, is not intended to be used, and may not be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein. No written opinion on a federal tax issue should be understood to suggest a more likely than not favorable outcome unless the words 'more likely than not' are actually used in the opinion. Thanks for taking the time to read the fine print, and have a great day! "Never let life's hardships disturb you ... no one can avoid problems, not even saints or sages." -Nichiren Daishonen

CASE NO. 2013- 0085-A

C H E C K L I S T

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

10/18/12

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

NO Comment

11/1/12

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

NO Comment

FIRE DEPARTMENT

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

10/17/12

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2005-0671A)

NEWSPAPER ADVERTISEMENT Date: 11/29/12

SIGN POSTING Date: 12/1/12 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

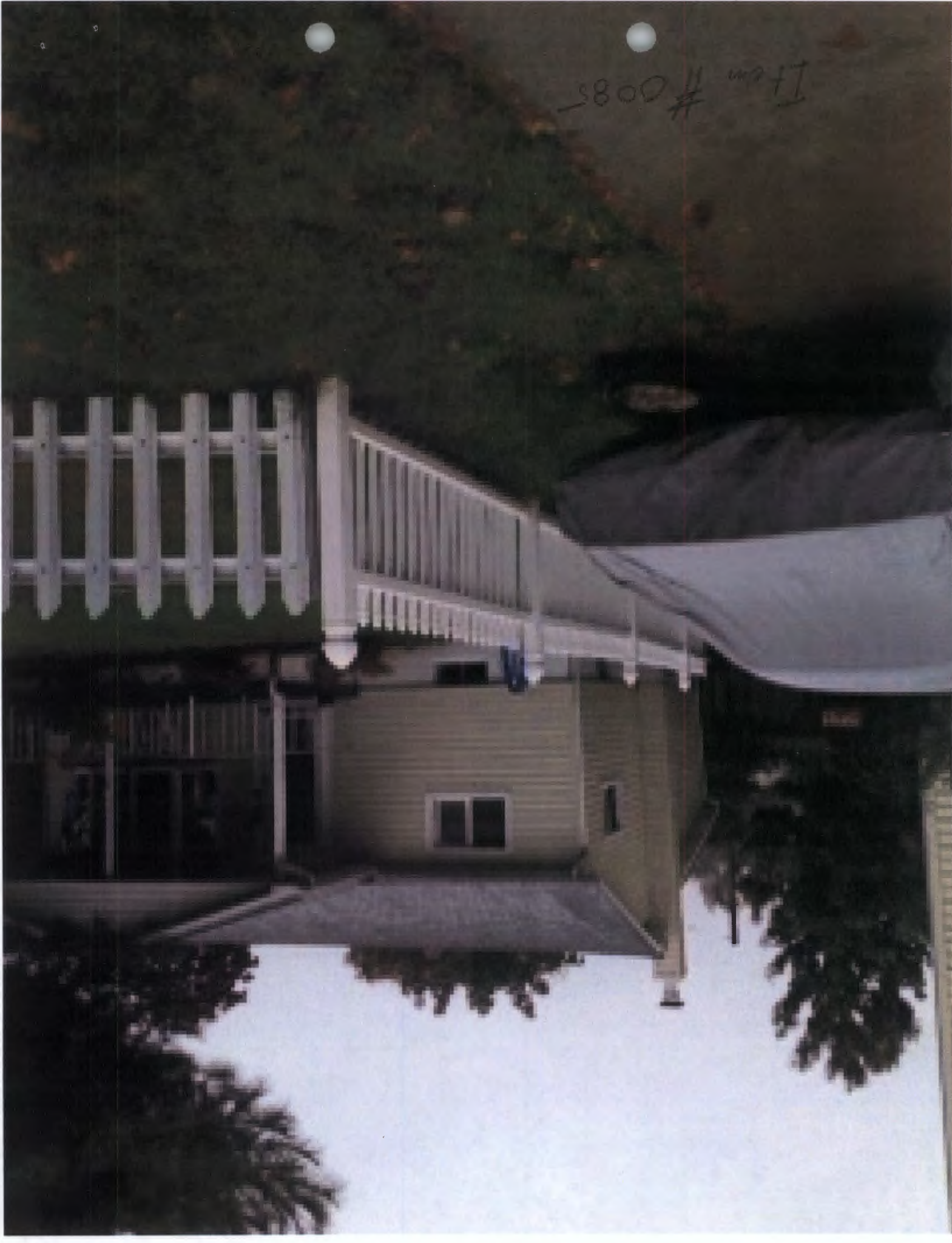
Comments, if any: _____



Item #00001

Looking at the Property From Right Ailend St (10 Right Ailend St)

110085 # 110085



Stoddard on Right Allerton Property is at the left edge (8 Right Allerton's)



Shed on Right Aileron St Looking South to 12 Right Aileron. Property is to the right



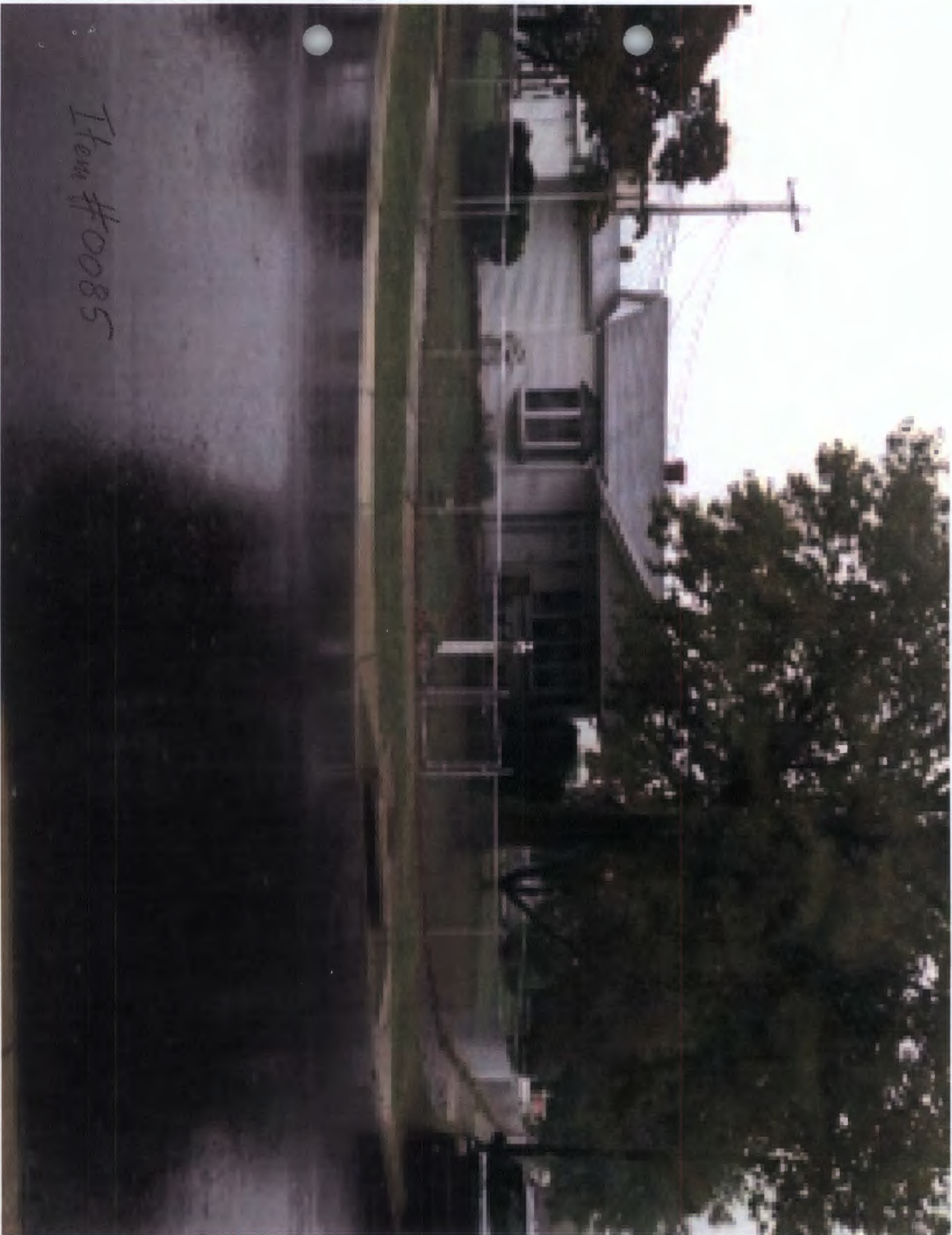
Standing on Right Allerton. Looking South toward Blister St

A photograph of a snowy residential street. A white car is parked on the right side of the road. A house is visible on the left. The photo is mounted on a dark album page with two white circular fasteners at the top. Handwritten text "Item # 0085" is visible in the upper left corner of the photo.

A photograph of a snowy residential street. A white car is parked on the right side of the road. A house is visible on the left. The photo is mounted on a dark album page with two white circular fasteners at the top. Handwritten text "Item # 0085" is visible in the upper left corner of the photo.

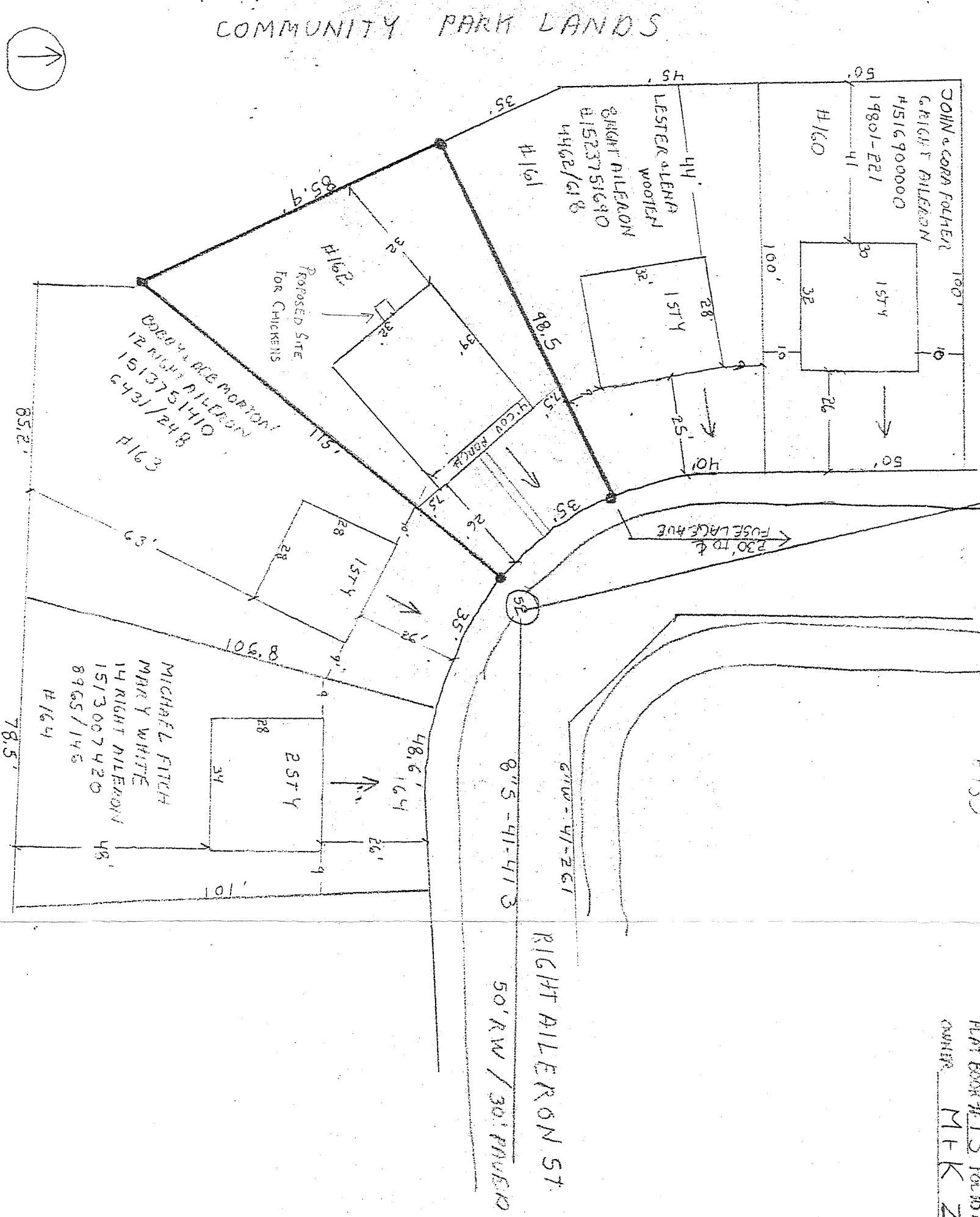
Standing on Right Aileron St looking East at home across Street from Property

Item #0085



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

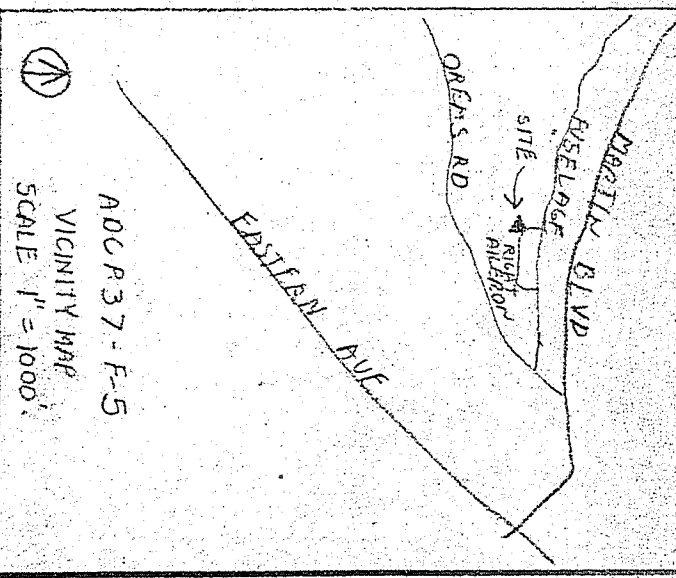
PROPERTY ADDRESS 10 RIGHT AILERON ST
SUBDIVISION NAME AERO ACRES
PLAT BOOK # 13 FOR RD # 139 LOT # 162
OWNER M + K Zeller



COMMUNITY PARK LANDS

PREPARED BY BUCH JONES

SCALE OF DRAWING 1" = 30'



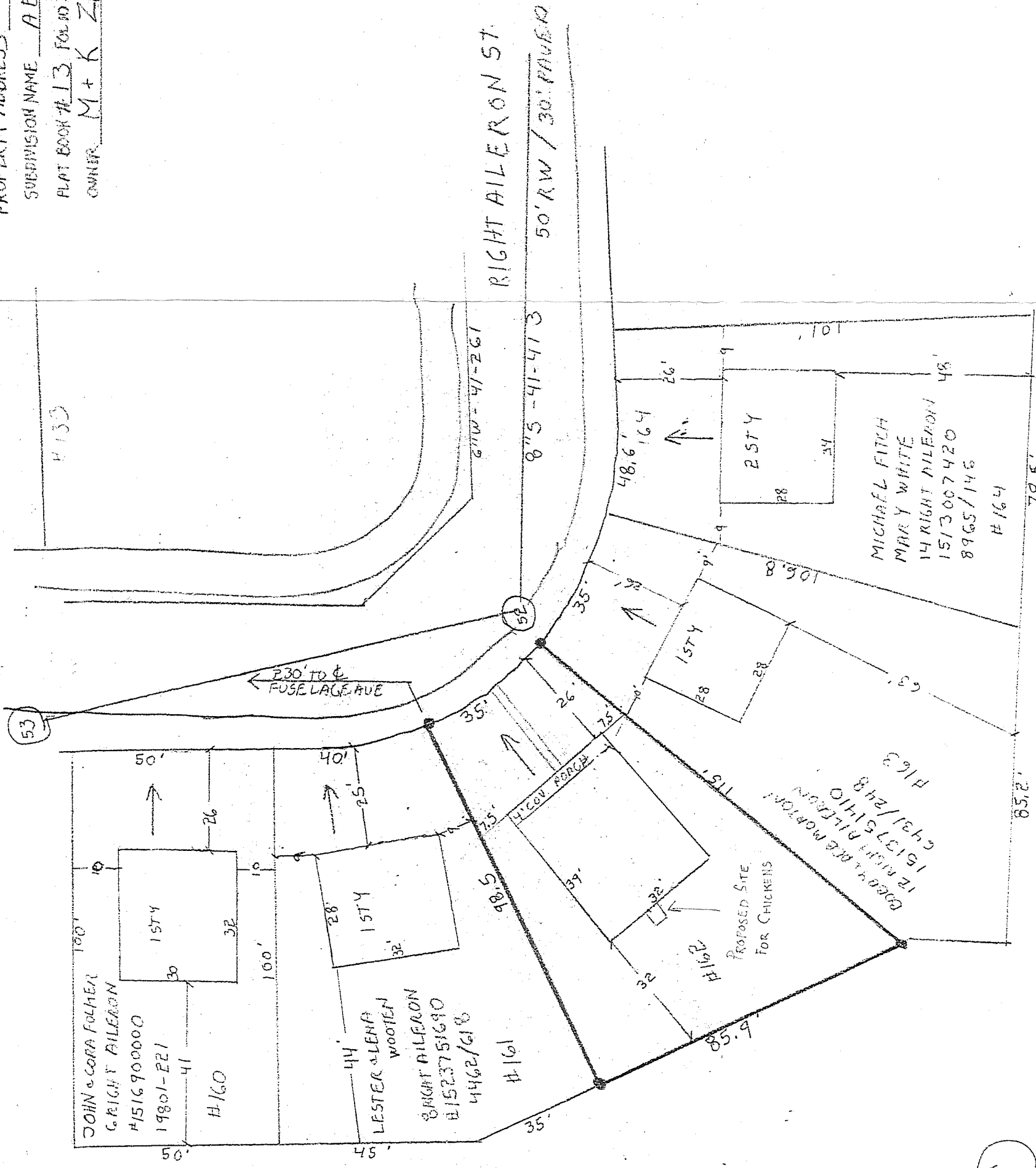
ADCR 37 - F-5
VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION	
ELECTION DISTRICT <u>15</u>	
COUNCILMAN/DISTRICT <u>6</u>	
1"=200' SCALE MAP # <u>09082</u>	
ZONING: <u>DR5.5</u>	<u>6360</u>
LOT SIZE <u>.146</u>	SQUARE FEET
ACREAGE	PUBLIC PRIVATE
SEWER ☒	☐
WATER ☒	☐
CRESCAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	☐ ☒
HISTORIC PROPERTY/BUILDING	☐ ☒
PRIOR ZONING HEARING <u>2005-671-A</u>	
ZONING OFFICE USE ONLY	CASE#
REVIEWED BY	ITEM#

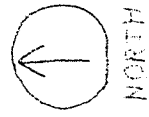
<u>Zeller Site Plan</u>	
SCALE: 1" = <u>30'</u>	APPROVED BY:
DATE: <u>6/6/05</u>	
<u>#2013-0085-A</u>	DRAWN BY: <u>KLK</u>
	REVISED: <u>10.0.5</u>
	DRAWING NUMBER

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

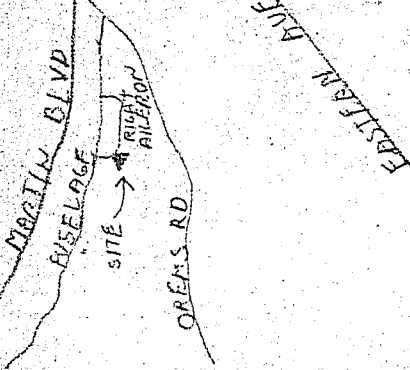
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PLAT BOOK #13 FOLIO #139 LOT #162
OWNER M + K Zeller



COMMUNITY PARK LANDS



PREPARED BY BUCK JONES SCALE OF DRAWING 1" = 30'



AOC R 37-F-5
VICINITY MAP
SCALE 1" = 1000'

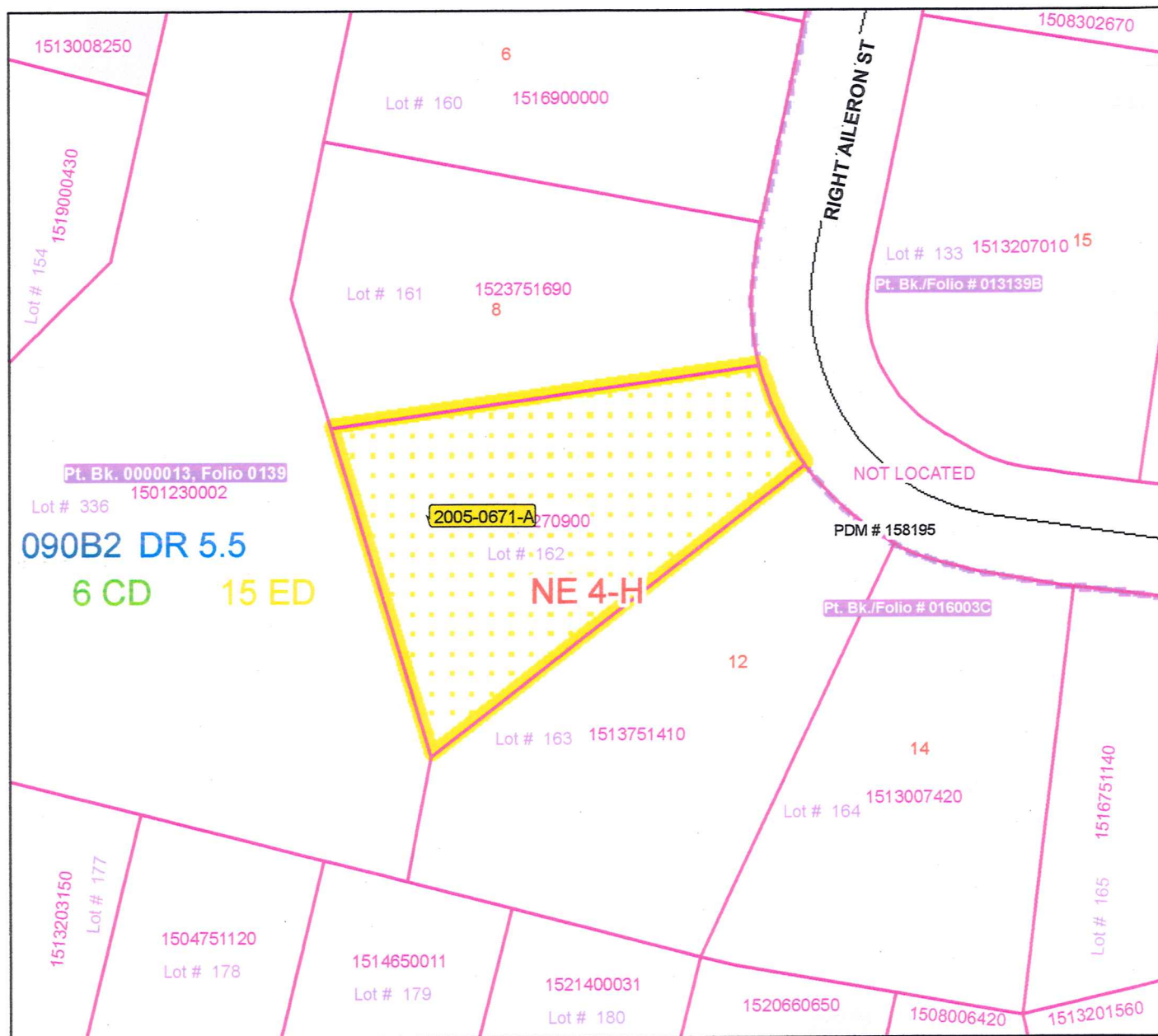
LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # 090B2
ZONING: DM5.5
LOT SIZE .146 ACRES 6360 SQUARE FEET
SEWER ☒ PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐
CRESCAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING: 2005-671-A
ZONING OFFICE USE ONLY
REVIEWED BY ITEM# CASE#

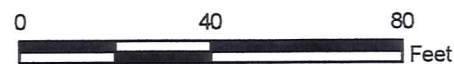
Zeller Site Plan

SCALE: 1" = 30'	APPROVED BY: <u>[Signature]</u>	DRAWN BY: <u>[Signature]</u>
DATE: <u>6/6/05</u>		REVIS
#2013-0085-A <u>RDD</u>		
DRAWING NUMBER		

10 Right Aileron Street



Publication Date: October 09, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 40 feet

Item # 0085

JB 12/21 11AM

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