

IN RE: PETITION FOR VARIANCE

(152 Holly Circle)

15th Election District

6th Councilman District

A. Glen, Jr. & Katherine W. Mansberger

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0031-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by A. Glen, Jr. & Katherine W. Mansberger, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 415A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit storage of 4 recreational vehicles on residential property in lieu of the maximum allowed 1 recreational vehicle. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was A. Glen, Jr. & Katherine W. Mansberger. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. Several citizens attended the hearing and opposed the petition, and their names are listed in the case file.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS), which indicated that the subject property is located within the Chesapeake Bay Critical Area, and that the Petitioners must satisfy the critical area regulations.

Testimony and evidence revealed that the subject property is approximately .1672 square

ORDER RECEIVED FOR FILING

Date 10/7/13

By Sen

feet and is zoned DR 3.5. The property is improved with a single family dwelling and a small garage, as shown on the site plan. Exhibit 1. Though the petition references four (4) "recreational vehicles," the evidence in the case indicates that only one of the vehicles on the property meets the B.C.Z.R. definition of that term.

The Petitioners own a boat (a red outboard motor boat on a trailer, as shown in the photographs marked as Citizens' Exhibit #5), and that is a "recreational vehicle" under B.C.Z.R. §§ 101 & 415A. The Petitioners own two (2) jet skis which are apparently also stored on a trailer, though no photographs of these vehicles were submitted. Significantly, the County Council in 1993 (Bill No. 54-1993) enacted a regulation which provides that "jet-propelled skis shall not be considered boats or recreational vehicles" under the B.C.Z.R. As, such, the two (2) jet skis referenced in the hearing are not considered recreational vehicles for purposes of this case.

The other vehicles owned by Petitioners and stored at the property include a utility trailer and box trailer, and both of these are shown in photographs submitted. As with the jet skis, these vehicles are not recreational vehicles under the B.C.Z.R. The zoning regulations define "recreational vehicle and boat" as follows:

A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which, except for a boat kept in water, is not more than 35 feet in length and which, in general, is of such size and weight as not to require special highway movement permits when driven or drawn by a passenger automobile or pickup truck. The following shall be considered recreational vehicles:

A. BOAT — A recreational boat with or without a trailer. If in combination with a trailer, a boat is normally towed by a vehicle.

B. CAMPING TRAILER — A vehicular portable unit mounted on wheels and constructed with collapsible side walls which fold down for towing by another vehicle and unfold at campsite to provide temporary living quarters.

C. FIFTH-WHEEL TRAILER — A vehicular portable unit mounted on wheels, designed and constructed to be towed by a passenger automobile or pickup truck fitted with a fifth-wheel hitch.

D. MOTOR HOME — A vehicular unit built on a self-propelled motor vehicle chassis.

E. TRAVEL TRAILER — A vehicular portable unit mounted on wheels, designed to be towed by a passenger automobile or pickup truck.

ORDER RECEIVED FOR FILE

Date 10/7/13

By ALN

F. TRUCK CAMPER — A portable unit designed to be loaded onto, or affixed to, the bed or chassis of a truck or automobile.

Having reviewed the photographs submitted, it appears the Petitioners own and store on the property just one "recreational vehicle" (the red boat). Zoning relief is not needed to store one RV, provided the boat is stored as required by B.C.Z.R. §415A and the trailer has current license tags/plates.

But the foregoing should not be interpreted to mean the Petitioners are in compliance with the regulations. The Baltimore County Code and zoning regulations do not permit commercial enterprises to be conducted from D.R. zoned properties. To the extent the box and/or utility trailers are used in a commercial fashion, that would be in violation of the B.C.Z.R., although that determination must be made by the Code Inspection Bureau, not the undersigned. In addition, the box and utility trailers are likely governed by B.C.Z.R. § 415, which requires that in a residential zone only one trailer can be stored per lot, in a garage or "rear half" of the lot. B.C.Z.R. §415.3. Again, this determination must be made by the Code Inspection Bureau.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the petition for variance relief shall be dismissed without prejudice.

THEREFORE, IT IS ORDERED, this 7th day of October, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit storage of 4 recreational vehicles on residential property in lieu of the maximum allowed 1 recreational vehicle, be and is hereby DISMISSED WITHOUT PREJUDICE.

ORDER RECEIVED FOR FILING

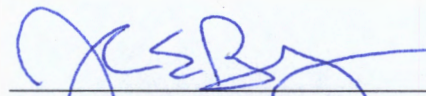
Date

10/7/13

By

Sen

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

ORDER RECEIVED FOR FILING

Date 10/7/13

By sln



KEVIN KAMENETZ
County Executive

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

October 7, 2013

A. Glenn, Jr. and Katherine W. Mansberger
152 Holly Circle
Baltimore, Maryland 21221

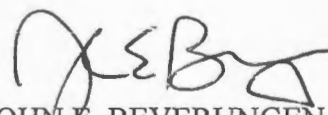
RE: Petition for Variance
Property: 152 Holly Circle
Case No.: 2014-0031-A

Dear Mr. and Mrs. Mansberger:

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:slm
Enclosure

C: Nicholas J. Pistolas, 136 Holly Circle, Essex, Maryland 21221
George Kelso, 2017 Sue Creek Drive, Essex, Maryland 21221
Patricia Stawski, 130 Holly Circle, Baltimore, Maryland 21221
Tom Kinard, 148 Holly Circle, Essex, Maryland 21221
Jody Krul, 134 Holly Circle, Essex, Maryland 21221

**CBCA****PETITION FOR ZONING HEARING(S)****Flood**

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 152 HOLLY CIRCLE which is presently zoned OS 3.5
Deed References: 1222500467 10 Digit Tax Account # 19-00-004189
Property Owner(s) Printed Name(s) A. GLEN MANSBERGER JR. & KATHERINE W. MANSBERGER(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. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. **X** a Variance from Section(s)

BCZR: 415A.1 → To permit storage of 4 recreational vehicles on residential property in lieu of the maximum allowed 1 recreational vehicle.

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:**Legal Owners (Petitioners):**

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:**Representative to be contacted:**

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Name - Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0031Filing Date 8/8/13Do Not Schedule Dates: 8/28-9/10Reviewer JS

Part A -ZONING PROPERTY DESCRIPTION FOR 152 Holly Circle –Beginning at a point on the East side of Holly Circle which is 50' R/W wide at the distance of 150' South of the centerline of the nearest improve intersecting street (Sue Creek Dr.) which is 50' R/W wide.

PART B- OPTION 2-Being Lot#(107), Block (—), Section #(—) in the subdivision of (Sue Creek Landing) as recorded in Baltimore County Plat Book # (EHK, Jr. No. 48) Folio # (9), containing (.1672 AC). Located in the (15) Election District and (6) Council District.

2014-0031-A

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: 2014-0031-4

Petitioner: A. GLEN + KATHERINE MANSBERGER JR.

Address or Location: 152 HOLLY CIRCLE

PLEASE FORWARD ADVERTISING BILL TO:

Name: A. GLEN MANSBERGER JR.

Address: 152 HOLLY CIRCLE

ESSEX, MD. 21221

Telephone Number: 410-686-8231

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

No. **101531**

Date: **8/8/13**

PAID RECEIPT

BUSINESS ACTUAL TIME INM
8/09/2013 8/08/2013 13:04:20 2

REC 0302 MAIL JENI JEL
>>RECEIPT # 039926 8/08/2013 0328

Dept 5 528 JMWING VERIFICATION
CR NO. 101531

Receipt Tot 175.00
\$ 00 CR 175.00 CR
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
000	806	0000		6130				\$ 75.00

Total: **\$ 75.00**

Rec From: **MANUSBERGER**

For: **2014-0031-A**

DISTRIBUTION

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

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/15/2013

Case Number: 2014-0031-A

Petitioner / Developer: MR. & MRS. MANSBERGER

Date of Hearing (Closing): OCTOBER 3, 2013

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:
152 HOLLY CIRCLE

The sign(s) were posted on: SEPTEMBER 13, 2013



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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 12, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on September 12, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0031-A

152 Holly Circle

E/s Holly Circle, 150 ft. s/of centerline of intersection with Sue Creek Drive

15th Election District - 6th Councilmanic District

Legal Owner(s): Glen & Katherine Mansberger, Jr.

Variance: to permit storage of 4 recreational vehicles on residential property in lieu of the maximum allowed 1 recreational vehicle.

Hearing: Thursday, October 3, 2013 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.
09/15/15 September 12 945933



KEVIN KAMENETZ
County Executive

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

August 22, 2013

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:

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152 Holly Circle

E/s Holly Circle, 150 ft. s/of centerline of intersection with Sue Creek Drive

15th Election District – 6th Councilmanic District

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Mansberger, 152 Holly Circle, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 13, 2013.**
- (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, September 12, 2013 Issue - Jeffersonian

Please forward billing to:
Glen Mansberger, Jr.
152 Holly Circle
Essex, MD 21221

410-686-8231

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2014-0031-A

152 Holly Circle

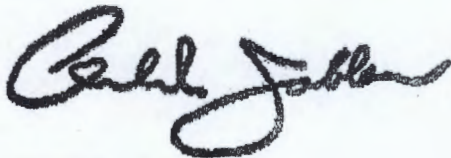
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15th Election District – 6th Councilmanic District

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

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

M E M O R A N D U M

DATE: November 7, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0031-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 6, 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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
152 Holly Circle; E/S Holly Circle, 150' S *
c/line with Sue Creek Drive * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s) Glen Jr. & Katherine Mansberger* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2014-031-A

* * * * *

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.

RECEIVED

AUG 21 2013

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21 day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Glen & Katherine Mansberger, 152 Holly Circle, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
152 Holly Circle; E/S Holly Circle, 150' S
c/line with Sue Creek Drive * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts
Legal Owner(s) Glen Jr. & Katherine Mansberger* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2014-031-A

* * * * *

AMENDED 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.

RECEIVED

AUG 26 2013



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Glen & Katherine Mansberger, 152 Holly Circle, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014-0031-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/21/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>9/13/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8/20/13</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9/12/13</u>	
SIGN POSTING	Date: <u>9/13/13</u>	by <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

3/30/81

✓ THIS DECLARATION made this 30th day of March 1981, by COLONIAL DEVELOPMENT CORPORATION, for the purpose of imposing the following Restrictive Covenants upon the recorded subdivision known as SUE CREEK LANDING, located in the Fifteenth (15th) Election District of Baltimore County, Maryland. It is the intention of the Declarant, which is the Owner and Developer of the said subdivision on the date of this Declaration, that these covenants shall run with the land, apply to each and every lot forming a part of each section of said subdivision, and bind the purchasers thereof, their personal representatives, successors and assigns, and to this end Declarant has caused this Declaration to be made and duly recorded among the Land Records of Baltimore County.

APR -1-81 1274555 *****7
APR -1-81 1274555 *****7

COVENANTS

1. No nuisance of any kind shall be maintained or allowed on any lot, nor shall any noxious or offensive activity be carried on upon any lot, nor shall any use thereof be made, done or permitted, which shall or may be noxious or dangerous to the health or safety of the surrounding or adjoining property or the Owners thereof, or which may be or may become an annoyance to the neighborhood.

2. No structures of a temporary character, tents, shacks, garages, barns or other outbuildings shall be placed or erected on any lot at any time, either temporarily or permanently; provided, however, that one single-car detached garage per lot may be erected, with the prior approval of the Developer, in a style and exterior construction matching the dwelling erected on that lot. Any other, non-residential structures on any lot shall only be permitted if attached to the dwelling and matching it in style and exterior construction.

3. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that domestic dogs, cats or other household pets, not in excess of one (1) dog and one (1) other household pet, may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

4. No sign of any kind shall be displayed to the public view on any lot except one (1) professional sign of not more than (1) square foot in area, one (1) sign of not more than five (5) square feet in area advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

5. No building shall be located on any lot nearer to any adjacent lot, street or other property than the building lines established on the development plat, except as modified herein. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of the building. An encroachment into the aforesaid set-back areas of not more than twelve (12) inches shall not constitute a violation of these restrictions.

6. No motor vehicles, other than private, regularly operated passenger automobiles, shall be parked or stored on any lot, or upon the streets of the subdivision; parking or storage of campers, recreational or commercial vehicles of any sort, is specifically prohibited. One boat, either hand-portable or trailer-mounted, may be stored on each lot in the subdivision; provided, however, that the Developer shall have the right to designate the area within any lot where such boat may be located.

TRANSFER TAX NOT REQUIRED

RECORDED IN 6272

OFFICE OF THE CLERK OF THE BALTIMORE COUNTY COURT
3-31-81
H. B. DUE

7. Owners shall place refuse for collection in proper containers only at locations designated by the Developer or by Baltimore County, Maryland. No trash, debris or refuse of any kind shall be permitted to accumulate on any lot, nor shall lumber, stone, brick, concrete or other construction materials be stored on any lot except for brief periods during actual construction.

8. Nothing contained in this Declaration shall be deemed in any way to prohibit or restrict the use of any part of the property or open space, by the Declarant, its successors and assigns, in connection with any construction, repairs or maintenance of improvements, or any similar temporary activity on the properties described herein including the storage of materials, the storage and/or operation of machinery, the maintenance of contractors' field offices, maintenance of Declarant's sales offices, or for any purposes incidental or attendant to such construction, repair, maintenance or other activity.

9. No building, fence, wall, exterior color or trim change, lighting change, landscaping change or other structure shall be commenced, erected or maintained on the properties, nor shall an exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Developer, or, at the Developer's discretion, by an architectural committee composed of three (3) or more representative lot owners elected by a majority of the lot owners in the subdivision. Developer reserves the right to retain such approval authority until such time as it, its successors or assigns, deems appropriate. In the event the Developer or, subsequently, the architectural committee, shall fail to approve or disapprove such design and location within sixty (60) days after such plans and specifications have been received, approval will not be required and this Paragraph will be deemed to have been fully complied with. Any construction started on an approved dwelling must be completed, as approved, within a period of one (1) year from the date of issuance of a building permit by Baltimore County, Maryland.

10. Any owner or association of owners shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, and easements now or hereafter imposed by the provisions of this Declaration. Failure by any owner or any association of owners to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

11. Invalidity of any one of these covenants or restrictions by judgment or court order shall in no manner affect any other provisions of this Declaration, which shall remain in full force and effect notwithstanding such invalidation.

12. The rights, privileges, duties and obligations of the Developer and Declarant herein created shall be binding upon and shall inure to the benefit of its designees, successors and assigns.

IN WITNESS WHEREOF, the undersigned Declarant, COLONIAL DEVELOPMENT CORPORATION, has caused its seal, and the hand of its authorized officer, to be affixed hereto this day and year first above written.

ATTEST:

COLONIAL DEVELOPMENT CORPORATION

Record for record APR 1 1981 at
Per Elmer H. Fazio, Jr., Clerk
Mail to [illegible]
Receipt No. [illegible]

BY: [Signature] (SEAL)

⑥
Total 30

(David
Zowid)
6012E) 410-887-3351
cell 410-409-2764

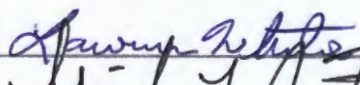
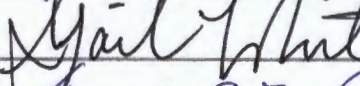
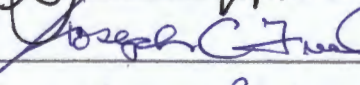
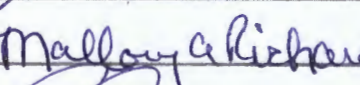
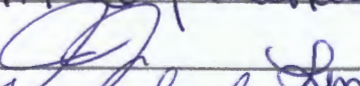
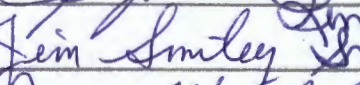
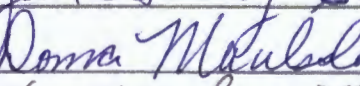
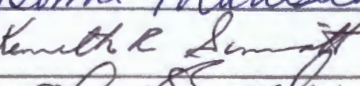
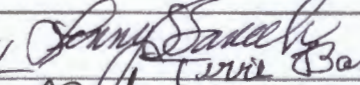
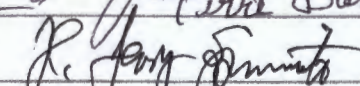
(David
Zowid)
6012E) 410-887-3351
cell 410-409-2764

①

PETITION IN OPPOSITION TO A
REQUEST FOR A ZONING VARIANCE
CASE # 2014 0031A

WE, the UNDERSIGNED PROPERTY OWNERS
OF SUE CREEK LANDING HEREBY OPPOSE THE
GRANTING OF A ZONING VARIANCE FOR THE
PROPERTY KNOWN AS 152 HOLLY CIRCLE, ESSEX,
MARYLAND WHICH WOULD PERMIT THE STORAGE
OF 4 RECREATIONAL VEHICLES IN LIEU OF THE
MAXIMUM ALLOWED OF ONE RECREATIONAL VEHICLE

WE HEREBY AUTHORIZE THAT THIS PETITION
BE PRESENTED AS EVIDENCE OF OUR OPPOSITION
IN A HEARING SCHEDULED FOR OCTOBER 3,
2013 @ 11:00 AM.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9-23-13	LAWRENCE M. WHITE		132 HOLLY CIRCLE
9-23-13	GAIL ANN WHITE		132 HOLLY CIRCLE
9-23-13	JOSEPH C FIEDLER		124 HOLLY CIRCLE
9-23-13	Mallory A. Richards		124 HOLLY CIRCLE
9-23-13	JOSEPH EVANS		125 HOLLY CIRCLE
9-23-13	JIM + LINDA SMILEY		126 HOLLY CIRCLE
9-23-13	DONNA MAULSLAKE		123 HOLLY CIRCLE
9/28/13	KENNETH R SINNOTT		2027 SUE CREEK DR.
9/29/13	LENNY & TERRI BANACH		2001 SUE CREEK DR
9-29-13	H. GEORGE SPINNAUTO		2023 SUE CREEK DR

6

PETITION IN OPPOSITION TO A
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CASE # 2014 0031A

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IN A HEARING SCHEDULED FOR OCTOBER 3,
2013 @ 11:00 AM.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9-23-13	MARINA ESWORTHY	<i>M. Esworthy</i>	107 HOLLY CIRCLE
9/23/13	ROBERT KRUL	<i>Robert Krul</i>	134 HOLLY CIRCLE
9/23/13	JOANNE KRUL	<i>Joanne Krul</i>	134 HOLLY CIRCLE
9/25/13	MARK A. YOST	<i>Mark A. Yost</i>	201 SUE CREEK DRIVE
9/25/13	Dianne Dromicky	<i>Dianne Dromicky</i>	2031 Sue Creek Dr.
9/25/13	Joseph Dromicky	<i>J. Dromicky</i>	2031 Sue Creek Dr.
9.25.13	Susan Sullivan	<i>S. Sullivan</i>	2033 SUE CREEK DR.
9/25/13	Kathy Brandt	<i>Kathy Brandt</i>	2028 Sue Creek Dr.
9/25/13	Stephan Brandt	<i>Stephan Brandt</i>	2028 SUE CREEK DR.

5

PETITION IN OPPOSITION TO A
REQUEST FOR A ZONING VARIANCE
CASE # 2014 0031A

WE, the UNDERSIGNED PROPERTY OWNERS
OF SUE CREEK LANDING HEREBY OPPOSE THE
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MARYLAND WHICH WOULD PERMIT THE STORAGE
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IN A HEARING SCHEDULED FOR OCTOBER 3,
2013 @ 11:00 AM.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9/22/13	MELVIN E. SCHAEFER	M. E. Schaefer	5034 SUE CREEK DR (21221)
9/22/13	MARY L. SCHAEFER	Mary L. Schaefer	2034 Sue Creek Dr Essex, Md. 21221
9/22/13	VICTOR MARINO	Victor Marino	2030 SUE CREEK DR Essex, Md. 21221
9/22/13	Barbara Contino	Barbara Contino	2030 Sue Creek Dr Essex, Md. 21221
9/22/13	Lynda Magee	Lynda C. Magee	2009 Sue Creek Dr 21221
9/22/13	Mike Magee	Mike Magee	2009 Sue Creek Dr 21221
9/22/13	Andrea Yoss	Andrea Yoss	2011 SUE CREEK DRIVE 21221
9/22/13	Charles Cummings	Charles Cummings	138 Holly Circle
9/22/13	Patricia Stawski	Patricia Stawski	130 Holly Circle
9/22/13	BERNARD STAWSKI	Bernard Stawski	130 Holly Circle

PETITION IN OPPOSITION TO A
REQUEST FOR A ZONING VARIANCE
CASE # 2014 0031A

WE, the UNDERSIGNED PROPERTY OWNERS
OF SUE CREEK LANDING HEREBY OPPOSE THE
GRANTING OF A ZONING VARIANCE FOR THE
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WE hereby AUTHORIZE THAT THIS PETITION
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IN A HEARING SCHEDULED FOR October 3,
2013 @ 11:00 AM.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9/22/13	NICHOLAS J. Pistolas	Nicholas J Pistolas	136 Holly Circle
9-22-13	CORDIA P. KRASEL	Cordia P Krasel	146 Holly Cir
9-22-13	ROBERT J KRASEL	Robert J. Krasel	140 Holly Cir
9-22-13	R. Greg Blankenship	R. Greg Blankenship	146 Holly Cr
9/22/13	MARY KELSO	Mary Kelso	2017 SUE CREEK DR.
9/22/13	MARY KELSO	Mary Kelso	2017 SUE CREEK DR
9-22-13	John M Ferstein	John M Ferstein	2025 Sue Creek Dr
9-22-13	THOMAS P. PAPAGALLO	Thomas Papagallo	2029 SUE CREEK DR
9/22/13	Mary G. Higgins	MARY G. HIGGINS	2035 SUE CREEK DR.
9/22/13	Ken Higgins	Ken Higgins	2035 Sue Cr Dr.



KEVIN KAMENETZ
County Executive

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

September 25, 2013

A Glen Jr. & Katherine W. Mansberger
152 Holly Circle
Essex MD 21221

RE: Case Number: 2014-0031 A, Address: 152 Holly Circle

Dear Mr. & Ms. Mansberger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 8, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 8-20-13

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

RE: Baltimore County
Item No 2014-0031-A
Variance
A. Glen Jr. & Katherine W.
Mansberger
152 Holly Circle

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. 2014-0031-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,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: August 21, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For August 26, 2013
Item Nos. 2014- 0031, 0032,0033,0034,0037 and 0038.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 13 2013



OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: September 13, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0031-A
Address 152 Holly Circle
(Mansberger Property)

Zoning Advisory Committee Meeting of August 19, 2013.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The applicant requests to store four recreational vehicles on the residential property in lieu of the maximum allowed one recreational vehicle. It is our understanding that the vehicles are to be stored in an outdoor location on the property and will not require the construction of a storage structure. The vehicles are not regulated as impervious surfaces, due to their mobile and temporary nature. If a permit application is received, the project will be reviewed for applicability of the 10% Rule regulations and any required mitigation. By meeting any applicable IDA pollutant reduction requirements, allowing the request by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property, however, tidal waters are within approximately 200 feet of the subject property. The current proposal for the property

may be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Sue Creek.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to store four recreational vehicles on the property may be subject to review for application of the Critical Area IDA pollutant reduction requirements, therefore, is consistent with this goal. Allowing the request will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

Reviewer: *ThomasPanzarella - Environmental Impact Review*

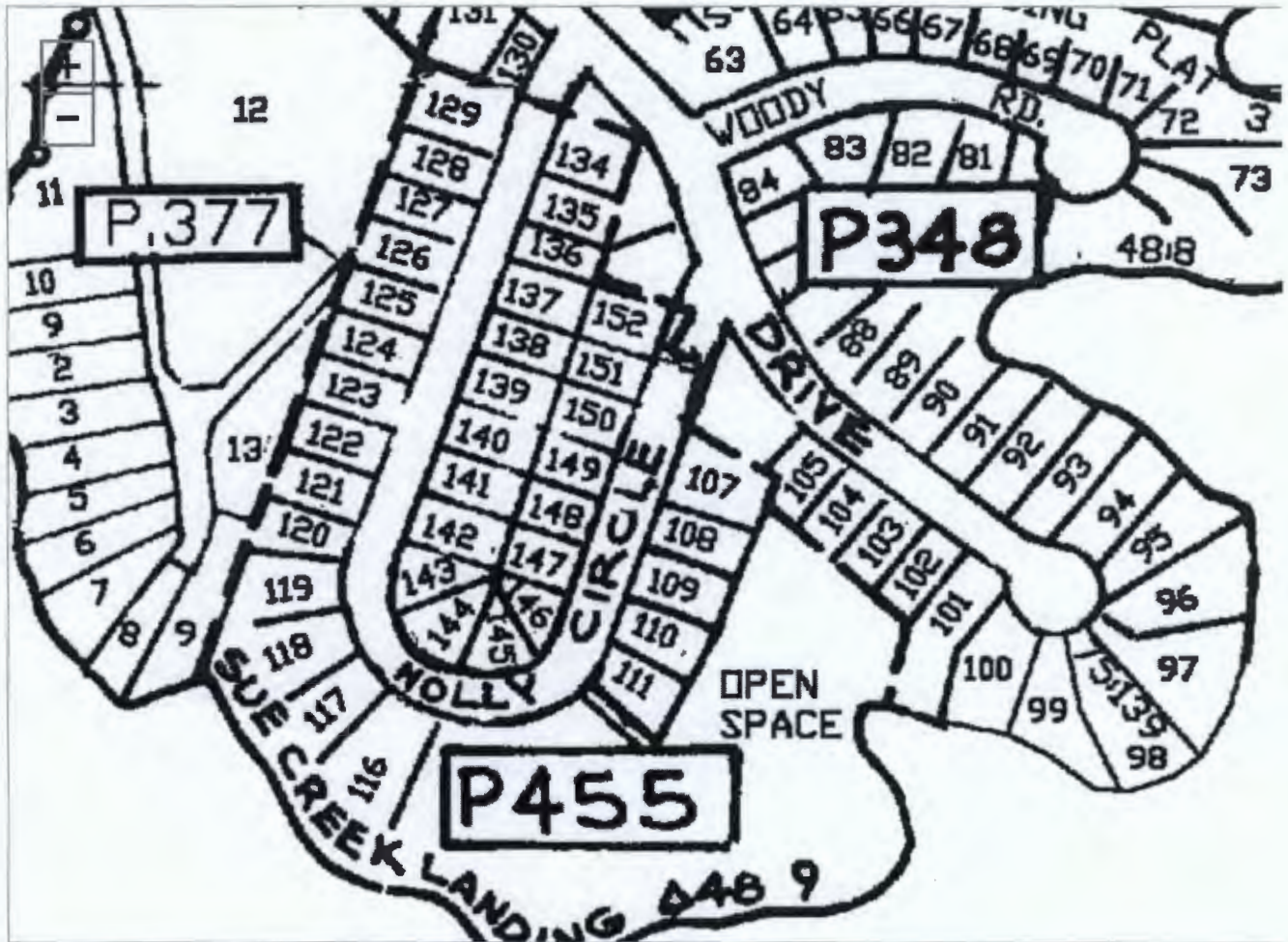
Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1900004199		
Owner Information		
Owner Name:	MANSBERGER A GLEN JR MANSBERGER KATHERINE W	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	152 HOLLY CIR BALTIMORE MD 21221-1927	Deed Reference: 1) /12225/ 00467 2)
Location & Structure Information		
Premises Address:	152 HOLLY CIR 0-0000	Legal Description: .1672 AC 152 HOLLY CIR SUE CREEK LANDING
Map: 0098	Grid: 0020	Parcel: 0455
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 107	Assessment Year: 2012
Plat No: 4	Plat Ref: 0048/ 0009	Town: NONE
Special Tax Areas:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1984	1,100 SF	470 SF
Property Land Area	County Use	
7,283 SF	04	
Stories	Basement	Type
1.000000	YES	SPLIT FOYER
Exterior	Full/Half Bath	Garage
SIDING	2 full	1 Detached
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
Land:	92,000	92,000
Improvements	210,700	126,500
Total:	302,700	218,500
Preferential Land:	0	218,500
		0
Transfer Information		
Seller: MANSBERGER A GLEN	Date: 06/12/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12225/ 00467	Deed2:
Seller: MANSBERGER A GLEN, JR	Date: 03/11/1993	Price: \$0
Type:	Deed1: /09899/ 00672	Deed2:
Seller: RESIDENT BUILDER S INC	Date: 05/29/1984	Price: \$86,700
Type: ARMS LENGTH IMPROVED	Deed1: /06720/ 00411	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 08/10/2009		

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **15** Account Number: **1900004199**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

-->

CASE NAME _____
CASE NUMBER 2014-0031-A
DATE 10-3-13

[illegible]

Case No.: 2014-0031-A

JLB
10/3
11 AM

Exhibit Sheet

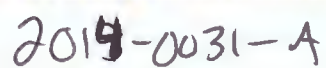
10/7/13
Sen

Petitioner/Developer

10/7/13

Protestant

No. 1	Site plan	Photos of Ps' house + yard
No. 2	Color photos of Ps' home	Photos of homes in immediate vicinity
No. 3	Series of Mounted photos of subject property and other homes in vicinity	Petition signed by Neighbors
No. 4		Covenants, Liber 6222 Folio 457
No. 5		Photos of Ps' house + yard JLB
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



6 WOODY RD
2 BOATS



Sue Creek Drive
2 BOATS
1 TRAILER

MUST Be stored out front
ACROSS The Street from Ret 202



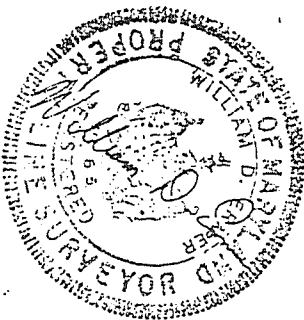
1969 Sue Creek DR
~~1~~ BOX TRAILER & 1 TRAVEL TRAILER



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 152 HOLLY CIRCLE OWNER(S) NAME(S) A. GLEN & KATHERINE W. MAXBERGER JR.
 SUBDIVISION NAME SUE CREEK LANDING LOT # 107 BLOCK # - SECTION # -
 PLAT BOOK # 144, JR FOLIO # 9 10 DIGIT TAX # 19-00-004199 DEED REF. # 12225-100467

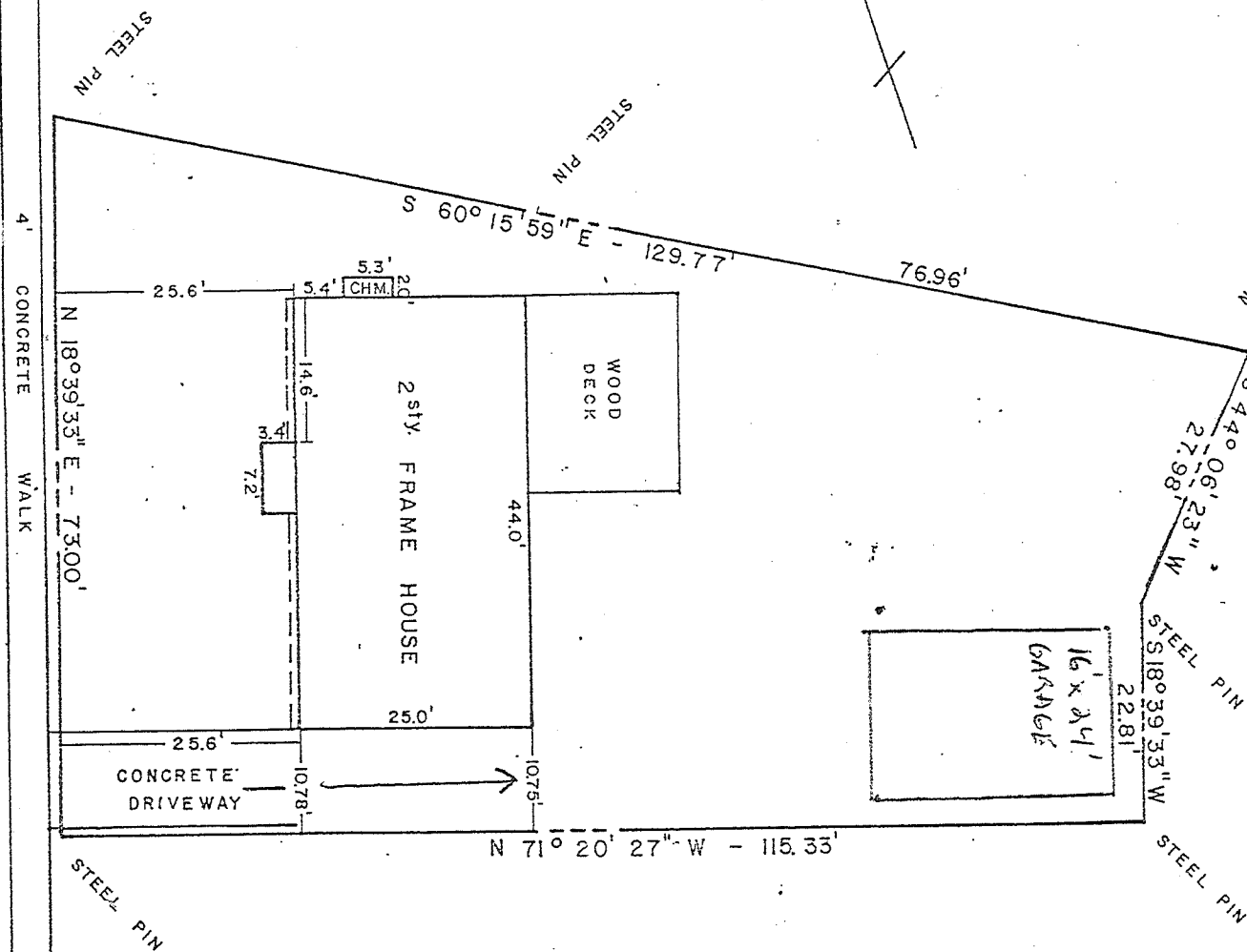
10.48

WILLIAM D. ERMER
 SURVEYORS
 1321 CHAPEL HILL DR.
 BALTO. MD. 21237

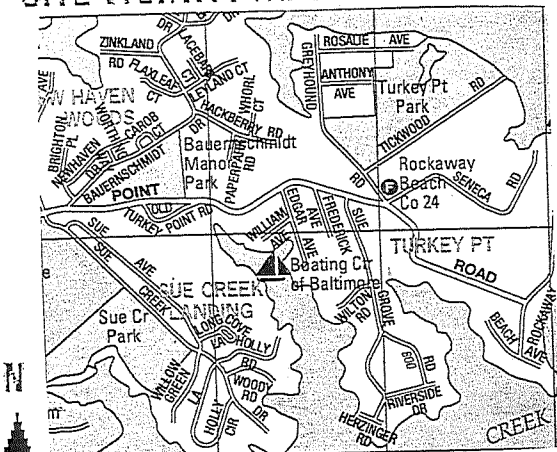


PROPERTY SURVEY
 LOT 107 SUE CREEK LANDING, PLAT FOUR
 152 HOLLY CIRCLE
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: JUNE 21, 1986
 SCALE: 1" = 2'

HOLLY CIRCLE
 50' R/W



SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 098A3
 SITE ZONED DA 3.5
 ELECTION DISTRICT 15A
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE .1672
 OR SQUARE FEET -
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2014-0031-4

Petitioners No. 1