

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(12305 Belair Road) *
11th Election District *
3rd Council District *
Ray & Doris Eller, *Legal Owners* *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0205-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Ray & Doris Eller, the legal owners. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory structure (pole barn) to be larger than the principal structure. The Variance petition seeks relief from B.C.Z.R. §§ 400.1 and 400.3: (1) to permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement; and (2) to permit an accessory structure (pole barn) to be 28 ft. high in lieu of the maximum height of 15 ft.

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 Petitioners' son, Mark Eller. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A neighbor (Ila Christenbury) attended the hearing to obtain clarification of the relief being sought. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is 13.9 acres in size and is zoned RC 5. The property is improved with a single family dwelling, which Petitioners have owned for nearly 40 years. Petitioners would like to have room to store an RV and boat, and to remove a mobile home. They propose to

ORDER RECEIVED FOR FILING

Date

6/5/14

By

Sen

have constructed on-site a post frame building (pole barn), although zoning relief is required before they can do so.

Based upon the testimony and evidence presented, I will grant the petition for variance. To obtain variance relief a petitioner must show:

- (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).

The Petitioners have met this test. The subject property is large and irregular shaped, as shown on the plan. Exhibit1. As such, it is unique. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would be unable to construct a garage for storage of their vehicles. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

With regard to the petition for special hearing, it is not clear that such relief is even required. The house is 2,544 SF according to State records, while the garage would be 2,304 SF. As such, in terms of square footage, the proposed garage would not be larger than the single family dwelling. In terms of ground floor footprint, the 48' x 48' garage is larger than the single family dwelling. Accordingly, I will grant the petition for special hearing to allow the proposed accessory building to have a larger footprint than the dwelling. Mr. Eller presented a Google Earth photo which shows that the 14 acre site is heavily wooded, and the proposed building would not be visible to neighbors. In these circumstances, I do not believe granting the petition would be injurious to the community in any way.

THEREFORE, IT IS ORDERED this 5th day of June, 2014, by this Administrative Law

ORDER RECEIVED FOR FILING

Date

6/5/14

By

Sen

Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an accessory structure (pole barn) to be larger (in ground floor area) than the principal structure, be and is hereby GRANTED .

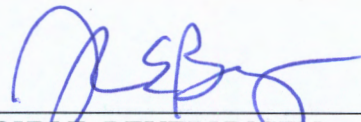
IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §§ 400.1 and 400.3: (1) to permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement; and (2) to permit an accessory structure (pole barn) to be 28 ft. high in lieu of the maximum height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the proposed accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

6/5/14

By

sln

KEVIN KAMENETZ
County Executive



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

June 5, 2014

Ray and Doris Eller
12305 Belair Road
Kingsville, Maryland 21087

RE: Petitions for Special Hearing and Variance
Property: 12305 Belair Road
Case No.: 2014-01205-SPHA

Dear Mr. & Mrs. Eller:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Ila Christenbury, 12009 Cedar Lane, Kingsville, Maryland 21087



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 12305 Belair Rd Kingsville, MD 21087 which is presently zoned RC5

Deed References: Liber JLE No 34618 Folio 364 10 Digit Tax Account # 1700002130

Property Owner(s) Printed Name(s) Raymond + Doris Eller

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve.

SEE ATTACHED

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

3. ☒ a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RAY ELLER, Doris Eller

Name #1 - Type or Print

Name #2 - Type or Print

Ray Eller

Doris Eller

Signature #1

Signature #2

12305 Belair Rd Kingsville Md

Mailing Address Home City State

21087, 410-592-8532, deller2@msn.com

Zip Code Telephone # Email Address

cell 443-827-5181

Representative to be contacted:

Mark Eller

Name - Type or Print

Mark Eller

Signature

1850 Wye Mills Ln Bel Air MD

Mailing Address City State

21015, 443-243-7487, mark.e227@verizon.net

Zip Code Telephone # Email Address

CASE NUMBER 2014-0205 SPHA Filing Date 4/4/14

Do Not Schedule Dates: Reviewer JS

12305 Belair Road

Requested Relief

Special Hearing: BCZR 500.7 → To permit an accessory structure (pole barn) to be larger than the principal structure.

Variance: BCZR: 400.1 → To permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement.

Variance: BCZR: 400.3 → To permit an accessory structure (pole barn) to be 28 feet high in lieu of the maximum height of 15 feet.

Zoning property description for 2305 Belair rd.

Beginning at a point of intersection of a 15 foot wide right of way and the east side of Belair Road, approximately 778 feet south of Open Bible Way and 445 feet north of the north east corner of the intersection of Belair and Jerusalem Roads, then along the centerline of said right of way the following courses and distances; N49°52'W 364.03 feet, N111°E 295.65 feet, N3°53'22"W 208.62 feet, to a parcel of land described in a Deed recorded among the Land Records of Baltimore County in Liber 5521 at folio 414, and as shown on a plat included therewith, by the following metes and bounds: N88°34'E 160.0 feet, S25°14'25"E 265.57 feet, S68°12'W 160 feet, N36°06'07"W 195.46 feet and N3°55'56"W 138.03 feet.

2014-0205-SP44

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: 2014-0805-SPHA

Petitioner: RAYMOND + DORIS ELLER

Address or Location: 12305 Belair Rd Kingsville, MD 21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mark Eller

Address: 1850 Wye Mills Ln
Bel Air, MD 21015

Telephone Number: 443-243-7487

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

109865

No.

Date:

4/4/14

-PAID RECEIPT

BUSINESS ACTUAL TIME
 4/04/2014 4/04/2014 10:56:35 2

NO.02 MURKIN JEN JEE

RECEIPT # 875107 4/04/2014 CFLH

Dept 5 520 ZONING VERIFICATION

NO. 109865

Receipt Tot \$150.00

\$150.00 CA \$1.00 CA

Baltimore County, Maryland

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				\$150.00

Total: \$150.00

Rec From: **ELLER**

For: **2014-0205-SPHA**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

May 16, 2014

Re:

Case Number: 2014- 0205-SPHA

Petitioner / Owner: Ray & Doris Eller

Date of Hearing: June 5, 2014

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

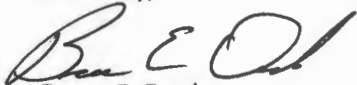
Attention: Kristen Lewis

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 **12305 Belair Road**.

The sign(s) were posted on **May 15, 2014**.

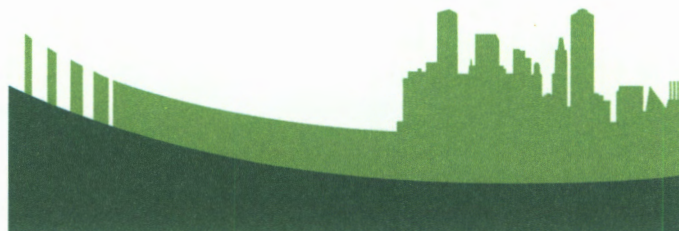
Sincerely,



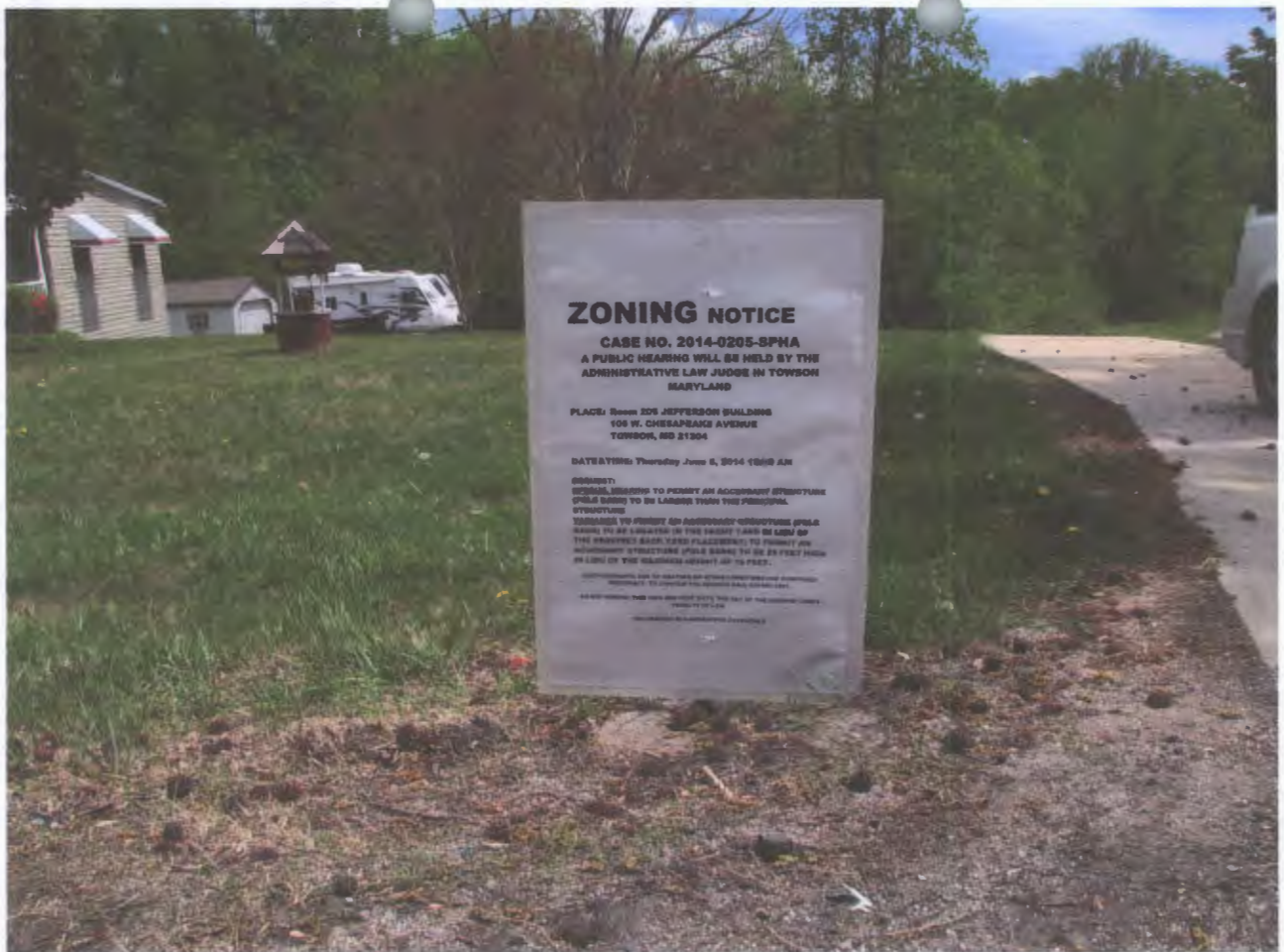
Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



ZONING NOTICE

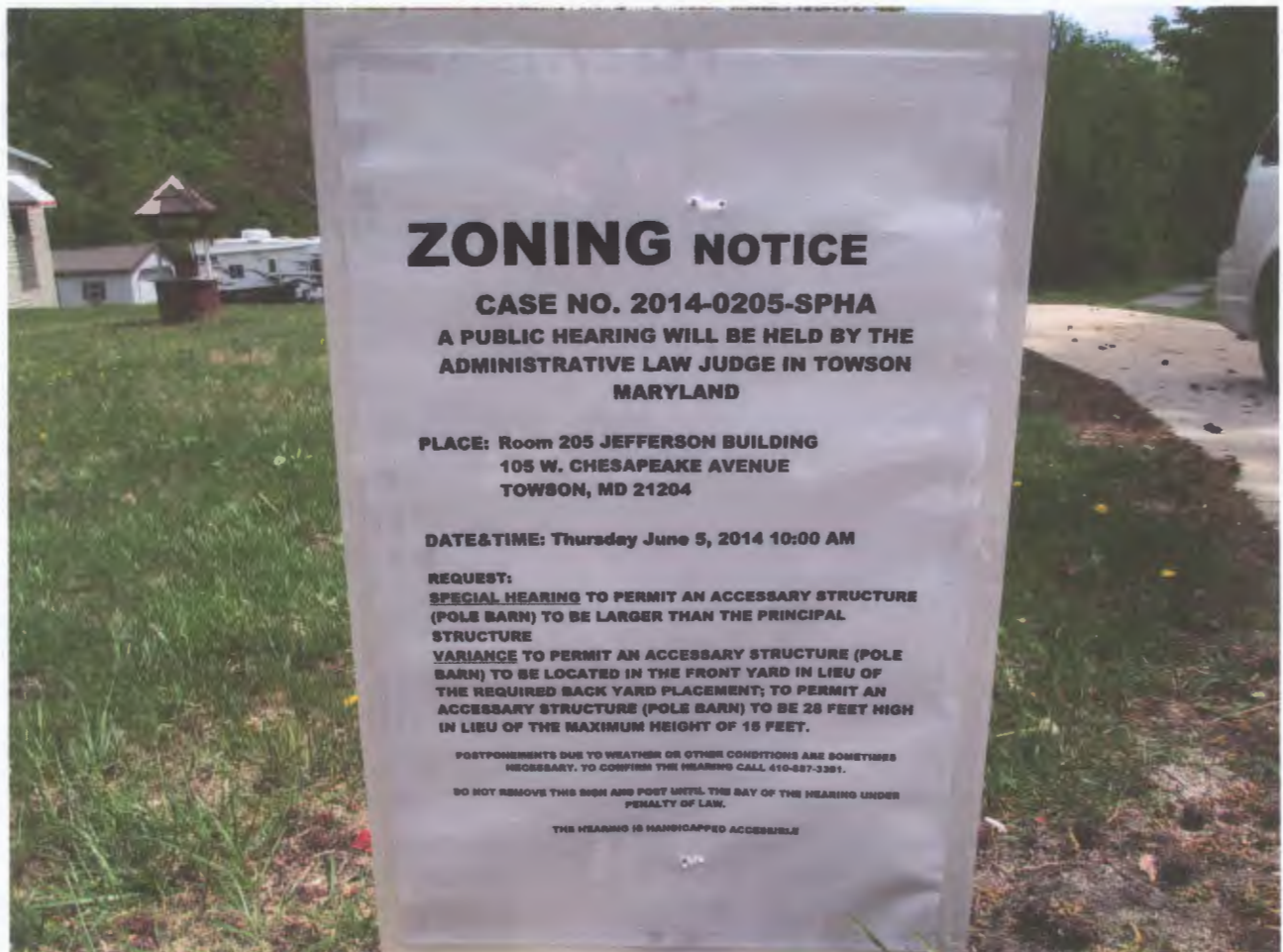
CASE NO. 2014-0205-SPHA
A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

DATE&TIME: Thursday June 5, 2014 10:00 AM

REQUEST:
SPECIAL HEARING TO PERMIT AN ACCESSORY STRUCTURE
(POLE BARN) TO BE LARGER THAN THE PRINCIPAL
STRUCTURE
VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (POLE
BARN) TO BE LOCATED IN THE FRONT YARD IN LIEU OF
THE REQUIRED BACK YARD PLACEMENT; TO PERMIT AN
ACCESSORY STRUCTURE (POLE BARN) TO BE 28 FEET HIGH
IN LIEU OF THE MAXIMUM HEIGHT OF 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-527-3381.
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE



ZONING NOTICE

CASE NO. 2014-0205-SPHA
A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND

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PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 1, 2014

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 May 15, 2014

☐ 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: # 2014-0205-SPHA

12305 Belair Road

E/s Belair Road, 778 ft. S/of centerline of Open Bible Way

11th Election District - 3rd Councilmanic District

Legal Owner(s): Ray & Doris Eller

Special Hearing: to permit an accessory structure (pole barn) to be larger than the principal structure. **Variance:** to permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement; to permit an accessory structure (pole barn) to be 28 feet high in lieu of the maximum height of 15 feet.

Hearing: Thursday, June 5, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
5/348 May 15 979832



KEVIN KAMENETZ
County Executive

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

May 1, 2014

NOTICE OF ZONING HEARING

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CASE NUMBER: 2014-0205-SPHA

12305 Belair Road

E/s Belair Road, 778 ft. S/of centerline of Open Bible Way

11th Election District – 3rd Councilmanic District

Legal Owners: Ray & Doris Eller

Special Hearing to permit an accessory structure (pole barn) to be larger than the principal structure. Variance to permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement; to permit an accessory structure (pole barn) to be 28 feet high in lieu of the maximum height of 15 feet.

Hearing: Thursday, June 5, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Ray & Doris Eller, 12305 Belair Road, Kingsville 21087
Mark Eller, 1850 Wye Mills Lane, Bel Air 21015

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 16, 2014.**
- (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, May 15, 2014 Issue - Jeffersonian

Please forward billing to:

Mark Eller
1850 Wye Mill Lane
Bel Air, MD 21015

443-243-7487

NOTICE OF ZONING HEARING

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CASE NUMBER: 2014-0205-SPHA

12305 Belair Road

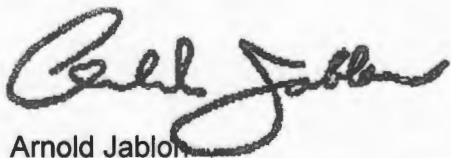
E/s Belair Road, 778 ft. S/of centerline of Open Bible Way

11th Election District – 3rd Councilmanic District

Legal Owners: Ray & Doris Eller

Special Hearing to permit an accessory structure (pole barn) to be larger than the principal structure. Variance to permit an accessory structure (pole barn) to be located in the front yard in lieu of the required rear yard placement; to permit an accessory structure (pole barn) to be 28 feet high in lieu of the maximum height of 15 feet.

Hearing: Thursday, June 5, 2014 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.

M E M O R A N D U M

DATE: July 8, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0205-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on July 7, 2014. 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 SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
12305 Belair Road; E/S Belair Road, 778' S	*	OF ADMINSTRATIVE
of c/line Open Bible Way		
11 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Ray & Doris Eller		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-205-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 18 2014

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 18th day of April, 2014, a copy of the foregoing Entry of Appearance was mailed to Mark Eller, 1850 Wye Mills Lane, Belair, Maryland 21015, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>4-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>5-7</u>	PLANNING (if not received, date e-mail sent _____)	<u>NC</u>
<u>4-17</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>1991-0413-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>5-15-14</u>	
SIGN POSTING	Date: <u>5-15-14</u> by <u>Dook</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>* Petitioners give consent to rep. them at } Ltr.</u> <u>hearing to Mark Eller, who is listed on Pet. as rep. } 5-9-14</u>		



KEVIN KAMENETZ
County Executive

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

May 28, 2014

Ray & Doris Eller
12305 Belair Road
Kingsville MD 21087

RE: Case Number: 2014-0205 SPHA, Address: 12305 Belair Road

Dear Mr. & Ms. Eller:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 4, 2014. 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
Mark Eller, 1850 Wye Mills Lane, Bel Air MD 21015

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



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

Date: 4/17/14

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

RE: Baltimore County
Item No. 2014-0205-SPHA
Special Hearing Variance
Ray & Doris Eller
12305 Belair Road
US 1

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4/14/14. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2014-0205-SPHA.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller".
Steven D. Foster, Chief/
Development Manager
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

May 9, 2014

CHRISTIN LEWIS.
PLEASE ATTACH TO CASE FILE
PER. SHARI NUFFER.

Case Number: 2014-0205-SPHA

12305 Belair Road

E/s Belair Road, 778 ft S/of centerline of Open Bible Way

11th Election District - 3rd Councilman District

Legal Owners: Ray & Doris Eller

Dear Judge Beverungen,

My wife and I will not be able to attend the zoning hearing scheduled for June 5, 2014 at 10 a.m. as we will be out of town visiting our daughter (who is expecting) and her family in Portland Oregon. We are very excited about our new grandchild.

We give our consent for Mark Eller to represent us during this hearing. His name also appears on the zoning notice from Mr. Jablon dated May 1, 2014. We called the Office of Administrative Hearings and spoke to Ms. Nuffer on May 5, 2014. She informed us that we needed to place the request in writing to your attention.

We are requesting a variance for the following:

- Placement of a pole barn that is larger than the principal structure. We would like to house our camper and boat and (hopefully one day) have enough room for me to restore an old car. We built our home in 1974 so it is quite small by today's standards.
- We ask that the pole barn be located in the front yard (to the left of our home.) Our home sits in the back corner of our property with the majority of our wooded acreage located in front of our house. There would not be adequate room for the building in our back yard and there would be no feasible access to the building from our driveway (if it was placed behind our house.)
- Lastly, we are asking that the pole barn be 28 ft tall in order to accommodate the storage of our camper, especially during the fall and winter months, as it will not fit in a standard garage.

We would like to thank you in advance for considering our request. Please feel free to contact us with any concerns or questions. We can be reached at 443-827-5181.

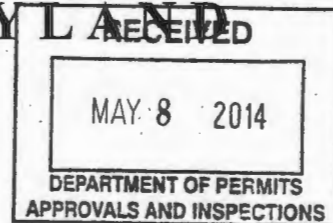
Sincerely,

RAY ELLER

5/9/14
WCA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

DATE: May 7, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: Zoning Advisory Petition(s) for
Item Nos: 2014-205, 14-207, 14-213

The Department of Planning has reviewed the above referenced zoning items and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By: _____

A handwritten signature in cursive script, appearing to read "Lynn Lanham", written over a horizontal line.

LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 17, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For April 21, 2014
Item Nos. 2014- 0176, 0205, 0206, 0207, 0208, 0209 and 0210

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

DAK:CEN.

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04212014 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 7, 2014

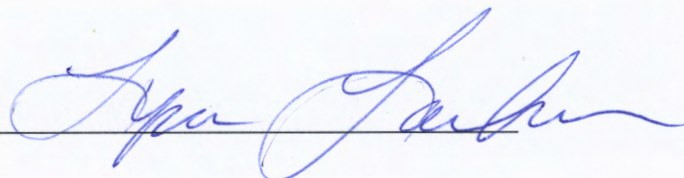
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Prepared By: _____



LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

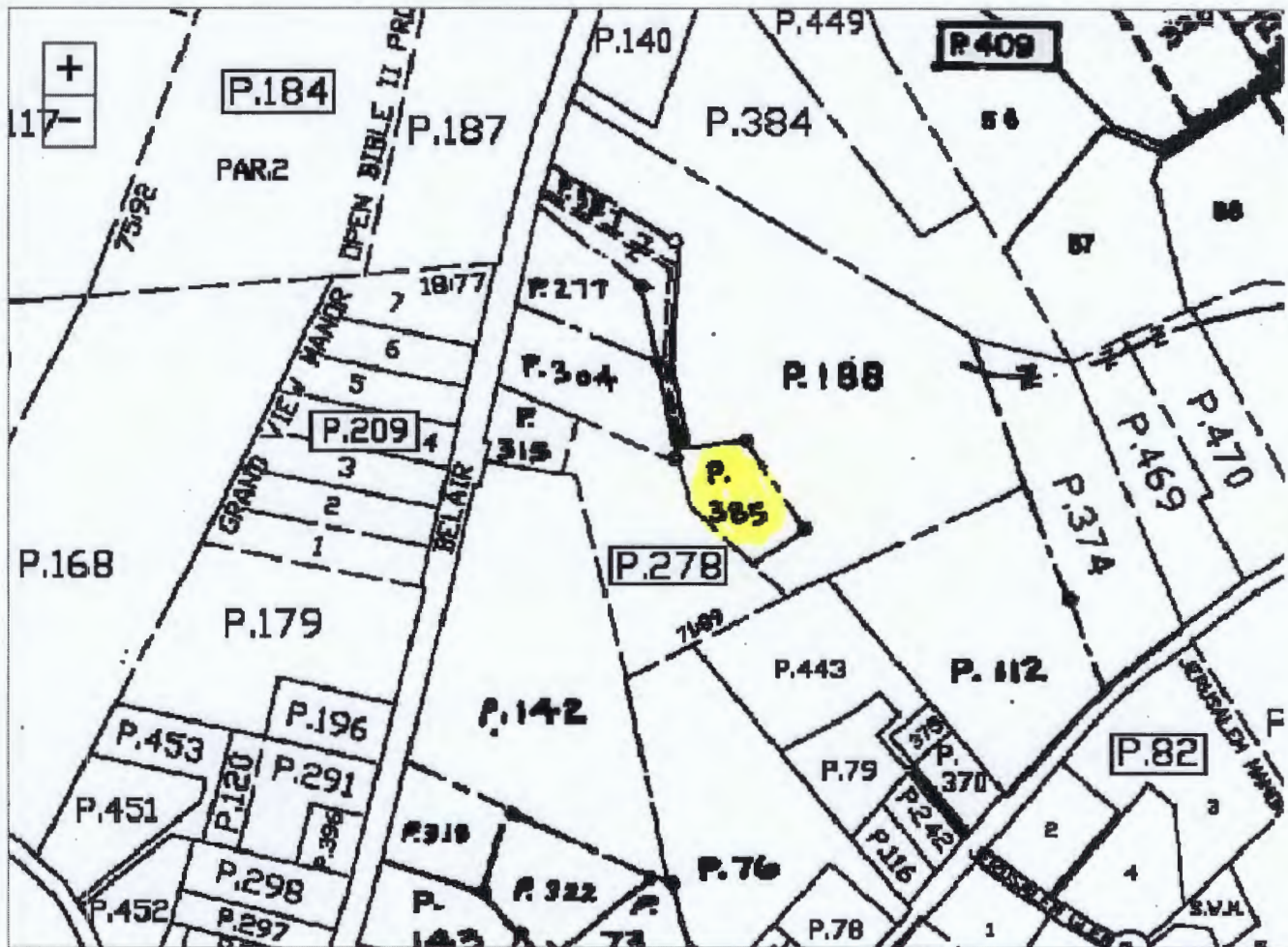
Real Property Data Search (w2)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 11 Account Number - 1700002130		
Owner Information		
Owner Name:	ELLER DORIS LEE ELLER RAYMOND H 12305 BELAIR RD KINGSVILLE MD 21087-1123	Use: RESIDENTIAL Principal Residence: YES Deed Reference: 1) /34618/ 00364 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	12305 BELAIR RD KINGSVILLE 21087-1123	Legal Description: 13.247 AC 12305 BELAIR RD ES 2900 FT S NEW CUT RD
Map: 0055	Grid: 0014	Parcel: 0385
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:		Town: NONE
Ad Valorem:		
Tax Class:		
Primary Structure Built 1975	Above Grade Enclosed Area 2,544 SF	Finished Basement Area
Property Land Area 13.2470 AC	County Use 04	
Stories 2.000000	Basement NO	Type SPLIT LEVEL
Exterior SIDING	Full/Half Bath 1 full	Garage 1 Detached
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
		As of
		07/01/2014
Land: 181,200	181,200	
Improvements: 264,700	226,800	
Total: 445,900	408,000	328,800
Preferential Land: 0		408,000
		0
Transfer Information		
Seller: ELLER DORIS LEE	Date: 01/16/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /34618/ 00364	Deed2:
Seller: SCHMIER DORIS VICTORIA	Date: 04/16/1975	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05521/ 00414	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: Approved 03/30/2011		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **11** Account Number: **1700002130**

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.

-->

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE _____

2014-205-SPHA

6-5-2014

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

Case No.: 2014-0205-SPHA

Exhibit Sheet

Petitioner/Developer

DW
7-8-14

Protestant

ser
6-5-14

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

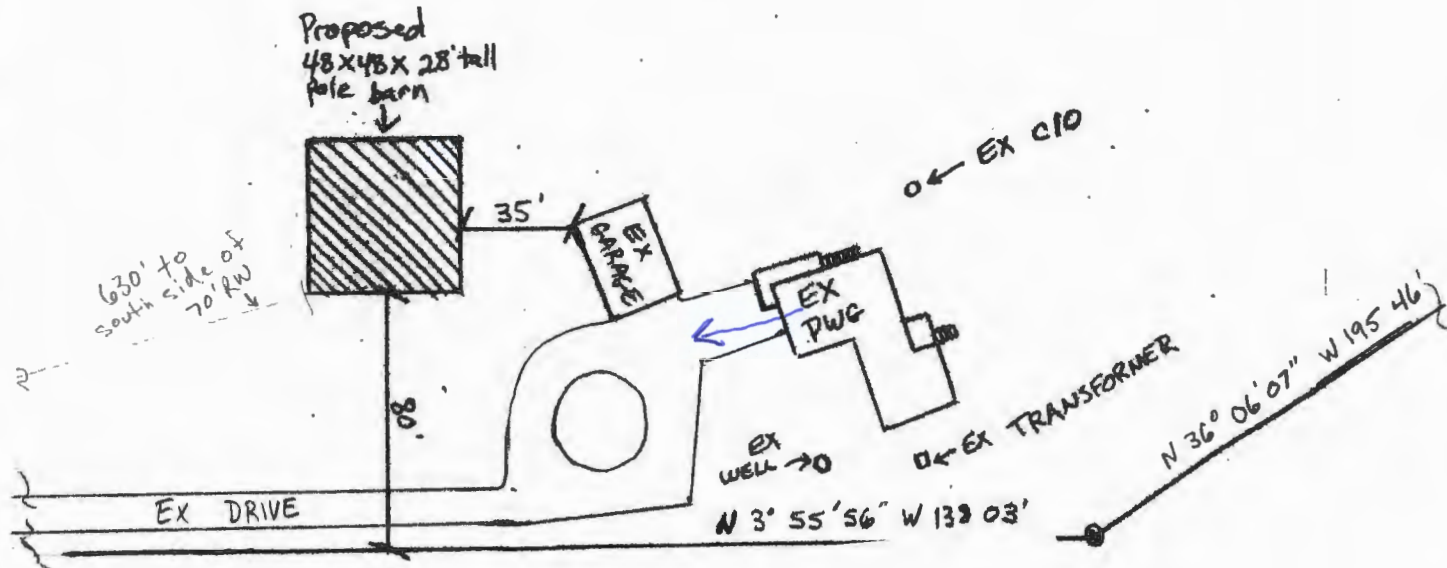
2014-0205-SPHA

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH ☒)

ADDRESS 12305 Belair Rd OWNER(S) NAME(S) Deris + Raymond Eller

SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A

PLAT BOOK # 71 FOLIO # 89 10 DIGIT TAX # 2500010882 DEED REF. # 34443100328



PETITIONER'S

EXHIBIT NO. 1

PLAN DRAWN BY Mark Eller

DATE 4/2/14

SCALE: 1 INCH = 60 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 055A2/055A3

SITE ZONED RC5

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 13.9

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH ☒

WATER IS: PUBLIC _____ PRIVATE ☒

SEWER IS: PUBLIC _____ PRIVATE ☒

PRIOR HEARING? yes

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

1991-0413-A

VIOLATION CASE INFO:

From: Mark Eller marke227@verizon.net
Subject: (No Subject)
Date: March 25, 2014, 7:10 AM
To: marke227@verizon.net



2014-0205-SPHA



2014-0205-SPHA



2014-0205-SPHA

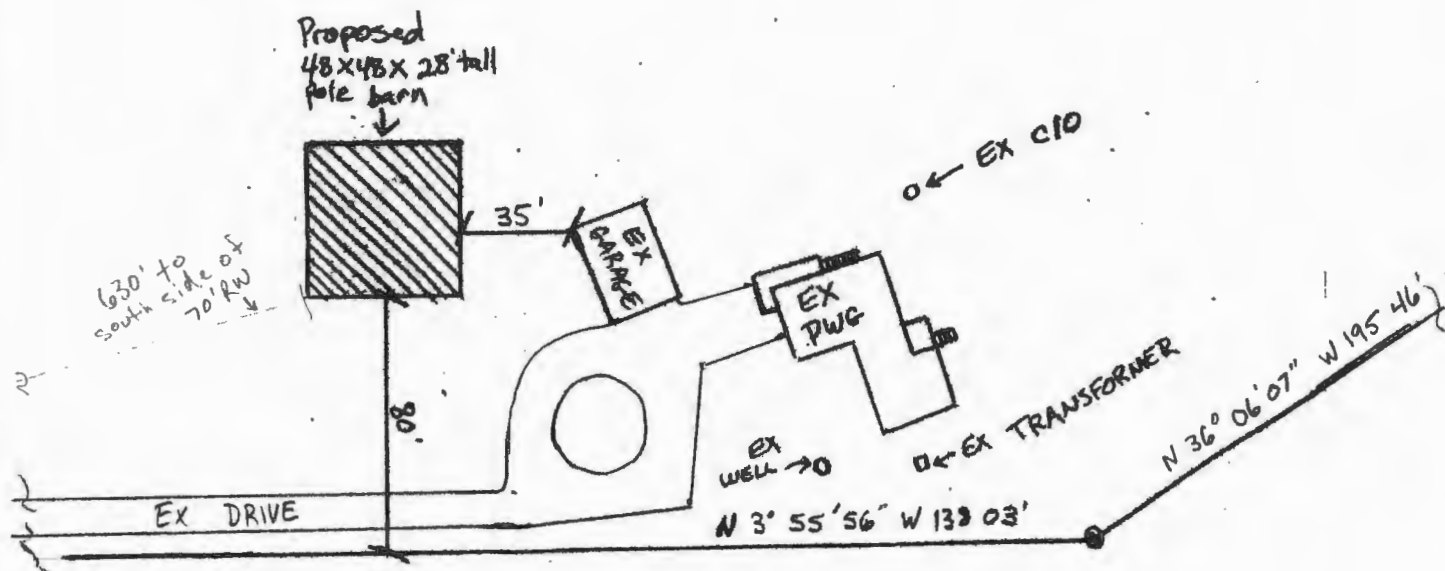
2014-0205-SPHA

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

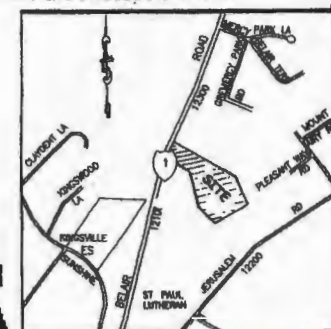
ADDRESS 12305 Belair Rd OWNER(S) NAME(S) Doris + Raymond Eller

SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A

PLAT BOOK # 71 FOLIO # 89 10 DIGIT TAX # 2500010882 DEED REF. # 34443/00328



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 055A2/055A3

SITE ZONED RC5

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 13.9

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE ☒

SEWER IS:

PUBLIC _____ PRIVATE ☒

PRIOR HEARING? yes

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AND ORDER RESULT BELOW

1991-0413-A

VIOLATION CASE INFO:

PLAN DRAWN BY Mark Eller

DATE 4/2/14

SCALE: 1 INCH = 60 FEET

