



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 4, 2015

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: In the Matter of: Roger Elliott – Legal Owner/Petitioner
Case No.: 15-196-XA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Roger L. Elliott, Esquire
Sallie Waller
Bruce E. Doak
Julia Elliott
Meg Elliott
Sean Verzi
Randy Shaw
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney/Office of Law
Michael Field, County Attorney/Office of Law

Allison Stockbridge
Joyce Corcoran
Heather Wirth
William McInnes
Katherine McInnes
Stephen Edelen
Office of People's Counsel
Arnold Jablon, Director/PAI

IN THE MATTER OF
ROGER ELLIOTT – LEGAL OWNER/PETITIONER
FOR SPECIAL EXCEPTION AND VARIANCE ON
THE PROPERTY LOCATED AT 15815 FALLS ROAD

5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 15-196-XA

* * * * *

ORDER OF DISMISSAL

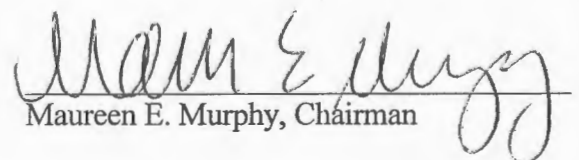
This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire on behalf of Sallie Waller, Protestant and Appellant, from a final decision of the Administrative Law Judge dated June 17, 2015, in which the requested zoning relief was granted with conditions.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on August 14, 2015, by J. Carroll Holzer, Esquire on behalf of Protestant/Appellant, Sallie Waller, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner /Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of August 14, 2015,

THEREFORE, IT IS ORDERED this 4th day of September, 2015 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 15-196-XA be and the same is hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

IN RE: PETITION FOR SPECIAL
EXCEPTION AND VARIANCE

5th Election District
3rd Councilmanic District

Roger Elliott, Owner/Petitioner
15815 Falls Road

* BEFORE THE
* COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* PUD Case No.: 2015-0196-XA

* * * * *

NOTICE OF WITHDRAWAL OF APPEAL

Ms. Sallie Waller, 15813 Falls Road, Sparks, Maryland 21152, Appellant, by her attorney, *J. Carroll Holzer, Esquire*, Holzer & Lee, hereby withdraws her appeal from the Opinion & Order of the Administrative Law Judge dated June 17, 2015.

Appellant hereby withdraws her appeal with prejudice. The case is currently assigned for *Tuesday, September 22, 2015*.

Respectfully submitted,


J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant,
Sallie Waller

AUG 14 2015

BALTIMORE COUNTY
BOARD OF APPEALS

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

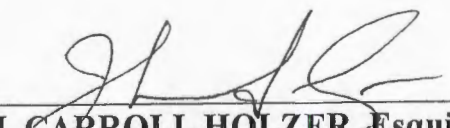
CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 14th day of August, 2015 a copy of the foregoing
Notice of Withdrawal of Appeal was mailed first class, postage prepaid, to:

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

Mr. Roger Elliott, Esquire
P.O. Box 147
Butler, Maryland 21023

Peter Max Zimmerman, Esquire
People's Counsel for
Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Room 204
Towson, Maryland 21204



J. CARROLL HOLZER, Esquire



Board of Appeals of Baltimore County

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September 4, 2015

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Case No.: 15-196-XA

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Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Roger L. Elliott, Esquire
Sallie Waller
Bruce E. Doak
Julia Elliott
Meg Elliott
Sean Verzi
Randy Shaw
Lawrence M. Stahl, Managing Administrative Law Judge
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Nancy West, Assistant County Attorney/Office of Law
Michael Field, County Attorney/Office of Law

Allison Stockbridge
Joyce Corcoran
Heather Wirth
William McInnes
Katherine McInnes
Stephen Edelen
Office of People's Counsel
Arnold Jablon, Director/PAI

IN THE MATTER OF
ROGER ELLIOTT – LEGAL OWNER/PETITIONER
FOR SPECIAL EXCEPTION AND VARIANCE ON
THE PROPERTY LOCATED AT 15815 FALLS ROAD

5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 15-196-XA

* * * * *

ORDER OF DISMISSAL

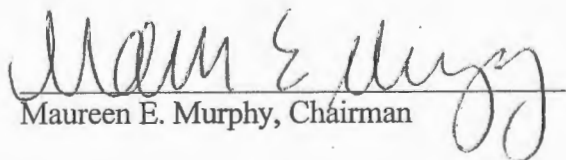
This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire on behalf of Sallie Waller, Protestant and Appellant, from a final decision of the Administrative Law Judge dated June 17, 2015, in which the requested zoning relief was granted with conditions.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on August 14, 2015, by J. Carroll Holzer, Esquire on behalf of Protestant/Appellant, Sallie Waller, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner /Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of August 14, 2015,

THEREFORE, IT IS ORDERED this 4th day of September, 2015 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 15-196-XA be and the same is hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

IN RE: PETITION FOR SPECIAL
EXCEPTION AND VARIANCE

5th Election District
3rd Councilmanic District

Roger Elliott, Owner/Petitioner
15815 Falls Road

* BEFORE THE
* COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* PUD Case No.: 2015-0196-XA

* * * * *

NOTICE OF WITHDRAWAL OF APPEAL

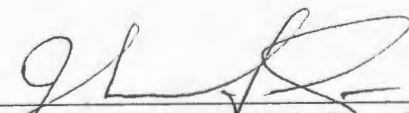
Ms. Sallie Waller, 15813 Falls Road, Sparks, Maryland 21152, Appellant, by her attorney, *J. Carroll Holzer, Esquire*, Holzer & Lee, hereby withdraws her appeal from the Opinion & Order of the Administrative Law Judge dated June 17, 2015.

Appellant hereby withdraws her appeal with prejudice. The case is currently assigned for *Tuesday, September 22, 2015*.

Respectfully submitted,

AUG 14 2015

BALTIMORE COUNTY
BOARD OF APPEALS


J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant,
Sallie Waller

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

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P.O. Box 147
Butler, Maryland 21023

Peter Max Zimmerman, Esquire
People's Counsel for
Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Room 204
Towson, Maryland 21204



J. CARROLL HOLZER, Esquire

IN RE: PETITION FOR SPECIAL
EXCEPTION AND VARIANCE

5th Election District
3rd Councilmanic District

Roger Elliott, Owner/Petitioner
15815 Falls Road

* BEFORE THE
* COUNTY
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* PUD Case No.: 2015-0196-XA

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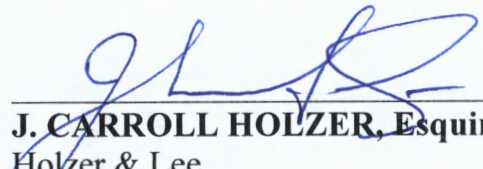
Appellant hereby withdraws her appeal with prejudice. The case is currently assigned for *Tuesday, September 22, 2015*.

Respectfully submitted,

RECEIVED

AUG 14 2015

BALTIMORE COUNTY
BOARD OF APPEALS


J. CARROLL HOLZER, Esquire

Holzer & Lee

508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961

Attorney for Appellant,
Sallie Waller

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
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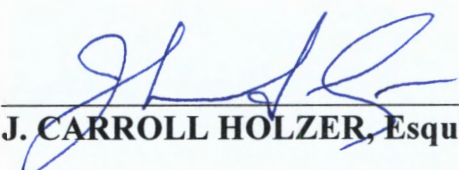
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People's Counsel for
Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Room 204
Towson, Maryland 21204



J. CARROLL HOLZER, Esquire

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
ELYANA TARLOW
SARAH A. ZADROZNY

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

August 12, 2015

Sent Via Email and First Class Mail

Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
AUG 17 2015

BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: Roger Elliott
Case No. 2015-0196-XA

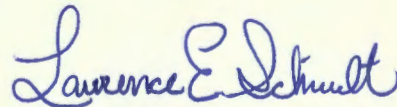
Dear Sunny,

Please accept this letter as my entry of appearance on behalf of the Petitioner, Roger Elliott, in the above captioned case.

I understand that this matter has been scheduled for a hearing on Tuesday, September 22, 2015 beginning at 10:00 a.m. Unfortunately, I am scheduled to be before the Circuit Court of Baltimore County on the aforesaid date, and as such would appreciate this matter being postponed to a later date at the convenience of the Board.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: J. Carroll Holzer, Esquire
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Mr. Roger Elliott

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
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MARIELA C. D'ALESSIO**
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of counsel:

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Jefferson Building
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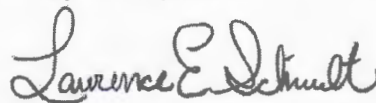
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Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: J. Carroll Holzer, Esquire
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Mr. Roger Elliott

Krysundra Cannington

From: Alyssa Fiore <afiore@sgs-law.com>
Sent: Wednesday, August 12, 2015 3:32 PM
To: Krysundra Cannington
Cc: Peoples Counsel; Carroll Holzer (jcholzer38@gmail.com); Lawrence Schmidt; elliottslaw@gmail.com
Subject: Elliott/Case No. 2015-0196-XA
Attachments: Letter to BOA re_ entry of appearance and postponement request.PDF

Sunny,

Please see the attached in connection with the above referenced matter.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 4, 2015

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Roger Elliott – Legal Owner/Petitioner
15815 Falls Road
15-196-XA 5th Election District; 3rd Councilmanic District

Re: Petition for Special Exception to permit the subject property and the improvements to be used for a riding stable and

Petition for Variance:

- 1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping per Section 409.8.A.1 of the BCZR; and
- 2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface per Section 409.8.A.2 of the BCZR; and
- 3) to permit a parking area not to be striped in lieu of the striping requirement per Section 409.8.A.6 of the BCZR; and
- 4) to allow a two-way access driveway to have a width of 16' in lieu of the required 20' per Section 409.4.A of the BCZR.

6/17/15 Opinion and Order of Administrative Law Judge wherein the Petition for Special Exception was GRANTED; and the Petition for Variance to permit a parking area with no screening or landscaping was DENIED; and the remaining variance requests were GRANTED, with conditions.

ASSIGNED FOR: **TUESDAY, SEPTEMBER 22, 2015, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Distribution List
Notice of Assignment
August 4, 2015
Page 2

cc: Petitioner/Legal Owner:

Roger L. Elliott, Esquire

Counsel for Protestant:
Protestant:

J. Carroll Holzer, Esquire
Sallie Waller

Bruce Doak
Julia Elliott
Meg Elliott
Allison Stockbridge
Joyce Corcoran
Heather Wirth
William McInnes
Katherine McInnes
Sean Verzi
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Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



RECEIVED

JUL 16 2015

BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

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

July 16, 2015

J. Carroll Holzer, Esq.
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

Roger Elliott, Esq.
PO Box 147
Butler, Maryland 21023

Re: Petitions for Special Exception and Variance
Case Number: 2015-0196-XA
Location: 15815 Falls Road

Dear Mr. Holzer:

Please be advised that an appeal of the above-referenced case was filed in this Office on July 14, 2015. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:slh

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County



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 15815 Falls Road which is presently zoned RC2
Deed References: SM 33811/414 10 Digit Tax Account # 1600005099
Property Owner(s) Printed Name(s) ROGER L. ELLIOTT

(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

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

SEE ATTACHED SHEET

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

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 THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0196-XA

Filing Date 3/6/15

Legal Owners (Petitioners):

ROGER L. ELLIOTT

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

15817 Falls Road

SPARKS

MO

Mailing Address

City

State

21152

410-919-9906

BDQAK@BRUCEDDQAK.COM

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MO

Mailing Address

City

State

21053

410-919-9906

BDQAK@BRUCEDDQAK.COM

Zip Code

Telephone #

Email Address

Do Not Schedule Dates:

Reviewer RDD

PETITION REQUESTS

Special Exception

To permit the subject property and the improvements to be used for a riding stable.

Variances

1. To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping per Section 409.8.A.1 BCZR
2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface per Section 409.8.A.2 BCZR
3. To permit a parking area not to be striped in lieu of the striping requirement per Section 409.8.A.6 BCZR
4. To allow a two-way access driveway to have a width of 16 feet in lieu of the required 20 feet per Section 409.4A BCZR

Zoning Description

15815 Falls Road- 33.829 Acres

Fifth Election District Third Councilmanic District

Baltimore County, Maryland

Beginning at a point on the east side of Falls Road, approximately 37,915 feet +- southerly of the centerline of Benson Mill Road, thence leaving Falls Road and running and binding on the outlines of the subject property, the ten following courses and distances, viz. 1) North 65 degrees 42 minutes 50 seconds East 1947.45 feet, 2) South 29 degrees 57 minutes 53 seconds East 387.28 feet, 3) South 29 degrees 57 minutes 53 seconds East 572.60 feet, 4) South 55 degrees 29 minutes 34 seconds West 411.21 feet, 5) North 29 degrees 59 minutes 58 seconds West 344.01 feet, 6) South 55 degrees 47 minutes 41 seconds West 819.66 feet, 7) North 89 degrees 08 minutes 17 seconds West 787.31 feet, 8) North 00 degrees 51 minutes 43 seconds East 248.14 feet, 9) North 89 degrees 08 minutes 17 seconds West 185.00 feet and 10) South 77 degrees 36 minutes 43 seconds West 75.00 feet to the east side of Falls Road, thence binding on the east side of Falls Road and continuing to run and bind on the outlines of the subject property, the four following courses and distances, viz. 11) North 10 degrees 30 minutes 36 seconds West 52.61 feet, 12) North 08 degrees 13 minutes 46 seconds West 61.21 feet and 13) Northwesterly by a line curving to the right with a radius of 1224.09 feet for 67.70 feet and a chord of North 04 degrees 50 minutes 10 seconds West 67.69 feet to the place of beginning.

Containing 33.829 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.

Item # 0196

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

No. 121524

Date: 3/6/5

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150						\$1000

Total: \$1000

Rec From:

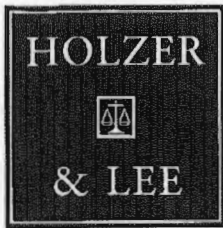
For: zoning hearing - case #2015-0196-XA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923

~~XXXXXXXXXXXX~~

E-Mail: jcholzer38@gmail.com

April 20, 2015
#8135

The Honorable Lawrence M. Stahl
Chief Administrative Law Judge
Jefferson Building
111 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204

RECEIVED

APR 23 2015

OFFICE OF ADMINISTRATIVE HEARINGS

RE: Case No: 2015-0196-XA
ALJ Hearing Date: Thursday, May 7, 2015

Dear Mr. Stahl:

Please be advised that I represent Sallie Waller, 15813 Falls Road, Sparks, Maryland 21152. Ms. Waller has retained me to represent her interest in regard to this proposed Petition for Zoning Hearing now scheduled for Thursday, May 7, 2015. Ms. Waller is an adjacent property owner and may well be extremely affected by this zoning request by Mr. Roger Elliott, 15815 Falls Road.

I am hereby requesting a postponement of the Thursday, May 7, 2015 date on the basis that I am currently involved in an Oral Argument the Court of Special Appeals in the case of Lucy Ware v. People's Counsel for Baltimore County, et al., No. 01008, September Term, 2014. The Court of Special Appeals hearing is to be conducted in their Courtroom 001 and Mr. Zimmerman and Mr. Schmidt are the attorneys, along with me, who will be arguing the case before the Court.

I therefore request that this matter be postponed until a subsequent agreeable date.

Thank you for your kind attention to this matter.

Respectfully submitted,

J. Carroll Holzer

JCH:mlg

cc: Ms. Sallie Waller
Mr. Roger L. Elliott

CASE NO. 2015- 0196-XA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

3/12/15

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

C

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

FIRE DEPARTMENT

5/20/15

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

C

3/12/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2013-0052-A)

NEWSPAPER ADVERTISEMENT

Date:

4/16/15 / 5/21/15

SIGN POSTING

Date:

4/16/15 / 5/19/15

by

DOCK

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

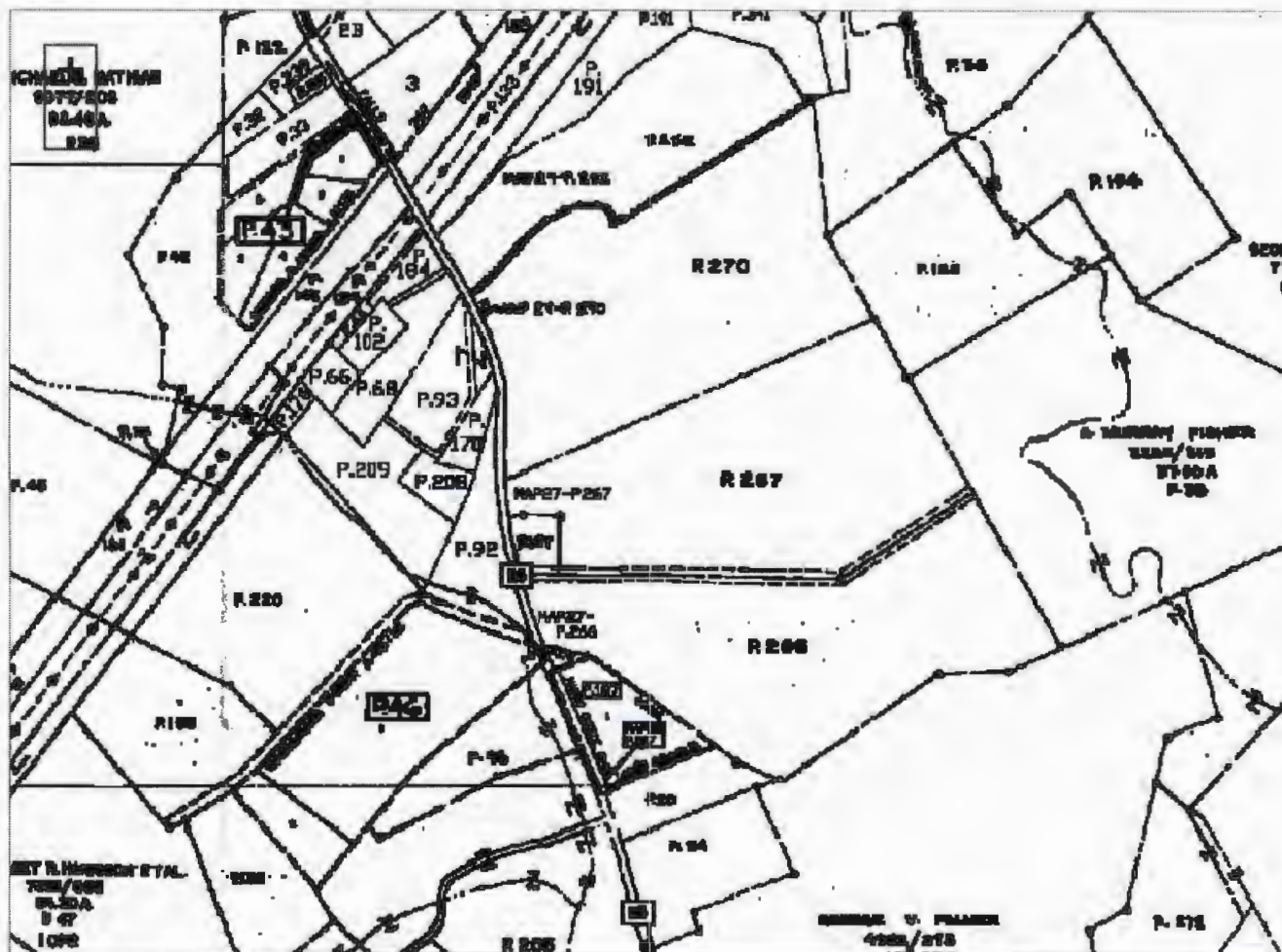
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 05 Account Number - 1600005049							
Owner Information									
Owner Name:		ELLIOTT ROGER L			Use:		AGRICULTURAL		
Mailing Address:		15817 FALLS RD SPARKS MD 21152-9581			Principal Residence:		NO		
					Deed Reference:		/33811/ 00414		
Location & Structure Information									
Premises Address:		15815 FALLS RD 0-0000			Legal Description:		33.829 AC ES FALLS RD 3300 FT SE BENSON MILL RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0027	0013	0267		0000				2014	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use
1973		2,228 SF					33.8290 AC		05
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	YES	STANDARD UNIT	FRAME	2 full/ 1 half	1 Attached				
Value Information									
			Base Value	Value As of 01/01/2014	Phase-in Assessments				
					As of 07/01/2014		As of 07/01/2015		
Land:			114,400	105,500					
Improvements			215,800	206,100					
Total:			330,200	311,600	311,600		311,600		
Preferential Land:			9,400				11,000		
Transfer Information									
Seller: ELLIOTT ROGER L ELLIOTT C GREGORY				Date: 06/20/2013			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /33811/ 00414			Deed2:		
Seller: ELLIOTT MAURICE L				Date: 05/21/2004			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /20103/ 00519			Deed2:		
Seller: ELLIN MORTON J A G USE 83-84				Date: 12/07/1971			Price: \$15,000		
Type: ARMS LENGTH IMPROVED				Deed1: /05236/ 00050			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		AGRICULTURAL TRANSFER TAX							
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **05** Account Number: **1600005049**



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 Wait. Loading... Please Wait.

3/30/15
wck

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 15815 Falls Road

INFORMATION:

Item Number: 15-196

Petitioner: Roger L. Elliott

Zoning: RC 2

Requested Action: Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning (Department) has reviewed the Special Exception and Variance Petitions with accompanying site plan to permit a riding stable with a parking area with no screening or landscaping, to be surfaced with stone and not to be striped with a two-way access driveway having a width of 16 feet in lieu of the required screening and landscaping, durable and dustless surface, striping and 20 feet respectively.

The Department has no objection to the grant of the petitioned special exception use conditioned upon the following:

- The petitioner shall obtain all necessary approvals from the Soil Conservation District.

Further, the Department has no objection to the grant of the petitioned variance relief with the exception of providing "no screening or landscaping". The Department recommends as a condition of approval the following:

- The petitioner create a buffer of evergreen trees and mixed deciduous trees in the 30' between the proposed parking area and the existing barn and the lot line thereby screening the view from Falls Road and of the neighboring property located at 15813 Falls Road.

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

Division Chief:
AVA/LTM

Kathy Schlabach

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 21, 2015 Issue - Jeffersonian

Please forward billing to:
Roger Elliott
15817 Falls Road
Sparks, MD 21152

410-771-4244

NOTICE OF ZONING HEARING

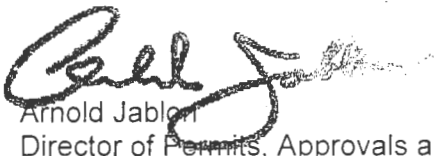
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0196-XA

15815 Falls Road
E/s Falls Road, 37, 915 ft. +/- S Benson Mill Road
5th Election District – 3rd Councilmanic District
Legal Owners: Roger Elliott

Special Exception to permit the subject and the improvements to be used for a riding stable.
Variance to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; to permit a parking area not to be striped in lieu of the striping requirement; to allow a two-way access driveway to have a width of 16 ft. in lieu of the required 20 ft.

Hearing: Wednesday, June 10, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-0196-XA

Property Address: 15815 FALLS ROAD

Property Description: 33.829 ACRES EAST SIDE OF FALLS ROAD

Legal Owners (Petitioners): ROGER L. ELLIOTT

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

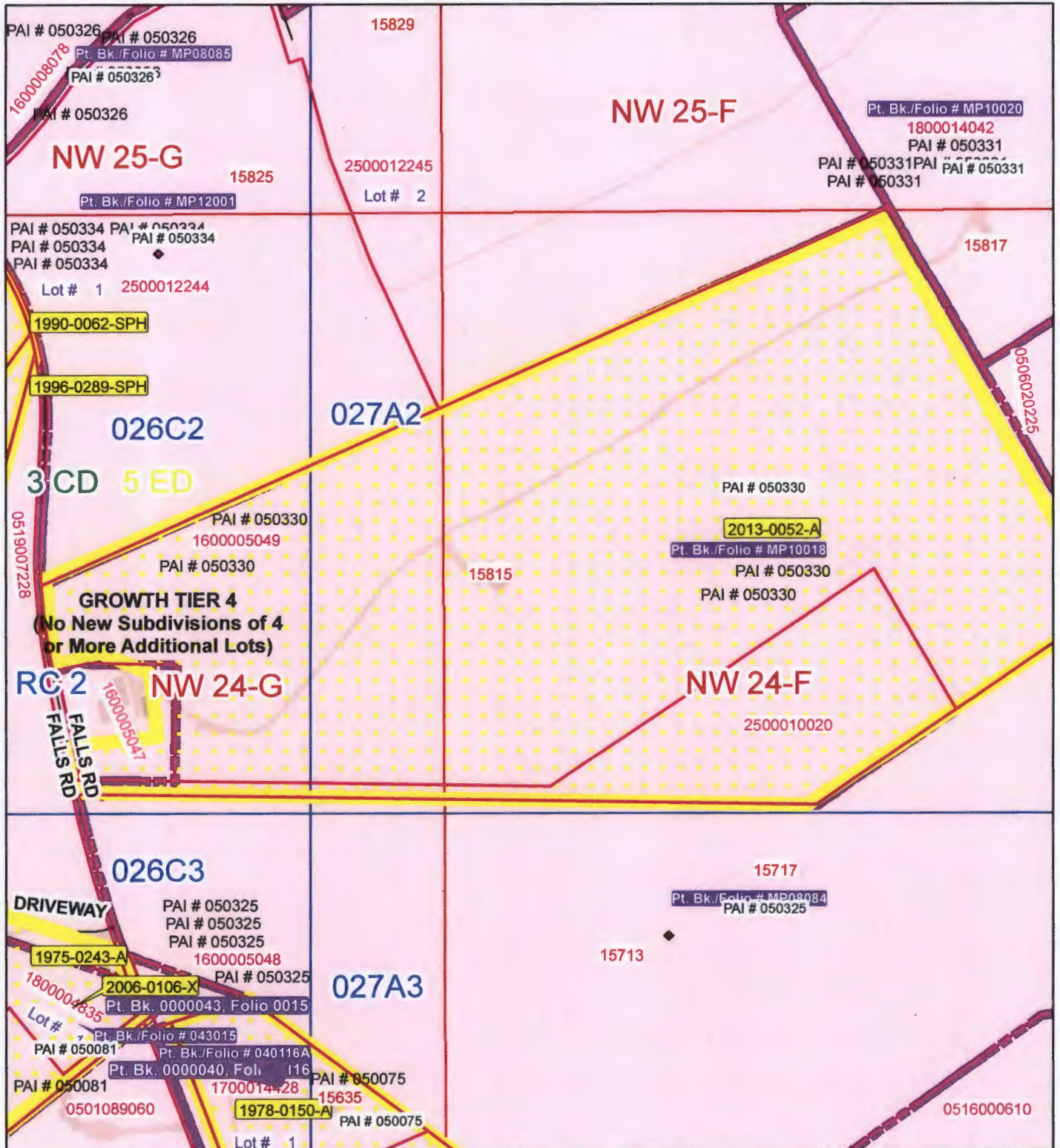
Name: ROGER L. ELLIOTT

Company/Firm (if applicable): _____

Address: 15817 FALLS ROAD SPARKS MD 21152

Telephone Number: 410-771-4244

15815 Falls Road



Publication Date: 3/6/2015



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 75 150 300 450 600 Feet

1 inch = 300 feet

Item #0196

Case No.:

2015-0194-XA

6/10

1:30 PM

Exhibit Sheet

SN
0-17-15

Petitioner/Developer

Protestants

No. 1	Site plan	June 3, 2015 letter from Natural Concerns
No. 2	Zoning Map	June 4, 2015 letter from Beaver Brook Grounds Maint.
No. 3	Aerial photograph	photo barn
No. 4	Plan w/ Key-Sheet and photos.	photo Waller home
No. 5	5A-5C Photos	photo property stake
No. 6	6A-6D Photos	photo parking area
No. 7	7A-7C Photos	" same "
No. 8	April 30, 2015 Letter - Mencheys	" same "
No. 9	Greg Elliott email April 29, 2015	
No. 10	Tammy Monaco note May 27, 2015	
No. 11	GSVH Letter April 3, 2015	
No. 12	Photo of Happy on Hooves	

No. 13 August 20, 2012 letter
from S. Waller



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This information is provided for informational purposes only. It is not intended to be used for legal purposes. It is not a warranty, representation, or guarantee of any kind. It is not to be used for any purpose other than the one for which it was provided. It is not to be used for any purpose other than the one for which it was provided.

PETITIONER'S

EXHIBIT NO. 2

may be used for any purpose other than the one for which it was provided. It is not to be used for any purpose other than the one for which it was provided.



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is for informational purposes only. It does not constitute a warranty or representation of any kind. The data is provided as is, without any guarantee of accuracy or completeness. The data is not to be used for any purpose other than that for which it was intended.	PETITIONER'S		This data is for informational purposes only. It does not constitute a warranty or representation of any kind. The data is provided as is, without any guarantee of accuracy or completeness. The data is not to be used for any purpose other than that for which it was intended.
	EXHIBIT NO.	3	



A



C



B



D



E



G



F



H



PETITIONER' S

EXHIBIT NO. 59-c







ENTRANCE
15515 FALLS
VIEW EAST
6/9/15

PETITIONER'S

EXHIBIT NO. 69-d



view North
15813 Falls (Waller)
6/9/15
FROM ENTRANCE to
15815 Falls



VIEW WEST
OF 15813 FAHS
(WALLER) FROM
PARKING AREA
6/9/15



VIEW NORTH
15813 (WALKER)
DRIVEWAY



Tree's company: *Jim Steele of Sykesville brought along his dogs Ben and Buddy for the Elliott's Ventura Farms.*

JED KIRSCH

F F
it



JED KIRSCHBAUM : SUN STAFF



O Christmas trees: *(Above) The Mooney family a freshly cut Fraser fir at Pine Valley Tree Farm in 1 of the many trees to choose from at Elliott's Ventura*

F S

PETITIONER' S

EXHIBIT NO. 7a-c



April 30, 2015

Roger,

We have, as much as possible, made ourselves familiar with Julia's plans to have a business at the farm to board horses and offer trail riding, including information that is on the Internet We can understand some of Sallie's concerns about these plans.

After a great deal of study, numerous discussions and a walk-around at the farm, we must honestly say that executing Julia's plan as we understand it would basically have little or no impact on the Menchey property and we would not oppose the plan.

Marge & Ross Menchey

PETITIONER' S

EXHIBIT NO. 8



Roger Elliott <elliottslaw@gmail.com>

Farm use

2 messages

Greg Elliott <gregelliott47@gmail.com>
To: roger elliott <elliottslaw@gmail.com>

Wed, Apr 29, 2015 at 9:32 PM

Roger,

As the owner of the adjoining property on the South side of the Farm I am fully supportive of the Horseback /Trail Riding plan for 15815 Falls Rd and the Zoning Relief requested by Roger L. Elliott in Case # 2015-0196-XA ;

If requested to do so, I will consider allowing part of my land to be leased for pasturage or other uses consistent with this form of Equine Agriculture.

I can be contacted at 801-718 4800 or further inquiry.

Sincerely,

Greg Elliott, MD

elliottslaw@gmail.com <elliottslaw@gmail.com>
To: julia <VenturaFarms1830@gmail.com>

Wed, Apr 29, 2015 at 9:37 PM

Sent from my iPhone

Begin forwarded message:

From: Greg Elliott <gregelliott47@gmail.com>
Date: April 29, 2015 at 9:32:18 PM EDT
To: roger elliott <elliottslaw@gmail.com>
Subject: Farm use

[Quoted text hidden]

PETITIONER' S

EXHIBIT NO. 9



May 27, 2015

As a next door neighbor to Ventura Farm, I am happy to see the Elliots planning to use their land for agricultural purposes. I have spoken with Julia at length about her proposal to run a boarding and/or trail riding operation and have no objections to this. As a lifelong equestrian myself, I am excited about the prospect of being able to look out of my window and see horses. The best improvements they have made around the farm and to the barn itself have not gone unnoticed either. Based on what Julia has told me, I see no reason to object to their future plans for Ventura Farm.

COPYRIGHT © 2013 BY TAMMIE J. MONACO. ALL RIGHTS RESERVED.

Tammie J. Monaco

PETITIONER'S

EXHIBIT NO.

10



GREEN SPRING VALLEY HOUNDS

GLYNDON, MARYLAND 21071

— JOINT MASTERS —

J.W.Y. MARTIN, JR.
TEL. 410-833-1167

SHEILA J. BROWN
TEL. 410-374-0661

GEORGE P. MAHONEY, JR.
TEL. 410-302-2717

WHIT FOSTER
TEL. 410-960-2956

April 03, 2015

Dear Landowner,

As always, we are deeply grateful for your generosity in allowing us to come through your land. In appreciation, we enclose a parking pass for the Grand National timber races to be held on Saturday, April 18th.

We spend much of the off-season cleaning up trails and panels, which this winter has taken a toll upon. Please contact Sheila Brown (brownsj75@gmail.com or 410-374-0661) if you have panels that need attention or replacing. We are also trying to reduce our global footprint – if you would like to receive the Fixture Card or other mailings via email, please let Sheila know. That will also make it easier for us to advise you of changes during the hunting season.

Again, many thanks for your kindness

Sincerely,

J. W. Y. Martin, Jr.

Sheila J. Brown

George P. Mahoney, Jr.

Whit Foster

PETITIONER' S

EXHIBIT NO. 11

ING VALLEY HOUNDS
O. BOX 1123,
TER, MARYLAND 21158

BALTIMORE MD 212

03 APR 2015 PM 41



Mr. Roger L. Elliott
15817 Falls Road
Sparks, MD 21152

21152958117





PETITIONER' S

EXHIBIT NO. 12

August 20, 2012

RE: Elliott Property- Minor Subdivision No. 10 – 018- M ; Dist. 5 3

15815 Falls Rd. Sparks, MD 21152

To whom it may concern:

I am the owner of 15813 Falls Rd., Sparks , MD 21152 as well as the unimproved 40 +/- acre parcel to the south which both adjoin the Elliott property referenced above. I reside at 15813 Falls Rd. and have owned these properties for approximately forty (40) years. I participated in the location of the property line between 15815 and 15813 Falls Rd.

The existing bank barn and shed were on the property when I acquired my properties and I do not object to their size, height, and/ or location. I support the owners' request for any zoning variance, exception, or other relief that they deem appropriate and necessary.

Sincerely,

Sallie M Waller 8/30/12

Sallie M. Waller

15813 Falls Rd.

Sparks, MD 21152

PETITIONER' S

EXHIBIT NO.

43



PROTESTANT' S
EXHIBIT NO. 1

June 3, 2015

Ms. Waller
15813 Falls Road
Sparks, MD 21152
410-771-4510

Landscape Proposal

Natural Concerns, Inc. is pleased to provide you with the following quote for landscape services as detailed below. We sincerely appreciate this opportunity and assure you that our services would be provided with a thorough, courteous and professional approach.

NCI specializes in Residential Landscape Contracting and therefore does not direct order plant materials from nurseries. As part of our service we visit suppliers directly to select only the finest specimens from both a plant health and aesthetic perspective.

Watering of new plant materials is an essential part of establishing your new landscape. Please review the included Warranty information carefully.

PROJECT ITEMS: SCREENING FOR BARN AREA

Option #1 quantity 22 Green Giant Arborvitae 10'-11' \$575.00 each \$12650.00

Option #2 quantity 19 Cryptomeria Radicans 10'-11' \$690.00 each \$10925.00

- Planting included in cost of trees.
- Time estimated to take two days weather permitting.
- One tree of customer's choice to be planted on the left side of driveway.
- Remaining trees to be planted along customer's property line.
- Pricing of trees is based on quantity; reduction of scope could result in additional cost per tree.
- We recommend turkey wire wrapping at the base of Arborvitaes, in the Fall for the first two winters to protect from deer until trees are established.

25% Deposit amount of \$3162.00 for option #1 or \$2731.00 for option #2 to accompany signed agreement.

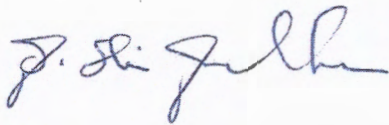
53 Loveton Circle Suite 112 ☼ Sparks, Maryland 21152
p: 410.472.6860 ☼ f: 410.472.6863 ☼ www.naturalconcerns.com

All work will be conducted in a workman like manner and all disturbed areas will be left in a finished, clean condition. We will work with you in any way possible to conduct our duties in a way as to minimize the disturbance to you.

Work would be scheduled upon a signed acceptance of this proposal and payment of a 25% deposit. Balance of payment terms will be Net 15 Days. All fees quoted herein are based on work as specified in this proposal. Any changes requested by you, the customer, may result in additional charges and may require an additional deposit. Natural Concerns, Inc. will warrant its plant materials in accordance with the attached Warranty Policies.

We thank you for this opportunity to be of service and look forward to working with you.

NATURAL CONCERNS, INC.



George Goodhues

Natural Concerns, Inc. retains the right to publish and display photographs of our work in our portfolios, websites, exhibits and promotional materials. We are sensitive to privacy concerns and will not use photographs that identify your home or its location, and we will not submit photographs for commercial publications outside of those under the domain of Natural Concerns, Inc. without your written consent.

ACCEPTANCE:

Signature

Date

Plant Palette

Arborvitae 'Green Giant'



Cryptomeria Radicans



Sallie Waller
15813 Falls Rd
Sparks, MD 21152
410-771-4510
443-955-1541

Beaver Brook Grounds Maintenance
PO BOX 724
Cockeysville, MD 21030
410-800-8716

June 4, 2015

Dear Ms. Waller:

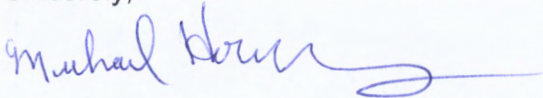
Please find our pricing for the landscape work described below:

To plant 10-12 ft tall green giant arborvitae, stake, mulch, and wire basket for deer protection the cost is \$360 each. If you wish to have 21 trees planted, the total will be \$7560. Our price includes all labor, equipment and materials to complete this job. Upon acceptance of this proposal, \$3780 is required for deposit. The job will be completed in one day and will be scheduled within a week from deposit weather permitting.

Beaver Brook Grounds Maintenance guarantees one year against defect in workmanship. Beaver Brook will not be responsible for drought, storm damage, erosion or vandalism.

Thank you for selecting my company to provide this bid for you landscaping needs.

Sincerely,



Michael Horney
Owner

PROTESTANT'S
EXHIBIT NO. 2



PROTESTANT'S

EXHIBIT NO. 3



PROTESTANT' S

EXHIBIT NO.

4

A photograph of a rural property. In the upper left, a red barn with three white-trimmed windows is partially visible. To its right is a large, sloping field of dry, yellowish-brown grass. A gravel driveway runs diagonally from the bottom left towards the center. In the foreground, a white evidence tag is placed in the grass. To the right of the tag, two survey markers are visible: a thin orange stake and a black stake with an orange ribbon tied around its top. The background shows a line of trees under a clear sky.

PROTESTANT'S
EXHIBIT NO. 5



PROTESTANT' S

EXHIBIT NO. 6





Part 8

JB 6-10-15
1:30 pm

**LAW OFFICES
OF
ROGER L. ELLIOTT**

Maurice L. Elliott
(1915-2003)

Roger L. Elliott

OFFICE

York Road
Hereford, Maryland

**MAILING ADDRESS:
P.O. BOX 147
BUTLER, MARYLAND 21023-0147**

Phone: (410) 771-4244
Telefax:: (443) 927-8926
e-mail : elliottslaw@gmail.com

June 16, 2015

HAND DELIVERED

Honorable John E. Beverungen
Office of Administrative Hearings
105 West Chesapeake Ave.
Room 103
Towson, MD 21204

RECEIVED

JUN 16 2015

OFFICE OF ADMINISTRATIVE HEARINGS

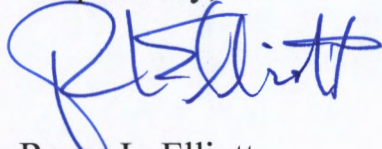
RE: Case # 2015 -0196-XA
15815 Falls Rd
ALJ Hearing : June 10, 2015 @ 1:30 pm

Dear Judge Beverungen ,

Please find enclosed my Reply Memorandum in the above referenced matter.

I apologize for the delay in getting this to you, however , I did not receive Mr. Holzer's Memorandum via regular mail as certified and was only able to obtain a copy via facsimile yesterday after three separate telephone calls to his office.

Respectfully,



Roger L. Elliott
Cc J. Carroll Holzer ,Esq.

PETITION OF

BEFORE THE BALTIMORE
COUNTY ADMINISTRATIVE LAW
JUDGE

ROGER L. ELLIOTT

15815 Falls Rd

* CASE # 2015 -0196-XA

*

* * * * *

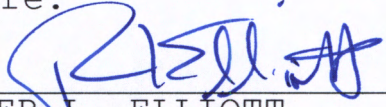
PETITIONER'S REPLY MEMORANDUM

Petitioner, Roger L. Elliott in support of his
cause and in Reply to Protestant's Memorandum says:

1. Petitioner's evidence in support of the
requested variances is more than sufficient to
support the requests.

A.) The aerial photograph (EX 3) , the site plans
(EXs 1&4) , and Photographs of the parking area
with six (6) vehicles (EX 5 a-c) substantiate
the testimony that the proposed parking area (part
black top /part crushed stone) has existed as a
parking area for many years during Christmas Tree
Sales and is fully screened from sound **and**
Protestant's view by the bank barn , Protestant's
three (3) bay garage , the mature Colorado Blue
Spruce Trees , and the Equipment Shelter/Shed.
Moreover, the newly constructed driveway required

WHEREFORE, the **Petitioner** requests that the relief sought be granted and that he be awarded such other relief as his cause may require.



ROGER L. ELLIOTT
15817 Falls Rd
Sparks, Md. 21152
410-771-4244
Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June 2015, a copy of the foregoing Reply Memorandum was mailed postage prepaid to:

Carroll Holzer, Esq. 508 Fairmont Ave. Towson Md.
21286 , Attorney for Protestant.



ROGER L ELLIOTT



KEVIN KAMENETZ
County Executive

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

June 17, 2015

Roger L. Elliott, Esq.
P.O. Box 147
Butler, Maryland 21023-0147

J. Carroll Holzer, Esq.
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

RE: Petitions for Special Exception and Variance
Property: 15815 Falls Road
Case No.: 2015-0196-XA

Dear Counsel:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(15815 Falls Road)
5th Election District
3rd Council District
Roger Elliott
Legal Owner
Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2015-0196-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 15815 Falls Road. The Petitions were filed on behalf of Roger Elliott, the legal owner of the subject property. The Petitioner seeks special exception relief per Baltimore County Zoning Regulations (B.C.Z.R.) to permit the subject property and the improvements to be used for a riding stable. The petition for variance seeks the following relief: (1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; (2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; (3) to permit a parking area not to be striped in lieu of the striping requirement; and (4) to allow a two-way access driveway to have a width of 16 ft. in lieu of the required 20 ft. A site plan was marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the petitions was Roger Elliott and surveyor Bruce E. Doak, from Bruce E. Doak Consulting LLC, the firm which prepared the site plan. A neighbor (Ms. Waller) represented by J. Carroll Holzer, Esq. opposed the requests. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Those will be discussed below.

ORDER RECEIVED FOR FILING

Date 6/17/15
By Sen

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SPECIAL EXCEPTION

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

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Petitioner has met this test. The large property is irregular shaped and contains significant topographical features. As such it is unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty, in that he would be unable to use the existing parking area. While it may be that with a great deal of difficulty and expense the parking area could be relocated, additional grading and paving (impervious surface) should be avoided if possible in a rural, agricultural setting such as this.

Finally, I find that the variances 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. The DOP recommended that a vegetative buffer be provided to screen the view from Falls Road and the adjoining property (owned by Ms. Waller), and thus the first variance will not be granted. In addition, the DPR requested the driveway be at least 16' wide between Falls Road and the proposed parking area, and a condition will be added to that effect.

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THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 17th day of June, 2015, that the Petition for Special Exception to permit the subject property and the improvements to be used for a riding stable, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; (2) to permit a parking area not to be striped in lieu of the striping requirement; and (3) to allow a two-way access driveway to have a width of 16 ft. in lieu of the required 20 ft., be and is hereby GRANTED.

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1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
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4. Petitioner shall, prior to issuance of any necessary permits/licenses, secure approval from the Baltimore County Soil Conservation District.
5. No trail riding or horses shall be permitted within the forest buffer and forest conservation easement areas shown on the site plan.
6. Petitioner shall keep no more than five (5) horses on the subject property.

ORDER RECEIVED FOR FILING

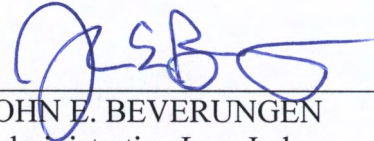
Date

6/17/15

By

Aln

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

6/17/15

By

sln

IN RE: PETITIONS FOR SPECIAL *
EXCEPTION & VARIANCE

(15815 Falls Road)

5th Election District

3rd Councilmanic District

Roger Elliott, Owner/Petitioner

BEFORE THE

* OFFICE OF

* ADMINISTRATIVE HEARINGS

* FOR BALTIMORE COUNTY

Case No. 2015-0196-XA

* *RECEIVED * * * * *

JUL 14 2015

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF APPEAL

Ms. Sally Waller, 15813 Falls Road, Sparks, MD 21152, Appellant, by
J. Carroll Holzer, Esquire, feeling aggrieved by the Decision of the Administrative Law
Judge in this matter, notes an appeal of the Administrative Law Judge's June 17, 2015
Opinion & Order entered in the above-captioned matter. This appeal, noted within
thirty (30) days of the Final Order, now seeks review by the Baltimore County Board of
Appeals.

Appellant was a party below and fully participated in the proceedings. Filed
concurrently with this Notice of Appeal is a check payable to "Baltimore County" to
cover costs and a copy of the ALJ Opinion and Order.

Respectfully submitted,


J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant

RECEIVED

JUL 14 2015

BALTIMORE COUNTY
BOARD OF APPEALS

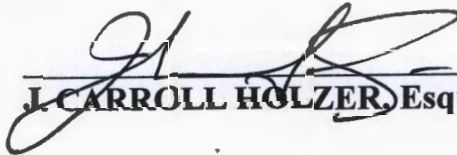
CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 14th day of June, a copy of the foregoing

Notice of Appeal was mailed first class, postage prepaid, to:

Baltimore County Board of Appeals
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

Roger Elliott, Esquire
PO Box 147
Butler, Maryland 21023


J. CARROLL HOLZER, Esquire

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5th Election District
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Roger Elliott
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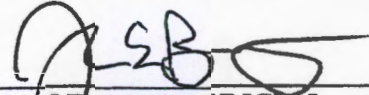
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Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln



KEVIN KAMENETZ
County Executive

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

July 16, 2015

RECEIVED
JUL 16 2015

J. Carroll Holzer, Esq.
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

Roger Elliott, Esq.
PO Box 147
Butler, Maryland 21023

BALTIMORE COUNTY
BOARD OF APPEALS

Re: Petitions for Special Exception and Variance
Case Number: 2015-0196-XA
Location: 15815 Falls Road

Dear Mr. Holzer:

Please be advised that an appeal of the above-referenced case was filed in this Office on July 14, 2015. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:slh

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County

IN RE: PETITIONS FOR SPECIAL *
EXCEPTION & VARIANCE

(15815 Falls Road)

5th Election District

3rd Councilmanic District

Roger Elliott, Owner/Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0196-XA

* RECEIVED *

JUL 14 2015

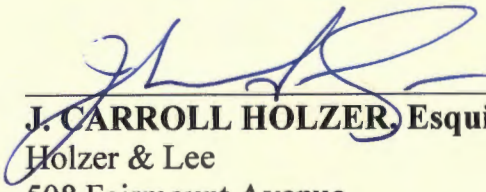
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Holzer & Lee

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Towson, Maryland 21286

410-825-6961

Attorney for Appellant

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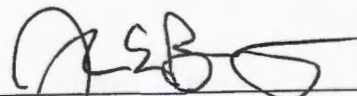
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JOHN E. BEVERUNGEN
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for Baltimore County

JEB/sln

PETITION OF ROGER ELLIOTT
15817 Falls Road

SPECIAL EXCEPTION
AND VARIANCE

* BEFORE THE
* BALTIMORE COUNTY
* ADMINISTRATIVE LAW JUDGE

*

* Case No.: 2015-0196-XA

*

* * * * *

PROTESTANT WALLER'S MEMORANDUM

Ms. Sallie Waller, Protestant, by *J. Carroll Holzer, Esquire*, Holzer & Lee,
hereby submits this Memorandum of Law relative to the ALJ Hearing on Wednesday,
June 10, 2015, and says:

1. The Petitioner failed to provide evidence in regard to the four (4) variances requested on Petitioner's Petition, that is to say Variance #1 to permit a parking area with no screening or landscaping.
2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface.
3. To permit a parking area not to be striped in lieu of the striping requirements.
4. To allow a two-way access driveway to have a width of sixteen feet (16') in lieu of the required twenty feet (20').

During the course of the entire hearing, the engineer, Bruce Doak, who testified as to the 502.1 criteria failed to testify on any of the variances as required by Baltimore County Zoning Regulation 307.1. Further, Roger E. Elliott, an attorney representing

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

RECEIVED

JUN 11 2015

OFFICE OF ADMINISTRATIVE HEARINGS

himself, who testified failed to address any of the legal requirements based upon Baltimore County Zoning Regulation Section 307.1. There was no evidence at all in regard to the parking area other than the Oral Final Argument by Mr. Elliott, which was not evidence in the case but merely argument.

The Baltimore County Zoning Regulations, Section 307.1 states that the ALJ may grant variances:

“... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations of Baltimore County would result in practical difficulty or unreasonable hardship.”

This standard requires proof of the following:

1. That the land or structure is “unique,” a zoning term of art;
2. That the uniqueness “results” in “practical difficulty” pertinent to zoning compliance; and
3. That there is true “practical difficulty,” another zoning term of art; and

The first inquiry here is whether the property is peculiar or “unique.” If evidence of uniqueness is insufficient or unpersuasive, the inquiry ends there. Cromwell v. Ward, 102 Md. App. 691 (1995); Umerley v. People’s Counsel, 108 Md. App. 497 (1996); Riffin v. People’s Counsel, 137 Md. App. 90 (2001). If this threshold is passed, the further question is whether the unique condition results in “practical difficulty.” McLean v. Soley, 270 Md. 208, 213-15 (1973).

Uniqueness Defined and Analyzed

The word "unique" is defined strictly. Otherwise, anyone could make some sort of claim. In Cromwell 102 Md. App. At 710 (1995), the court stated:

"In the zoning contest the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.

'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls."

Elliott's proposed variance is for an expansion which simply does not fit on this property. The Court of Appeals has rejected such requests because their essence is relative advantage or convenience to the property owner. Marino, supra; Cleland v. City of Baltimore, 198 Md. 440 (1951); Pem Construction Co. v. City of Baltimore, 233 Md. 372 (1964).

It can be seen clearly that the evidence in this case fails to establish the required evidence by Section 307.1, therefore all the variances should be **DENIED**.

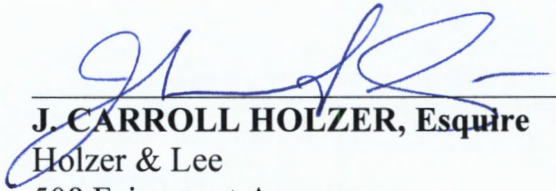
In addition, the Protestant testified she does want screening and landscaping along the length of their joint property line. Further, she desired the parking to be surfaced with macadam and striped so that the number of vehicles attending the business can be identified for future concern. Finally, she did testify that she wanted to have the driveway twenty feet (20') wide because there will be trailers, horse vans and multiple vehicles coming in and out of this business and there should be the required twenty foot (20') of access driveway.

IF THE SPECIAL EXCEPTION IS GRANTED

If the Administrative Law Judge determines to grant the Special Exception, the Protestant requests the following conditions:

1. It should be clearly stated that no trespass by members of the proposed business, horse riding trails shall be crossed or be located on the Waller property.
2. She requests that the entire length of the joint property line be landscaped per her testimony and the two (2) estimates provided as Protestants Exhibits be utilized to determine what is an appropriate amount of landscaping. She is not content with the limited number of feet proposed by the Planning Office. She would have no objection if the condition of any approval would require the County landscape architect to provide the appropriate screening for the whole property line.
3. She suggested that with all of the land available to the Petitioner, that the parking area be moved to the location she pointed out on Petitioner's Exhibit #1 which would be on the opposite side of the access road in a level area described by her.

Respectfully submitted,


J. CARROLL HOLZER, Esquire

Holzer & Lee

508 Fairmount Avenue

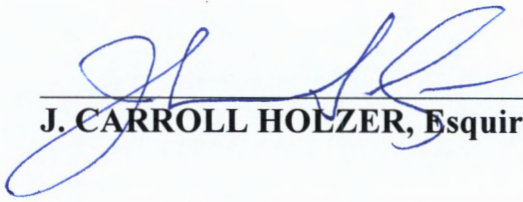
Towson, Maryland 21286

410-825-6961

Attorney for Protestant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of June, 2015, a copy of the foregoing Protestant Waller's Memorandum was mailed first class, postage pre-paid to the following: Roger Elliott, Esquire, 15817 Falls Road, Sparks, Maryland 21152 and Ms. Sallie Waller, 15813 Falls Road, Sparks, Maryland 21152.



J. CARROLL HOLZER, Esquire

**LAW OFFICES
OF
ROGER L. ELLIOTT**

Maurice L. Elliott
(1915-2003)
Roger L. Elliott

**MAILING ADDRESS:
P.O. BOX 147
BUTLER, MARYLAND 21023-0147**

OFFICE
York Road
Hereford, Maryland

Phone: (410) 771-4244
Telefax: (443) 927-8926
e-mail : elliottslaw@gmail.com

April 27, 2015

VIA FAX TO: 410-887-3468

Honorable John E. Beverungen
Office of Administrative Hearings
105 West Chesapeake Ave.
Room 103
Towson, MD 21204

RE: Case # 2015 -0196-XA
15815 Falls Rd
ALJ Hearing : May 7, 2015 @ 1:30 pm

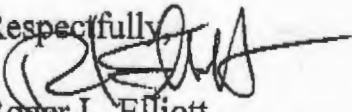
Dear Judge Beverungen ,

I received today via regular mail a copy of a request for a postponement of the referenced hearing from J. Carroll Holzer, Esq who represents Sallie Waller.

On March 27, 2015 , before I was aware of Mr. Holzer's representation , I hand delivered an explanation and invitation to express any concerns to Miss Waller. I have included a copy of same. I have never received any reply until the postponement request.

I have arranged my schedule as well as that of my engineer's and witnesses' to proceed on May 7, 2015 and must respectfully oppose the postponement request.

Respectfully


Roger L. Elliott
Cc J. Carroll Holzer ,Esq.

0077

March 27, 2015

Miss Sallie M. Waller

15813 Falls Rd.

Sparks, MD 21152

HAND DELIVERED

RE: Roger L. Elliott Property: 15815 Falls Rd. Sparks, MD 21152

Dear Miss Waller,

This note follows my telephone messages to you this week. My engineer advises that you contacted Baltimore County with concerns about our planned use of the property for horseback riding.

As I explained to you last May when we were installing fence, I intend to pass what is left of the Farm on to Julia since she has a passion for continuing to support the preservation and improvement of the land for farming through her animals. She has invested everything she has as well as substantial time and effort into improving the function and appearance of the property for this purpose and I know her grandfather is proud.

We want to continue the tradition of productivity and enhancement begun by you, your father, and mine with the Christmas tree operation. We believe this is a great way to honor my father. My brother Greg along with Ross & Marge Menchey are supportive and we hope you will be too.

Please feel free to contact me with any questions or concerns.

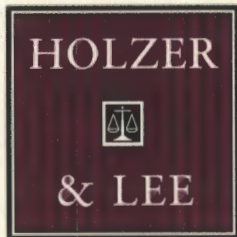
Sincerely,

Roger L. Elliott

15817 Falls Rd

Sparks, MD 21152

410-771-4244



4/28/15
to KL
OK

Carroll
should call
att's att
+ suggest
alternative
dates that
are good for
the ALJ

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

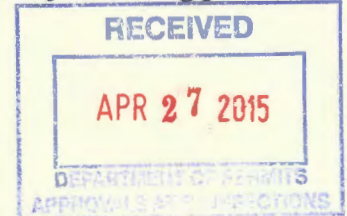
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923

~~XXXXXXXXXXXX~~

E-Mail: jcholzer38@gmail.com



April 23, 2015
#8135

Arnold Jablon, Esquire
Deputy Administrative Officer
Director, Department of Permits
Approvals & Inspection
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No: 2015-0196-XA
ALJ Hearing Date: Thursday, May 7, 2015

Dear Mr. Jablon:

Please be advised that I represent Sallie Waller, 15813 Falls Road, Sparks, Maryland 21152. Ms. Waller has retained me to represent her interest in regard to this proposed Petition for Zoning Hearing now scheduled for Thursday, May 7, 2015. Ms. Waller is an adjacent property owner and may well be extremely affected by this zoning request by Mr. Roger Elliott, 15815 Falls Road.

I am hereby requesting a postponement of the Thursday, May 7, 2015 date on the basis that I am currently involved in an Oral Argument the Court of Special Appeals in the case of Lucy Ware v. People's Counsel for Baltimore County, et al., No. 01008, September Term, 2014. The Court of Special Appeals hearing is to be conducted in their Courtroom 001 and Mr. Zimmerman and Mr. Schmidt are the attorneys, along with me, who will be arguing the case before the Court.

I therefore request that this matter be postponed until a subsequent agreeable date.

Thank you for your kind attention to this matter.

Respectfully submitted,

J. Carroll Holzer

JCH:mlg

cc: Ms. Sallie Waller
Mr. Roger L. Elliott



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

~~XXXXXXXXXXXXXXXXXXXX~~

E-Mail: jcholzer38@gmail.com

April 20, 2015

#8135

The Honorable Lawrence M. Stahl
Chief Administrative Law Judge
Jefferson Building
111 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204

RE: Case No: 2015-0196-XA

ALJ Hearing Date: Thursday, May 7, 2015

Dear Mr. Stahl:

Please be advised that I represent Sallie Waller, 15813 Falls Road, Sparks, Maryland 21152. Ms. Waller has retained me to represent her interest in regard to this proposed Petition for Zoning Hearing now scheduled for Thursday, May 7, 2015. Ms. Waller is an adjacent property owner and may well be extremely affected by this zoning request by Mr. Roger Elliott, 15815 Falls Road.

I am hereby requesting a postponement of the Thursday, May 7, 2015 date on the basis that I am currently involved in an Oral Argument the Court of Special Appeals in the case of Lucy Ware v. People's Counsel for Baltimore County, et al., No. 01008, September Term, 2014. The Court of Special Appeals hearing is to be conducted in their Courtroom 001 and Mr. Zimmerman and Mr. Schmidt are the attorneys, along with me, who will be arguing the case before the Court.

I therefore request that this matter be postponed until a subsequent agreeable date.

Thank you for your kind attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "JCH", is written over the typed name "J. Carroll Holzer".

J. Carroll Holzer

JCH:mlg

cc: Ms. Sallie Waller
Mr. Roger L. Elliott

Kristen Lewis - FW: 15815 Falls Rd Case # 2015-0196-XA Opposition to Postponement

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Date: 4/28/2015 8:10 AM
Subject: FW: 15815 Falls Rd Case # 2015-0196-XA Opposition to Postponement
Attachments: Waller zoning postponement oppos. 4.27.15.docx; waller zoning ltr. 3.27.15.docx

Postponement request for Arnold. Thanks.

From: Roger Elliott [elliottslaw@gmail.com]
Sent: Monday, April 27, 2015 4:37 PM
To: Administrative Hearings
Cc: Bruce Doak; Bruce Doak; jcholzer38@gmail.com
Subject: 15815 Falls Rd Case # 2015-0196-XA Opposition to Postponement

Please note my objection to any postponement of the referenced hearing scheduled for May 7, 2015 @ 1:30 PM
See attached.

Thank you

--
Roger L Elliott
Attorney at Law
PO Box 147
Butler, Md 21023
Ph 410-771-4244
Fax 443-927-8926
elliottslaw@gmail.com

This e-mail is confidential, intended only for named recipient(s). If you are not an intended recipient, please notify the sender and delete this message. Unless otherwise specifically stated, nothing herein is intended as tax advice and nothing herein may be used to violate tax laws or regulations. Thank you.



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 15815 Falls Road which is presently zoned RC2
Deed References: SM 33811/414 10 Digit Tax Account # 1600005099
Property Owner(s) Printed Name(s) ROGER L. ELLIOTT

(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

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

SEE ATTACHED SHEET

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

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 THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ROGER L. ELLIOTT

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address 15817 Falls Road Sparks MD

(Beves)

Zip Code 21152 Telephone # 410-919-9906

Email Address BDOAK@BEVESDOAKCONSULTING.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING

Name - Type or Print

Signature

Mailing Address 3801 BAKER SCHOOLMIST ROAD FREELAND MD

Zip Code 21053 Telephone # 410-919-9906 Email Address

BDOAK@BRUCEDOAKCONSULTING.COM

Do Not Schedule Dates:

Reviewer: RDD

CASE NUMBER 2015-0196-XA

Filing Date 3/6/15

PETITION REQUESTS

Special Exception

To permit the subject property and the improvements to be used for a riding stable.

Variances

1. To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping per Section 409.8.A.1 BCZR
2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface per Section 409.8.A.2 BCZR
3. To permit a parking area not to be striped in lieu of the striping requirement per Section 409.8.A.6 BCZR
4. To allow a two-way access driveway to have a width of 16 feet in lieu of the required 20 feet per Section 409.4A BCZR

Zoning Description

15815 Falls Road- 33.829 Acres
Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of Falls Road, approximately 37,915 feet +- southerly of the centerline of Benson Mill Road, thence leaving Falls Road and running and binding on the outlines of the subject property, the ten following courses and distances, viz. 1) North 65 degrees 42 minutes 50 seconds East 1947.45 feet, 2) South 29 degrees 57 minutes 53 seconds East 387.28 feet, 3) South 29 degrees 57 minutes 53 seconds East 572.60 feet, 4) South 55 degrees 29 minutes 34 seconds West 411.21 feet, 5) North 29 degrees 59 minutes 58 seconds West 344.01 feet, 6) South 55 degrees 47 minutes 41 seconds West 819.66 feet, 7) North 89 degrees 08 minutes 17 seconds West 787.31 feet, 8) North 00 degrees 51 minutes 43 seconds East 248.14 feet, 9) North 89 degrees 08 minutes 17 seconds West 185.00 feet and 10) South 77 degrees 36 minutes 43 seconds West 75.00 feet to the east side of Falls Road, thence binding on the east side of Falls Road and continuing to run and bind on the outlines of the subject property, the four following courses and distances, viz. 11) North 10 degrees 30 minutes 36 seconds West 52.61 feet, 12) North 08 degrees 13 minutes 46 seconds West 61.21 feet and 13) Northwesterly by a line curving to the right with a radius of 1224.09 feet for 67.70 feet and a chord of North 04 degrees 50 minutes 10 seconds West 67.69 feet to the place of beginning.

Containing 33.829 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.

Item #0196



KEVIN KAMENETZ
County Executive

May 4, 2015

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

NEW 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: 2015-0196-XA

15815 Falls Road

E/s Falls Road, 37, 915 ft. +/- S Benson Mill Road

5th Election District – 3rd Councilmanic District

Legal Owners: Roger Elliott

Special Exception to permit the subject and the improvements to be used for a riding stable.
Variance to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; to permit a parking area not to be striped in lieu of the striping requirement; to allow a two-way access driveway to have a width of 16 ft. in lieu of the required 20 ft.

Hearing: Wednesday, June 10, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Roger Elliott, 15817 Falls Road, Sparks 21152
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 21, 2015.**
- (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.**



KEVIN KAMENETZ
County Executive

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

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: 2015-0196-XA

15815 Falls Road

E/s Falls Road, 37, 915 ft. +/- S Benson Mill Road

5th Election District – 3rd Councilmanic District

Legal Owners: Roger Elliott

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Hearing: Thursday, May 7, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Roger Elliott, 15817 Falls Road, Sparks 21152
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 17, 2015.**
- (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.**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3289256

Sold To:

Roger Elliott - CU00435738
15817 Falls Rd
Sparks Glencoe, MD 21152

Bill To:

Roger Elliott - CU00435738
15817 Falls Rd
Sparks Glencoe, MD 21152

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 21, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2015-0196-XA
15815 Falls Road
E/s Falls Road, 37, 915 ft. +/- S Benson Mill Road
5th Election District - 3rd Councilmanic District
Legal Owner(s) Roger Elliott

Special Exception to permit the subject and the improvements to be used for a riding stable.

Variance to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; to permit a parking area not be striped in lieu of the striping requirement, to allow a two-way access driveway to have a width of 16 ft. in lieu of the required 20 ft.

Hearing: Wednesday, June 10, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5/25/15 May 21 3289256



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3203864

Sold To:

Roger Elliott - CU00435738
15817 Falls Rd
Sparks Glencoe, MD 21152

Bill To:

Roger Elliott - CU00435738
15817 Falls Rd
Sparks Glencoe, MD 21152

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 16, 2015

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

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: # 2015-0196-XA
15815 Falls Road
E/s Falls Road, 37,915 ft. +/- S Benson Mill Road
5th Election District - 3rd Councilmanic District
Legal Owner(s) Roger Elliott

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Hearing: Thursday, May 7, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/26/2015 April 16 3203864

CERTIFICATE OF POSTING

May 19, 2015

Re:

Zoning Case No. 2015-0196-XA

Petitioner / Owner: Roger Elliott

Date of Hearing: June 10, 2015

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 **15815 Falls Road**.

The sign(s) were posted on **May 19, 2015**.

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



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

April 17, 2015

Re:

Zoning Case No. 2015-0196-XA

Petitioner / Owner: Roger Elliott

Date of Hearing: May 7, 2015

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 **15815 Falls Road**.

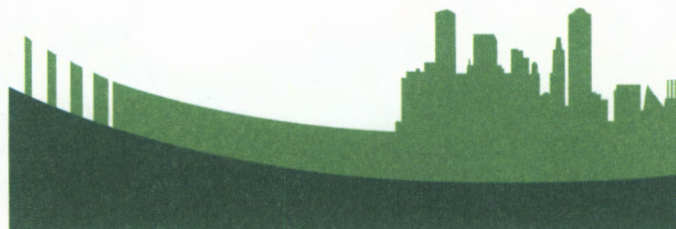
The sign(s) were posted on **April 16, 2015**.

Sincerely,

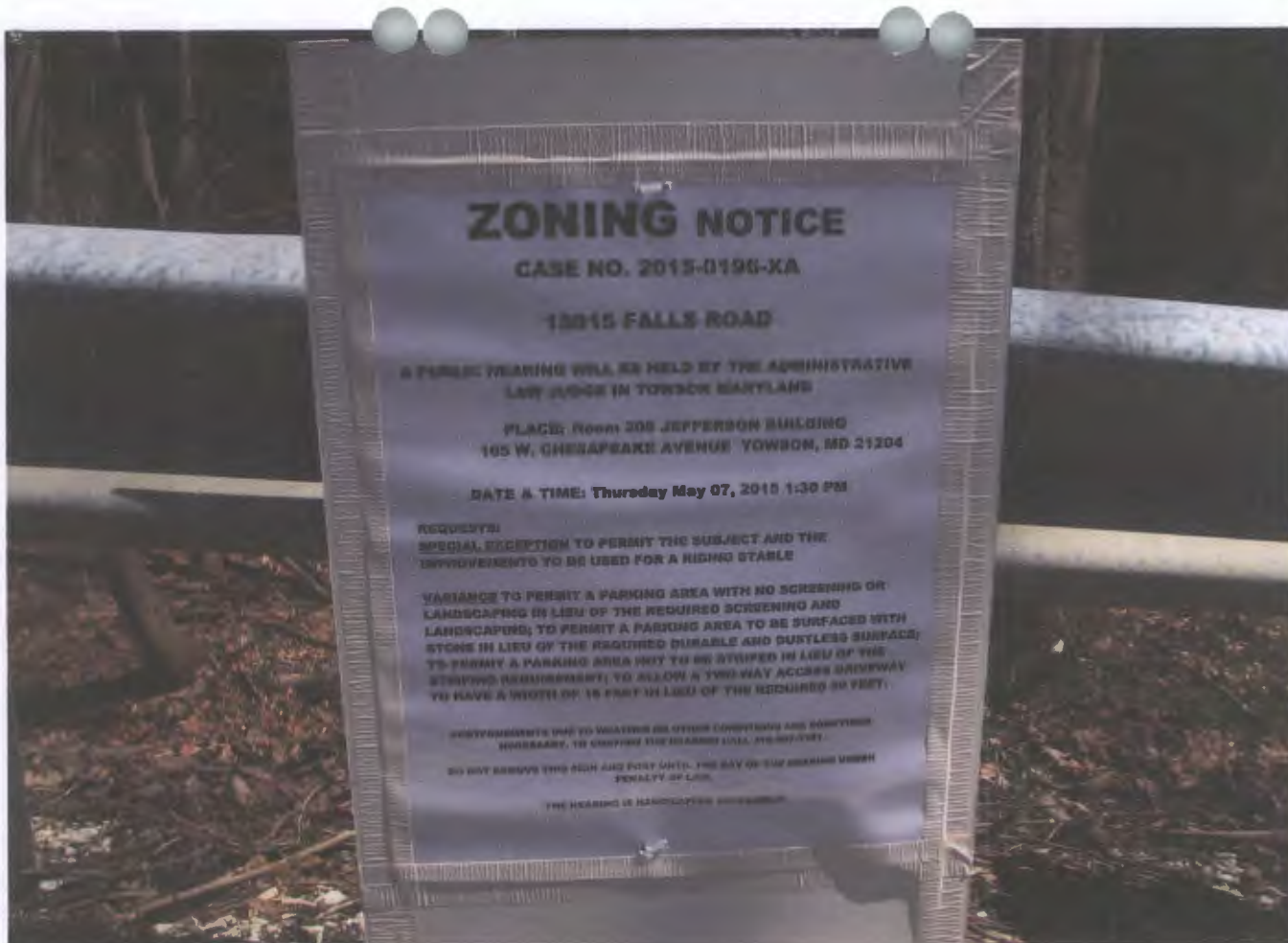


Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor





KEVIN KAMENETZ
County Executive

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

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: 2015-0196-XA

15815 Falls Road

E/s Falls Road, 37, 915 ft. +/- S Benson Mill Road

5th Election District – 3rd Councilmanic District

Legal Owners: Roger Elliott

Special Exception to permit the subject and the improvements to be used for a riding stable.
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Hearing: Thursday, May 7, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Roger Elliott, 15817 Falls Road, Sparks 21152
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES:** (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 17, 2015.
(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.

RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE

15815 Falls Road; E/S Falls Road,
37,915' S of Benson Mill Road
5th Election & 3rd Councilmanic Districts
Legal Owner(s): Roger Elliott
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-196-XA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 11 2015

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 11th day of March, 2015, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

June 4, 2015

Roger L Elliott
15817 Falls Road
Sparks MD 21152

RE: Case Number: 2015-0196 XA, Address: 15815 Falls Road

Dear Mr. Elliott:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 6, 2015. 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: jaw

Enclosures

c: People's Counsel
Bruce E Doak, Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 210523

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 3/12/15

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

RE: Baltimore County
Item No. 2015-0196-XA.
Special Exception Variance
Roger Elliott
15815 Falls Road
MD25

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 3/11/15. A field inspection and internal review reveals that an entrance onto MD25 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2015-0196-XA.

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 dark ink, appearing to read "Steven D. Foster".

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 16, 2015
Item No. 2015-0196

DATE: March 12, 2015

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

We have no problem with the requested variance as long as the access driveway is made 16 feet wide between Falls Road and the parking area.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0196-03162015.doc

6/10/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 15815 Falls Road

MAR 25 2015

INFORMATION:

Item Number: 15-196

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Roger L. Elliott

Zoning: RC 2

Requested Action: Special Exception, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning (Department) has reviewed the Special Exception and Variance Petitions with accompanying site plan to permit a riding stable with a parking area with no screening or landscaping, to be surfaced with stone and not to be striped with a two-way access driveway having a width of 16 feet in lieu of the required screening and landscaping, durable and dustless surface, striping and 20 feet respectively.

The Department has no objection to the grant of the petitioned special exception use conditioned upon the following:

- The petitioner shall obtain all necessary approvals from the Soil Conservation District.

Further, the Department has no objection to the grant of the petitioned variance relief with the exception of providing "no screening or landscaping". The Department recommends as a condition of approval the following:

- The petitioner create a buffer of evergreen trees and mixed deciduous trees in the 30' between the proposed parking area and the existing barn and the lot line thereby screening the view from Falls Road and of the neighboring property located at 15813 Falls Road.

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

Division Chief:
AVA/LTM

Kathy Schlabach

DATE _____

6-10-15

E - MAIL

[illegible]

CASE NAME ELLIOTT
CASE NUMBER 2015-096-XA
DATE 6/10/15

[illegible]

JB 11-1-12

IN RE: PETITION FOR VARIANCE
(15815 Falls Road)
5th Election District
3rd Councilmanic District
Roger L. and C. Gregory Elliott
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0052-A

* * * * *

OPINION AND ORDER

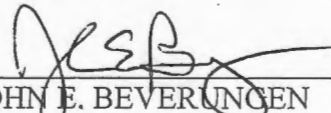
This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the legal owners of the subject property, Roger L. and C. Gregory Elliott. The Petitioners are requesting Variance relief pursuant to Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing shed and barn to be located in the front yard in lieu of the required rear yard, and for the barn to have a height of 42' in lieu of the permitted 15' as an accessory structure. 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 held for this case was Roger L. Elliott and Alonzo Childress. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition. In fact, Petitioners' immediate neighbor indicated she supports the petition. (Exhibit 3).

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received on October 2, 2012 indicating that any future building permits will need to be reviewed by Groundwater Management, since the property is served by

400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing shed and barn to be located in the front yard in lieu of the required rear yard, and for the barn to have a height of 42' in lieu of the permitted 15' as an accessory structure, be and is hereby GRANTED.

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:dlw

SITE INFORMATION

- Ownership: Roger L. Elliott
15815 Falls Road Sparks, MD 21152
- Address: 15815 Falls Road Sparks, MD 21152
- Deed references: SM 33811 / 414
- Area: 33.829 acres (SM 33811 / 414)
- Tax Map / Grid / Parcel / Tax account #: 27 / 13 / 267 / 16-00-005049
- Election District: 5 Councilmanic District: 3
ADC Map: 434582 GIS tile: 026C2 & 027A2
Position sheets: 95NW24, 95NW25, 96NW24, 96NW25 & 97NW24
Census tract: 405000 Census block: 240054050002028 & 240054050002029
Schools: Fifth District ES Hereford MS Hereford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 026C2 & 027A2 and the information provided by Baltimore County on the Internet.
- Improvements: Single family dwelling, barn, shed & parking lot. All of the improvements will remain.

ZONING

Zoning: R.C. 2

Previous zoning hearing: 2013-0052-A
Approval to permit an existing shed and barn to be located in the front yard in lieu of the required rear yard.
Approval to permit a barn to have a height of 42 feet in lieu of the required 15 feet as an accessory structure

ENVIRONMENTAL

Watershed: Loch Raven Reservoir URDL land type: 1

- The existing dwelling is currently serviced by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

PLANNING

Regional Planning District: Prettyboy District Code: 302

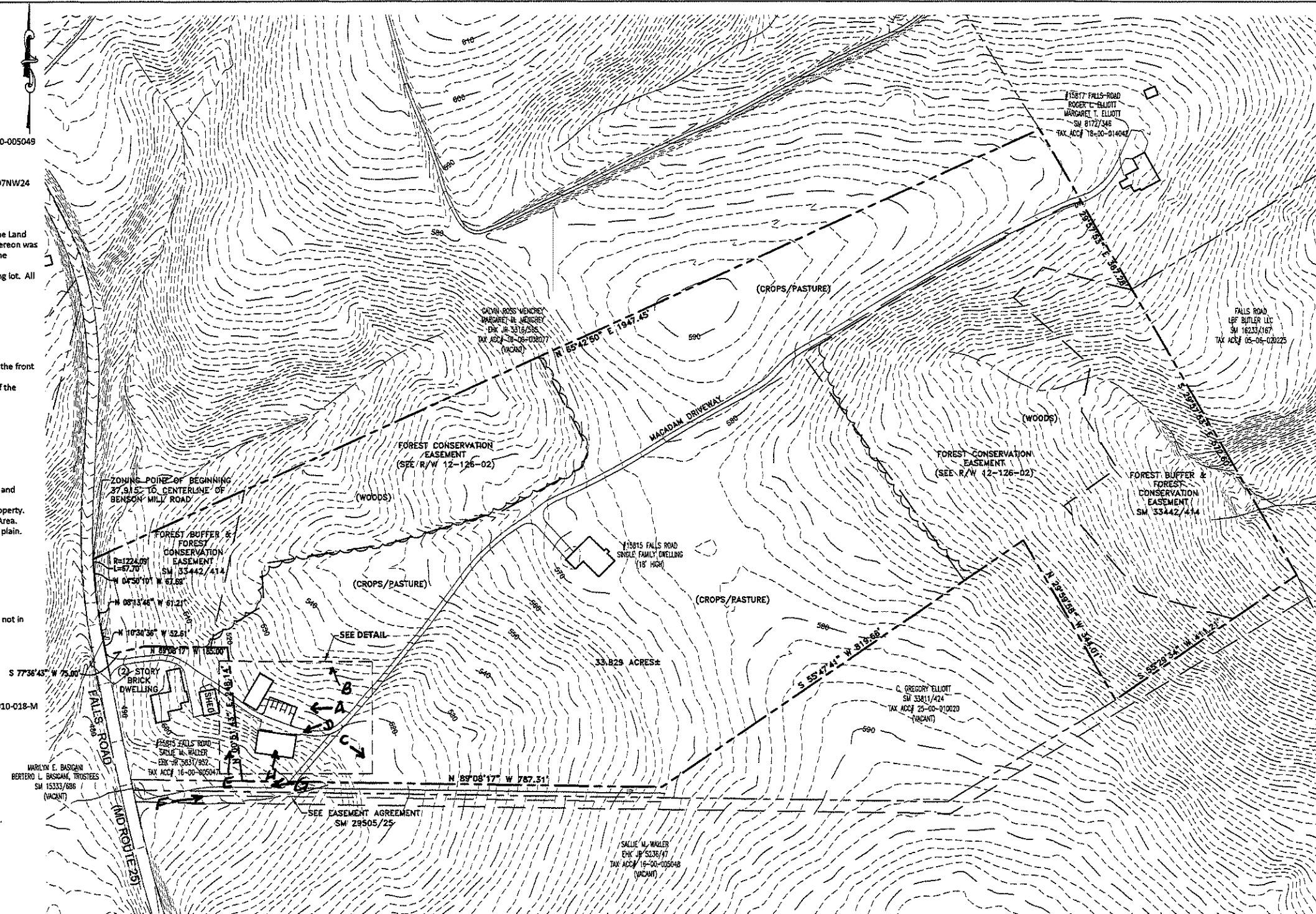
- The subject dwelling is not historic. The subject property is not in a historic district.

PREVIOUS DEVELOPMENT

LOT 2 OF THE MINOR SUBDIVISION OF THE ELLIOTT PROPERTY #10-018-M

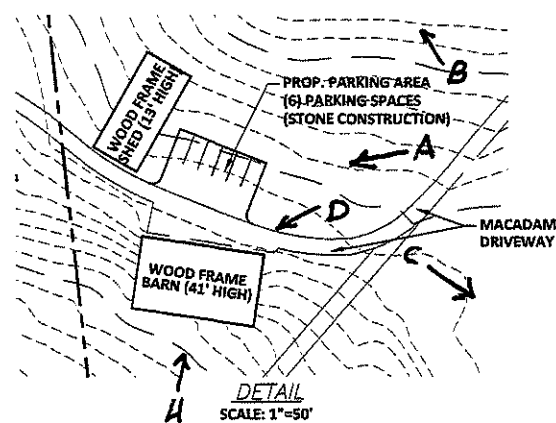
PROPOSED DEVELOPMENT

To provide boarding and run a riding stable on the entire farm.



PLAN
SCALE: 1"=100'

PLAN TO ACCOMPANY PHOTOS

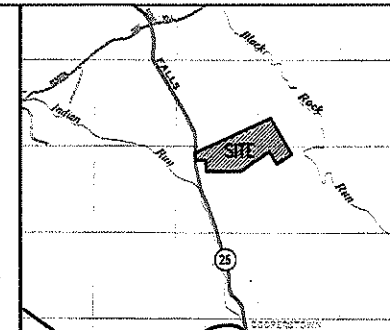


DETAIL
SCALE: 1"=50'

PETITIONER'S

EXHIBIT NO. 4
PLAN (2) SHEETS
PHOTOS

REVISION
6/5/15 REVISED PROPERTY INFORMATION



Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use # 20612205

PETITION REQUESTS

Special Exception
To permit the subject property and the improvements to be used for a riding stable.

- Variances
- To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping per Section 409.8.A.1 BCZR
 - To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface per Section 409.8.A.2 BCZR
 - To permit a parking area not to be striped in lieu of the striping requirement per Section 409.8.A.6 BCZR
 - To allow a two way access driveway to have a width of 16 feet in lieu of the required 20 feet per Section 409.4A BCZR

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bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A PETITION
PROPERTY OF
ROGER L. ELLIOTT
#15815 FALLS ROAD
BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 3/2/2015
Scale: AS SHOWN

Miscellaneous:

- 1- Letter from Roger Elliott June 16, 2015
- 2- Protestant Waller's Memorandum from J. Carroll Holzer dated June 11, 2015
- 3- Letter from J. Carroll Holzer dated April 23, 2015
- 4- Opinion and Order from Prior Zoning Case No.: 2013-0052-A

Cover Letter and Administrative Law Judge's Opinion and Order – (GRANTED – June 17, 2015)

Notice of Appeal received on July 14, 2015 filed by J. Carroll Holzer.

APPEAL

Petitions for Special Exception and Variance
15815 Falls Road
5th Election District – 3rd Councilmanic District
Legal Owner: Roger Elliott
Case No.: 2015-0196-XA

Petitions for Special Exception and Variance (March 6, 2015)

Zoning Description of Property

Notice of Zoning Hearings (May 4, 2015 for Hearing on June 10, 2015 and for Hearing on May 7, 2015).

Certification of Publication – (May 21, 2015 and April 16, 2015)

Certification of Posting (Bruce E. Doak – May 19, 2015 and April 16, 2015)

Entry of Appearance by People's Counsel – (March 11, 2015)

Petitioner(s) Sign-In Sheet – (1 Page)

Citizens(s) Sign-In Sheet – (1 Page)

Citizen(s) Sign-In Sheet – N/A

Zoning Advisory Committee (ZAC) Comments:

- 1 – Department of Planning – March 20, 2015
- 2 - Bureau of Development Plans Review – March 12, 2015
- 3 – State Highway Administration – March 12, 2015

Petitioner's Exhibits:

- 1 – Site Plan
- 2 – Zoning Map
- 3- Aerial photograph
- 4- Plan w/key-sheet and photos
- 5- 5A-5C photos
- 6- 6A-6D photos
- 7- 7A-7C photos
- 8- April 30, 2015 letter- Mencheys
- 9- Greg Elliott e-mail April 29, 2015
- 10- Tammy Monaco note May 27, 2015
- 11- GSVH letter April 3, 2015
- 12- Photo of "Happy on Hooves"
- 13- August 20, 2012 letter from S. Waller

Protestant's Exhibits:

- 1- June 3, 2015 letter from Natural Concerns
- 2- June 4, 2015 letter from Beaver Brook Grounds Maintenance
- 3- Photo barn
- 4- Photo Waller home
- 5- Photo property stake
- 6- Photo parking area
- 7- "same"
- 8- "same"

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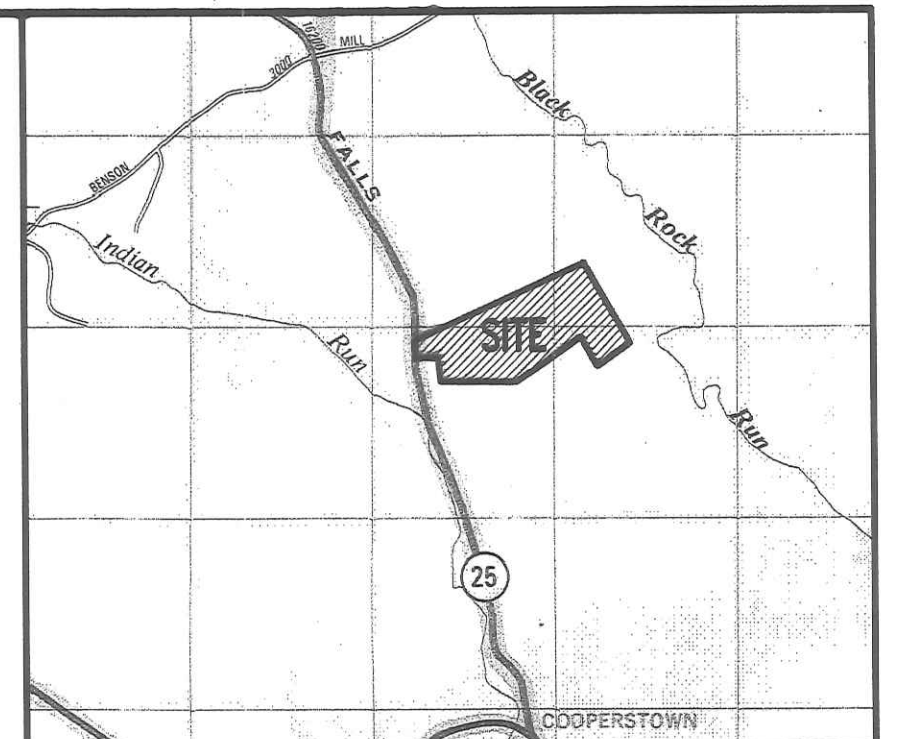
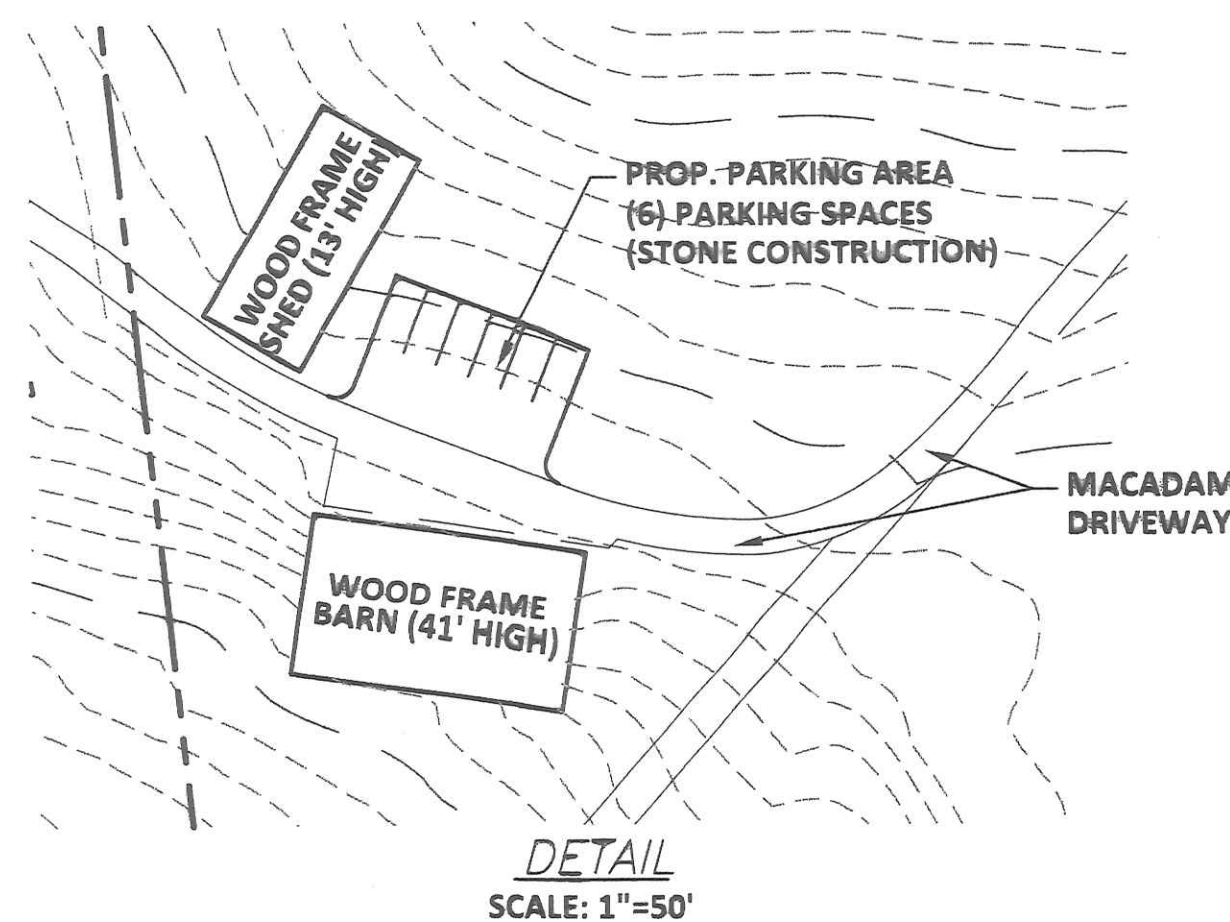
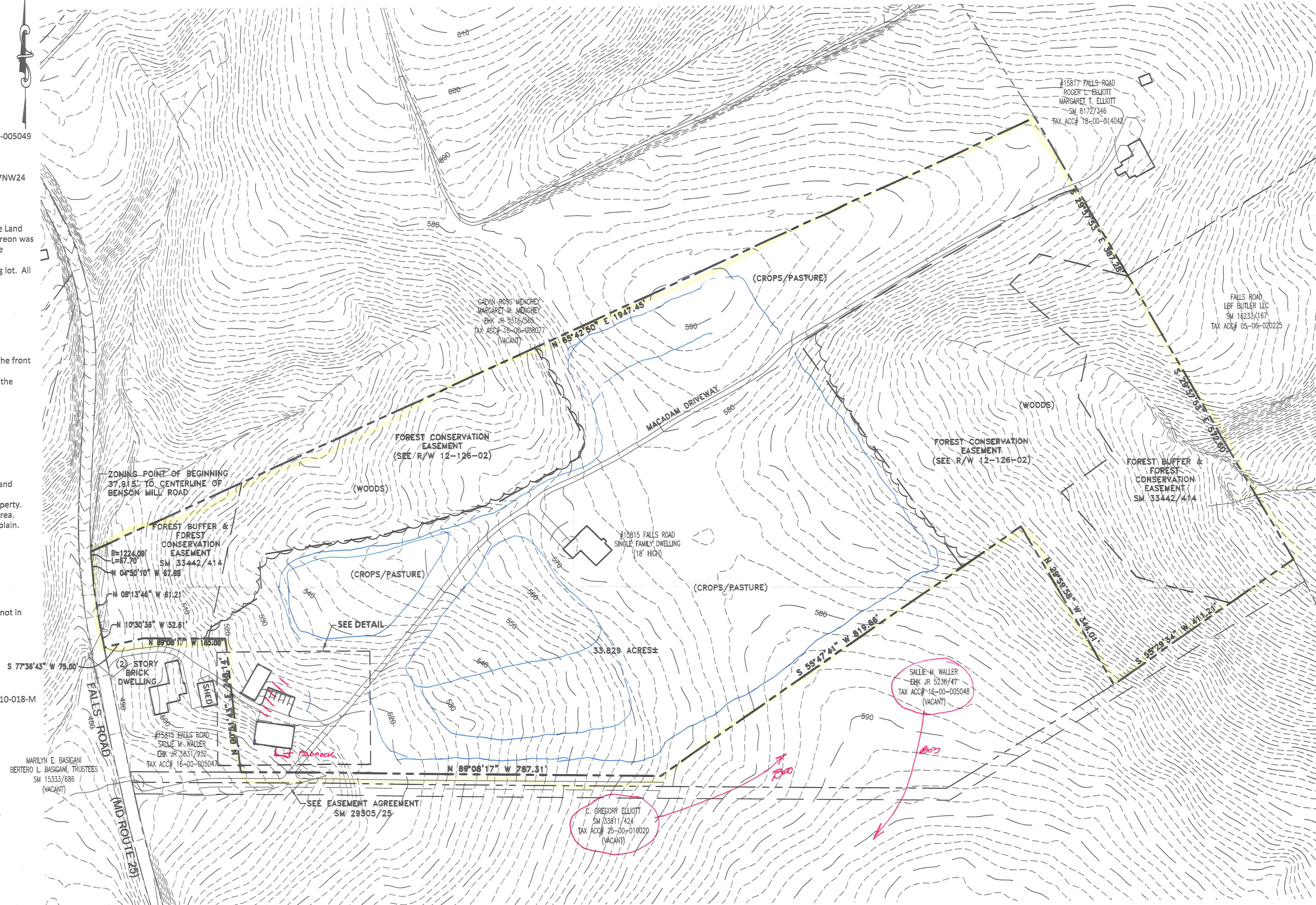
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Land Use Expert and Surveyor
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o 443-900-5656 m 410-419-4906
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY A PETITION

PROPERTY OF
ROGER L. ELLIOTT
#15815 FALLS ROAD
BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 3/2/2015
Scale: AS SHOWN



PETITIONER'S

EXHIBIT NO. 1

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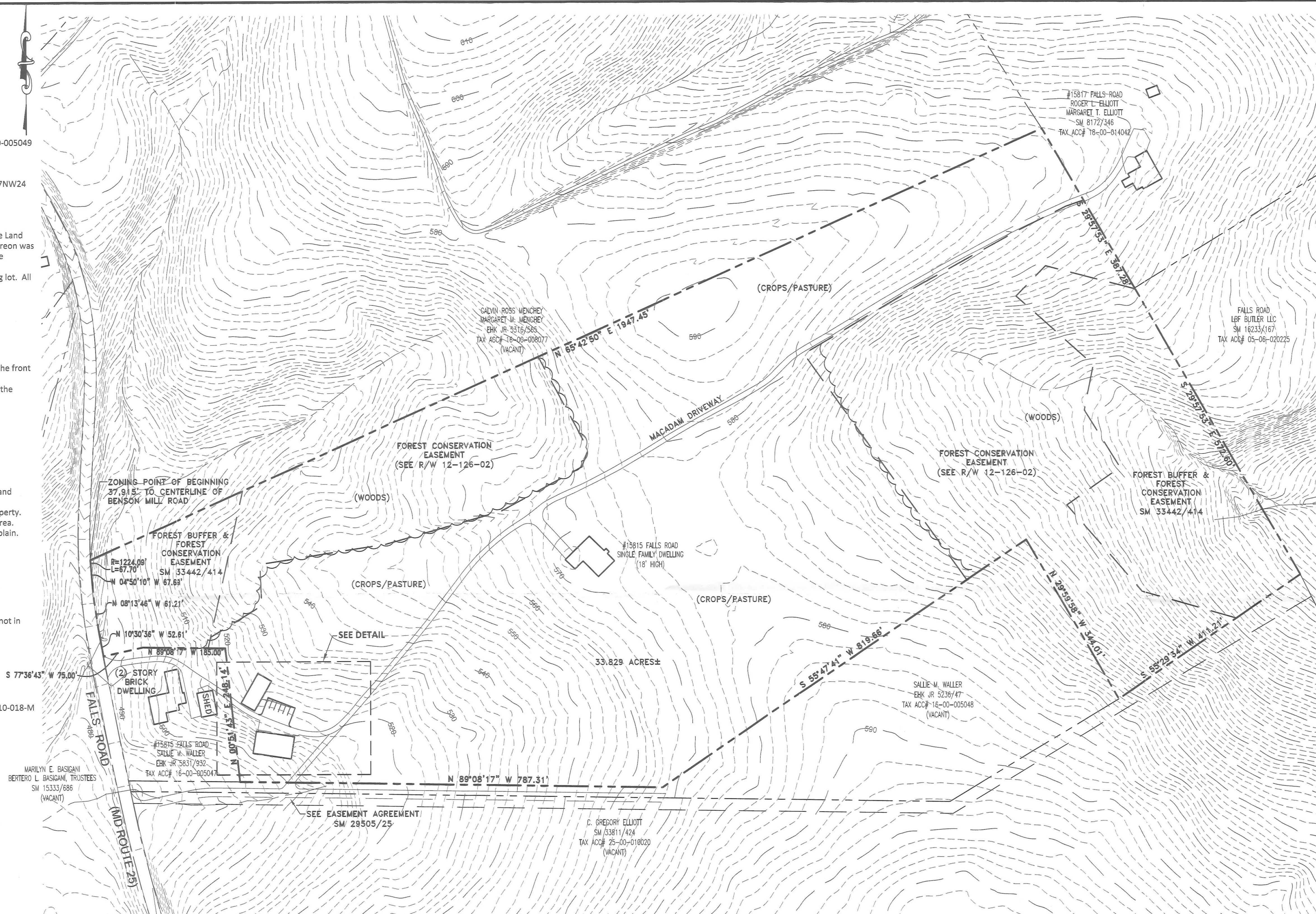
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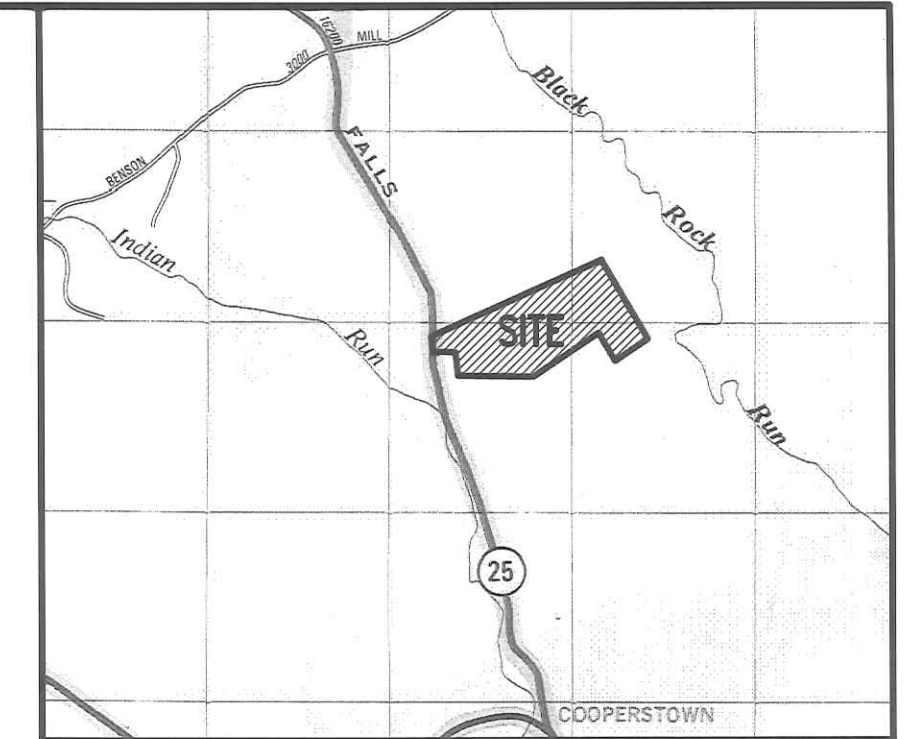
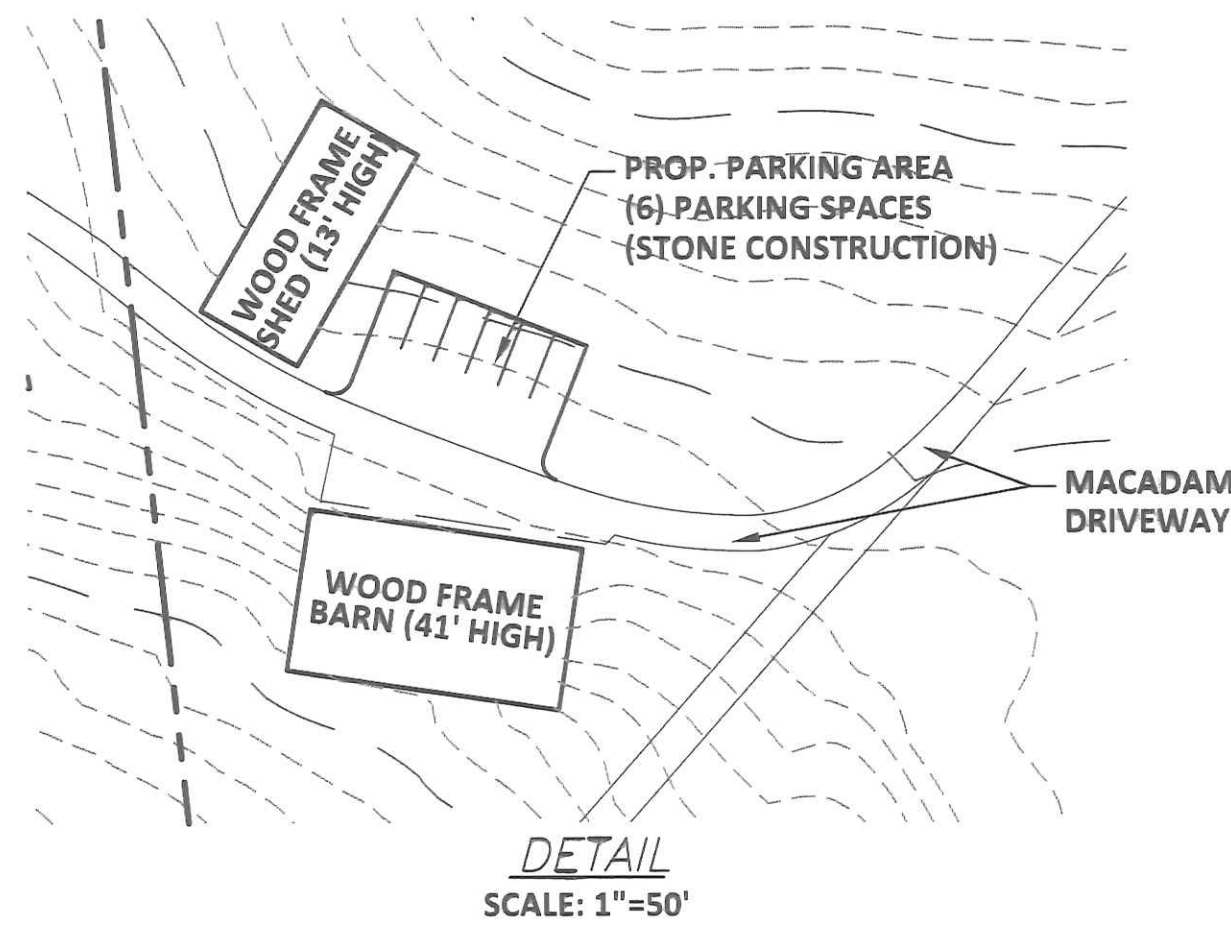
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STATE OF MARYLAND
BRUCE E. DOAK
REGISTERED
PROFESSIONAL
LAND SURVEYOR
3/26/15