

M E M O R A N D U M

DATE: October 12, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0321-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on October 10, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings



KEVIN KAMENETZ
County Executive

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

September 8, 2016

Christopher and Taylor Shoffner
2125 Benson Mill Road
Sparks, Maryland 21152

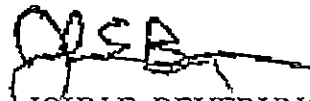
RE: Petition for Special Hearing and Variance
Case No. 2016-0321-SPHA
Property: 2125 Benson Mill Road

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053

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

(2125 Benson Mill Road) *

5th Election District

3rd Council District *

Christopher & Taylor Shoffner

Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0321-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Christopher and Taylor Shoffner, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the amendment of restriction #2 placed on the barn/garage approved in Case No. 2016-0248-A, to allow a bathroom in the garage for convenience only. A Petition for Variance seeks: (1) to permit an approved accessory building (northern ½ of barn/garage) with a total height of 18 ft.; and (2) to permit an approved accessory building (southern ½ of barn/garage) with a total height of 23 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests were Christopher and Taylor Shoffner and professional surveyor Bruce Doak. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP). DEPS indicated the property is served by well and septic system; as such

ORDER RECEIVED FOR FILING

Date 9-8-16

By Sen

that agency must review all building permit applications. The DOP opposed the request, and that agency's concerns are discussed below.

VARIANCES

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property has irregular dimensions (i.e., it is narrow and deep) and is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed accessory building. The owner explained he enjoys working on antique vehicles, but due to his age he requires a vehicle lift to be installed since he can no longer lay on the ground to work on his cars. He testified he works on only his personal vehicles and has no intention of operating a service garage or performing repairs on vehicles owned by third parties.

To accommodate the vehicle lift the roof line in the garage must be raised, which necessitated the height variance request. I believe the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. The site is rural and sparsely populated such that the height of the accessory building will not negatively impact the community.

SPECIAL HEARING

The request for special hearing seeks to amend a restriction contained in a recent order granting administrative variance relief to permit a garage at the property which is larger than

ORDER RECEIVED FOR FILING

Date 9-8-16

By Den

the existing single-family dwelling. That Order prohibited - - among other things - - "bathroom facilities" in the detached garage. Petitioner explained he has a medical condition which requires him to use the bathroom upwards of 12 times a day. As such, he would like to have a bathroom in the proposed garage. He testified the garage will not have kitchen facilities or living quarters of any kind.

In these circumstances the special hearing request seems reasonable and will be granted. As explained at the hearing, granting the petition will strike from the order the prohibition (as a zoning matter) on "bathroom facilities." But whether or not a bathroom is allowed depends upon the review by DEPS, which must determine whether adequate well and/or septic facilities exist or can be accommodated on site. A condition to that effect is included in the Order below.

The DOP indicated the site area is "less than the 3 acres necessary to meet the definition of a farm and thus does not support the additional height required of an agricultural building." While the site plan indeed shows an "area" of 2.14 acres, the SDAT record lists the "property land area" as 5.14 acres, which is a sufficient amount of land to constitute a "farm" under the Regulations. The SDAT record also indicates the "use" of the property is "agricultural," though it is Petitioners' "principal residence."

Whether or not the property qualifies as a "farm" or an "agricultural" use may well be an important question in terms of real property taxation, but I do not believe it is an issue which must be decided in this zoning case. The relief granted herein is similar to that granted to owners of single-family dwellings in numerous other variance and administrative variance cases, wherein the height of an accessory building has been permitted to exceed the 15 feet limitation contained in B.C.Z.R. §400.3. The relief granted below is not predicated upon the property qualifying as a farm or agricultural use, and no finding is made on that issue.

ORDER RECEIVED FOR FILING

Date 9-8-10

By Den

THEREFORE, IT IS ORDERED this 8th day of **September, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend and strike the words "or bathroom" found in restriction #2 on page 3 of the Order in Case No. 2016-0248-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that all other terms and conditions of the Order in Case No. 2016-0248-A shall continue in full force and effect.

IT IS FURTHER ORDERED the petition for variance: (1) to permit an approved accessory building (northern ½ of barn/garage) with a total height of 18 ft.; and (2) to permit an approved accessory building (southern ½ of barn/garage) with a total height of 23 ft., be and is hereby GRANTED.

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

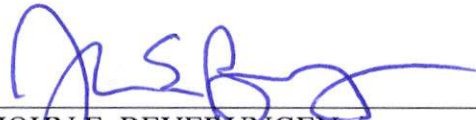
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of a building permit for the proposed barn/garage, Petitioner must obtain approval from the Ground Water Management section of DEPS.
3. The barn/garage shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 9-8-16

By Slm

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 9-8-16

By sln



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 2125 BENSON MILL ROAD

which is presently zoned RC2

Deed References: JLE 37405/75

10 Digit Tax Account # 0520080072

Property Owner(s) Printed Name(s) CHRISTOPHER SHOFFNER & TAYLOR SHOFFNER

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

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

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

SEE ATTACHED PAGE

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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):

CHRISTOPHER SHOFFNER TAYLOR SHOFFNER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

TAYLORSHOFFNER@YAHOO.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

BD@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2016-0321-SPHA Filing Date 6/14/16

Do Not Schedule Dates:

Reviewer W

AUG 15 - AUG 28

REV. 10/4/11

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
7/5	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
6/22	DEPS (if not received, date e-mail sent _____)	C
	FIRE DEPARTMENT	
7/8	PLANNING (if not received, date e-mail sent _____)	C
6/20	STATE HIGHWAY ADMINISTRATION	no obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2016-0248-A)

NEWSPAPER ADVERTISEMENT Date: 8-11-16

SIGN POSTING Date: 8-8-16 by Dook

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

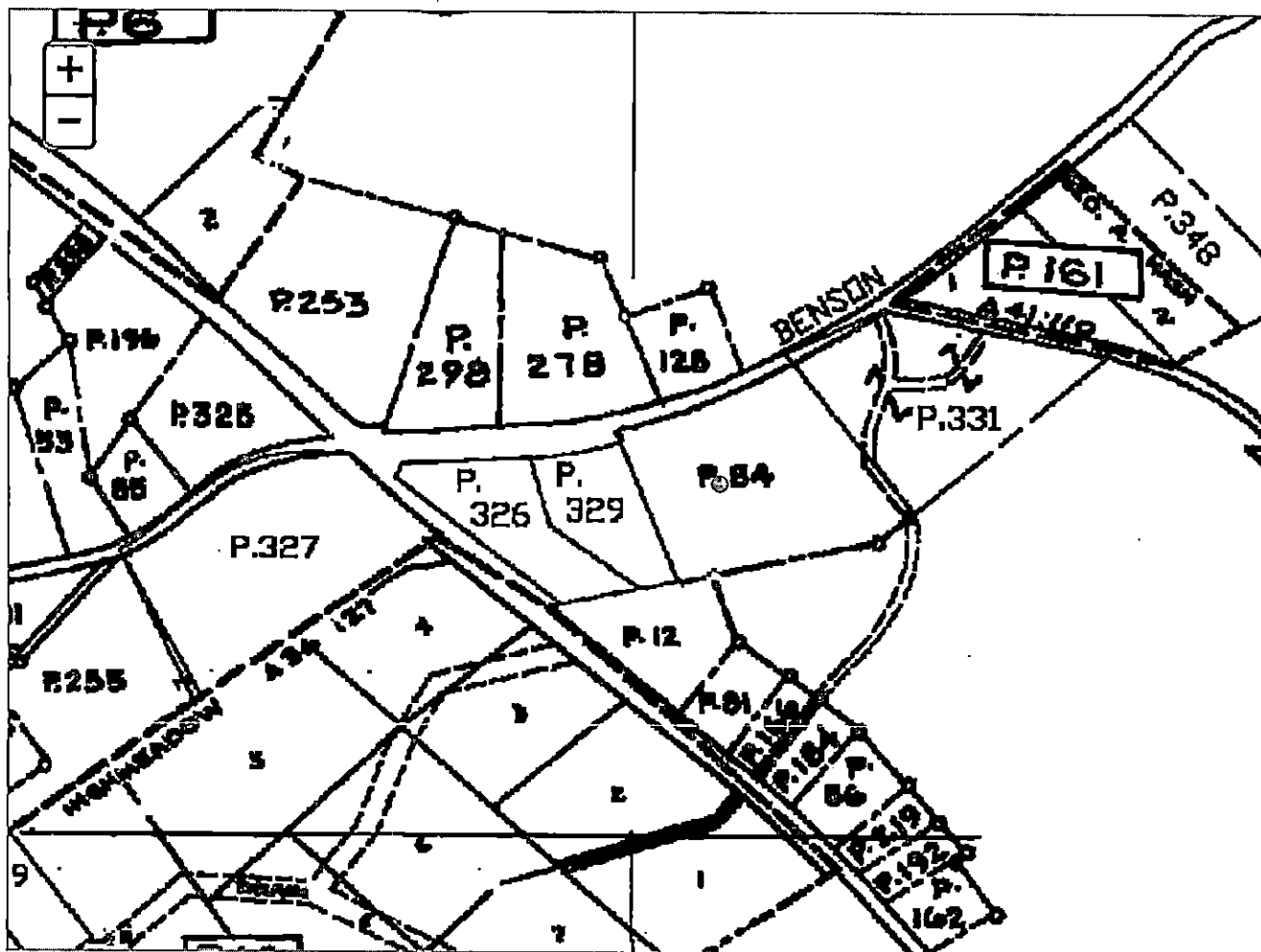
Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 05 Account Number - 0520080072							
Owner Information									
Owner Name:		SHOFFNER CHRISTOPHER SHOFFNER TAYLOR				Use: Principal Residence:		AGRICULTURAL YES	
Mailing Address:		2125 BENSON MILL RD SPARKS MD 21152-9424				Deed Reference:		/37405/ 00075	
Location & Structure Information									
Premises Address:		2125 BENSON MILL RD SPARKS 21152-9424				Legal Description:		5.14 AC SS BENSON MILL RD 700 E YEOHO RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0027	0003	0084		0000				2017	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1958		1,392 SF				5.1400 AC		33	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	YES	STANDARD UNIT	BRICK	1 full	1 Attached				
Value Information									
			Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2016		As of 07/01/2017		
Land:			93,200	93,200					
Improvements			115,900	115,900					
Total:			209,100	209,100	209,100				
Preferential Land:			1,500						
Transfer Information									
Seller: DUFF ELIZABETH GEORGE Type: NON-ARMS LENGTH OTHER				Date: 04/18/2016 Deed1: /37405/ 00075			Price: \$300,000 Deed2:		
Seller: DUFF ELIZABETH GEORGE Type: NON-ARMS LENGTH OTHER				Date: 01/22/2016 Deed1: /37102/ 00413			Price: \$0 Deed2:		
Seller: TURNBAUGH LYDIA Type: ARMS LENGTH IMPROVED				Date: 02/08/2013 Deed1: /33162/ 00387			Price: \$220,780 Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		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.dat.maryland.gov/RealProperty>)District: **05** Account Number: **0520080072**

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.

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>).

JS CAM 5-9-16

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2125 Benson Mill Road)		
5 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Christopher and Taylor Shoffner	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0248-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Christopher and Taylor Shoffner ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 101.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") - "Accessory Use or Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-home. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 22, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

Variances

- 1) To permit an approved accessory building (northern 1/2 of ^{BARN/}garage) with a total height of 18 feet per Section 400.3 (BCZR)
- 2) To permit an approved accessory building (southern 1/2 of ^{BARN/}garage) with a total height of 23 feet per Section 400.3 (BCZR)

Special Hearing

To permit the amendment of restriction #2 placed on the approved ^{BARN/}garage in Case #2016-0248-A to allow a bathroom in the garage..

Bruce E. Doak Consulting, Inc.

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

Zoning Description

2125 Benson Mill Road- 2.140 Acres
Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in the center of Benson Mill Road, approximately 1100 feet +- Northeastly of the centerline of Yeoho Road, thence leaving Benson Mill Road and binding on the outlines of the subject property, the four following courses and distances, viz.

- 1) South 29 degrees 39 minutes East 460.25 feet
- 2) South 62 degrees 12 minutes West 142.75 feet
- 3) South 89 degrees West 142.75 feet

4) North 18 degrees 29 minutes 47 seconds West 457.04 feet to the center of Benson Mill Road, thence binding in the center Benson Mill Road and continuing to bind on the outlines of the subject property, the two following courses and distances, viz.

- 5) North 76 degrees 32 minutes East 150 feet, thence leaving Benson Mill Road and
- 6) South 29 degrees 39 minutes East 18.25 feet to the point of beginning

Containing 2.140 acres of land, more or less.

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



Land Use Expert and Surveyor



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 4376780

Sold To:

Christopher Shoffner - CU00554780
2125 Benson Mill Rd
Sparks Glencoe, MD 21152-9424

Bill To:

Christopher Shoffner - CU00554780
2125 Benson Mill Rd
Sparks Glencoe, MD 21152-9424

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

Aug 11, 2016

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: # 2016-0321-SPHA	
2125 Benson Mill Road	
SE/s Benson Mill Road, 656 ft. e/of centerline of Yeoho Road	
5th Election District - 3rd Councilmanic District	
Legal Owner(s) Christopher & Taylor Shoffner	
Special Hearing: to permit the amendment of restriction #2 placed on the approved barn/garage in Case 2016-0248-A to allow a bathroom in a garage for convenience only.	
Variance: to permit an approved accessory building (northern 1/2 of barn garage) with a total height of 18 ft. To permit an approved accessory building (southern 1/2 of barn garage) with a total height of 23 ft.	
Hearing: Tuesday, September 6, 2016 at 2:30 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.	
8/103 August 11	4376780

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

August 9, 2016

Re:

Zoning Case No. 20160321-SPHA

Petitioner: Christopher & Taylor Shoffner

Hearing date: September 6, 2016

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 **2125 Benson Mill Road**.

The sign was posted on August 8, 2016.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0321-SPHA

2125 Benson Mill Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

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

DATE & TIME: Tuesday September 6, 2016 2:30PM

REQUEST:

**Special Hearing to permit the amendment of restriction #2
placed on the approved barn/ garage in Case 2016-0248-A to
allow a bathroom in a garage for convenience only.**

**Variance to permit an approved accessory building (northern
1/2 of barn/ garage) with a total height of 18 ft. To permit an
approved accessory building (southern 1/2 of barn/ garage)
with a total height of 23 ft.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



ZONING NOTICE

CASE NO. 2016-0321-SP/HA
2000 Route 100 West
A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND
PLACE: Room 200, JEFFERSON BUILDING
100 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Tuesday September 6, 2016 2:30PM
AGENDA:
Public Hearing to approve the amendment of regulations 42

12 of the Department of Transportation in Case 2016-0321-SP/HA to
amend the regulations to allow for a maximum height of 12 ft. for
any building structure on a lot.

The hearing will be held at the location and time stated above. The hearing is open to the public and anyone interested in the proposed amendment should attend the hearing to voice their concerns or support for the amendment.

For more information, please contact the Department of Transportation at 410-326-7000 or visit the website at www.mdt.state.md.us.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 11, 2016 Issue - Jeffersonian

Please forward billing to:
Christopher Shoffner
2125 Benson Mill Road
Freeland, MD 21152

410-960-5078

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: 2016-0321-SPHA

2125 Benson Mill Road
SE/s Benson Mill Road, 656 ft. e/of centerline of Yeoho Road
5th Election District – 3rd Councilmanic District
Legal Owners: Christopher & Taylor Shoffner

Special Hearing to permit the amendment of restriction #2 placed on the approved barn/garage in Case 2016-0248-A to allow a bathroom in a garage for convenience only. Variance to permit an approved accessory building (northern ½ of barn garage) with a total height of 18 ft. To permit an approved accessory building (southern ½ of barn garage) with a total height of 23 ft.

Hearing: Tuesday, September 6, 2016 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

August 3, 2016

NOTICE OF ZONING HEARING

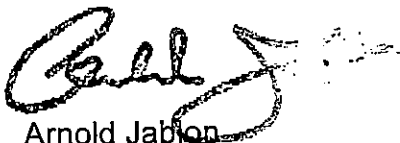
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Hearing: Tuesday, September 6, 2016 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Shoffner, 2125 Benson Mill Road, Sparks 21152
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21153

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SUNDAY, AUGUST 14, 2016.**
- (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

August 3, 2016

NOTICE OF ZONING HEARING

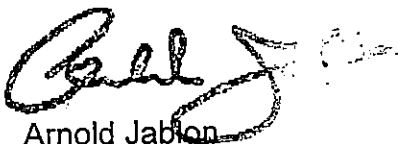
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Hearing: Tuesday, September 6, 2016 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Shoffner, 2125 Benson Mill Road, Sparks 21152
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21153

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SUNDAY, AUGUST 14, 2016.**
- (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 HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
2125 Benson Mill Road; SE/S Benson	*	OF ADMINISTRATIVE
Mill Road, 656' E of c/line Yeoho Road		
5 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Christopher & Taylor Shoffner	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2016-321-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
JUN 22 2016

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 22nd day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Bruce E. Doak Consulting, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2016-0321-SPHA
Petitioner: CHRISTOPHER & TAYLOR SHOFFNER
Address or Location: 2125 BENSON MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHRISTOPHER SHOFFNER
Address: 2125 BENSON MILL ROAD
SPARKS, MD 21152

Telephone Number: 410-960-5078

Revised 2/20/98 - SCJ

CASE # 2016-0321-SPHA

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

No. **139391**

Date: **6/14/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
6/15/2016 6/14/2016 10:01:21 5

FIG 0501 WALKIN LTR

RECEIPT # 455074 6/14/2016 0718

Bank 5 529 ZONING DEPT (CATER)

FIG 139391

Receipt Tot \$150.00

\$150.00 TO \$1.00 CH

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	1000		6150				150.00

Total: **150.00**

Rec From: **Bruce E. Doak**

For: **2175 Beacon Mill Rd.**

CHECK #1630

2016-0321-SPHA

DISTRIBUTION

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

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

September 1, 2016

Christopher & Taylor Shoffner
2125 Benson Mill Road
Sparks MD 21152

RE: Case Number: 2016-0321 SPHA, Address: 2125 Benson Mil Road

Dear Mr. & Ms. Shoffner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 14, 2016. 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.", is written over a horizontal line.

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 21053

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 6/20/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2016-0321-SPHA.

*Special-Hemming Variance
Christopher & Taylor Shoffner
2125 Benson Mill Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

9-6

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: July 8, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-321

RECEIVED

JUL 19 2016

INFORMATION:

Property Address: 2125 Benson Mill Road
Petitioner: Christopher Shoffner, Taylor Shoffner
Zoning: RC 2
Requested Action: Special Hearing

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should modify restriction 2 in zoning case no. 2016-0248-A to allow a bathroom in the garage and the petition for variance to allow a proposed accessory structure to have a height of 18 feet (northern half of barn/garage) and 23 feet (southern half of barn/garage) in lieu of the maximum permitted 15 feet.

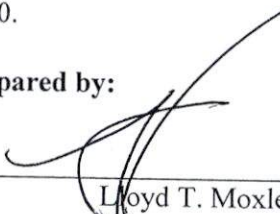
The property is the subject of the prior zoning case no. 2016-0248-A petitioning for administrative variance relief. The Department had no comment on that petition.

The Department objects to granting the petitioned zoning relief in the present case.

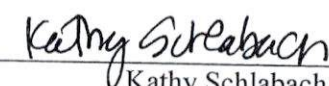
Neither the petition nor plan submitted in support thereof indicate a change of condition significant enough for the Department to recommend that the order of the Administrative Law Judge in zoning case no. 2016-0248-A be amended to allow a bathroom in the accessory structure. Further, the total site area is now set at less than the 3 acres necessary to meet the definition of a farm and thus does not support the additional height required of an agricultural building. No hardship or practical difficulty was offered in support of the variance petition.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Carmela Iacovelli

Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

9-6

RECEIVED

JUN 22 2016

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0321-SPHA
Address 2125 Benson Mill Road
(Shoffner Property)

Zoning Advisory Committee Meeting of **June 27, 2016.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for this site, since the property is served by well and septic.

Reviewer: Dan Esser Date: 6/22/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2016
Item No. 2016-0313, 0315, 0316, 0318, 0319, 0320, 0321, 0323, 0326
and 0327

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC06272016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: July 8, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-321

INFORMATION:

Property Address: 2125 Benson Mill Road
Petitioner: Christopher Shoffner, Taylor Shoffner
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should modify restriction 2 in zoning case no. 2016-0248-A to allow a bathroom in the garage and the petition for variance to allow a proposed accessory structure to have a height of 18 feet (northern half of barn/garage) and 23 feet (southern half of barn/garage) in lieu of the maximum permitted 15 feet.

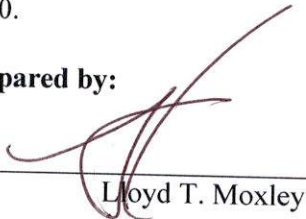
The property is the subject of the prior zoning case no. 2016-0248-A petitioning for administrative variance relief. The Department had no comment on that petition.

The Department objects to granting the petitioned zoning relief in the present case.

Neither the petition nor plan submitted in support thereof indicate a change of condition significant enough for the Department to recommend that the order of the Administrative Law Judge in zoning case no. 2016-0248-A be amended to allow a bathroom in the accessory structure. Further, the total site area is now set at less than the 3 acres necessary to meet the definition of a farm and thus does not support the additional height required of an agricultural building. No hardship or practical difficulty was offered in support of the variance petition.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Carmela Iacovelli
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0321-SPHA
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X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for this site, since the property is served by well and septic.

Reviewer: Dan Esser

Date: 6/22/16

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the accessory building (pole barn) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance, should be granted.

THEREFORE, IT IS ORDERED, this 12th day of **May, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 101.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") - "Accessory Use of Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-home, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners or subsequent owners shall not convert the accessory building (pole barn) into a dwelling unit or apartment. The accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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

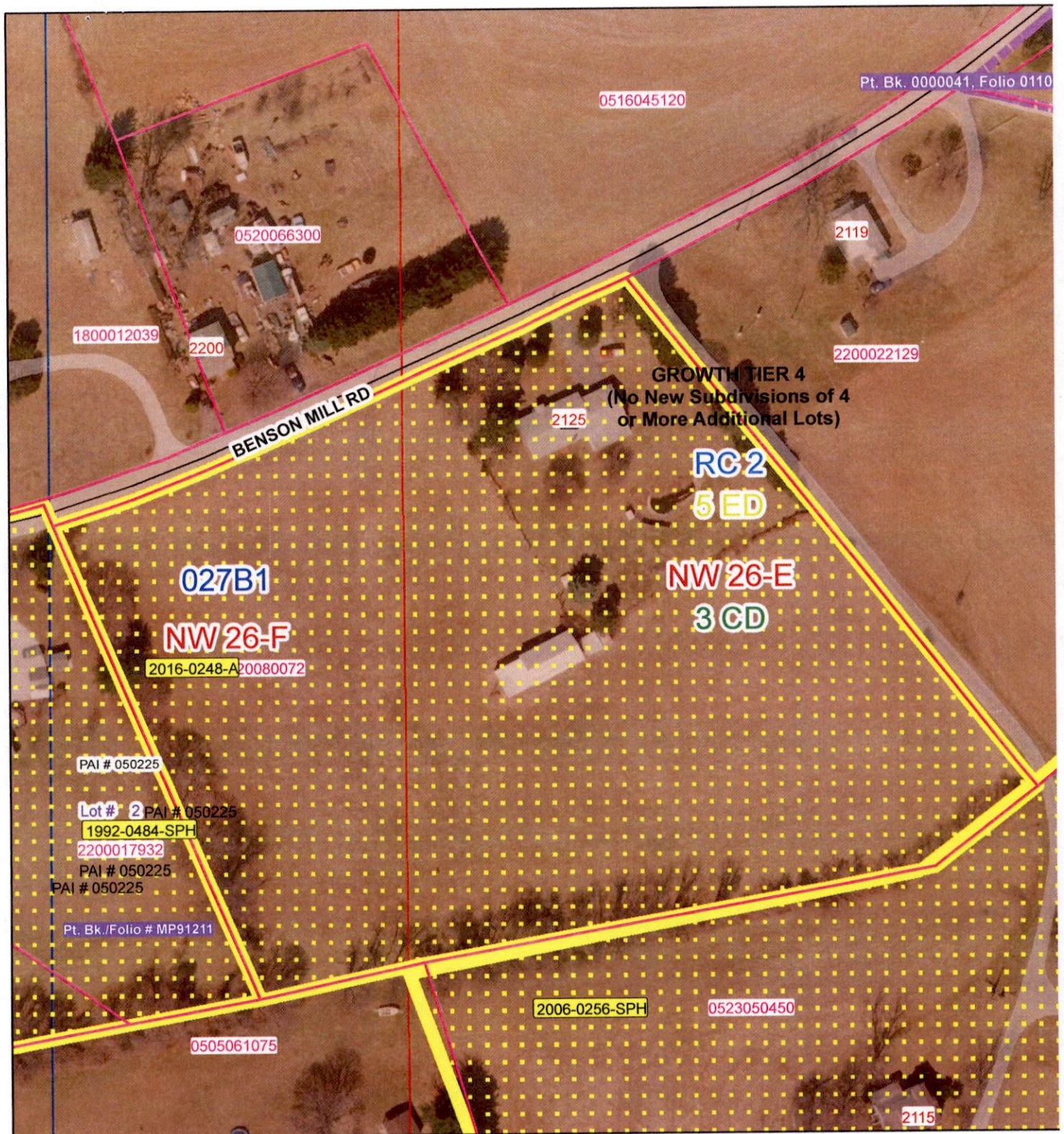
Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

2125 Benson Mill Road 2016 J321-SPHA



Publication Date: 6/14/2016



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

- / JB (AV) 5-9-16

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2125 Benson Mill Road)		
5 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Christopher and Taylor Shoffner	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0248-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Christopher and Taylor Shoffner ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 101.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.) - "Accessory Use or Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-home. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 22, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the accessory building (pole barn) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 12th day of **May, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 101.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") - "Accessory Use of Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-home, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

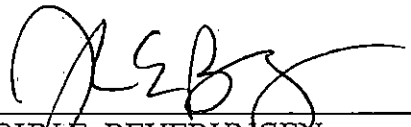
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2. The Petitioners or subsequent owners shall not convert the accessory building (pole barn) into a dwelling unit or apartment. The accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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

Case No.:

~~2017-5~~ 2016-0321

Exhibit Sheet

Petitioner/Developer

190
10-12-16

Protestant

Sen
9-8-16

No. 1	Plan	
No. 2	Aerial photo	
No. 3	3A-3M Photos w/ Key Sheet	
No. 4	Photo of vehicle lift	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

A



B























M





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be used for informational purposes only and should not be relied upon for any legal or financial decisions. Use of or reliance upon this data.

PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO. 4

GENERAL SITE INFORMATION

- Ownership: Christopher Shoffner & Taylor Shoffner
2125 Benson Mill Road Sparks MD 21152
- Address: 2125 Benson Mill Road
- Deed references: JLE 37405/75 (parcel two)
- Area: 2.14 acres (per JLE 37405/75)
- Tax Map / Parcel / Tax account #: 27 / 84 / 05-20-080072
- Election District: 5 Councilmanic District: 3
ADC Map: 4233E9 GIS tile: 02781 Position sheets: 101NW20 & 101NW21
Census tract: 405000 Census block: 240054050002000
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 02781 and the information provided by Baltimore County on the Internet.
- Improvements: Single family dwelling & garage. The existing dwelling and garage will remain.

OFFICE OF ZONING

Zoning: R.C. 2

R.C. 2 Setbacks for Residential Accessory Buildings

Side: 2.5 feet from the property line
Rear: 2.5 feet from the property line

ENVIRONMENTAL IMPACT

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.

OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

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

PROPOSED DEVELOPMENT

To construct two accessory buildings to be used as a pole barn/garage with a bathroom in one of them.

CASE #2016-0248-A

THEREFORE, IT IS ORDERED, this 12th day of May, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 101.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - "Accessory Use of Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-here, be and is hereby GRANTED.

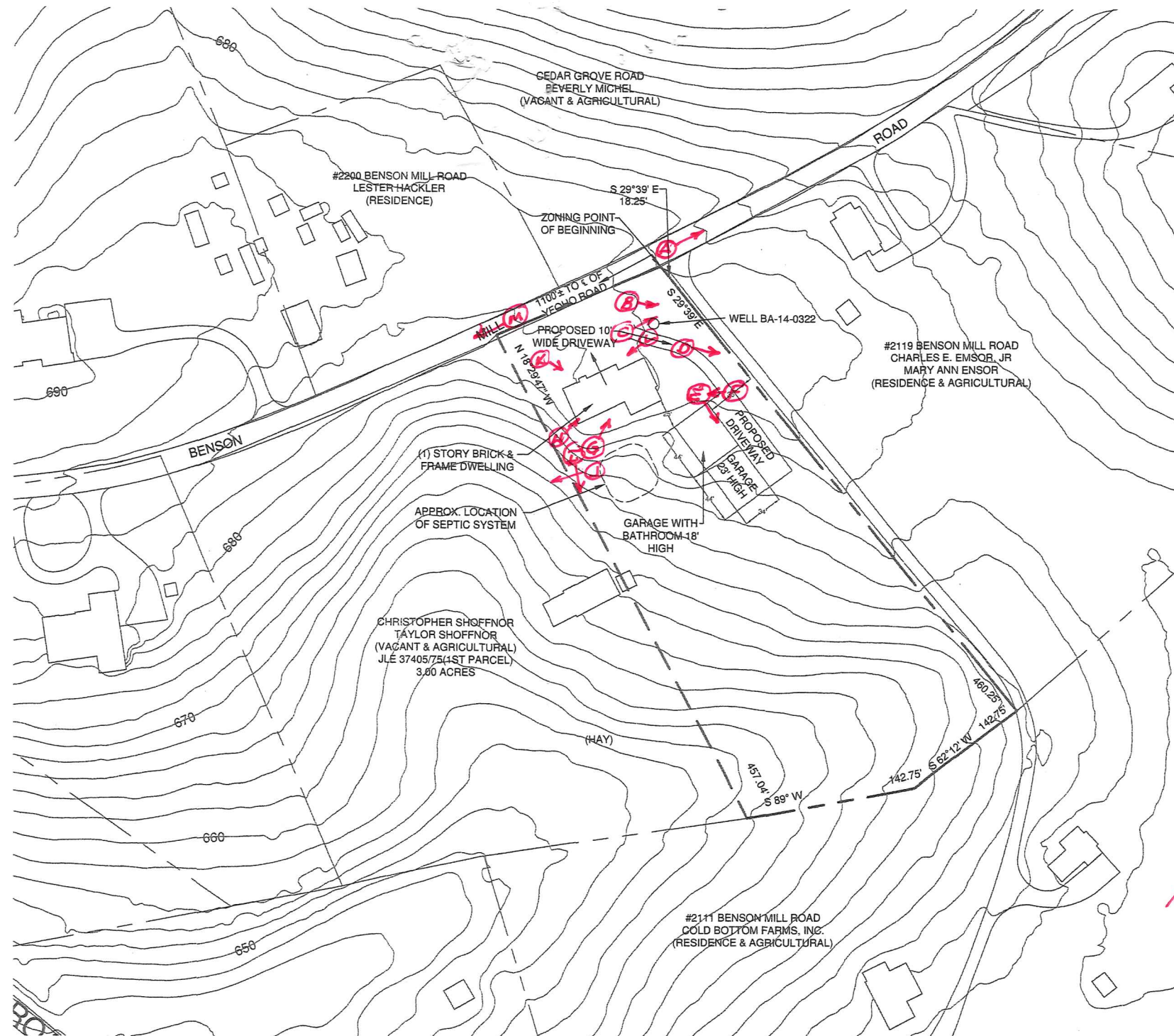
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- The Petitioners or subsequent owners shall not convert the accessory building (pole barn) into a dwelling unit or apartment. The accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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

JOHN A. REVERINGER
Administrative Law Judge for
Baltimore County

JER:dlw



Plan to Accompany Photos

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

A PLAN TO ACCOMPANY A
ZONING PETITION
#2125 BENSON MILL ROAD

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 6/13/2016
Scale: 1"=50'



CASE # 2016-0321-SPHA

PETITIONER'S

EXHIBIT NO. 34M

GENERAL SITE INFORMATION

1. Ownership: Christopher Shoffner & Taylor Shoffner
2125 Benson Mill Road Sparks MD 21152
2. Address: 2125 Benson Mill Road
3. Deed references: JLE 37405/75 (parcel two)
4. Area: 2.14 acres (per JLE 37405/75)
5. Tax Map / Parcel / Tax account #: 27 / 84 / 05-20-080072
6. Election District: 5 Councilmanic District: 3
ADC Map: 4233E9 GIS tile: 02781 Position sheets: 101NW20 & 101NW21
Census tract: 405000 Census block: 2400505000200
Schools: Fifth District ES Hereford MS Hereford HS
7. 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 02781 and the information provided by Baltimore County on the Internet.
8. Improvements: Single family dwelling & garage. The existing dwelling and garage will remain.

OFFICE OF ZONING

Zoning: R.C. 2

R.C. 2 Setbacks for Residential Accessory Buildings

Side: 2.5 feet from the property line
Rear: 2.5 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

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

OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

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

PROPOSED DEVELOPMENT

To construct two accessory buildings to be used as a pole barn/garage with a bathroom in one of them.

CASE #2016-0248-A

THEREFORE, IT IS ORDERED, this 12th day of May, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 101.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - "Accessory Use of Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-home, be and is hereby GRANTED.

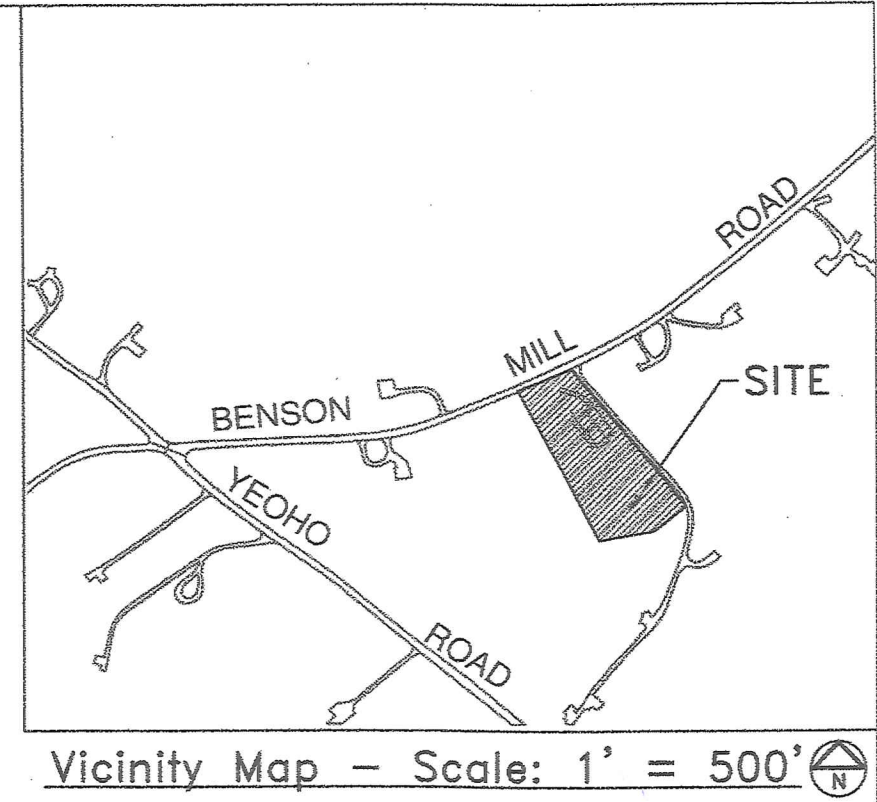
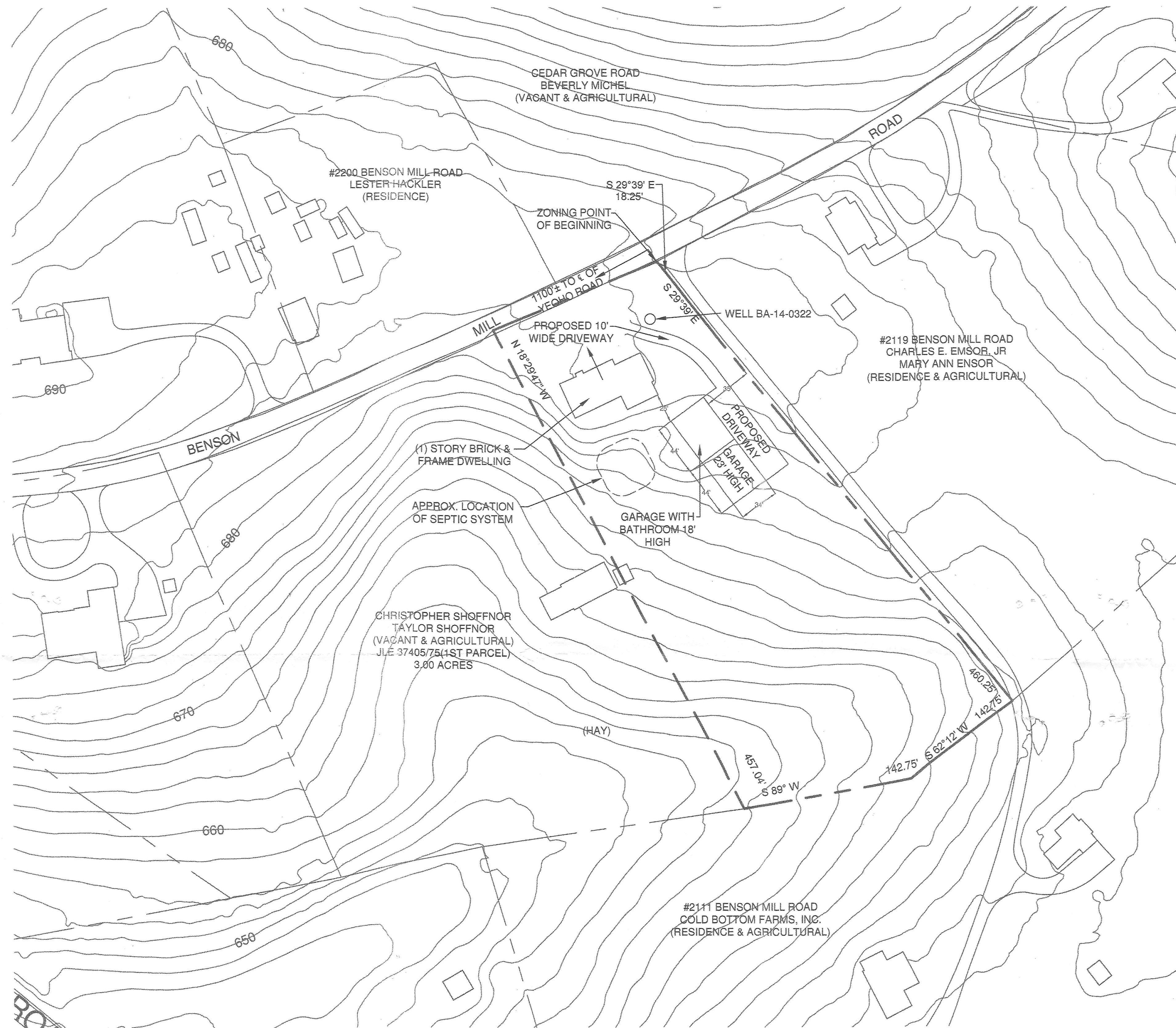
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Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGER
Administrative Law Judge for
Baltimore County

JEB:dhw



0' 50' 100' 150'

REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21083
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

A PLAN TO ACCOMPANY A
ZONING PETITION
#2125 BENSON MILL ROAD

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 6/13/2016
Scale: 1"=50'

Petitioner's
Ex. No. 1

6/14/16

CASE # 2016-0321-SPHA

1. Ownership: Christopher Shoffner & Taylor Shoffner
2125 Benson Mill Road Sparks MD 21152
2. Address: 2125 Benson Mill Road
3. Deed references: JLE 37405/75 (parcel two)
4. Area: 2.14 acres (per JLE 37405/75)
5. Tax Map / Parcel / Tax account #: 27 / 84 / 05-20-080072
6. Election District: 5 Councilmanic District: 3
ADC Map: 423295 GIS title: 027B1 Position sheets: 101NW20 & 101NW21
Census tract: 405000 Census block: 240054050002000
Schools: Fifth District ES Hereford MS Hereford HS
7. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown herein was taken from Baltimore County GIS titles 027B1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & garage. The existing dwelling and garage will remain.

Zoning: R.C. 2
R.C. 2 Setbacks for Residential Accessory Buildings
Side: 2.5 feet from the property line
Rear: 2.5 feet from the property line

Watershed: Loch Raven Reservoir URDL land type: 1

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

Regional Planning District: Prettyboy District Code: 302

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

To construct two accessory buildings to be used as a pole barn/garage with a bathroom in one of them.

THHEREFORE, IT IS ORDERED, this 12th day of May, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 101.5 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - "Accessory Use of Structure" to permit a pole barn in the rear yard of a residential property with a total square footage exceeding that of the principal structure-home, be and is hereby GRANTED.

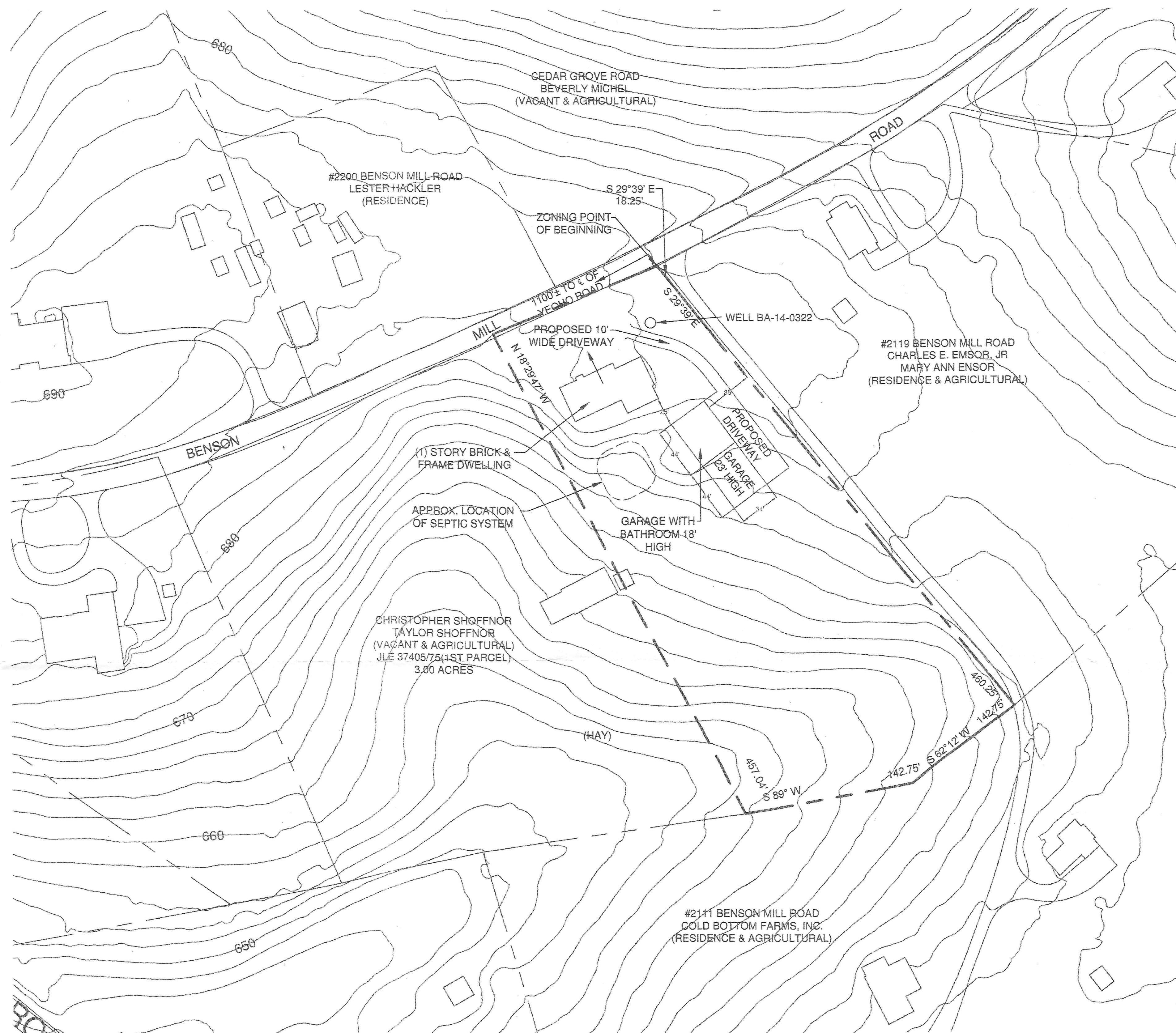
The relief granted herein shall be subject to the following:

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

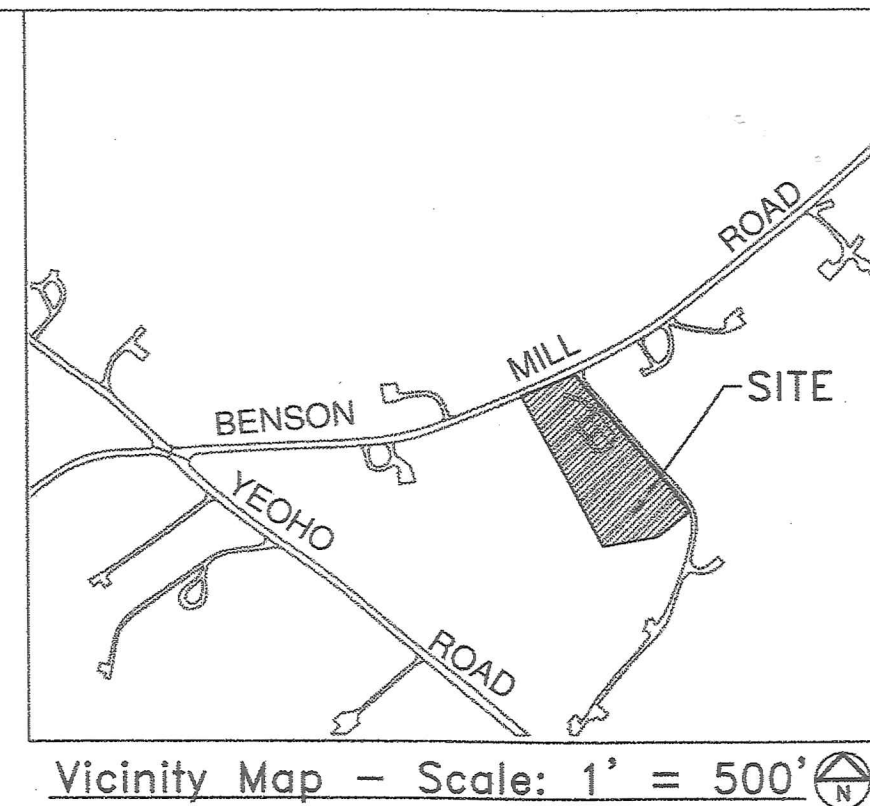
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGER
Administrative Law Judge for
Baltimore County

JEB:dv



REVISION



Vicinity Map - Scale: 1" = 500' 

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5595 m 410-419-4906
bdoak@bruceedoakconsulting.com

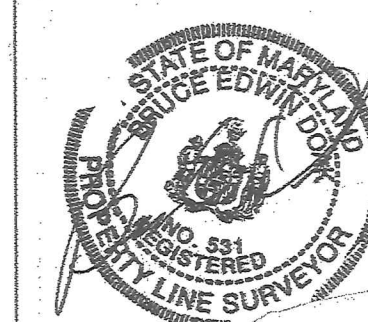
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6/10/11

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