

M E M O R A N D U M

DATE: September 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0317-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 31, 2017. 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

IN RE: PETITION FOR ADMIN. VARIANCE
(14 Belclare Circle)
8th Election District
3rd Council District
Amanda B. Coleman & Justin Phelps
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2017-0317-A**

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Elmer Mack, who resides at 18 Belclare Circle, two houses away from the subject property. The motion recites a lengthy history of water supply and sewerage (i.e., environmental) issues in the vicinity of the subject property. The motion alleges the wells serving homes in this vicinity, and the private sewage disposal systems serving 14 & 16 Belclare Circle, are inadequate and pose public health concerns. Strictly speaking, the motion does not identify any zoning issues concerning the variance request in the above case, which seeks to locate an in-ground pool in the side yard of the dwelling in lieu of the required rear yard.

In every Baltimore County zoning case the petition for relief is circulated to several county agencies seeking comment and input concerning the propriety of the zoning request. One such agency is the Baltimore County Department of Environment Protection and Sustainability (DEPS), which reviews and approves (provided they meet all State and County regulations) all well and septic systems in the county. By memorandum dated June 6, 2017, DEPS indicated it “has no comment on the above-referenced zoning item.” See attached memorandum. Had there been a safety or health concern with the well and/or septic system, DEPS would have noted that in their zoning comment. As such, I will defer to the expertise of that agency and deny the motion.

ORDER RECEIVED FOR FILING

Date 8/11/17

By Sen

WHEREFORE, for the foregoing reasons it is this 1st day of **August, 2017**, by the Administrative Law Judge for Baltimore County ordered that the Motion for Reconsideration be and is hereby DENIED.

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:slh

ORDER RECEIVED FOR FILING

Date 8/1/17

By slh

IN RE: PETITION FOR ADMIN. VARIANCE
(14 Belclare Circle)
8th Election District
3rd Council District
Amanda B. Coleman & Justin Phelps
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2017-0317-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Amanda B. Coleman and Justin Phelps ("Petitioners"). The Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed in-ground pool (accessory structure) located in the side yard in lieu of the required rear yard. 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 submitted by any of the County reviewing agencies. A letter of opposition was received from a neighbor, and is discussed below.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 9, 2017, and there being no formal request for a public hearing (which must be accompanied by a filing fee of \$60.00), a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date 6-29-17

By [Signature]

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 Section 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.

In a letter dated June 14, 2017, Elmer Mack (who lives at 18 Bellclare Circle) indicated he opposed the variance request. Mr. Mack opined the proposed location of the pool would negatively effect his property value and be an eyesore. Based on the plan, the pool will be located 216 ft. from Bellclare Circle. In these circumstances, I do not believe the pool would be an eyesore, if in fact it would even be clearly visible from the street. As for the negative impact on property values, no evidence was provided other than Mr. Mack's personal opinion.

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 29th day of **June, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed in-ground pool (accessory structure) located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their 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.

ORDER RECEIVED FOR FILING

Date 6-29-17

By DW

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

ORDER RECEIVED FOR FILING

Date 6-29-17

By DLW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 14 Belclare Cir, Sparks, MD 21152 Currently zoned RC2
Deed Reference 35213 / 00177 10 Digit Tax Account # 0813021977
Owner(s) Printed Name(s) Amanda Coleman Justin Phelps

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s)

SEE Attached

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

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Amanda Coleman, Justin Phelps
Name #1 – Type or Print Name #2 – Type or Print

Amanda Coleman, Justin Phelps
Signature #1 Signature #2

14 Belclare Cir Sparks MD
Mailing Address City State

21152, 410-790-8231 amanda@nelsoncolanan.com
Zip Code Telephone # Email Address

TAX Acct. # 08-13-021977
Representative to be contacted:

AL ERDI, P.E., ENGINEER
Name – Type or Print

[Signature]
Signature

P.O. BOX: 333, PHOENIX, MD. 21131
Mailing Address City State

410-5925153, ccmincerdi@201.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s)

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
6-29-17
BY [Signature]

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

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0317-A Filing Date 5/31/17 Estimated Posting Date 6/11/17 Reviewer gh

Rev 5/5/2016

2017-0317-A

Affidavit in Support of Administrative Variance

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 14 Belclare Cir Sparks MD 21152
Print or Type Address of property City State Zip Code

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

- The available backyard area is assigned to and taken up by the septic system and the septic disposal reserve area. Relocating the septic system presents practical difficulties.
- Not being able to enjoy and exercise in our pool, like many of our neighbors, will be hardship since there are no public swimming pools in the neighborhood.
- Installing the proposed swimming pool on the side yard does not negatively impact the characteristics of our neighborhood since it will be set back 216 feet from the street front, And well screened by woods along the property lines.

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

Amanda Coleman
Signature of Owner (Affiant)
Amanda Coleman
Name- Print or Type

Justin Phelps
Signature of Owner (Affiant)
Justin Phelps
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of May, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Amanda Coleman, Justin Phelps

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Carol Algent
Notary Public 05/12/2020
My Commission Expires

2017-0317-A

Variance from sections: 400.1; BCZR:

1. To permit a proposed in ground pool (accessory structure) located in the side yard in lieu of the required rear yard.

Affidavit in Support of Administrative Variance

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 14 Belknap Cir. Sparks MD 21152
Print or Type Address of property City State Zip Code

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

- The available backyard area is assigned to and taken up by the septic system and the septic disposal reserve area. Relocating the septic system presents practical difficulties.
- Not being able to enjoy and exercise in our pool, like many of our neighbors, will be hardship since there are no public swimming pools in the neighborhood.
- Installing the proposed swimming pool on the side yard does not negatively impact the characteristics of our neighborhood since it will be set back 216 feet from the street front, And well screened by woods along the property lines.

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

Amanda Coleman
Signature of Owner (Affiant)

Amanda Coleman
Name- Print or Type

Justin Phelps
Signature of Owner (Affiant)

Justin Phelps
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of May, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Amanda Coleman, Justin Phelps

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Alfred Aferio
Notary Public
05/16/2020
My Commission Expires



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 14 Belclare Cir Sparks MD 21152 Currently zoned PC2
Deed Reference 35213100177 10 Digit Tax Account # 0813021977
Owner(s) Printed Name(s) Amanda Coleman Justin Phelps

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

See Attached

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

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Amanda Coleman Justin Phelps
Name #1 – Type or Print Name #2 – Type or Print
Amanda Coleman Justin Phelps
Signature #1 Signature #2
14 Belclare Cir Sparks MD
Mailing Address City State
21152, 410-790-7820, amanda@nelsoncoleman.com
Zip Code Telephone # Email Address
TAX ACCT. # 08-13021977
Representative to be contacted:

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

AL ERDI, P.E., ENGINEER
Name – Type or Print
Signature
P.O. BOX: 333, PHOENIX, MD, 21131
Mailing Address City State
410-592 5153, ccmincendi@aol.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 16 day of July, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0317-A Filing Date 5/30/17 Estimated Posting Date 6/11/17 Reviewer gr

2017-0317-A

Variance from sections: 400.1; BCZR:

1. To permit a proposed in ground pool (accessory structure) located in the side yard in lieu of the required rear yard.

Zoning Property Description for 14 Belclare Circle, Sparks, Md. 21152.

Beginning at a point on the north side of Belclare Circle which is 50 feet wide, at a distance of 1,150.80 feet east of the centerline of the nearest improved intersecting street Priceville Road which is 50 feet wide.

Being Lot # 7, Block # B, Section # 1 in the Subdivision of "Belclare" as recorded in Baltimore County Plat Book # 23, Folio # 39, containing 63,598 square feet, located in the 8th Election District and 3rd Council District.

2017-0317-A

CERTIFICATE OF POSTING

2017-0317-A

RE: Case No.: _____

Petitioner/Developer: _____

Amanda Coleman-Justin Phelps

June 26, 2017

Date of Hearing/Closing: _____

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

Attn: 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: _____

14 Belclare Cir

June 9, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

June 9, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0317 -A Address 14 Belclare Cir 21152

Contact Person: Gary Huik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/30/17 Posting Date: 6/11/17 Closing Date: 6/26/17

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0317 -A Address 14 Belclare Cir 21152

Petitioner's Name Amanda Coleman Telephone _____

Posting Date: 6/11/17 Justin Phelps Closing Date: 6/26/17

Wording for Sign: To Permit a propose inground pool (accessory structure) to be located in the side yard in lieu of the required rear yard.

Revised 7/9/15

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

№ 153078

Date: 5/30/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub:Obj	Dept Obj	BS Acct	Amount
001	906	000		650				75 ⁰⁰
Total:								75 ⁰⁰

Rec From: Justin Phelps

For: 2017-0317-A

14 Belvedere Cir

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
5/30/2017 5/30/2017 09:07:36 3
REG 0503 - WALKIN CAM
>>RECEIPT # 727318 5/30/2017 CFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 153078
Receipt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

June 27, 2017

Amanda Coleman & Justin Phillips
14 Belclare Circle
Sparks MD 21152

RE: Case Number: 2017-0317 A, Address: 14 Belclare Circle

Dear Mr. & Ms. Phillips:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 30, 2017. 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
Al Erdi P E, P O Box 333, Phoenix MD 21131

6-26-17

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 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0317
Address 14 Belclare Circle
(Coleman & Phelps Property)

Zoning Advisory Committee Meeting of **June 12, 2017.**

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

Reviewer: Steve Ford Date: 6-6-2017

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



Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/7/17

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. 2017-0317

*Administrative Variance
Amanda Coleman & Justin Phelps
14 Belletaire Circle*

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,

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

WW/RAZ

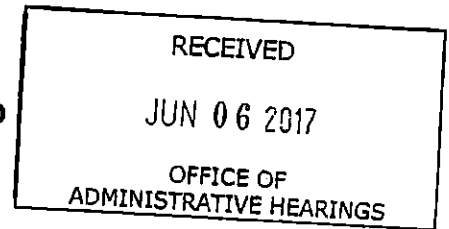
Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov
My telephone number/toll-free number is 866.998.0367

0-26-17

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 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0317
Address 14 Belclare Circle
(Coleman & Phelps Property)

Zoning Advisory Committee Meeting of **June 12, 2017**.

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

Reviewer: Steve Ford Date: 6-6-2017

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 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0317
Address 14 Belclare Circle
(Coleman & Phelps Property)

Zoning Advisory Committee Meeting of **June 12, 2017.**

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

Reviewer: Steve Ford

Date: 6-6-2017

July 25, 2017



The HONORABLE Judge John Beverungen

Office of Administrative Hearings

105 West Chesapeake Ave., Suite 103

Towson, Md. 21204

re: Case # 2017-0317-A

The HORORABLE Judge John Beverungen

Petitioner, in the above matter, requests for the Honorable Judge to RECONSIDER granting the above Varince Request, and states for the following reasons: that besides the obvious reasons that this swimming pool installation on the side of this residence would be an 'eyesore' and a add a devaluation to the property values here, that this property has many-many problems. These many problems here would cause Petitioner (me) a loss of the basic standard of use of my property and an enjoyment of life that e is entitled to. This Variance approval would be long lasting and would be severly costly to me and other neighbors here, now and in the future.

In a conversation with Rob Powell, of Baltimore County Dept of Enviromental Protection, he stated that this entire Bellclare Circle sub-division has a major water supply problem and also a major problem with the sewage systems here due to the heavy clay soil composition.

In an effort to be neighborly, Petitioner sent four (4) letters to the Phelps (see exh. # 1), plus a letter and a phone call to his father (the father was listed initialy as the property owner) to bring some of this information to the Phelps attention. The Phelps outright refused to respond to these letters (emphasis added). This indifferent attitue by the Phelps provides a good example of how the Phelps would respond, in the future, if they had an unfortunate occurence with either the use of their intended swimmming pool, or the operation of any of the three (3) water wells located on their property.

14 BELLCLARE CIRCLE, HISTORY/BACKGROUND

There are three (3) property owners that have their water wells on # 14 Bellclare Circle property (see exh. # 2). # 14 Bellclare Circle property size is less than two (2) acres..... This would not be allowed today.

#14 Bellclare Circle (owners: J. Phelps) has two other neighbors #12 Bellclare Circle (Owners: M. Gonano) & #10 Bellclare Circle(owners: K. Barrow) water wells on located on their property, for a total of three (3) water wells here....To further complicate matters, there are another two (2) home owners water wells using this same fragile underground water aqualifer, (#16 & #18 Bellclare Circle), for a total of five (5) water wells. These five (5) residential water wells are located within @ 35-45 yards of each other.

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

The water well for # 16 Belclare Circle is less than fifteen (15) yards away from the three (3) water wells on #14 Belclare Circle (see exh. # 3).....This also certainly would not be allowed today.

This property, #14 Belclare Circle, is a well noted problem property for failing many 'perc tests', and having poor water availability...This was stated to me by Rob Powell of Balto. Co.

Back in @ 1950, the original builders (the Cantazaro Bros.) of these @ 24 homes in this development could not get #14 Belclare Circle to pass a 'perc test'. This property was sold 'undeveloped' to Vince Martin. Mr. Martin also purchased # 16 Belclare Circle at this time. Vince Martin had his house built on #16 Belclare Circle, and used # 14 Belcare Circle, an unimproved lot as a play ground for his son. Over the years, as reported to me by Vince Martin, he tried to have # 14 Belclare Circle pass a 'per test', and it FAILED every time.

Later on in @ the early 1990's, Vince Martin tried to induce me into purchasing his house #16 Belclare Circle, with the caveat that a purchaser here had to also purchase the unimproved lot of # 14 Belclare Circle, with the known caveat that # 14 Belclare Circle would not pass a 'perc test'. Around about this same early-1990 time period, me, as a next door neighbor and good friend of both the Martins, was invited to witness a 'perc test' here, performed on # 14 Belclare Circle, wherein this 'perc test' FAILED again (emphasis added).

In the early 1990's, Vince Marting called Rob Powell of Baltimore County and they got together, and some how a Building Permit was issued for # 14 Belclare Circle.---????? . Mr. Martin went on to build his retirement home, at the far back end of this proerty, with only he and his wife living here, until they passed away.

ADDED WATER USE:

The property owners of # 16 Belclare Circle, the Shepherds, not only increased the water demand of an already fragile water system with their over-populated home operation, but also this same fragile water system is further compromised by their use of their property as an overstaffed home office and their hosting large scale camp recruitment events....See photo # 4 attached, showing just half (50%) of the Shepherds visitors for a camp recruitment event at their residence on this day. Shown here are the cars of these visitors to the Shepherd property which were parked illegally on anothers neighbors lawn at # 13 Belclare Circle without the property owners consent. The property owner here, needed Balto. Co. Police to remove these vehicles from his lawn.

The Shepherds, are operators of a summer boys camp in Maine. Back in @2001 they spent over \$300, 000 to increase the size of their house from three (3) bedrooms to six (6), bedrooms, plus (see exh. # 5 & 5a). A year or two (1-2), after this, they had many-many sewage backups in their basement due to the many bodies using their property. The Shepherds finally upgraded their failing sewage system.

After applying for a permit to upgrade their sewage system, Rob Powell of Baltimore County spends extensive time in designing and supervising the installation of a 'surface mounted' alternate experimental sewage system. Rob Powell is 'sandbagged', actually intentionally lied to, by the Shepherds, in the design of this alternate experimental sewage system. At this time this home owner declares that they are only operating with the original three (3) bedrooms. When in fact, they just increased their residence to six (6) bedrooms, with multiple beds in each of these bedrooms. The Shepherds sign an agreement with Baltimore County (see exh. # 6). that their residence has only three (3) bedrooms, and this is what Rob Powell designs for....FYI, A sewage system design is determined by the number of bedrooms in a residence.

At this time there are ten (10) people living in the Shepherd residence, plus an additional four (4) full time employees working in this home office. FYI, only one (1) person is allowed to work in a home office.

This increase to six (6) bedrooms, puts another major demand on this already fragile water system here. This fragile water system is further at risk by the Shepherds' continuing in their use of their property for hosting large scale camp recruitment events. In addition, they have camp employees sleeping, sitting up in chairs, as there are no beds available. Adding to this, his parents visit here regularly with their mini-mobile home, (see exh.# 7). Where they are seen darting in and out of the Shepherds residence, in their bathrobes, after taking their showers in the Shepherds residence...The Shepherds are 'campers', and after approaching them about the extended water use here Mr. Shepherd states: "F**k the neighbors".

The Shepherds' new surface mounted alternate experimental sewage system is described as being a 'sand mound' sewage system. This severely over worked and grossly undersize sewage system is located only fifty (50') feet from the property line of #14 Belclare Circle., and @ 50-100 ft. from the Phelps intended swimming pool.

In @ mid-2006's, # the underground water line for #12 Belclare Circle was cleaned with caustic chemicals and these chemicals found their way into my house and my drinking water supply, at #18 Belclare Circle. Also, at this same time # 10 Belclare Circle had the same problem with these caustic chemicals showing up in their drinking water. This shows/proves that all five (5) residential water wells here for #10, #12, #14, #16, & #18 Belclare Circle, are located within @ 50 yards of each other, and share this same fragile underground water aquifer. Additionally, the water well for # 16 Belclare Circle is located less than fifteen (15) yards away from the three (3) water wells located on # 14 Belcare Circle.

....Shortly after the Shepherds' sewage system update for #16 Belclare Circle, I noticed a five (5") PVC discharge pipe (without the 5" black PVC pipe), at the edge of my property, hidden partially out of sight, discharging a liquid onto my property and flooding out my 'leach' field (see exh. # 8)).... . This caused a sewage backup in my house.... After seeing this hidden 5" PVC pipe at the edge of my property, I inquired of Rob Powell about his design of this sewage system for #16 Belclare Circle. He stated that he designed this sewage system for three (3) bedrooms. Rob Powell stated that he failed to do a walk thru inspection of the Shepherds' residence to verify that the Shepherds' were only operating with three (3) bedrooms that they stipulated.

Rob Powell continued that the Shepherds' were not only operating recklessly, but that it was not a question 'if the Shepherds' experimental sewage system was going to fail, but the question was **WHEN!!**

After this, I filed a complaint withh Balto. Co. Zoning enforcement which was rejected. In the process, Zoning lost, 35-50 of my photos that documented all of this activity. It is my opinion, that as long as Arnold Jablon is employed by Balto. Co. and /or associated with the Zoning Board that my complaints about this will always be rejected. Arnold Jablon was this home owners represntative when he was not assocaited with Balto. Co.

This doubling of the size of this residence (# 16 Bellclare Circle) and this new demand here for a swimming pool for # 14 Bellcare Circle would put this already fragile water aqualifer at even greater risk. Petitioner as a home owner whose property is greatly at risk here, I have no other option than to strongly object to the installation of a swimming pool at #14 Bellclare Circle, and this variance request. The water demand here by adding a swimming pool to #14 Bellclare Circle would be comparable to adding another, or a fifth,(5th) water well to # 14 Bellclare Circle. The Shepherds' residence/camp operation would most definetly add to this water demand here..

Should the Phelps have a water discharge from their intended swimming pool, then this pool water would travel, in a straight shot down hill to the Shepherds already over worked sand mounted sewage system, where this combination of swimming pool water and sand encrusted sewage would continue in a straight shot down hill onto my property, and flooding out my leach field and contaminng my water well.-- (see exh. # 9)

The water use for the maintence of a swimming pool here, due to evaporation, summer start up & winter closing, regular topping off, shower useage, general pool water loss, water chemical inbalance, storm water loss, plus other misc. hidden costs would require another three (3) page letter here, and greatly add to the water useage here.

ROAD NOISE:

While this issue is indirectly related to this Variance issue, it is worth mentioning that shortly prior to this home owner purchasing this property, that 90% of the neighbors here supported the installation of a sound wall. This Phelps greatly benefit from the installation of this sound wall as the sound measurement tests done for these twelve (12) affected homes show that that their house had the worst sound problem from the Rt # 83 road and car noise. Federal surveys show that the most effected by this loud road noise are younsters (there are two pre-school children here), and that the Phelps have the only vehicle with a notable loud muffler noise from their muscle car..... Also, a study published in The Lancet found an increase in dementia risk for folks who live close to areas with heavy traffic. This could be because high levels of air pollution and noise have the potential to eat away at the brain's connective tissues

The drainage culvert built for this sound wall is can not be reached by the owners of # 14 Bellclare Circle due to being blocked by their topography and this sound wall.

SWIMMING POOL WATER USE/REQUIREMENT

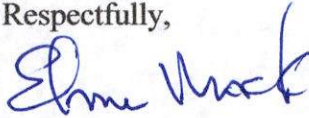
The property owners of # 14 Belclare Circle, the Phelps, a very young couple with two (2) pre-school boys, in all probability have never owned a house with a private water well (or two on their property). Also they in all probability have never owned a house in an area which has a well noted poor water supply system.

Next, the Phelps, have in all probability, never owned a house with a swimming pool, much less swimming pool in such a weak water supply area.....The water use here for such requirements as water use for TOPPING OFF the pool water due to water evaporation, water use for SUMMER START UP and WINTER CLOSING, water use for REGULAR POOL CHEMICAL MAINTENCE, etc. is certainly not within the Phelps thinking today. The Phelps total lack of responsibility in not repounding to four (4) simple neighborly letters, letters sent in an effort to make matters easier for them with their properties many -many problems, well shows that a swimming pool ownership here today, would be a highly questionable item for them and their family.

would not be within their grasp, today.

For these above stated reasons Petitioner requests that this Varince be DENIED.

Respectfully,



Elmer Mack

18 Belclare Circle

Sparks, Md. 21152

(5)

encl: doc. & photos 1-9

Oct. 7, 2010

Justin,

I have tried to contact you over the summer months, and apologetically left word with your Dad to have you contact me. There are some new developments here with, which possibly affect both of our properties, and may help to explain the failure of your water well pump, and other undiagnosed problems yet to come.....Your water well pump replacement has my concerns as your water well pump saw very limited service since it was installed originally back in the early 1990's. With only two (2) persons basically drawing water on it, it saw very limited use over the years.. In addition, it sat unused for @ three-four (3-4) years, between two property transfers before you purchased this residence....In comparison, I brought my house back in 1988 and it only has two (2) persons drawing water on it. As of todate I have not needed to replace my water well pump.

The five (5) water wells here (the three on your property), to include the Shepherds and mine, in this very precarious area for water, are located only 35-55 yards apart...I situation today which Baltimore County, or other Maryland counties would not allow.....Back in 2006, when the property (#12 Belclare) next to you was sold, the owner had to have his water well (one of the ones located on your property) cleaned as part of the conditions of sale....The trace chemicals from this water well cleaning showed up in my drinking water. It left a distinctive odor and taste to our water, as well as the other water well on your property for #10 Belclare. Obviously, had you been in residence here back then, then these chemicals would have showed up in your drinking water, proving how all of us share a very fragile underground water aquifer.

The attached letters provide a history of my concerns with our mutual neighbors, the Shepherds, and their operation of an over staffed and illegal home office with this fragile water condition. Today, the Shepherds have 3-4 employees working here in their home office. Baltimore County only allows one (1) employee working in a home office...To complicate matters further here, the Shepherds have a six (6) bedrooms residence, operating on a grossly undersized Alternate Experimental Sewage System, which they recently had updated back in 2006. At that time, they claimed that they were operating only a three (3) bedroom residence. FYI, a sewage system size is determined by the number of bedrooms in a residence....The Shepherds residence, with it's over limit home office use and undersize septic system is an accident waiting to happen, and you will probably be the first to notice it.....The Shepherds undersize septic system borders your property, under your bedroom windows.

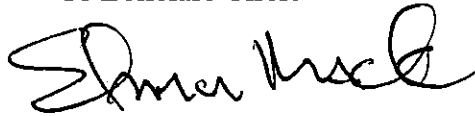
This Alternate Experimental Sewage System, required that the Shepherds sign off on a land easement agreement, with a provision for follow up inspections. However this residence never had a follow up inspection as the inspector thought that it would be most foolish (an expensive) for a property owner to install or update a septic system that was grossly undersized.

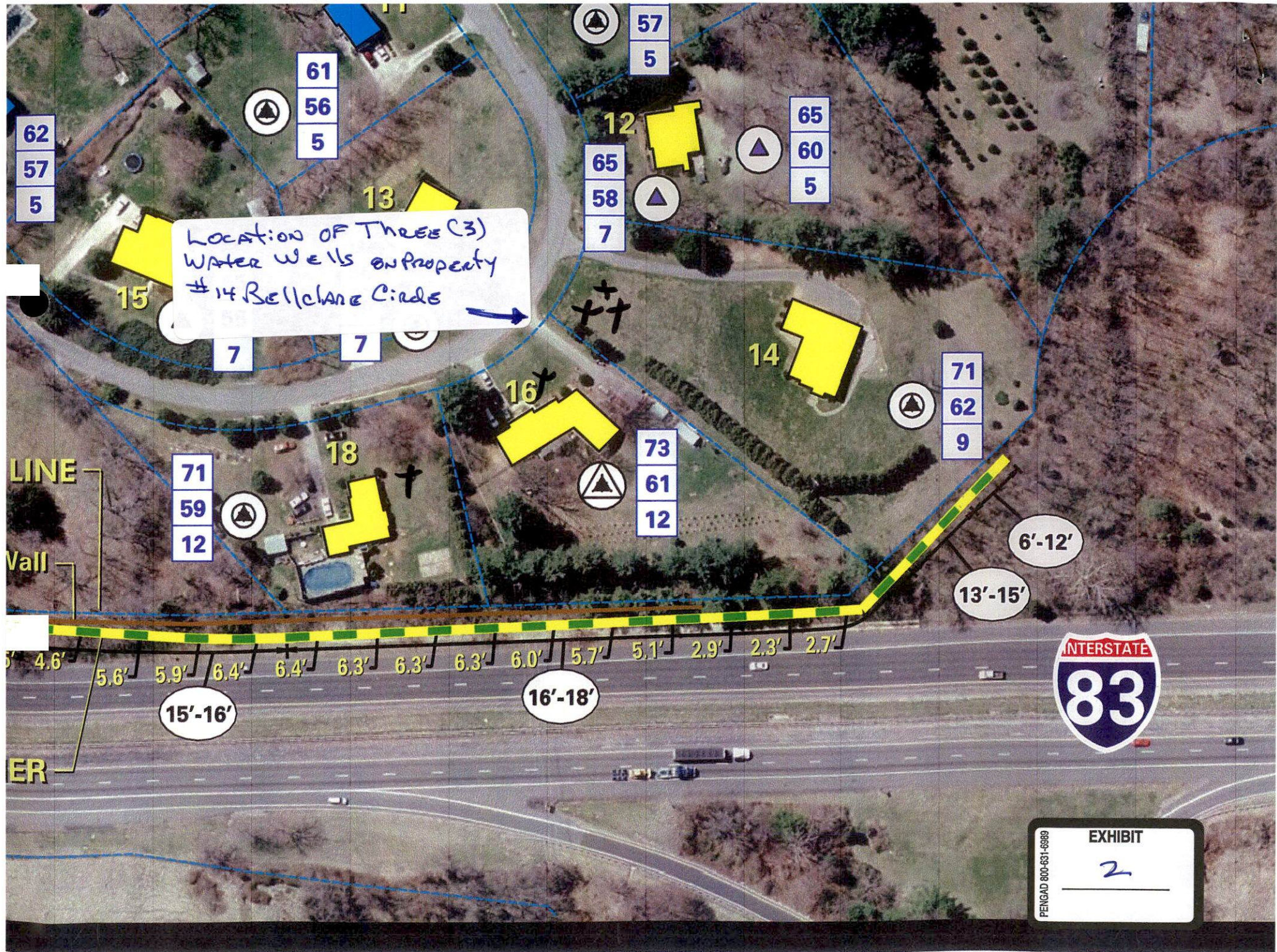
Justin, as person who witnessed the several failed 'Perc' test done on your property, and who helped purchase and install the Leyland Cypress trees on your property, I know these properties here and limitations all too well...I believe that it would be to our mutual benefit to meet and discuss all of this. In addition, I have several Baltimore County Dept. of the Environment planning documents showing all of

our water wells, the Shepherds Septic Well Easement Agreement, and related photos which I would be willing to share with you. You may not think that these matters are important today, but I will not be around forever and in the future they may possibly save you a lot of time and money.....Again, give me a call.....(410) 728-1333 (shop).....(410) 771-8129 (home).

Elmer Mack

18 Belclare Circle

A handwritten signature in black ink, appearing to read "Elmer Mack", written in a cursive style.



PENGAD 800-631-6889

EXHIBIT

2

4
EXHIBIT

PENGAD 800-631-6989



BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 6/1/77
OEA: CT 1/B
HISTORIC DISTRICT BLDG.

PERMIT #: B306899
RECEIPT #: A330215
CONTROL #: MK
XREF #:

PROPERTY ADDRESS 16 Belclare Circle
SUITE/SPACE/FLOOR N/A
SUBDIV:

TAX ACCOUNT #: 0813021976
OWNER'S INFORMATION (LAST, FIRST)
NAME: Shephard, Patricia Ann

ADDR: 16 Belclare Circle

YES ☒ NO
DO NOT KNOW
NCT

FEE: 50.00 + 5.00
PAID: 55.00
PAID BY:

INSPECTOR:
I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
OBTAINED WITHIN THE TIME SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ☒ ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

APPLICANT INFORMATION
NAME: Michael Duvings
COMPANY: Duvings Brothers Contracting
STREET: 202 Box 3159
CITY, ST, ZIP: Baltimore, MD 21220
PHONE #: 410-744-6309 MHIC LICENSE #: 19661-01
APPLICANT SIGNATURE: [Signature]
PLANS: CONST PLOT PLAT DATA 0 EL 1 PL 2
TENANT
CONTR: Duvings Brothers Contracting
ENGR:
SELLR:

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☒ NO

DESCRIBE PROPOSED WORK: CONSTR ADDITION ON REAR OF 5FD.
TO BE KITCHEN EXTENSION AND
DEN. ALT TO CREATE ACCESS TO
ADD'N.

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE FOUNDATION

1. SLAB
2. ☒ BLOCK
3. CONCRETE

- BASEMENT
1. FULL
2. ☒ PARTIAL
3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. ☒ WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. ☒ OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER ☒ EXISTS PROPOSED
2. ☒ PRIVATE SYSTEM
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2. 3.
ESTIMATED COST: \$41,000.00
MATERIALS AND LABOR

- TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM EXISTS PROPOSED
2. ☒ PRIVATE SYSTEM EXISTS PROPOSED

PROPOSED USE:
EXISTING USE:

OWNERSHIP

1. ☒ PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. MIRISE

GARBAGE DISPOSAL I. Y 2. ☒ BATHROOMS CLASS 04 Bldg, Sec 1
POWDER ROOMS KITCHENS LIBER 23 FOLIO 39

BUILDING SIZE

FLOOR 280
WIDTH 25'4"
DEPTH 12'
HEIGHT 15'
STORIES 1
LOT #'S 8
CORNER LOT

LOT SIZE AND SETBACKS

SIZE 1/400 AC
FRONT STREET
SIDE STREET
FRONT SETBK NC
SIDE SETBK NC/NC
SIDE STR SETBK
REAR SETBK 75'

1. Y 2. N ZONING RC.2

APPROVAL SIGNATURES

BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
ZONING PERMIT: [Signature]
PUB SERV: [Signature]
ENVRMNTAL: [Signature]
PERMITS: [Signature]

DATE

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PENGAD 800-631-6989

EXHIBIT

5

PLOT PLAN

Application Number

OWNER Shepard

ADDRESS 16 Bellicore Circle

PLEASE SHOW BELOW:

- Property line dimensions and easements;
- Existing buildings;
- Existing well/septic; (show distance to nearest structure)
- Road names and location of alleys;
- If your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- The proposed work and the setback distances to the proposed work.

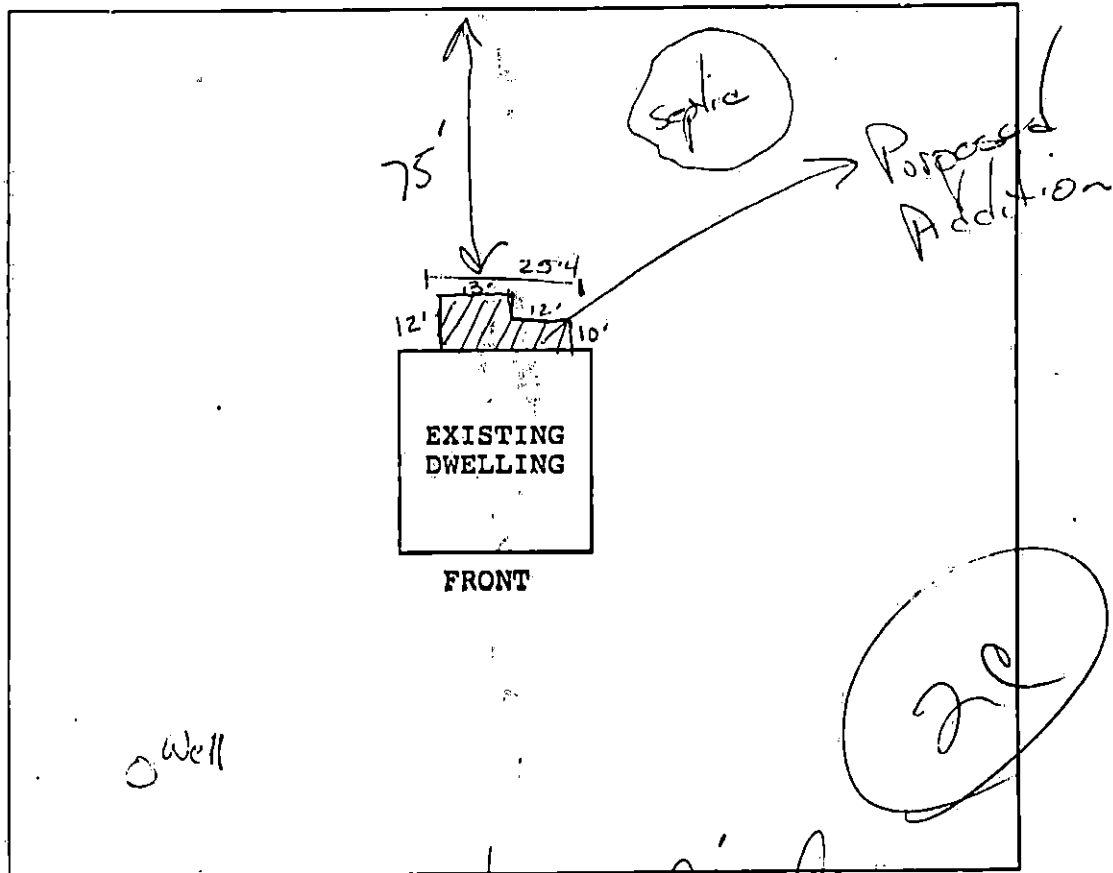
Front Setback 75'

Left Setback

Rear Setback 75'

Right Setback

NOTE: Cannot fence access easement.



ROAD NAME Bellicore Circle

INSPECTION RECORD
(INSPECTOR'S COPY)

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

NOTE: Building permits must be conspicuously displayed and not removed from the premises for which it was issued. It is not transferable. It must be shown upon demand to any authorized representative of the Buildings Engineer. This permit is good only for the use and to the extent described above. Changes in use, any extension thereof, and changes in occupancy require a new permit.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 5-21-03

OE: TLM/MR
HISTORIC DISTRICT/BLDG.

PERMIT # 519769
RECEIPT # 471671
CONTROL # MC
XREF #

PROPERTY ADDRESS 16 BELCLARE CIRCLE
SPARKS MD 21152-9118
SUBDIV: Belclare
TAX ACCOUNT #: 0813021976
DISTRICT/PRECINCT 08
OWNER'S INFORMATION (LAST, FIRST)
NAME: SHEPHERD, ARLEEN & PATRICK
ADDR: 16 BELCLARE CIRCLE, SPARKS MD 21152-9118

FEE: 6005
PAID: 65.00
PAID BY: appal
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.

CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. X ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL

01. X ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION

1. SLAB
2. X BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. X NONE CRAWL

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL
SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

DESCRIBE PROPOSED WORK:

Construct an addition
crawl onto side + rear of SFD
24'x49'x14' = 995 SF (approx) To become Family
Room, Covered Porch + Kitchen (Ext Kitchen
to be Bathroom + Closet space).

TYPE OF CONSTRUCTION

1. MASONRY
2. X WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS
2. X OIL
3. ELECTRICITY
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. X PRIVATE SYSTEM
X SEPTIC X EXISTS PROPOSED
X PRIVY X EXISTS PROPOSED

CENTRAL AIR: 1. 2.

ESTIMATED COST: \$340,000
OF MATERIALS AND LABOR

PROPOSED USE: SFD addition
EXISTING USE: SFD

OWNERSHIP

1. X PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY:

1. X DETACHED
 2. SEMI-DET.
 3. GROUP
 4. TOWNHSE
 5. MIDRISE
 6. HIRISE
- #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
- 1 FAMILY BEDROOMS GARBAGE DISPOSAL 1. 2. N BATHROOMS CLASS
POWDER ROOMS KITCHENS LIBER 023 FOLIO 039

BUILDING SIZE

FLOOR 1,302 SF

WIDTH 24' 4"

DEPTH 49' 0"

HEIGHT 12' 0"

STORIES 1 1/2

LOT #'S 8

CORNER LOT

1. Y 2. X N

LOT SIZE AND SETBACKS

SIZE 1.4 ACRES

FRONT STREET

SIDE STREET

FRONT SETBK

SIDE SETBK 48' 32"

SIDE STR SETBK

REAR SETBK 120'

ZONING RC-2

APPROVAL SIGNATURES

DATE

BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
ZONING :
SUB SERV :
ENVRMNT :
PERMITS :
DATE: 5-21-03
DATE: 5/21/03
DATE: 5/21/03

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

NO 23

Approved June '56 (OAR-40)

Plan. off JOHN MCGRAIN
MIM AGO

EXHIBIT

5A



Baltimore County
Department of Environmental Protection
and Resource Management
Ground Water Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Fax: 410-887-4804

April 5, 2001

Mr. and Mrs. Patrick Shepherd
16 Belclare Circle
Sparks, Maryland 21152

RE: Design of Sewage Disposal System Repair for Dwelling Located 16 Belclare
Circle, District 8

Dear Mr. and Mrs. Shepherd,

Enclosed is the design specification package for the proposed sewage disposal system repair for your property. Please note that the replacement system is a low pressure dosing system, requiring that the contractor installing the system not only be licensed by Baltimore County to install sewage disposal systems but also be certified by Maryland Department of Environment to install sand mounds. This requirement is necessary as the design and installation of the pressurized perforated piping system is more detailed than the normal sewage pump system and closely aligns the pressurized systems used in sand mound systems.

Because of a slightly slower soil percolation rate, the system will be classified as an alternative low pressure dosing system. Consequently, an Agreement and Easement must be signed by all parties and recorded in land records for Baltimore County before the permit to construct the system can be issued. Please fill out and sign the attached form and return to this office for processing and signatures.

If you have any questions regarding this matter, please contact this office.

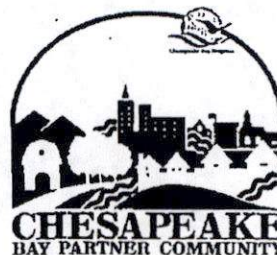
Sincerely,

Robert Powell, Supervisor,
Soil Evaluation Section

Attachments

C: Mr. Thomas Harris

J:/ R. Powell, Belclare Cir., 16, App. Ltr., 4-5-01



1997 Gold Award Recipient



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

AGREEMENT AND EASEMENT FOR
INSTALLATION OF AN ALTERNATIVE ON-SITE SEWAGE DISPOSAL SYSTEM

THIS AGREEMENT is made this 14 day of May, among the Pat Shepherd hereinafter referred to as "Owner", the Baltimore County Department of Environmental Protection and Resource Management hereinafter collectively referred to as the "County", and the Maryland Department of the Environment, hereinafter referred to as the "Department".

WHEREAS, Owner owns a tract of land located on 16 Baildaze Circle Snacks MD 21152 in the 8th Election District of Baltimore County, Maryland, and the deed to same is recorded among the Land Records of Baltimore County, Maryland in Liber SM no. 8974 folio 697

WHEREAS, Owner's land is unsuitable for the installation of a conventional on-site sewage disposal system and owner has requested the Department's approval to install an alternative system of sewage disposal.

NOW, THEREFORE, the parties hereto agree as follows:

A. Owner must install and maintain a water meter on the incoming side of the water system or an event counter on the sewage pumping system.

B. Owner hereby grants to the Department and the County the right to enter upon the property at any reasonable time for access to the system to make periodic inspections and the Owner agrees to provide any information and data requested and needed by the Department to develop accurate and thorough test results.

C. Owner acknowledges and agrees that the proposed alternative system is not conventional technology and that his or her participation is voluntary. Owner agrees that there shall be no liability on the part of the County or Department to Owner if this alternative systems fails.

D. Owner acknowledges and agrees that neither the County nor the Department nor any of its agents or employees, either officially or individually, underwrites the operation of any system approved by them.

E. The Owner will devote such care and effort to the maintenance of the system so that a system malfunction is not the result of poor maintenance, faulty operation, or neglect.

F. The Owner acknowledges that approval of this waste disposal system does not guarantee the County's approval to construct future expansions of or additions to the dwelling structure.

G. The Owner agrees, that, should the system be determined by the Department to pose a threat to the public health, safety or comfort, the Department may order any necessary changes or corrections and the Owner agrees to pay for all such changes or corrections. System modifications may include requirements for pretreatment of wastes by installing a recirculating sand filter; aeration system, etc.

H. The Owner agrees to contact both the Water Management Administration, Individual Septic Systems & wells Program and the County at least forty-eight (48) hours prior to system installation, so that the Department may lay out the system in the field with the contractor. The Owner must install this system according to the plans and specifications approved by the Department and any changes required by the Department as a result of the field layout. If installation deviates substantially from the approved plans or changes such that experimental data will be comprised or

Alternative Agreement

reduced, the Owner agrees to pay for all necessary corrections.

I. This agreement shall run with the land and binds the Owner, his heirs, successors, assigns except that the provisions of paragraph A & B shall be binding for a period of 5 years only after installation of the system and occupation of the home. Owner further agrees that he shall inform in writing any purchaser or lessee of the property that the system may require maintenance or other attention. The Owner agrees to record this agreement in the land records of Baltimore County.

J. This agreement shall not be construed to limit any authority of the Department to protect the public health, safety or comfort or to issue any other orders to take any other action which is now or may hereafter be within its authority.

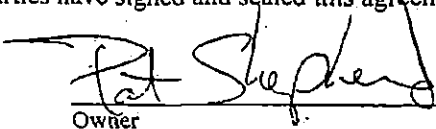
K. This agreement may be voided at the discretion of the Department if the system construction is not completed within six (6) months of the effective date of this agreement.

L. This agreement contains the entire agreement and understanding between the County and the Owner and the Department. There are not additional terms other than as contained in this agreement. This agreement may not be modified except in writing signed by each of the parties or by their authorized representatives.

M. The laws of the State of Maryland govern the provisions of all transactions pursuant to this agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this agreement on the date indicated above.

DATE: 5-14-01


Owner

DATE: _____

Department of the Environment
J.L. Hearn, Director
Water Management Administration

DATE: 5/29/01


Baltimore County Department of
Environmental Protection and
Resource Management

16 Bellcore Circle
3 bedroom house

PRESSURE DISTRIBUTION ON SLOPING SITES
4' wide trench bottom
use 2 zones of 3 trenches each
each trench 47' long

9.5 linear loading rate

TRENCH	RELATIVE ELEVATION	HEAD	PERF. DIA.	GPM PER PERF.	PERF. SPACING	NO. OF PERFS.	FLOW PER TRENCH
Top	1	2.87	2	5/16	1.63	5.2'	9
	2	3.47	2.60	5/16	1.85	5.9'	8
	3	4.31	3.44	1/4	1.37	4.7'	10
Subtotal 43.17 GPM							13.7
Bottom	4	5.02	2	5/16	1.63	5.2'	9
	5	5.69	2.67	5/16	1.88	5.9'	8
	6	6.34	3.32	1/4	1.34	4.7'	10
Subtotal 43.11 GPM							13.40
Total Flow - 86.28 GPM							

NOTE: the distance from the center of the manifold to the first perforation in each trench is $\frac{1}{2}$ the distance of the perforation spacing for that trench.

EXHIBIT

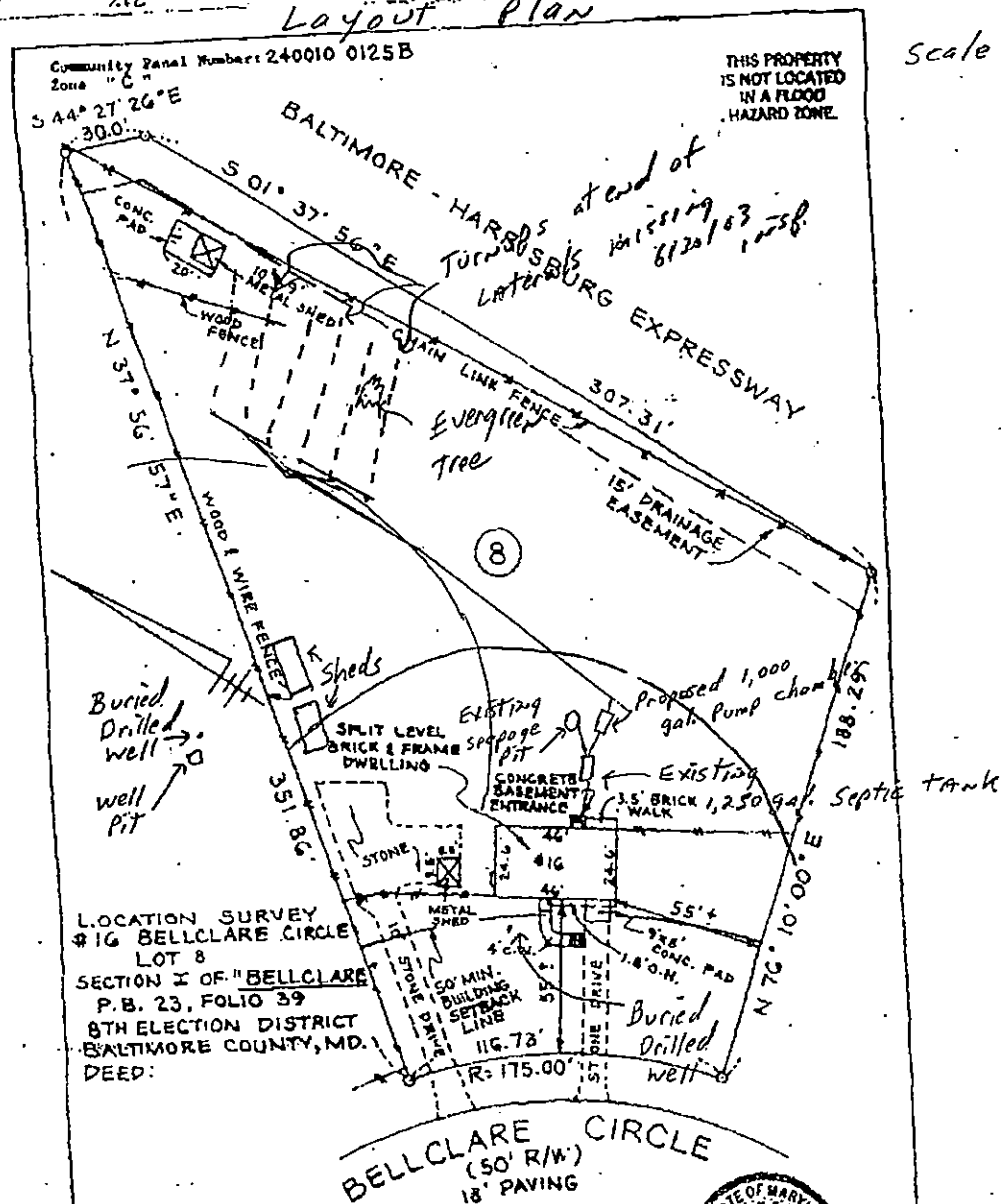
6

PENGAD 800-631-8888

14:20 261-1

Layout Plan

Scale 1" = 50'

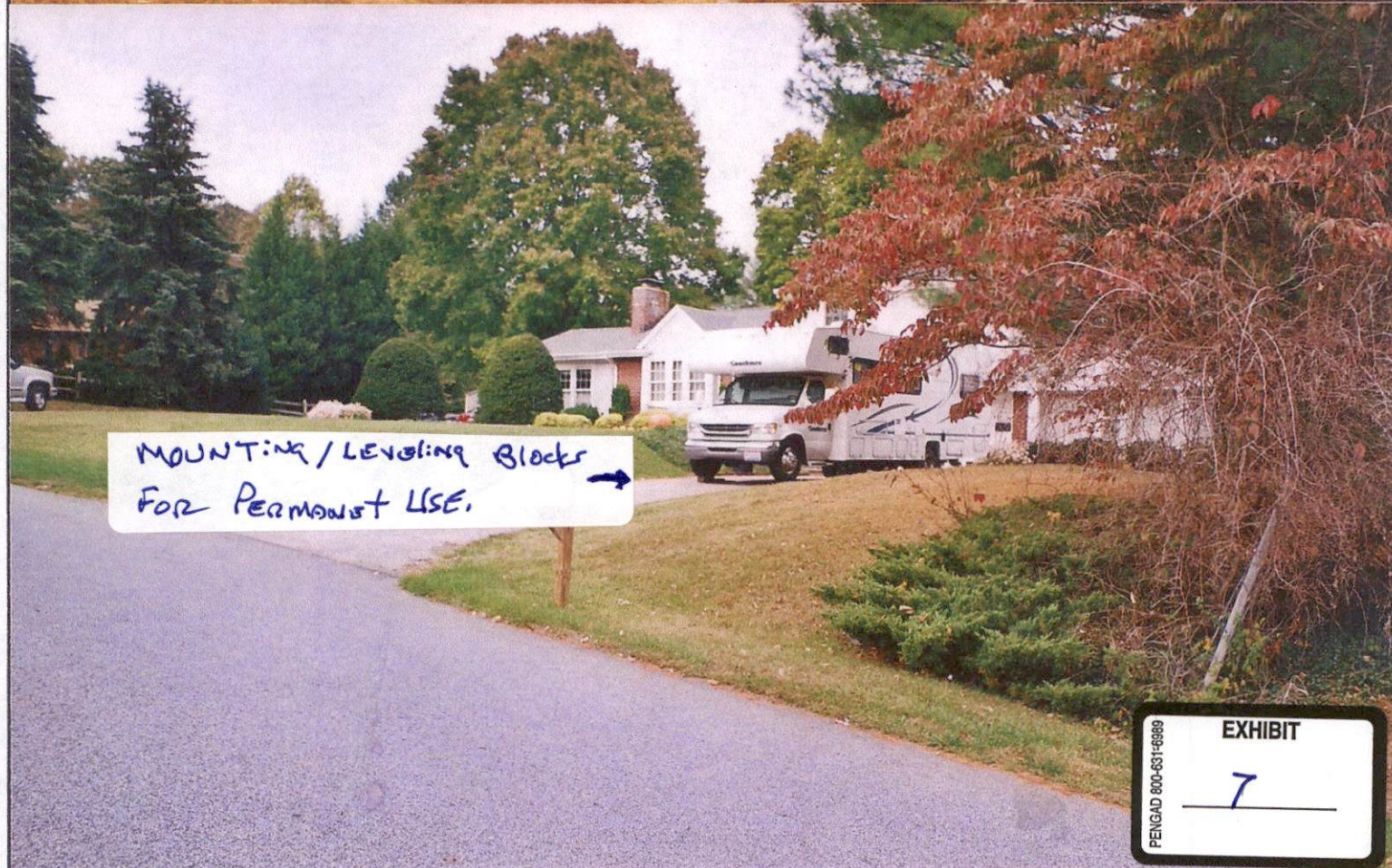


The plat is a benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. I hereby certify that the lot shown hereby has been surveyed for the purpose of locating all improvements only.



**DEVELOPMENT
ENGINEERS, INC.**

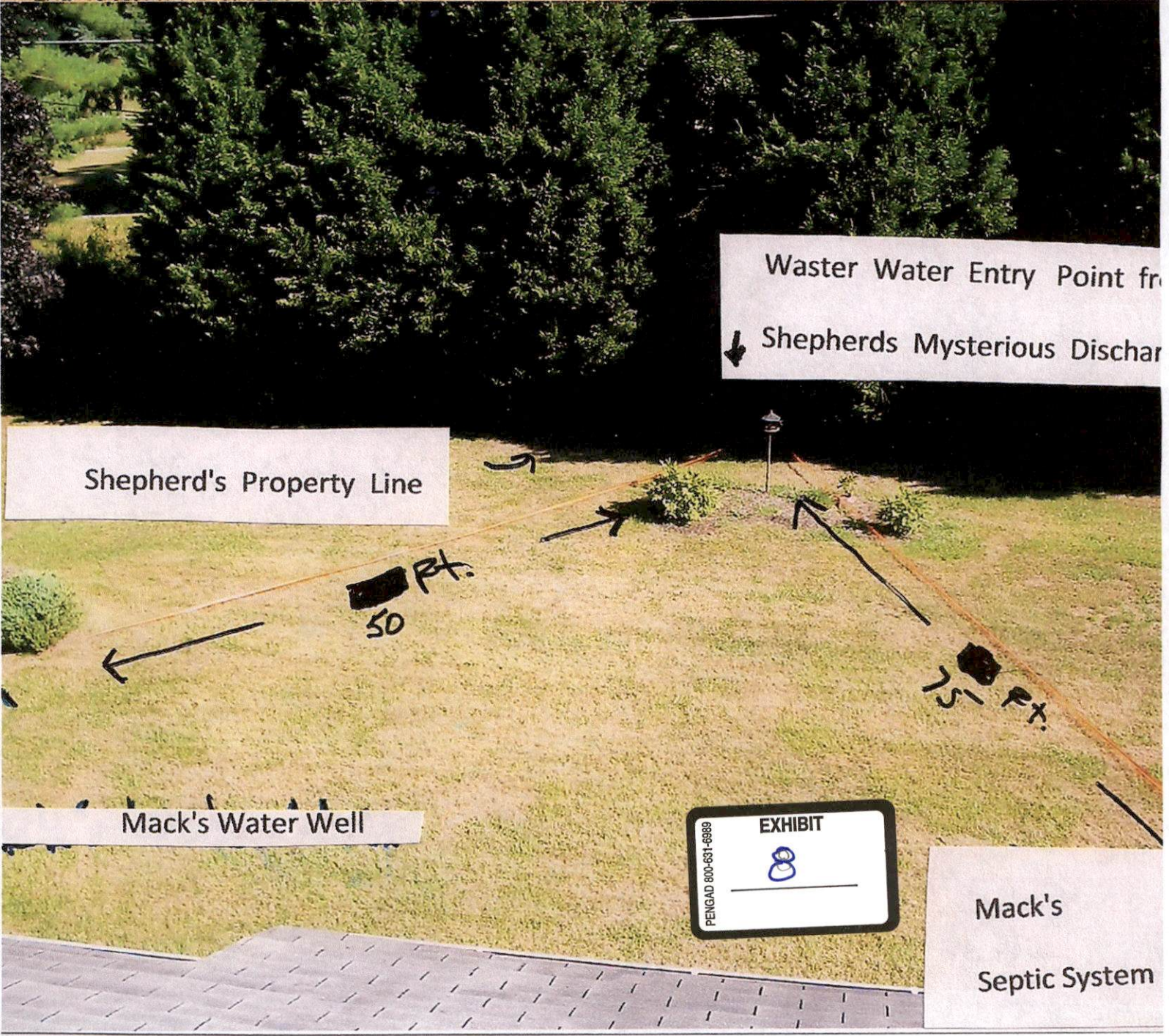
200 East Jupiter Road
Orlando, FL 32804





Shepherd's Mysterious
↓
Waste Water Discharge Pipe

Shepherd's Property Line



Waster Water Entry Point fr
↓
Shepherds Mysterious Dischar

Shepherd's Property Line

Mack's Water Well

EXHIBIT
8
PENGAD 800-631-6989

Mack's
Septic System





0808004950

R-1958-4381-X

028A3

0812022051

3 CD 8 ED
NW 23-C RC 2

Lot # 6 0811047750

Lot # 7

Pt. Bk. 14 0000023, Folio 0039
0813021977

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

12

PAI # 080052

Pt. Bk./Folio # 023039

PAI # 080052

034A1

Lot # 8

0813021976

183

183

0807030550
Lot # 5

2000088888

BELLCLARE CIR

16

Lot # 7

0804075962
13

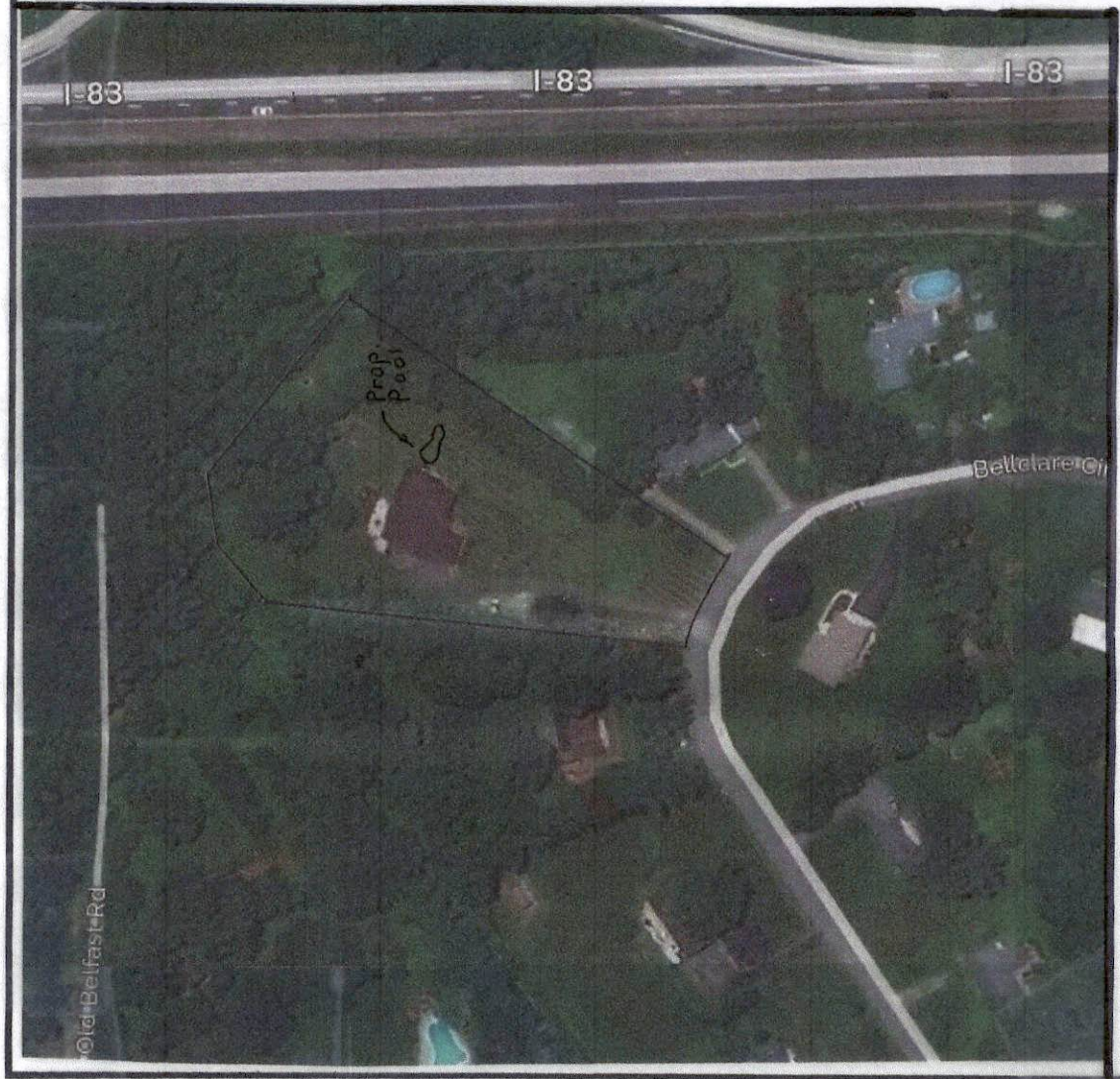
Lot # 9

0802023850

0808068111

Lot # 8

18



2017-0317-A

June 14, 2017

Balto. Co. Inspection Office

111 W. Chesapeake Ave.

Towson, Md. 21204

re: Variance request # 2017-0317-A

Dear Sir/Madam,

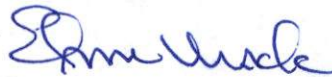
In regard to the above Variance Request for 14 Belclare Circle, Sparks, Md. 21152, to allow the installation of a swimming pool and accessory structure to be located in the side of this residence, I **AM STRONGLY IN OPPOSITION TO THIS REQUEST** (emphasis added)..

I am a neighbor to this residence, with my house being two (2) houses away and I am of the opinion this would lessen not only this house's value, but mine as well. This is one of the nicest and newest residences in this community, and installing a swimming pool to be located on the side of this residence would be not only a tremendous eye sore, but also would have a negative effect on my property value.

For these and other reasons, I would request that my opposition to this planned project be noted, and that a hearing be scheduled to hear the other neighbors' comments.

Please respond back to me with the proposed hearing date for this variance, and schedule me to be a speaker here as one of the concerned residents.

Respectfully,



Elmer Mack

18 Belclare Circle

Sparks, md. 21152

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802023850			
Owner Information					
Owner Name:	MACK ELMER A JR MACK SHARON K		Use:	RESIDENTIAL	
Mailing Address:	18 BELLCLARE CIR SPARKS MD 21152-9118		Principal Residence:	YES	
			Deed Reference:	/18648/ 00328	
Location & Structure Information					
Premises Address:		18 BELLCLARE CIR 0-0000		Legal Description: 18 BELLCLARE CIR BELLCLARE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0034	0002	0273		0000	1
					B
					9
					2017
					Plat No: 0023/0039
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1957	1,496 SF		1.2100 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	2 full	1 Attached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2017	As of 07/01/2016	As of 07/01/2017
Land:		166,100	166,100		
Improvements		91,900	96,000		
Total:		258,000	262,100	258,000	259,367
Preferential Land:		0			0
Transfer Information					
Seller: MACK SHARON K		Date: 08/25/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /18648/ 00328		Deed2:	
Seller: KENNEDY STANLEY P		Date: 09/10/1987		Price: \$87,019	
Type: ARMS LENGTH IMPROVED		Deed1: /07668/ 00024		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/13/2014					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>6-6</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-7</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>6-9-17</u> by <u>Beck</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0813021977			
Owner Information					
Owner Name:	PHELPS JUSTIN COLEMAN AMANDA B		Use:	RESIDENTIAL	
Mailing Address:	14 BELLCLARE CIR SPARKS MD 21152-9118		Principal Residence:	YES	
			Deed Reference:	/35213/ 00177	
Location & Structure Information					
Premises Address:		14 BELLCLARE CIR 0-0000		Legal Description: 14 BELLCLARE CIR BELLCLARE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0034	0002	0273		0000	1 B 7 2017 0023/0039
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
1991	2,060 SF			1.4600 AC	04
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	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2016	07/01/2017	
Land:	170,500	170,500			
Improvements	186,300	225,200			
Total:	356,800	395,700	356,800	369,767	
Preferential Land:	0			0	
Transfer Information					
Seller: PHELPS JUSTIN PHELPS RAYMOND		Date: 08/27/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35213/ 00177		Deed2:	
Seller: SELENE RMOF REO ACQUISITION		Date: 10/20/2009		Price: \$275,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /28765/ 00484		Deed2:	
Seller: FILIPOVA MARIA S		Date: 05/29/2009		Price: \$340,000	
Type: ARMS LENGTH IMPROVED		Deed1: /28149/ 00255		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		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 06/30/2014					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Account Identifier: District - 08 Account Number - 0813021977**

Owner Information

Owner Name:	PHELPS JUSTIN COLEMAN AMANDA B	Use:	RESIDENTIAL
Mailing Address:	14 BELLCLARE CIR SPARKS MD 21152-9118	Principal Residence:	YES
		Deed Reference:	735213/ 00177

Location & Structure Information

Premises Address:	14 BELLCLARE CIR 0-0000	Legal Description:	14 BELLCLARE CIR BELLCLARE
--------------------------	------------------------------------	---------------------------	---------------------------------------

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0023/0039
0034	0002	0273		0000	1	B	7	2017			

Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1991	2,060 SF		1.4600 AC	04

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 01/01/2017	Phase-in Assessments As of 07/01/2016	As of 07/01/2017
Land:	170,500	170,500		
Improvements	186,300	225,200		
Total:	356,800	395,700	356,800	369,767
Preferential Land:	0			0

Transfer Information

Seller: PHELPS JUSTIN PHELPS RAYMOND	Date: 08/27/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /35213/ 00177	Deed2:
Seller: SELENE RMOF REO ACQUISITION	Date: 10/20/2009	Price: \$275,000
Type: NON-ARMS LENGTH OTHER	Deed1: /28765/ 00484	Deed2:
Seller: FILIPOVA MARIA S	Date: 05/29/2009	Price: \$340,000
Type: ARMS LENGTH IMPROVED	Deed1: /28149/ 00255	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	0.00 0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: Approved 06/30/2014
--



POOL SITE EAST OF THE HOUSE

LOOKING SOUTH



Pool SITE EAST OF THE HOUSE
LOOKING EAST

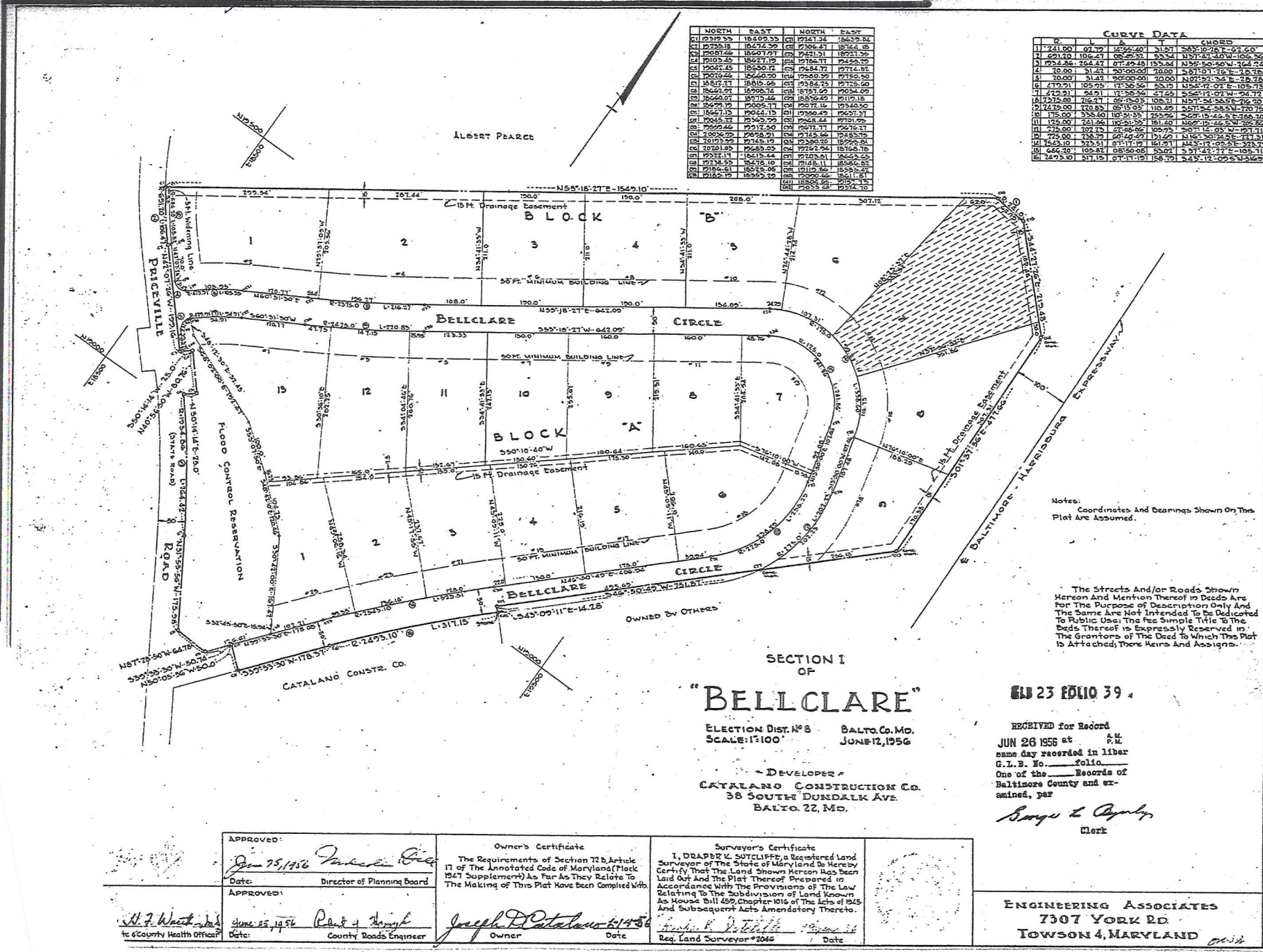
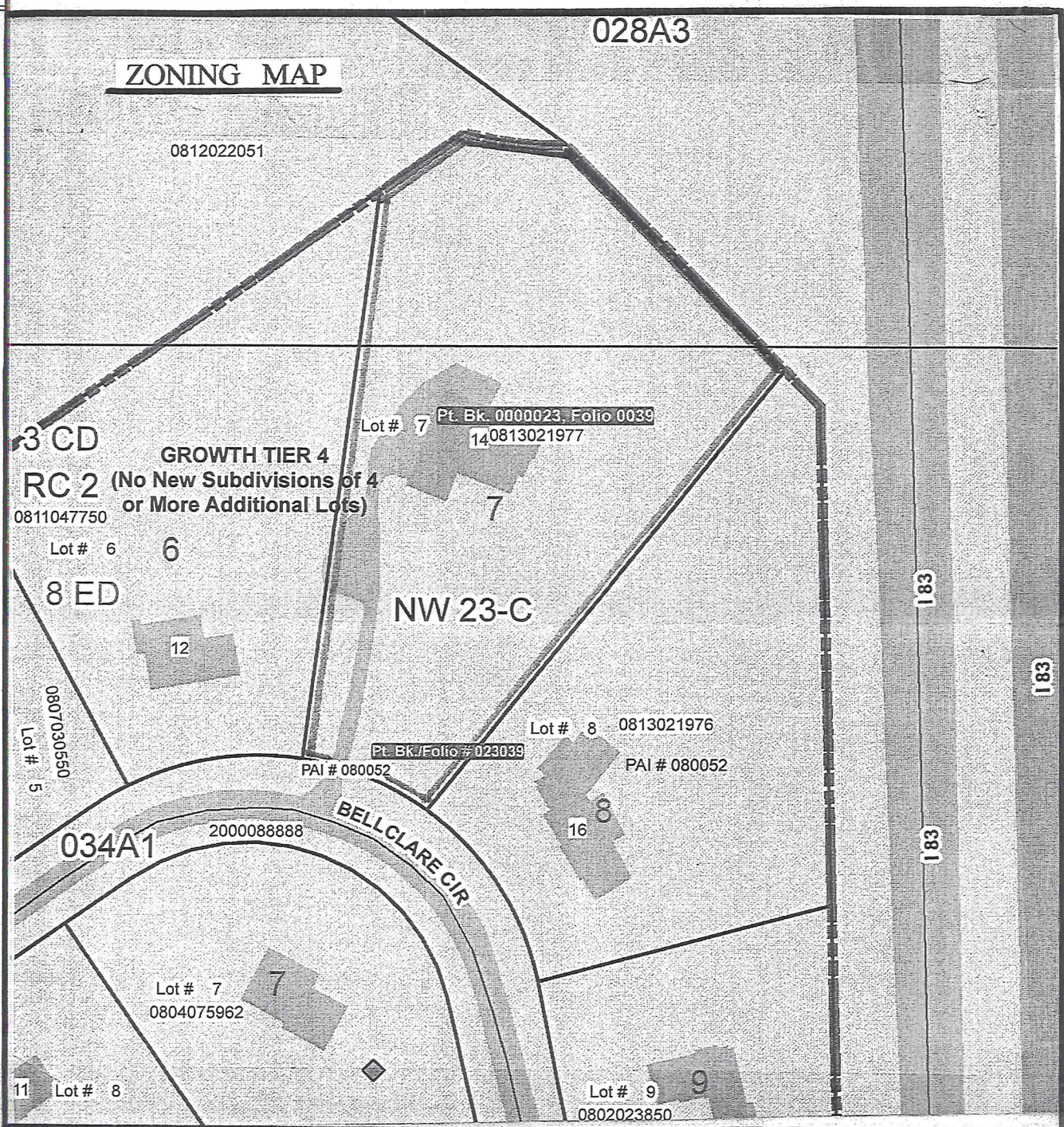


Pool SITE EAST OF THE HOUSE

LOOKING SOUTH EAST



Pool site east of the house
looking North

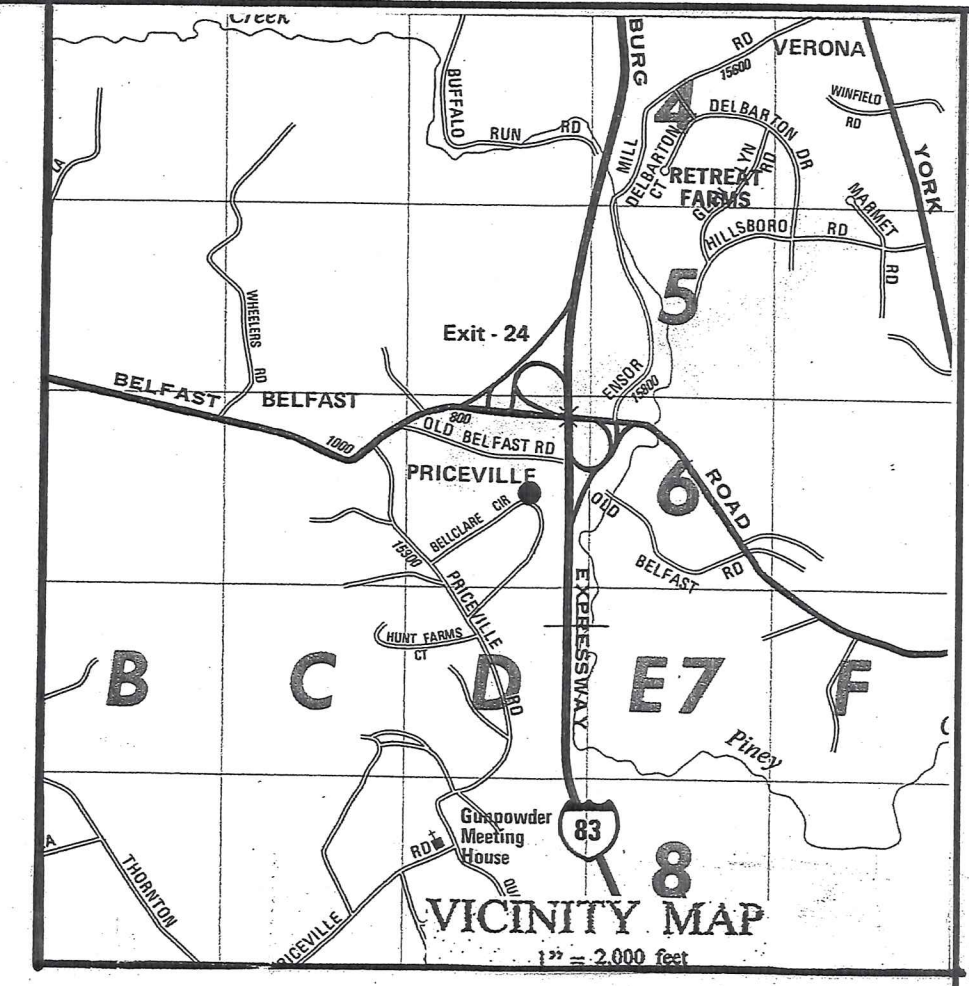


LEGEND	
---	EXISTING PROPERTY LINE
---	INTERIOR PROPERTY LINE
---	RIGHT OF WAY LINE
---	EX. EASEMENT
---	EX. 5' CONTOUR
---	EX. BUILDING/STRUCTURE
---	EX. FENCE
---	EX. TREES/SHRUBS
---	5' CONTOUR
---	LIMIT OF DISTURBANCE
---	SILT FENCE AT LIMIT OF DISTURBANCE

GENERAL NOTES

This drawing is prepared for the purpose of providing information in compliance with the petition filing requirements of a zoning hearing for variance.

All information shown on the site plan, supplementary information provided, and property records noted are based on Baltimore County records.



PROPERTY RECORDS	
14 Bellclare Circle, Sparks, Md. 21152	
TAX ID. #	08 13 021 977
ZONING MAP	034 A-1
SITE ZONED	R C 2
ELECTION DISTRICT	8
COUNCIL DISTRICT	3
SUBDIVISION	"BELLCLARE"
LOT #	7
BLOCK #	"B"
SECTION #	1
PARCEL #	273
GRID #	2
PLAT BOOK #	23
FOLIO #	39
DEED REFERENCE	
LOT AREA	1.46 AC. (63,598 S.F.)
HISTORIC	NO
IN C.B.C.A.	NO
IN FLOOD PLAIN	NO
UTILITIES - WATER	PRIVATE
SEWER	PRIVATE
PRIOR HEARING	NO
CASE NO.	N/A
VIOLN CASE	N/A
STEEPEST SLOPES	30 %
CHES. BAY CRITICAL AREA	NO
FLOOD PLAIN	NO
HISTORIC	NO

SCALE: AS SHOWN
DATE: 28 FEB., 2017
DWN: JAE

SEAL
REVISIONS
SETBACKS, RECORDS 5/22/17

C.C.M. INC.
CONSULTING & CONTRACTING INC. OF MD.
P.O. Box 333, Phoenix, MD 21131 410-592-5153
Fax: 410-592-3444

PROPOSED
SWIMMING POOL AT
14 BELLCLARE CIRCLE, SPARKS, MD, 21152
OWNERS: MS. AMANDA B. COLEMAN PHELPS &
MR. JUSTIN PHELPS
410 - 790 7820

SHEET
1
PLAN
(SITE)

2017-0317-A

Pet. Exp. 1

Entire Sewage Disposal System

9906 828 10E

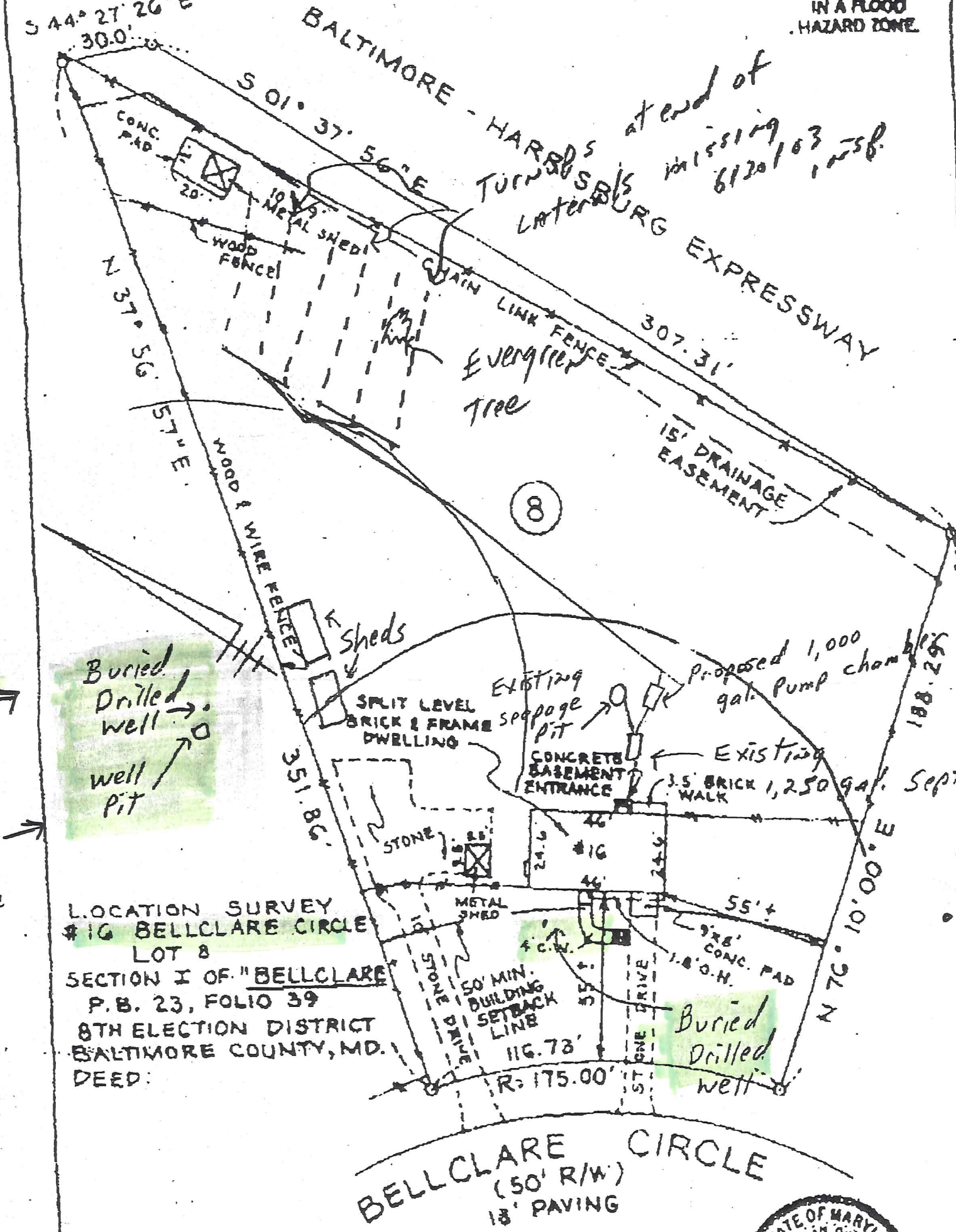
14:20 2661-81-233

Layout Plan

Community Panel Number: 240010 0125B
Zone "C"

THIS PROPERTY
IS NOT LOCATED
IN A FLOOD
HAZARD ZONE

Scale 1



LOCATION SURVEY
#16 BELLCLARE CIRCLE
LOT 8
SECTION I OF "BELLCLARE"
P.B. 23, FOLIO 39
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
DEED:

BELLCLARE CIRCLE
(50' R/W)
13' PAVING

The plat is a benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. I hereby certify that the lot shown hereby has been surveyed for the purpose of locating all improvements only.



DMH DEVELOPMENT ENGINEERS, INC.

700 East Kappa Road
Room 101 Shore Building