M E M O R A N D U M

DATE: October 10, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0002-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on October 9, 2018. 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: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (18827 Spooks Hill Road) 6th Election District 3rd Council District	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
Vincent M. & Alison C. DeAugustino *Legal Owners* Petitioners	*	FOR BALTIMORE COUNTY **Case No. 2019-0002-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 Vincent M. & Alison C. DeAugustino, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to allow the construction of an accessory structure (barn) without the existence of a primary structure on the subject property. A petition for variance seeks the following: (1) to permit a height of 29 ft. for the accessory structure (barn) in lieu of the maximum 15 ft.; and (2) to permit an accessory structure (barn) to be located in the side and rear of the proposed dwelling in lieu of the required rear yard. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Vincent DeAugustino and surveyor Bruce Doak appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS").

ORDER RECEIVED FOR FILING
Date 9/7/18
By

SPECIAL HEARING

Petitioners acquired the 41+/- acre property last year, and plan to construct a single-family dwelling on the tract. Petitioners want to first construct a pole building/barn for storage of equipment and household items. Elevations of the barn were submitted (Petitioners' Exhibit 2) and Mr. DeAugustino noted the attractive carriage-style doors on the end of the structure will face the road. The structure is appropriate in a rural setting and will not overcrowd the lot or have a detrimental impact upon the community. As such the petition for special hearing will be granted.

VARIANCE

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).

The large parcel has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the accessory building in the proposed location. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County and community opposition.

The DEPS ZAC comment indicated Petitioners were required to comply with Baltimore County's forest conservation regulations. Mr. Doak indicated he filed with DEPS a "single lot declaration of intent," which under BCC §§33-6-103 & 104 would exempt Petitioners from those

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By

regulations. Mr. Doak noted the DEPS reviewer (Glenn Shaffer) was on vacation, and that he had not been able to discuss the ZAC comment with him. As such, I will not include the DEPS comment as a condition to the zoning relief. Whether or not Petitioners must comply with the forest conservation regulations will be determined by DEPS at the time of building permit application.

THEREFORE, IT IS ORDERED this 7th day of **September, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR to allow the construction of an accessory structure (barn) without the existence of a primary structure on the subject property, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a height of 29 ft. for the accessory structure (barn) in lieu of the maximum 15 ft.; and (2) to permit an accessory structure (barn) to be located in the side and rear of the proposed dwelling in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to 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. Petitioners must comply with the DOP ZAC comment, a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 9/7/18

By

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 9/7/18
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 18827 Spooks Hill Road **which is presently zoned** RC2

Deed References: JLE 39429/410 10 Digit Tax Account # 0603000050

Property Owner(s) Printed Name(s) Vicent M. DeAugustino & Alison C. DeAugustino

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

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

1. X **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. X **a Variance** from Section(s) 400.1 & 400.3

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):

Vincent M. DeAugustino Alison C. DeAugustino

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

56 South Third St. New Freedom PA

Mailing Address City State

17349 | 717-476-0792 |

Zip Code Telephone # Email Address

VINCENT_DEAUGUSTINO@TROWEPRICE.COM

Representative to be contacted:

Bruce E. Doak

Bruce E. Doak Consulting LLC

Name – Type or Print

Signature

3801 Baker Schoolhouse Road Freeland MD

Mailing Address City State

21053 | 410-419-4906 |

Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2019-0002-SPHA **Filing Date** 7/3/18 **Do Not Schedule Dates:** 8/18-8/22 **Reviewer** JR

ORDER RECEIVED FOR FILING Rev. 10/4/11

Date 9/7/18

By

18827 Spooks Hill Road

Case# 2019-0002-SPHA

Partitions Requested

Special Hearing to allow the construction of an accessory structure (barn) without the existence of a primary structure on the subject property.

VARIANCE TO PERMIT A HEIGHT OF ~~22~~ 29 FEET FOR THE ACCESSORY STRUCTURE (BARN) IN LIEU OF THE REQUIRED 15 FEET PER SECTION 400.3 BCZR 9-6-2018

VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (BARN) TO BE LOCATED IN THE SIDE AND REAR of the proposed Dwelling IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR

Zoning Description

#18827 Spooks Hill Road- 41.6238 Acre Parcel
Sixth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northwest side of Spooks Hill Road, approximately 1,717 feet, more or less, southwesterly from the centerline of Rayville Road, thence leaving said road and running and binding on the outlines of the subject property, the nine following courses and distances, viz. 1) North 72 degrees 55 minutes 11 seconds West 761.29 feet, 2) North 36 degrees 11 minutes 40 seconds West 59.14 feet, 3) North 87 degrees 11 minutes 40 seconds West 547.94 feet, 4) South 83 degrees 56 minutes 30 seconds West 380.73 feet, 5) South 02 degrees 21 minutes 17 seconds West 549.17 feet, 6) South 05 degrees 49 minutes 54 seconds West 406.96 feet, 7) South 13 degrees 09 minutes 51 seconds East 306.02 feet, 8) South 01 degree 55 minutes 56 seconds West 43.99 feet and 9) South 66 degrees 19 minutes 06 seconds East 971.67 feet to a point on the northwest side of Spooks Hill Road, thence running in said road and continuing to run and bind on the outlines of the subject property, the eight following courses and distances, viz. 10) North 31 degrees 01 minute 54 seconds East 41.10 feet, 11) North 15 degrees 17 minutes 39 seconds East 254.16 feet, 12) North 17 degrees 55 minutes 05 seconds East 164.75 feet, 13) North 19 degrees 11 minutes 55 seconds East 407.84 feet, 14) North 30 degrees 46 minutes 44 seconds East 233.46 feet, 15) North 30 degrees 46 minutes 44 seconds East 20.03 feet, 16) North 35 degrees 59 minutes 18 seconds East 284.63 feet and 17) North 54 degrees 56 minutes 51 seconds East 274.09 feet to the point of beginning.

Containing 41.6238 acres of land, more or less.

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

STATE OF MARYLAND
BRUCE EDWIN DOAK
NO. 531
REGISTERED
PROPERTY LINE SURVEYOR

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

CASE # 2018-0003-SPHA

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

8/16/2018

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Order #: 11603702
Case #: 2019-0002-SPHA
Description:

Baltimore County. 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:

Baltimore County

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: 2019-0002-SPHA
18827 Spooks Hill Road
NW/s of Spooks Hill Road, 1, 717 ft. SW from centerline of Rayville Road
6th Election District - 3rd Councilmanic District
Legal Owners: Vincent & Alison DeAugustino

Special Hearing to allow the construction of an accessory structure (barn) without the existence of a primary structure on the subject property. Variance to permit a height of 22 ft. for the accessory structure (barn) in lieu of the required 15 ft., to permit an accessory structure (barn) to be located in the side and rear of the proposed dwelling in lieu of the required rear yard.

Hearing: Thursday, September 6, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

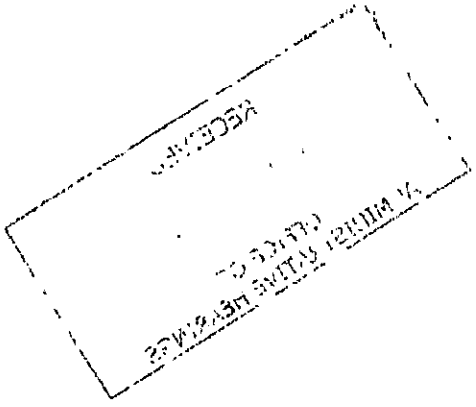
(2) FOR INFORMATION CONCERNING THE FILE AND OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

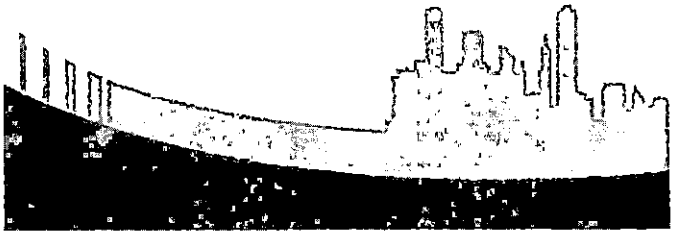
au16

Sherry Nuffer

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Wednesday, September 05, 2018 7:52 AM
To: Sherry Nuffer
Subject: Case #2019-0002-A
Attachments: Posting Cert 9 05 18.pdf; ATT00001.htm

Enclosed is the additional certification.





CERTIFICATE OF POSTING

August 17, 2018 (amended September 5, 2018)

Re:
Zoning Case No. 2019-0002-A
Legal Owner: Vincent & Alison DeAugustino
Hearing date: September 6, 2018

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 two necessary signs required by law were posted conspicuously on the property located at **18827 Spooks Hill Road.**

The signs were posted on **August 17, 2018.**

The signs were inspected again on September 3, 2018.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

SIGN 1

ZONING NOTICE

CASE NO. 2019-0002-SPHA

18827 Spooks Hill 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: Thursday September 6, 2018 11:00 AM

REQUESTS: SPECIAL HEARING TO ALLOW THE CONSTRUCTION OF AN ACCESSARY STRUCTURE (BARN) WITHOUT THE EXISTENCE OF A PRIMARY STRUCTURE ON THE SUBJECT PROPERTY. *BEING AMENDED TO 29'
VARIANCES 1. TO PERMIT A HEIGHT OF 22 FEET FOR THE ACCESSARY STRUCTURE (BARN) IN LIEU OF THE REQUIRED 15 FEET
2. TO PERMIT AN ACCESSARY STRUCTURE (BARN) TO BE LOCATED IN THE SIDE AND REAR OF THE PROPOSED DWELLING IN LIEU OF THE REQUIRED REAR YARD.

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

SIGN2
ZONING NOTICE
CASE NO. 2019-0002-SPHA
18827 Spooks Hill 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: Thursday September 6, 2018 11:00 AM
REQUESTS: SPECIAL HEARING TO ALLOW THE CONSTRUCTION OF AN ACCESSARY STRUCTURE (BARN) WITHOUT THE EXISTENCE OF A PRIMARY STRUCTURE ON THE SUBJECT PROPERTY. AMENDED
VARIANCES 1. TO PERMIT A HEIGHT OF 22 FEET FOR THE ACCESSARY STRUCTURE (BARN) IN LIEU OF THE REQUIRED 15 FEET
2. TO PERMIT AN ACCESSARY STRUCTURE (BARN) TO BE LOCATED IN THE SIDE AND REAR OF THE PROPOSED DWELLING IN LIEU OF THE REQUIRED REAR YARD.
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

Peeks 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

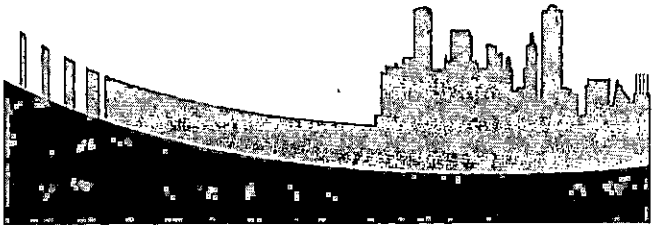
DATE & TIME: Thursday September 6, 2018 11:00 AM

REQUESTS: SPECIAL HEARING TO ALLOW THE CONSTRUCTION OF AN ACCESSARY STRUCTURE (BARN) WITHOUT THE EXISTENCE OF A PRIMARY STRUCTURE ON THE SUBJECT PROPERTY. ** BEING AMENDED*
VARIANCES 1. TO PERMIT A HEIGHT OF 22 FEET FOR THE *TO 29'*
ACCESSARY STRUCTURE (BARN) IN LIEU OF THE REQUIRED 15 FEET
2. TO PERMIT AN ACCESSARY STRUCTURE (BARN) TO BE LOCATED IN THE SIDE AND REAR OF THE PROPOSED DWELLING IN LIEU OF THE REQUIRED REAR YARD.

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



CERTIFICATE OF POSTING

August 17, 2018 (amended _____)

Re:
Zoning Case No. 2019-0003-A
Legal Owner: CR of Maryland, LLC
Hearing date: September 10, 2018

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 two necessary signs required by law were posted conspicuously on the property located at **926 Ellendale Drive.**

The signs were posted on **August 17, 2018.**

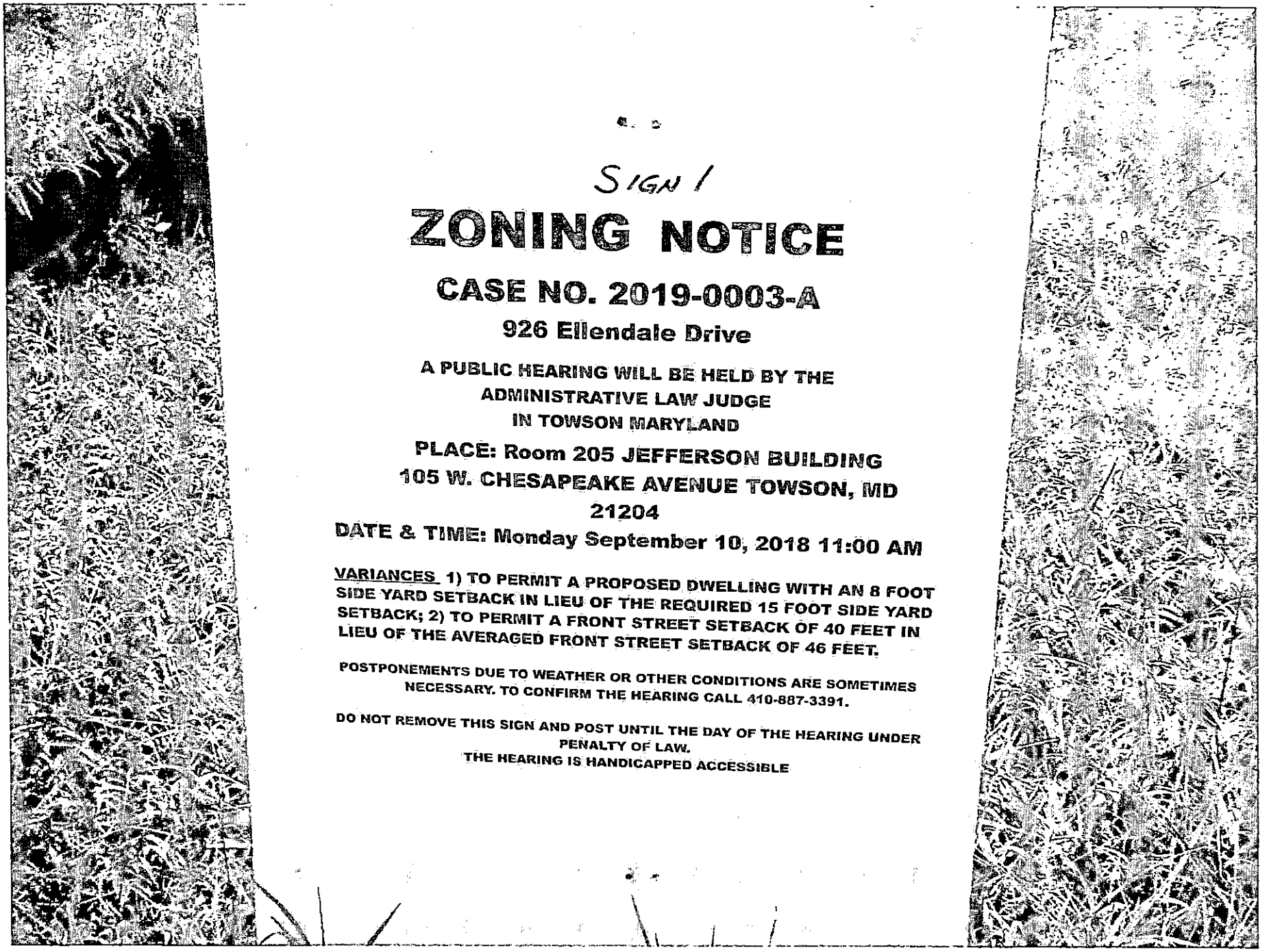
The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



SIGN 1

ZONING NOTICE

CASE NO. 2019-0003-A

926 Ellendale Drive

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

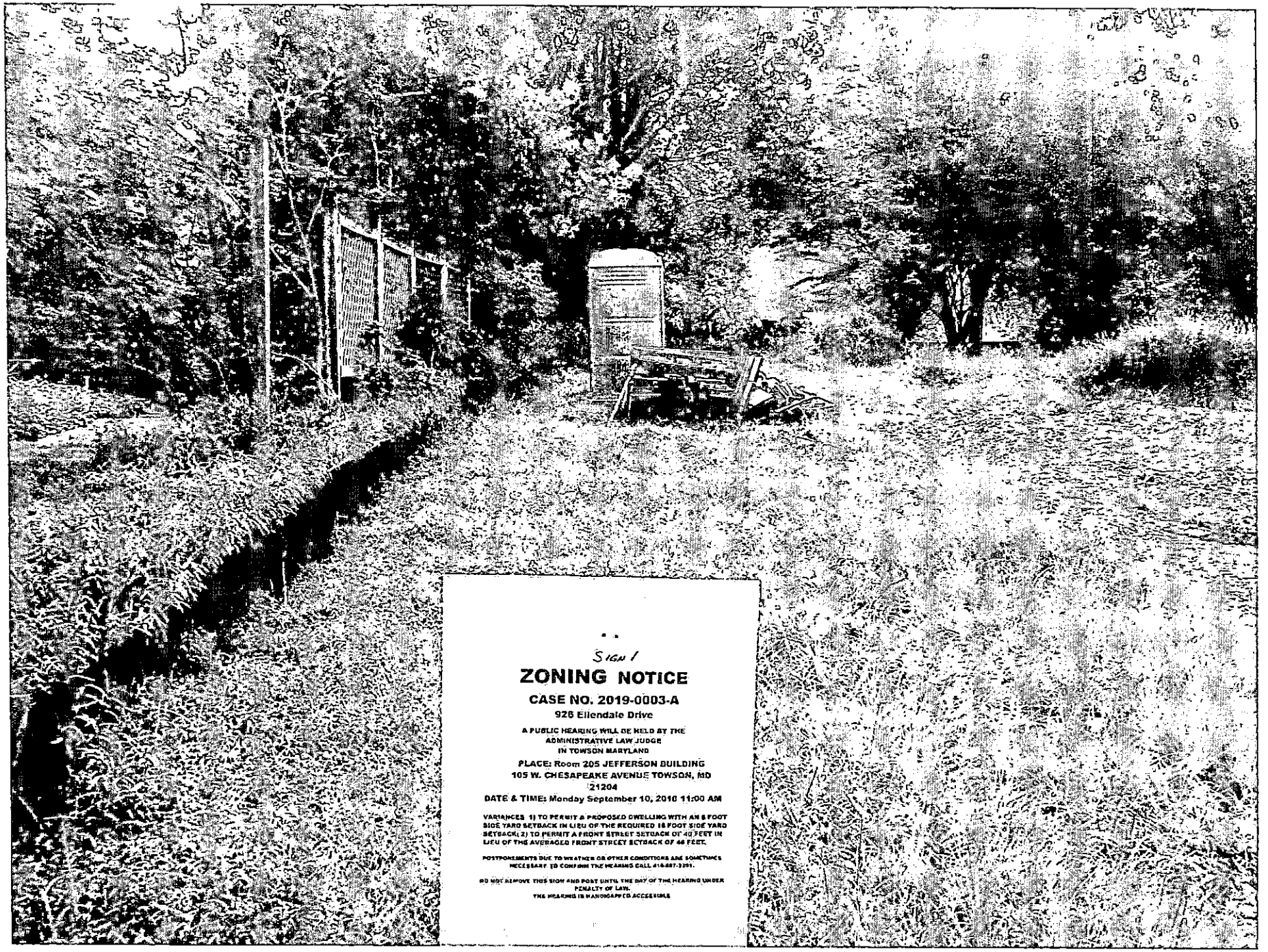
PLACE: Room 205 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday September 10, 2018 11:00 AM

VARIANCES 1) TO PERMIT A PROPOSED DWELLING WITH AN 8 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 15 FOOT SIDE YARD SETBACK; 2) TO PERMIT A FRONT STREET SETBACK OF 40 FEET IN LIEU OF THE AVERAGED FRONT STREET SETBACK OF 46 FEET.

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


Sign 1
ZONING NOTICE
CASE NO. 2019-0003-A
926 Ellendale Drive
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: Monday September 10, 2018 11:00 AM
VARIANCES 1) TO PERMIT A PROPOSED DWELLING WITH AN 8 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 18 FOOT SIDE YARD SETBACK; 2) TO PERMIT A FRONT STREET SETBACK OF 40 FEET IN LIEU OF THE AVERAGED FRONT STREET SETBACK OF 46 FEET.
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

SIGN 2

ZONING NOTICE

CASE NO. 2019-0003-A

926 Ellendale Drive

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: Monday September 10, 2018 11:00 AM

VARIANCES 1) TO PERMIT A PROPOSED DWELLING WITH AN 8 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 15 FOOT SIDE YARD SETBACK; 2) TO PERMIT A FRONT STREET SETBACK OF 40 FEET IN LIEU OF THE AVERAGED FRONT STREET SETBACK OF 46 FEET.

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

SIGN 2
ZONING NOTICE
CASE NO. 2018-0003-A
926 Ellendale Drive
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: Monday September 10, 2018 11:00 AM
VARIANCES 1) TO PERMIT A PROPOSED DWELLING WITH AN 8 FOOT
SIDE YARD SETBACK IN LIEU OF THE REQUIRED 15 FOOT SIDE YARD
SETBACK; 2) TO PERMIT A FRONT STREET SETBACK OF 40 FEET IN
LIEU OF THE AVERAGED FRONT STREET SETBACK OF 42.1 FEET.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONDUCT THE HEARING FAIRLY AND JUSTLY.
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING EITHER
BY ORDER OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE.

DONALD I. MOHLER III
County Executive

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

August 8, 2018

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: 2019-0002-SPHA
18827 Spooks Hill Road
NW/s of Spooks Hill Road, 1, 717 ft. SW from centerline of Rayville Road
6th Election District – 3rd Councilmanic District
Legal Owners: Vincent & Alison DeAugustino

Special Hearing to allow the construction of an accessory structure (barn) without the existence of a primary structure on the subject property. Variance to permit a height of 22 ft. for the accessory structure (barn) in lieu of the required 15 ft., to permit an accessory structure (barn) to be located in the side and rear of the proposed dwelling in lieu of the required rear yard.

Hearing: Thursday, September 6, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. DeAugustino, 56 South Third Street, New Freedom PA 17349
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 17, 2018.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Thursday, August 16, 2018 - Issue

Please forward billing to:
Vincent DeAugustino 717-476-0792
56 South Third Street
New Freedom, PA 17349

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: 2019-0002-SPHA
18827 Spooks Hill Road
NW/s of Spooks Hill Road, 1, 717 ft. SW from centerline of Rayville Road
6th Election District – 3rd Councilmanic District
Legal Owners: Vincent & Alison DeAugustino

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Hearing: Thursday, September 6, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 18827 Spooks Hill Road; NW/S Spooks Hill Road; 1717' SW of c/line of Rayville Road 6th Election & 3rd Councilmanic Districts Legal Owner(s): Vincent & Alison DeAugustino Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY	
	*	2019-002-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.

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 16th day of July, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 16 2018

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2019-0002-SPHA

Property Address: 18827 Spooks Hill Road

Property Description: 41 acre parcel on west side of Spooks Hill Road

Legal Owners (Petitioners): Vincent M. DeAugustino & Alison C. DeAugustino

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Vincent M. DeAugustino

Company/Firm (if applicable): N/A

Address: 56 South Third Street
New Freedom PA 17349

Telephone Number: 717-476-0792

Revised 5/20/2014

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

No: 170305

Date: 7/3/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	506	10005		6150				150.00

Total: 150.00

Rec From: BRUCE DOAK

For: Petition for Special Hearing & Variance
15827 Sparks Hill Rd
CASE # 2019-0002-SPHA

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/03/2018	7/03/2018	09:57:13	1

REG WS01 WALKIN LJR
RECEIPT # 792886 7/03/2018 OFLN
5 - 528 ZONING VERIFICATION
NO. 170305
Rcpt Tot: $150.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

DONALD I. MOHLER III
County Executive

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

August 30, 2018

Vincent M & Alison C DeAugustino
56 South Third Street
New Freedom PA 17349

RE: Case Number: 2019-0002 SPHA, Address: 18827 Spooks hill Road

Dear Mr. & Ms. DeAugustino:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 3, 2018. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

Date: 7/16/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0002-SPHA
Special Hearing, Variance
Vincent M. & Alison C. DeAugustino
18827 Spooks Hill 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,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

9-6

RECEIVED
JUL 18 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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: July 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0002-SPHA
Address 18827 Spooks Hill Road
(DeAgustino Property)

Zoning Advisory Committee Meeting of **July 23, 2018**.

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

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Environmental Impact Note #4 must be removed from the plan accompanying the zoning petition, as it is untrue. All proposed construction or other development activity must comply with the approved forest conservation plan (FC 14-038) for the Calhoun Property minor subdivision.

Reviewer: Glenn Shaffer

4-6

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/23/2018

RECEIVED
AUG 28 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-002

INFORMATION:

Property Address:	18827 Spooks Hill Road
Petitioner:	Vincent M. DeAugustino, Alison DeAugustino
Zoning:	RC 2
Requested Action:	Variance, Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law judge should approve the construction of an accessory structure (barn) without the existence of a primary structure on the subject property. The Department also reviewed the petition for variance to the accessory structure with a height of 22 feet to be located in the side and rear yard of a proposed dwelling in lieu of the required 15 feet and rear yard respectively.

Spooks Hill Road is a Baltimore County scenic route and State of Maryland designated Mason and Dixon scenic route. The Baltimore County Comprehensive Manual of Development Policies (CMDP) establishes an approval process for development on a scenic route.

The Department can support granting the petitioned zoning relief upon the petitioners successfully addressing the following:

- The accessory structure shall not be used for commercial or principal residential purposes.
- Provide to the contact person listed below a plan addressing all requirements listed on page 185 of the CMDP.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/
c: Joseph Wiley
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-6

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/23/2018

RECEIVED
AUG 28 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

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Lloyd T. Moxley

Division Chief:
Jenifer G. Nugent

AVA/JGN/LTM/
c: Joseph Wiley
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/7/18
By

s:\planning\dev rev\zac\zacs 2019\19-002.docx

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 10, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2018
Item No. 2018-0345-SPHA, 2019-0001-A, 0002-SPHA, 0003-A, 0004-A, 0005-SPHA, 0008-A, 0009-A and 0010-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/23/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

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Case Number: 19-002

INFORMATION:

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AVA/JGN/LTM/
c: Joseph Wiley
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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Additional Comments:

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Reviewer: Glenn Shaffer

Case No.: 2019-0002-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	Barn Elevations	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLEASE PRINT CLEARLY

CASE NAME DeAugustino Property
CASE NUMBER 2019-0002-A
DATE 9/06/18

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Bruce E. Doak	3801 Baker Schoolhouse Road	Freeland MD 21053	
Bruce E. Doak Consulting		BDoak@BruceEDoakConsulting.com	
Vincent M. DeAugustino	56 South 3rd St	New Freedom, PA 17349	DeAugustino@Comcast.net

CASE NO. 2019-0002-SPHA

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
8/10	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No Comment
7/18	DEPS (if not received, date e-mail sent _____)	Comment
_____	FIRE DEPARTMENT	_____
8/23	PLANNING (if not received, date e-mail sent _____)	Comment
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2012-0207-SPHA)

NEWSPAPER ADVERTISEMENT	Date:	8/16/18	Daily Record
SIGN POSTING (1st)	Date:	8/17/18	by Dack
SIGN POSTING (2nd)	Date:	9/3/18	by Dack

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

Tax Exempt:	**Special Tax Recapture:**		
Exempt Class:	AGRICULTURAL TRANSFER TAX		
Account Identifier:	**District - 06 Account Number** - 0603000050		

Owner Information

Owner Name:	DEAUGUSTINO VINCENT MICHAEL DEAUGUSTINO ALISON COLLEEN	**Use:** **Principal Residence:**	AGRICULTURAL NO
Mailing Address:	56 S THIRD ST NEW FREEDOM PA 17349-	**Deed Reference:**	/39429/ 00410

Location & Structure Information

Premises Address:	18827 SPOOK HILL RD PARKTON 21120-	**Legal Description:**	44.275 AC WS SPOOK HILL RD 1650 FT NE RAYVILLE RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0016	0003	0001		0000				2017	Plat Ref:

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			44.2750 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	105,700	105,700		
Improvements	3,000	3,000		
Total:	108,700	108,700	108,700	108,700
Preferential Land:	6,700			6,700

Transfer Information

Seller: CALHOUN JOHN L	**Date:** 09/21/2017	**Price:** $500,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /39429/ 00410	**Deed2:**
Seller: CALHOUN JOHN L	**Date:** 10/10/2014	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35455/ 00007	**Deed2:**
Seller: CALHOUN CHARMINE AG USE 83-84	**Date:** 05/09/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06444/ 00365	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:	**Special Tax Recapture:**

Exempt Class:	AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application	**Date:**

JB 4-1712

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
W/side of Spooks Hill Road; 1,710' NW of Rayville Road	*	OFFICE OF ADMINISTRATIVE
(18827 Spooks Hill Road)	*	HEARINGS FOR
6th Election District		
3rd Council District	*	BALTIMORE COUNTY
John Calhoun		
Petitioner	*	**CASE NO. 2012-0207-SPHA**

* * * * * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, John Calhoun. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To abandon the special exception in Case No. 1949-1411-X approved for use as a social club (gun and hunting club);
- To permit the non-density transfer of a 3.869 acre parcel to an adjoining property owned by John L. Calhoun;
- To permit the non-density transfer of a 1.053 acre parcel to an adjoining property owned by John L. Calhoun, and
- To permit the non-density transfer of a 0.730 acre parcel to an adjoining property (18801 Spooks Hill Road) owned by John L. Calhoun.

The Petitioner also seeks variance relief from Section 1A01.3.B.3 of the B.C.Z.R., to permit a side yard setback of 0' in lieu of the required 35' on the original 1.017 acre parcel. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Petitioner John Calhoun and Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the registered professional land surveyors who

prepared the site plan. Jeffrey Livingston, with the Department of Environmental Protection and Sustainability, attended the hearing and testified as to certain concerns identified by his agency. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is zoned RC 2, and in the aggregate contains over 50 acres. The land has been owned by Petitioner's family for many years, and 1 acre lots were created in 1954 and 1955. The property is bounded on three sides by Prettyboy Reservoir, and is approximately 60-70% wooded. Petitioner indicated he wanted to complete the non-density transfers to "clean up" the configuration and layout of the existing lots. Specifically, Petitioner desires to create one large lot (approximately six acres) by transferring two parcels into the existing 1.017 acre lot on the east side of Spooks Hill Road. Petitioner desires to transfer the 0.730 acre parcel into the existing 1.000 acre lot (which contains a single story dwelling) to provide a "buffer" of sorts between that dwelling and the farm fields adjacent thereto, so that corn or other crops are not positioned close to the front of the home.

Consideration of the request for special hearing is complicated by the fact that neither the Baltimore County Code or the Baltimore County Zoning Regulations contain regulations addressing the matter. Apparently, there is but a brief reference in the Zoning Commissioner's Policy Manual (pg. 1A-3), and the bottom line is that such transfers "may" be granted provided the "end result" does not create additional density or lots. In this case, Mr. Livingston indicated the Department of Environmental Protection and Sustainability did not oppose the relief, provided

that no additional lots are thereafter created on the parcels transferred. I am satisfied that the Department of Environmental Protection and Sustainability has thoroughly evaluated this request, and will therefore grant the relief, subject to the conditions enumerated below.

Based on the evidence presented, I also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the subject property is rural and very remote, and is mostly wooded. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of community opposition and the support of the Department of Environmental Protection and Sustainability.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this **19th** day of April, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To abandon the special exception in Case No. 1949-1411-X approved for use as a social club (gun and hunting club);
- To permit the non-density transfer of a 3.869 acre parcel to an adjoining property (containing 1.017 acres +/-) owned by John L. Calhoun as shown on Petitioner's Exhibit 1;
- To permit the non-density transfer of a 1.053 acre parcel to an adjoining property (containing 1.017 acres +/-) owned by John L. Calhoun as shown on Petitioner's

Exhibit 1, and

- To permit the non-density transfer of a 0.730 acre parcel to an adjoining property (containing 1.000 acres +/-) (known as 18801 Spooks Hill Road) owned by John L. Calhoun as shown on Petitioner's Exhibit 1,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the B.C.Z.R., to permit a side yard setback of 0' in lieu of the required 35' on the original 1.017 acre parcel, be and is hereby GRANTED.

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

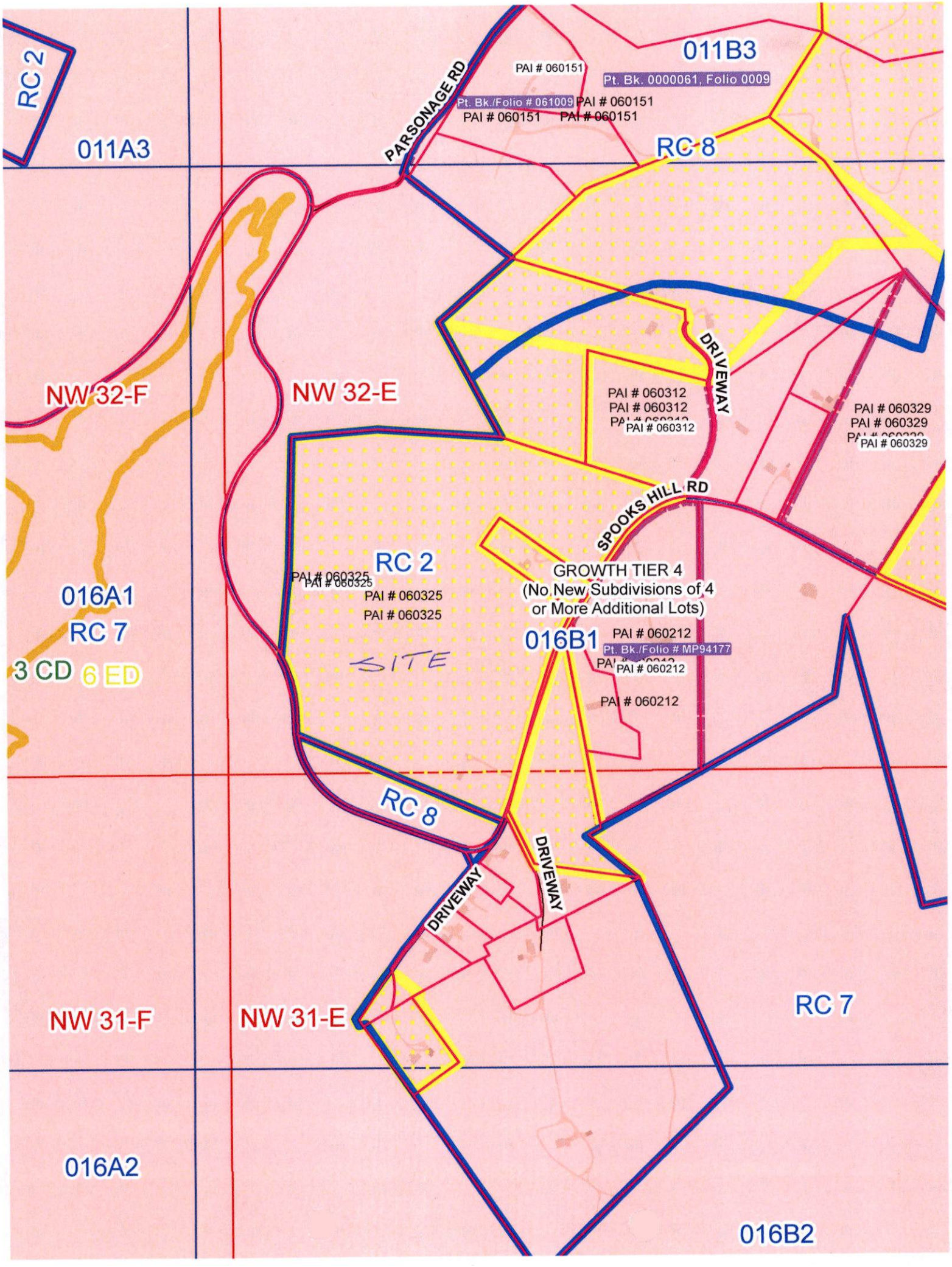
1. The Petitioner may apply for any required building permits and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

2. There shall be no rights of subdivision or development associated with the non-density transfers approved in this Order. In other words, there shall be no additional density or building lots created as a result of the approval of the special hearing relief. None of the three (3) non-density parcels transferred herein, nor the 1.000 acre, +/- (known as 18801 Spooks Hill Road) and 1.017 acre, +/- (identified as parcel 2 on Tax Map 16, Account Identifier 0615005050) parcels into which the non-density parcels were transferred, shall hereafter be subdivided in any fashion.

3. Within one hundred twenty (120) days of the date of this Order, new Deeds shall be recorded in the Land Records of Baltimore County referencing this case and incorporating the conditions and restrictions of this Order.

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz


RC 2
011A3
011B3
PAI # 060151
Pt. Bk. 0000061, Folio 0009
Pt. Bk./Folio # 061009
PAI # 060151
PAI # 060151
PAI # 060151
PARSONAGE RD
RC 8
NW 32-F
NW 32-E
DRIVEWAY
PAI # 060312
PAI # 060312
PAI # 060312
PAI # 060329
PAI # 060329
PAI # 060329
SPOOKS HILL RD
RC 2
PAI # 060325
PAI # 060325
PAI # 060325
PAI # 060325
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
016A1
RC 7
3 CD
6 ED
016B1
PAI # 060212
Pt. Bk./Folio # MP94177
PAI # 060212
PAI # 060212
SITE
RC 8
DRIVEWAY
DRIVEWAY
NW 31-F
NW 31-E
RC 7
016A2
016B2

GENERAL NOTES:

1. Ownership: Vincent M. & Allson C. DeAugustino
   56 S. Third Street New Freedom, PA 17349
2. Address: 18827 Spooks Hill Road 41.6238 Acres
   Parkton, MD 21120
3. Deed reference: JLE 39429/ 410
4. Tax Map / Parcel / Tax account #: 16 / 001 / 06-03-000050 (44.275 acres SDAT)
5. ADC Map: 4119E8 Position Sheet: 126NW20
6. Zoning: R.C. 2 GIS & Zoning Map: 016B1
7. Previous zoning cases:
   #1949-1411-X Special exception for the use as a social club (gun and hunting club)-approved
   #73-21-X Special exception for a shooting range and outdoor recreation club- denied
   #2012-0207-SPHA Special hearing for the abandonment of case 1949-1411-X and non-density
   Transfers- approved
8. Census tract: 406000 Councilmanic District: 3
9. Regional Planning Dist: Hereford/ Maryland Line Regional Planning District: 301
   Watershed: Prettyboy Reservoir School District: 165 The boundary shown hereon is from a survey by Gerhold Cross & Etzel, Ltd. All other information shown hereon was taken from Baltimore County GIS tile 016B1 and the information provided by Baltimore County on the internet.
10. Improvements: Vacant
11. The subject property is not in a historic district.
12. The proposed dwelling and barn will be served by a private well and septic system.
13. There are no underground storage tanks on the subject property.
14. All wells and septic systems within 100' of the subject property have been field located.
15. The subject property is not in the Chesapeake Bay Critical Area.

Density Calculations for R.C. 2

Gross area:	41.6238 acres
Highway widening:	0 acres
Net area:	41.6238 acres
Lots permitted:	2 (the subject property was created prior to 1979)
Lots proposed:	1

This property as shown on the plan has been held intact since prior to 1979. The developer's surveyor has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density ore area to support any off-site dwellings.

R.C. 2 Setbacks for Residential Single Family Dwellings

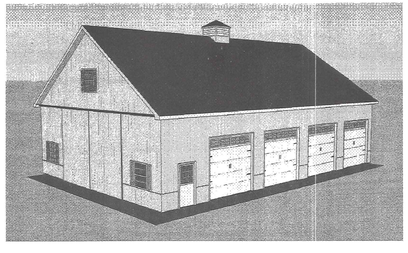
Front: 75 feet from the centerline of any street or road
Side / Rear: 35 feet from any lot line other than a street or road line

PROPOSED DEVELOPMENT

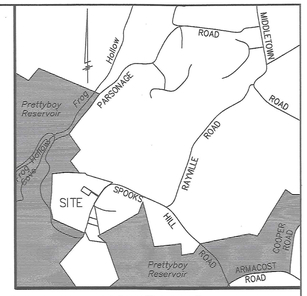
To construct a dwelling and barn on the subject property

ENVIRONMENTAL IMPACT

1. The existing septic system was backfilled in 2017
2. The existing well that was in the razed house was backfilled in 2017.
3. Perc testing was performed and approved in 2012 by Baltimore County.
4. A single lot declaration of intent will be submitted to Baltimore County to meet the Forest Conservation Act requirements.



POSSIBLE BARN ELEVATION



VICINITY MAP
1" = 2000'

MARYLAND COORDINATE SYSTEM NAD 83/91

E 1,390,750 N 719,750 E 1,392,500 N 719,750

MAYOR AND CITY COUNCIL OF BALTIMORE RC 7 RC 2

S83°56'30"W 380.73'

N87°11'40"W 547.94'

STANLEY A. SOHN
KAREN P. COHN
L.H.K. Jr. 6757/395
18751 SPOOKS HILL ROAD
06-14-005075

N36°11'40"W 59.14'±

JOSEPH LOUIS BAGGETT, JR.
CATHERINE BAGGETT
S.M. 17611/567
06-07-047070

N72°55'11"W 761.28'

ZONING POINT OF BEGINNING

N54°56'51"E 274.05'

S30°27'11"W 548.72'

59.00'

120.00'

S26°07'58"E 498.40'

N33°52'01"E 150.00'

GERALDINE C. AUCHINCLOSE
18801 SPOOKS HILL ROAD
1.730 Ac.±

N56°07'58"W 258.40'

2 STORY FRAME DWELLING

EX. WELL

S33°52'02"W 100.00'

NON-DENSITY TRANSFER PARCEL D 0.750 Ac.±

S56°07'58"E 248.40'

N55°07'58"W 241.08'

S55°59'18"E 384.63'

WILLIAM A. MATTHEWS
JUDY C. MATTHEWS
S.M. 12074/566
18750 SPOOKS HILL ROAD
22-00-028638

SPOOKS HILL ROAD

N 16°36'42" E 433.35'

N77°21'28"E 334.67'

APPROVED 10,000 SQ. FT. SEPTIC RESERVE AREA

DRIVEWAY

PROPOSED DWELLING # 18827

EXISTING WELL BA-15-00-91

EXISTING WELL BA-95-4284

S17°34'30"E 164.75'

S17°34'30"E 225.30'

TIMOTHY R. MATTERSON
RHONDA H. MATTERSON
WLE. 30380/001
18800 SPOOKS HILL ROAD
06-02-020280

EX. GRA

S10°27'05"E 184.43'

N10°27'05"W 456.29'

N10°27'05"W 243.65'

S10°27'05"E 20.03'

N10°36'14"E 233.46'

S10°36'14"W 233.46'

N61°32'58"E 61.33'

N45°41'19"W 266.15'

MAYOR AND CITY COUNCIL OF BALTIMORE, MD RC 7

RC 2

PROPOSED BARN (40'x60'x22')

(WELL IN HOUSE) BACKFILLED

NON-DENSITY TRANSFER PARCEL 3.869 Ac.±

S35°59'18"E 254.18'

100'±

0' SETBACK REQUESTED

MINIMUM BUILDING SETBACK LINE

N33°34'30"W 312.70'

S56°19'06"E 971.69'

APPROVED 10,000 SQ. FT. SEPTIC RESERVE AREA
MAYOR AND CITY COUNCIL OF BALTIMORE

N31°01'54"E 41.10'

480'±

BEGIN COUNTY MAINTENANCE SIGN

S25°53'10"E 263.74'

RC 8

RC 7

N 718,000 E 1,390,750 N 718,000 E 1,392,500

N

PLAN
SCALE: 1"=100'

0' 100' 200' 300'

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

PLAN TO ACCOMPANY A ZONING PETITION

FOR

#18827 SPOOKS HILL ROAD

6th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNY, MARYLAND

Date: 6/29/18
Scale: AS SHOWN

STATE OF MARYLAND BRUCE EDWIN DOAK No. 551 REGISTERED PROPERTY LINE SURVEYOR

GENERAL NOTES:

1. Ownership: Vincent M. & Alison C. DeAugustino
   56 S. Third Street New Freedom, PA 17349
2. Address: 18827 Spooks Hill Road 41.6238 Acres
   Parkton, MD 21120
3. Deed reference: JLE 39429/ 410
4. Tax Map / Parcel / Tax account #: 16 / 001 / 06-03-000050 (44.275 acres SDAT)
5. ADC Map: 4119E8 Position Sheet: 12GNW20
6. Zoning: R.C. 2 GIS & Zoning Map: 016B1
7. Previous zoning cases:
   #1949-1411-X Special exception for the use as a social club (gun and hunting club)-approved
   #73-21-X Special exception for a shooting range and outdoor recreation club- denied
   #2012-0207-SPHA Special hearing for the abandonment of case 1949-1411-X and non-density
   Transfers- approved
8. Census tract: 406000 Councilmanic District: 3
9. Regional Planning Dist: Hereford/ Maryland Line Regional Planning District: 301
   Watershed: Prettyboy Reservoir School District: 165 The boundary shown hereon is from a survey by Gerhold Cross & Etzel, Ltd. All other information shown hereon was taken from Baltimore County GIS tile 016B1 and the information provided by Baltimore County on the internet.
10. Improvements: Vacant
11. The subject property is not in a historic district.
12. The proposed dwelling and barn will be served by a private well and septic system.
13. There are no underground storage tanks on the subject property.
14. All wells and septic systems within 100' of the subject property have been field located.
15. The subject property is not in the Chesapeake Bay Critical Area.

Density Calculations for R.C. 2

Gross area:	41.6238 acres
Highway widening:	0 acres
Net area:	41.6238 acres
Lots permitted:	2 (the subject property was created prior to 1979)
Lots proposed:	1

This property as shown on the plan has been held intact since prior to 1979. The developer's surveyor has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density ore area to support any off-site dwellings.

R.C. 2 Setbacks for Residential Single Family Dwellings

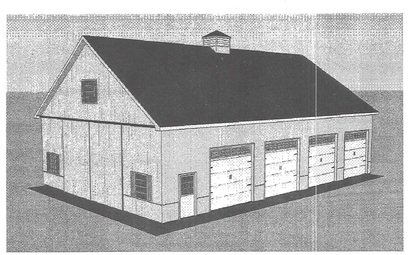
Front: 75 feet from the centerline of any street or road
Side / Rear: 35 feet from any lot line other than a street or road line

PROPOSED DEVELOPMENT

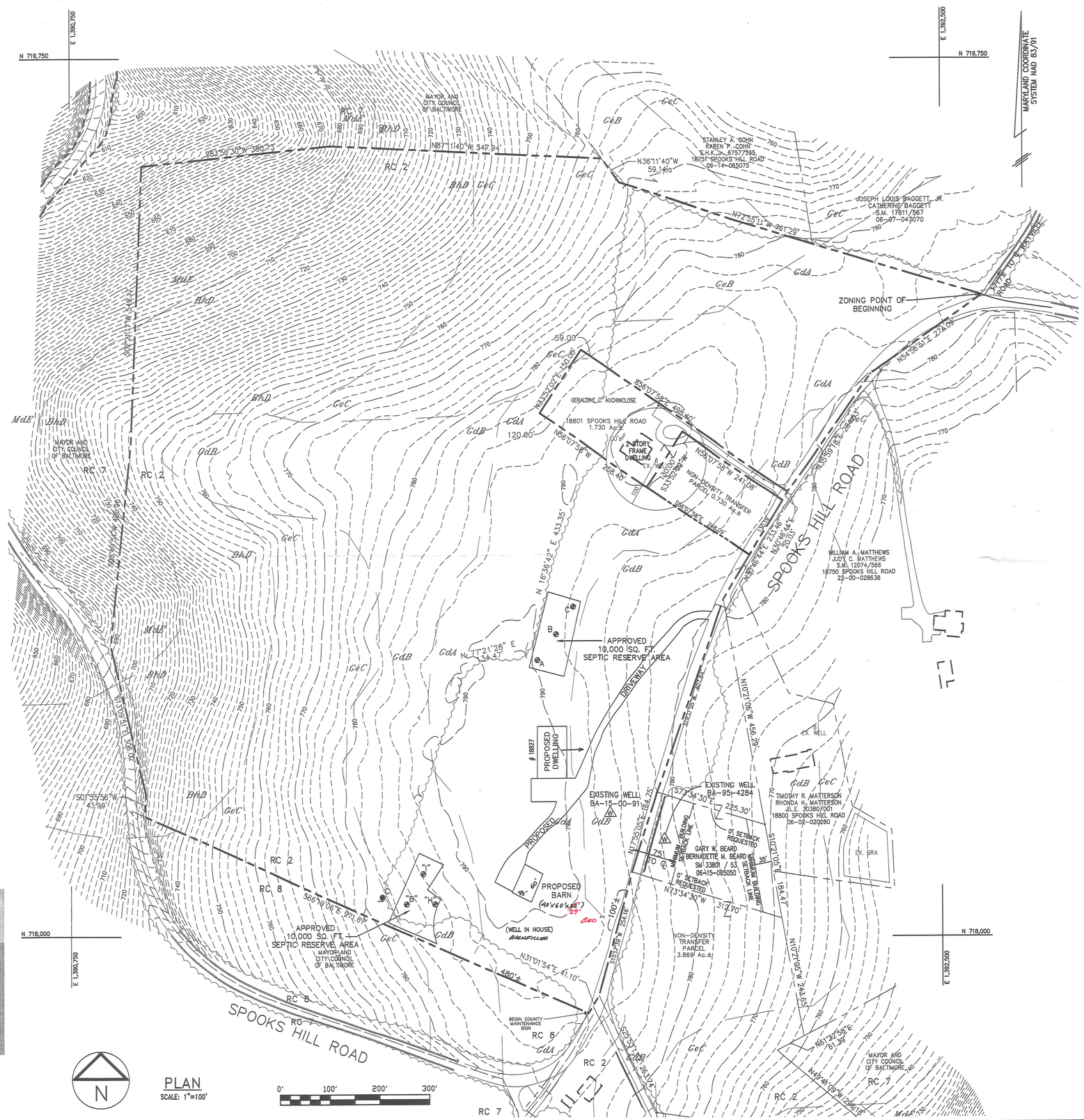
To construct a dwelling and barn on the subject property

ENVIRONMENTAL IMPACT

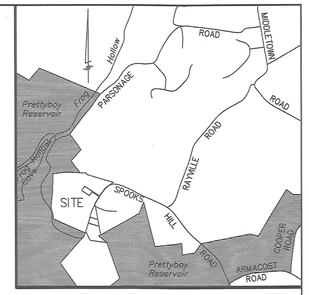
1. The existing septic system was backfilled in 2017
2. The existing well that was in the razed house was backfilled in 2017.
3. Perc testing was performed and approved in 2012 by Baltimore County.
4. A single lot declaration of intent will be submitted to Baltimore County to meet the Forest Conservation Act requirements.



POSSIBLE BARN ELEVATION



PLAN
SCALE: 1"=100'



VICINITY MAP
1" = 2000'

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bdoak@brucedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION

FOR

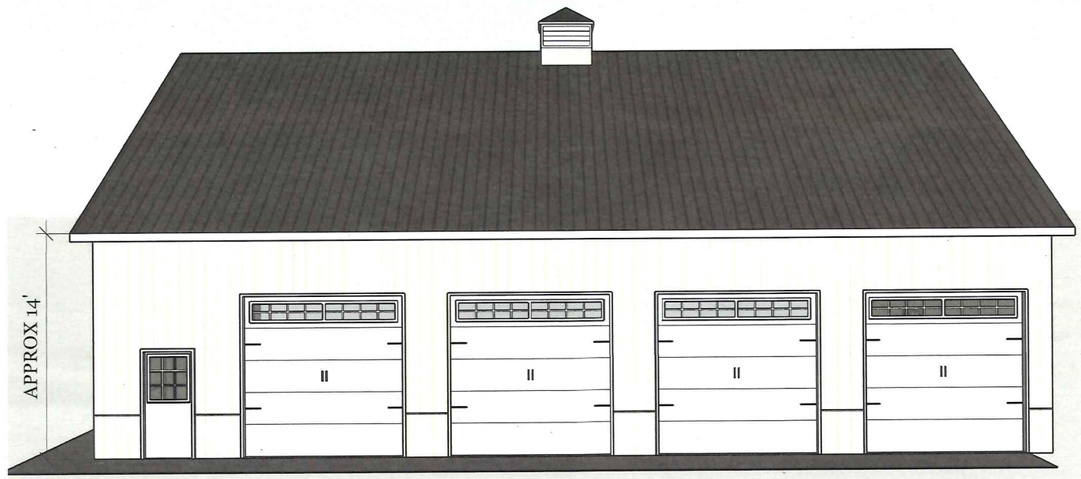
#18827 SPOOKS HILL ROAD

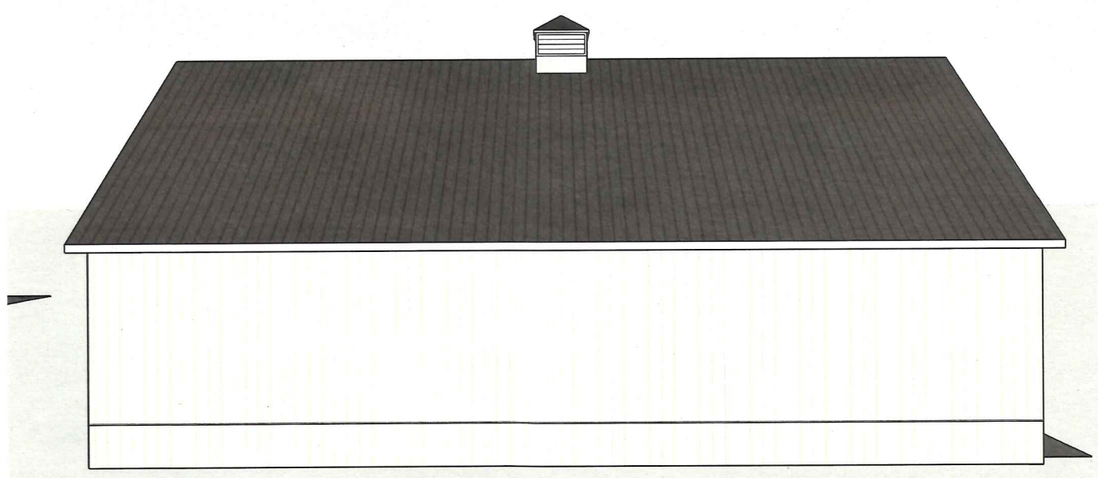
6th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNY, MARYLAND

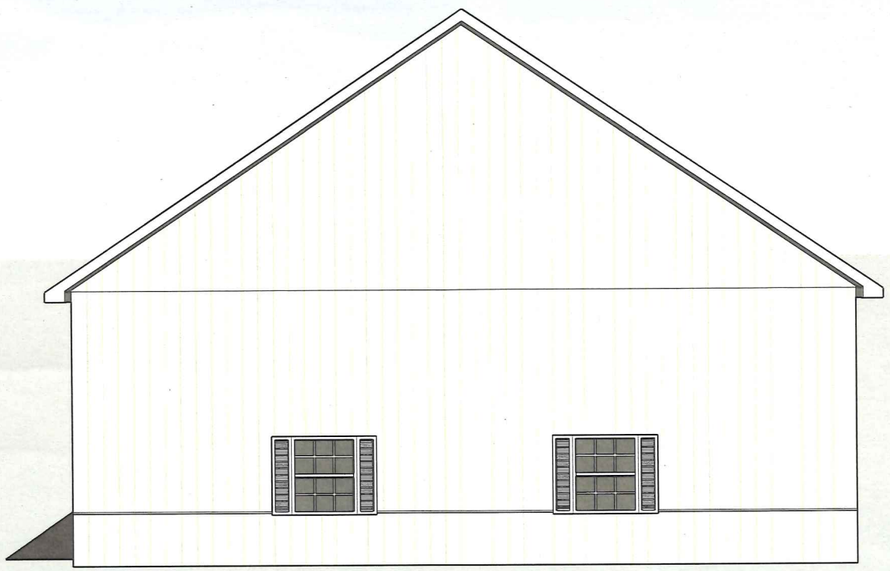
STATE OF MARYLAND BRUCE EDWIN DOAK NO. 651 REGISTERED PROPERTY LINE SURVEYOR

Date: 6/29/18
Scale: AS SHOWN

PET. 1







Vincent DeAugustino
18827 Spooks Hill Rd
Parkton MD

CONESTOGA® BUILDINGS

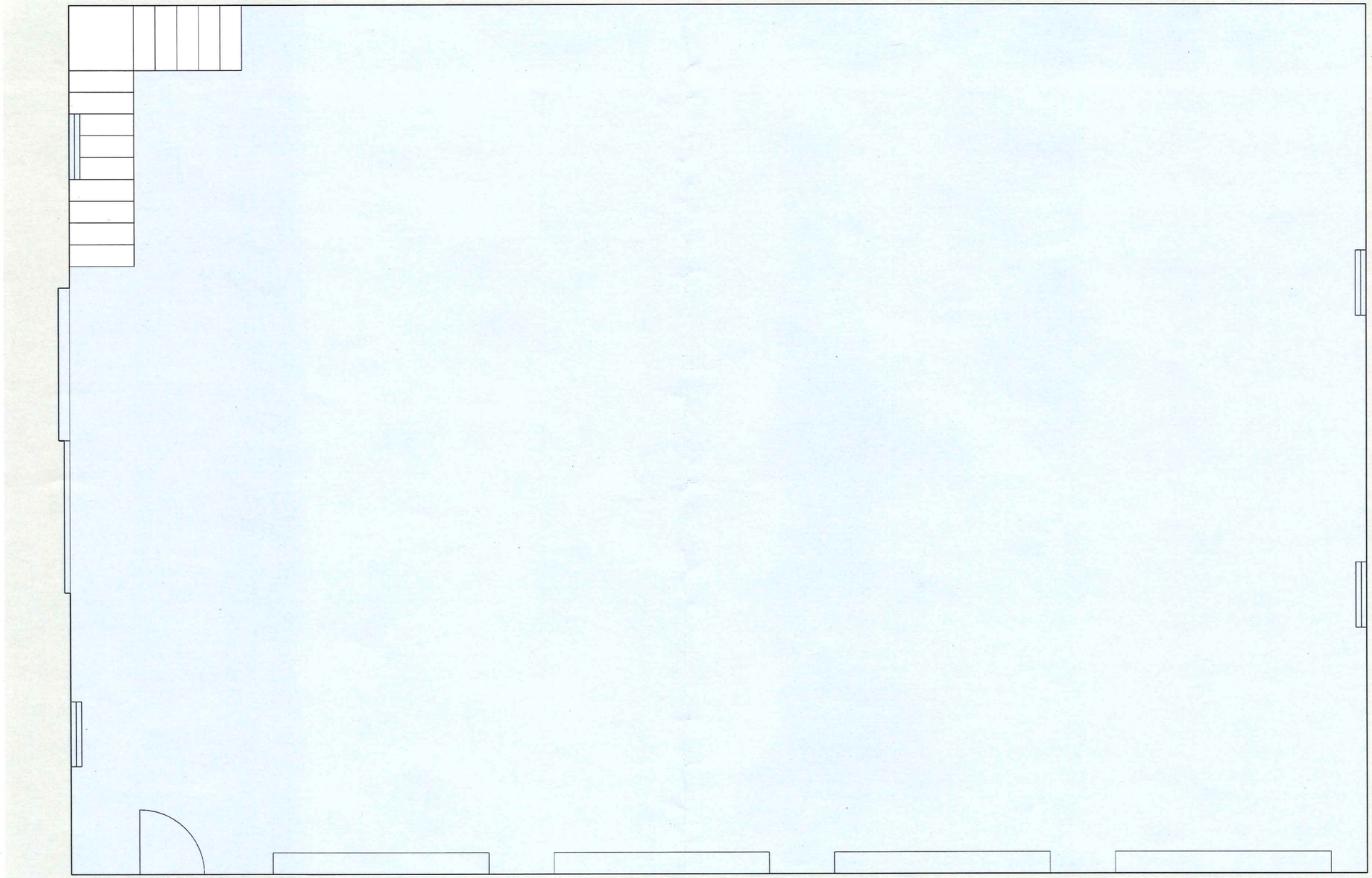
PRELIMINARY

	MM/DD/YY	
1	__/__/__	...
2	__/__/__	...
3	__/__/__	...
4	__/__/__	...
5	/ /	...

PETITIONER'S

EXHIBIT NO. 2

A 01



Vincent DeAugustino
18827 Spooks Hill Rd
Parkton MD

CONESTOGA®
BUILDINGS

PRELIMINARY

REVISIONS

	MM/DD/YY	REMARKS
1	__/__/__	...
2	__/__/__	...
3	__/__/__	...
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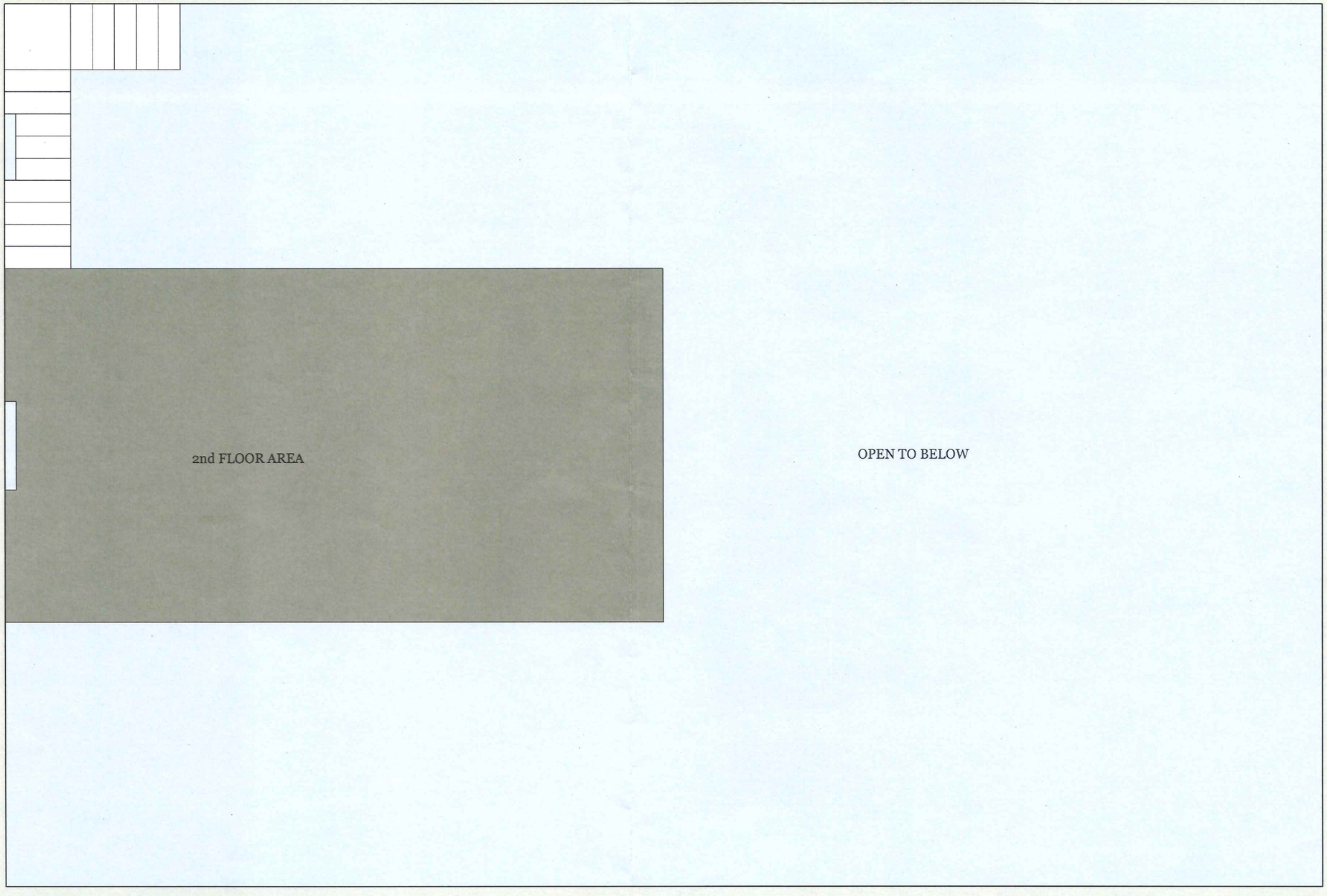
A 04



Vincent DeAugustino
18827 Spooks Hill Rd
Parkton MD

CONESTOGA® BUILDINGS

PRELIMINARY

REVISIONS

	MM/DD/YY	REMARKS
1	__/__/__	...
2	__/__/__	...
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5	/ /	...

A 05