

M E M O R A N D U M

DATE: January 22, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0108-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 18, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(19675 Eagle Mill Road)

6th Election District

3rd Council District

Eleanor Hardy

Legal Owner

Michael & Heather Brenner

Contract Purchasers

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0108-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Eleanor Hardy, legal owner of the subject property and Michael & Heather Brenner, contract purchasers ("Petitioners"). Petitioners are requesting variance relief from Sections 1A09.7.B.5.b(1)(a) and 400.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to allow a proposed dwelling with a right side yard setback of 140 feet and a rear yard setback of 115 to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability; and (2) to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location. A site plan was marked as Petitioners' Exhibit 1.

Michael Brenner and surveyor Geoff Schultz appeared in support of the petition. Clay Seitz (a neighbor), who was represented by Gary Graham, Esq., opposed the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the requests.

The site is approximately 2.210 acres in size and is zoned RC-8. The property is unimproved and Petitioners propose to construct a single-family dwelling on the lot. Given the

ORDER RECEIVED FOR FILING

Date

12/19/18

By

Sen

300' setback imposed in the RC-8 (Environmental Enhancement) zone, variance relief is required before a dwelling can be constructed on the lot.

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 unique aspect of the property is its RC-8 zoning, which is a seldom seen zoning classification. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a dwelling on the lot. 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.

The reality is that if a variance is not granted a dwelling could not be built on this lot, which could arguably constitute a taking or forfeiture. In any event, it would deny the Petitioners a reasonable use of their land and a return on their investment. The question concerns the magnitude of relief required to enable a home to be constructed at the site.

Maryland law requires that a petitioner seeking a variance must prove the request is the minimum reasonably necessary to overcome the exceptional circumstances or practical difficulties caused by the zoning ordinance. *Montgomery County v. Rotwein*, 169 Md. App. 716 (2006). In this regard, I believe the proposed home shown on the original (signed and sealed by Mr. Schultz on October 3, 2018) and amended (as forwarded via e-mail to the undersigned on December 13, 2018) site plans should be relocated north and east on the lot so the structure is as far as possible from the adjacent farm. This is the intent of the RC-8 setbacks and they should be honored to the

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Date 12/19/18
By Sen

extent practicable.

THEREFORE, IT IS ORDERED, this 19th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR Section 1A09.7.B.5.b(1)(a) to allow a proposed dwelling with a right side (as one faces the front of the proposed home) yard setback of 160 feet and a rear yard setback of 150 feet to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability, be and is hereby GRANTED.

IT IS FURTHER ORDERED the Petition for Variance pursuant to BCZR Section 400.1 to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location, be and is hereby DENIED.

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.

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 12/19/18
By slh



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 19675 Eagle Mill Rd which is presently zoned RC-8
Deed References: 05711 / 00001 10 Digit Tax Account # 1700009723
Property Owner(s) Printed Name(s) HARDY ELEANOR MERRYMAN

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

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

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

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

3. ☒ a **Variance** from Section(s)

See Attached

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

TO BE PRESENTED AT 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:

Michael Brenner **Heather Brenner**
Name- Type or Print
Michael Brenner *Heather Brenner*
Signature
444 Rolling Road **Salisbury** **MD**
Mailing Address City State
21801 **443-783-1039** **mibrenner@gmail.com**
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):

Willson Hardy POA for Eleanor Hardy
Name #1 - Type or Print Name #2 - Type or Print
Willson Hardy, POA dollop verified 10/04/18 6:48PM EDT HECK-FP2A-CDVT-D4BE
Signature #1 Signature #2
2829 Connecticut Ave NW **Washington, DC**
Mailing Address City State
20008 **301-758-3233** **rwh2829@aol.com**
Zip Code Telephone # Email Address

Representative to be contacted:

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

CASE NUMBER 2019-0100-A Filing Date 10/4/18 Do Not Schedule Dates: Reviewer JS

ATTACHMENT 1 TO PETITION FOR ZONING RELIEF

19675 Eagle Mill Rd

6th Election District

3rd Council District

Request a variance from BCZR § 1A09.7.B(5)(b)(1)(a):

1. To allow a proposed dwelling with a right side yard setback of 140 feet and a rear yard setback of 115 feet to an adjacent property that is used for pasture, in lieu of the required 300 feet for both as determined by the Director of Environmental Protection and Sustainability; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County

Request a variance from BCZR § 400.1:

3. To permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location.

2019-0108-A

ZONING DESCRIPTION

19675 Eagle Mill Rd

6th Election District

3rd Council District



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarislc.com

Zoning Description of
19675 Eagle Mill Road
6th Election District
3rd Councilmanic District
Baltimore County, MD

Beginning at a point on the East side of Eagle Mill Road, at the distance of 1200 feet more or less Northeast of the center of Walker Road, thence running 1) S 80° 00' 14" E 170.00 feet, 2) S 18° 20' 14" E 240.00 feet, 3) N 71° 39' 46" E 331.00 feet, 4) N 18° 20' 14" W 276.68 feet, 5) S 71° 39' 46" W 334.90 feet, and 6) N 80° 00' 14" W 153.66 feet to the East side of Eagle Mill Road, thence running along the East side of said road, 7) S 01° 35' 13" E 30.77 feet to the point of beginning.

Containing 2.217 acres of land as recorded in deed Liber 5711 Folio 001.



2019-0108-A

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
19675 Eagle Mill Road; E/S Eagle Mill Road, *
2000' NE of C/line with Walker Road * OF ADMINISTRATIVE
6th Election & 3rd Councilmanic Districts *
Legal Owner(s): Eleanor Hardy * HEARINGS FOR
by Willson Hardy, POA *
Contract Purchasers: Michael & Heather Brenner* BALTIMORE COUNTY
Petitioner(s) *
2019-108-A

* * * * *

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

RECEIVED

OCT 16 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October, 2018, a copy of the foregoing Entry of Appearance was mailed to Willson Hardy, 2829 Connecticut Avenue NW, Washington, DC 20008 and Michael & Heather Brenner, 444 Rolling Road, Salisbury, Maryland 21801, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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:

11/16/2018

Order #: 11640442
Case #: 2019-0108-A
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:



Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2019-0108-A

19675 Eagle Mill Road

E/s of Eagle Mill Road, n/e of centerline of intersection with Walker Road

6th Election District - 3rd Councilmanic District

Legal Owners: Willson Hardy POA for Eleanor Hardy

Contract Purchaser/Lessee: Michael & Heather Brenner

Variance to allow a proposed dwelling with a right side yard setback of 140 ft. and a rear yard setback of 115 ft. to an adjacent property that is used for pasture, in lieu of the required 300 ft. for both as determined by the Director of Environmental Protection and Sustainability; for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. To permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard.

Hearing: Friday, December 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

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

n16

APR 22 1968

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 01-25-2001 BY 60322 UCBAW

• *Explain the importance of the following:*

For the case of the hydrogen atom, the values of ρ_{H} for $n=1, 2, 3, 4, 5$ are $0.000105, 0.000006, 0.000002, 0.000001, 0.0000005$, respectively.

[illegible]

CERTIFICATE OF POSTING

Date: 11-17-18

RE: Case Number: 2019-0108-A

Petitioner/Developer: Brenner

Date of Hearing/Closing: Friday Dec 7, 2018 10 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 19675 Eagle Hill Rd

The signs(s) were posted on 11-17-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

(10) 2 #1

ZONING NOTICE

CASE # 2019-0108-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRI. DEC. 7, 2018 10 AM

REQUEST: VARIANCE TO ALLOW A PROPOSED DWELLING WITH
A RIGHT SIDE YARD SETBACK OF 140 FT. AND A REAR YARD SETBACK
OF 115 FT. TO AN ADJACENT PROPERTY THAT IS USED FOR PASTURE, IN LIEU
OF THE REQUIRED 300 FT. FOR BOTH AS DETERMINED BY THE DIRECTOR OF
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY, FOR SUCH OTHER
AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRA-
TIVE LAW JUDGE FOR BALTIMORE COUNTY. TO PERMIT A PROPOSED
ACCESSORY STRUCTURE (SHED) BE LOCATED IN THE FRONT YARD IN
LIEU OF THE REQUIRED REAR YARD.

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

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

HANDICAPPED ACCESSIBLE

© #2
ZONING NOTICE

CASE # 2019-0108-A

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

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRI, DEC 7, 2018 10AM

REQUEST: VARIANCE TO ALLOW A PROPOSED DWELLING
WITH A RIGHT SIDE YARD SETBACK OF 40 FT. AND A REAR YARD
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PASTURE. IN LIEU OF THE REQUIRED 300 FT FOR BOTH AS DETERMINED
BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY. FOR SUCH
OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRA-
TIVE LAW JUDGE FOR BALTIMORE COUNTY. TO PERMIT A PROPOSED ACCESSORY
STRUCTURE (SHED) BE LOCATED IN THE FRONT YARD IN LIEU OF THE RE-
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TO CONFIRM HEARING CALL 887-1391

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

HANDICAPPED ACCESSIBLE

JB 12-7-18
10Am

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Sunday, December 02, 2018 10:16 AM
To: Administrative Hearings; Madison Knoll; Michael Brenner
Subject: 2019-0108-A Recertification (19675 Eagle Mill Rd.)
Attachments: Eagle Mill Recert.pdf; DSC_0726.JPG; DSC_0727.JPG



CERTIFICATE OF POSTING

Date: 12-2-18

RE: Case Number: 2017-0108-A RECERT

Petitioner/Developer: Brenner

Date of Hearing/Closing: Fri Dec 7, 2018 10 AM



This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 19675 Eagle Hill Rd

The signs(s) were posted on RECERT 12-2-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

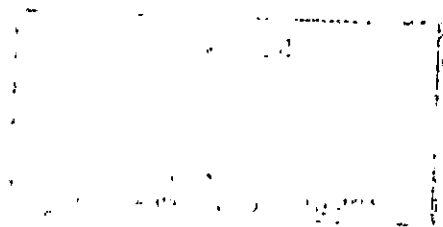
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



ZONING

CASE # 2019-0108-A

NOTICE

#1

RECEIVED
OFFICE OF HEARINGS
DEC 03 2018

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

PLACE: JEFFERSON BUILDING ROOM 205
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AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE
LAW JUDGE FOR BALTIMORE COUNTY. TO PERMIT A PROPOSED
ACCESSORY STRUCTURE (SHED) BE LOCATED IN THE FRONT YARD IN
LIEU OF THE REQUIRED REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING DATE CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



ZONING

NOTICE

CASE # 2019-0108-A

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PASTURE, IN LIEU OF THE REQUIRED 300 FT. FOR BOTH AS DETERMINED

BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY; FOR SUCH
OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRA-
TIVE LAW JUDGE FOR BALTIMORE COUNTY, TO PERMIT A PROPOSED ACCESSORY

STRUCTURE (SHED) BE LOCATED IN THE FRONT YARD IN LIEU OF THE RE-
QUIRED REAR YARD

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

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HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 12-2-18

RE: Case Number: 2019-0108-A RECERT

Petitioner/Developer: Brenner

Date of Hearing/Closing: Fri Dec 7, 2018 10 AM

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(Month, Day, Year)

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(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

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(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING

#1

CASE # 2019-0108-A

NOTICE

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IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRI. DEC 7, 2018 10 AM

REQUEST: VARIANCE TO ALLOW A PROPOSED DWELLING WITH

A RIGHT SIDE YARD SETBACK OF 140 FT. AND A REAR YARD SETBACK
OF 115 FT. TO AN ADJACENT PROPERTY THAT IS USED FOR PASTURE, IN LIEU

OF THE REQUIRED 300 FT. FOR BOTH AS DETERMINED BY THE DIRECTOR OF
ENVIRONMENTAL PROTECTION AND SUSTAINABILITY, FOR SUCH OTHER

AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRA-
TIVE LAW JUDGE FOR BALTIMORE COUNTY. TO PERMIT A PROPOSED

ACCESSORY STRUCTURE (SHED) BE LOCATED IN THE FRONT YARD IN
LIEU OF THE REQUIRED REAR YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING DATE, CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESS

ZONING NOTICE

CASE # 2019-0108-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON, MD 21204

DATE AND TIME: FRI., DEC. 7, 2018 10AM

REQUEST: VARIANCE TO ALLOW A PROPOSED DWELLING
WITH A RIGHT SIDE YARD SETBACK OF 140 FT. AND A REAR YARD
SETBACK OF 115 FT. TO AN ADJACENT PROPERTY THAT IS USED FOR

PASTURE, IN LIEU OF THE REQUIRED 300 FT. FOR BOTH AS DETERMINED
BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY, FOR SUCH

OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE
LAW JUDGE FOR BALTIMORE COUNTY TO PERMIT A PROPOSED ACCESSORY

STRUCTURE (SHED) BE LOCATED IN THE FRONT YARD IN LIEU OF THE RE-
QUIRED REAR YARD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 877-3391

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

HANDICAPPED ACCESSIBLE



DONALD I. MOHLER III
County Executive

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

October 23, 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: 2019-0108-A

19675 Eagle Mill Road

E/s of Eagle Mill Road, n/e of centerline of intersection with Walker Road

6th Election District – 3rd Councilmanic District

Legal Owners: Willson Hardy POA for Eleanor Hardy

Contract Purchaser/Lessee: Michael & Heather Brenner

Variance to allow a proposed dwelling with a right side yard setback of 140 ft. and a rear yard setback of 115 ft. to an adjacent property that is used for pasture, in lieu of the required 300 ft. for both as determined by the Director of Environmental Protection and Sustainability; for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. To permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard.

Hearing: Friday, December 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Willson Hardy, 2829 Connecticut Avenue, NW Washington DC 20008
Michael & Heather Brenner, 444 Rolling Road, Salisbury 21801

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 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
Friday, November 16, 2018 - Issue

Please forward billing to:
Michael Brenner
444 Rolling Road
Salisbury, MD 21801

443-783-1039

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:

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E/s of Eagle Mill Road, n/e of centerline of intersection with Walker Road

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Legal Owners: Willson Hardy POA for Eleanor Hardy

Contract Purchaser/Lessee: Michael & Heather Brenner

Variance to allow a proposed dwelling with a right side yard setback of 140 ft. and a rear yard setback of 115 ft. to an adjacent property that is used for pasture, in lieu of the required 300 ft. for both as determined by the Director of Environmental Protection and Sustainability; for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County. To permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard.

Hearing: Friday, December 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

**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/neighbor 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 twenty (20) 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: 2019-0108-A

Property Address: 19675 EAGLE MILL RD

Property Description: _____

Legal Owners (Petitioners): HARDY ELEANOR MERRYMAN

Contract Purchaser/Lessee: MICHAEL BRENNER

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL BRENNER

Company/Firm (if applicable): _____

Address: 444 ROLLING ROAD

SALISBURY, MD 21801

Telephone Number: 443-783-1039

**CASHIER'S
VALIDATION**



DONALD I. MOHLER III
County Executive

November 30, 2018

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

Willson Hardy POA for Eleanor Hardy
2829 Connecticut Ave. NW
Washington, DC 20008

Mr. Hardy:

RE: Case Number: 2019-0108A, Address: 19675 Eagle Mill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 4, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Michael Brenner & Heather Brenner 444 Rolling Rd. Salisbury, MD 21801

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 10/15/18

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

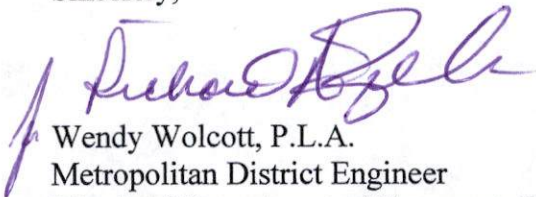
Dear Ms. Lewis:

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. 2019-0108-A

Variance
Hardy & Ekanov Merryman
14675 Eagle Mill Road

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

Sincerely,



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

WW/RAZ

12-7

RECEIVED
NOV 30 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 11/29/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-108

INFORMATION:

Property Address: 19675 Eagle Mill Road
Petitioner: Willson Hardy POA for Eleanor Hardy
Zoning: RC 8
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a proposed single family dwelling with a setbacks of 140 feet (side yard) and 115 feet (rear yard) to an adjacent property that is used for pasture in lieu of the required 300 feet and to permit a proposed accessory structure (shed) be located in the front yard in lieu of the required rear yard location.

A site visit was conducted on 10/18/2018. The area is rural residential to the north and east. The pasture is situated to the south and west of the subject property. Pursuant to BCZR §1A09.4.A, the Director of Planning certifies that the variance meets the spirit and intent of these regulations (BCZR §1A09) only upon the following being successfully addressed:

- Through the public hearing, the plan shall be amended to indicate by note that all structures shall be located within the 20,000 sq. ft. building envelope as established on said plan, and that no single dwelling, garage or accessory building shall have a building footprint exceeding 5000 sq. ft.
- Through the public hearing, the plan shall be amended to indicate by note that the development proposal may be subject to inconveniences arising from agricultural operations pursuant to BCZR §1A09.8.

A plan so amended accompanied by architectural elevations in order to certify conformity with BCZR §1A09.7.C.2.b&d shall be submitted to the contact person listed below prior to building permit application.

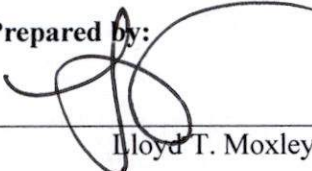
The Department has no objection to granting the petitioned zoning relief in part but will remain mute in part.

- The Department has no objection to granting the petitioned zoning setback from an adjacent property that is used for pasture.

- The Department has no objection to the proposed front yard location of the accessory structure. That notwithstanding, the Department has no comment on the relief as petitioned in that BCZR §1A09.7.C.2.e expressly states BCZR §400.1 is not applicable in the R.C.8 zone. The Department will concur with the Administrative Law Judge as to the appropriate relief.

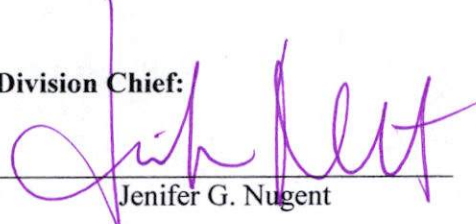
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley
Willson Hardy, PO for Eleanor Hardy
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: October 23, 2018

FROM: *MCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 15, 2018
Item No. 2019-0100-XA, 0102-A, 0103-A, 0104-A, 0106-A, 0107-A,
0108-A, 0109-A, and 0110-A

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

*

*

*

*

*

VKD: cen
cc: file

CASE NAME _____
CASE NUMBER 209-0108-A
DATE Dec 7 2018

[illegible]

CASE NAME 2019-0108-X
CASE NUMBER _____
DATE 12/7/2018

[illegible]

John E. Beverungen

From: ptc@phoenixtitle.biz
Sent: Thursday, December 13, 2018 1:09 PM
To: John E. Beverungen
Cc: Clay Seitz; gschultz@polarisl.com; mibrenner@gmail.com
Subject: 19675 Eagle Mill Rd - VARIANCE RESPONSE
Attachments: doc_20181213133347.pdf

Mr. Beverungen:

I have attached the adjoining landowner's (R Clayton Seitz) objection to the variance request pending under Case No. 2019-0108-A along with attachments stating Seitz objection to proposed variance request. It is requested that Seitz' objections be placed in the record of this case and noted that same are being submitted for your consideration in making your decision.

Copes have sent sent to Polaris Land Consultants and Michael Brenner.

Gary A. Graham
Phoenix Title Company
410-828-4853 (O)
410-828-6587 (F)
ptc@phoenixtitle.biz

Gary A. Graham

Attorney at Law

222 Bosley Avenue, Suite C-4
Towson, MD 21204

Phone: 410-828-4853

FAX: 410-828-6587

December 13, 2018

John E. Beverungen, Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Email: jbeverungen@baltimorecountymd.gov

RE: 19675 Eagle Mill Road
Tax ID 1700009723
Variance Petition Zone: RC-8
Case No. 2019-0108-A
File No. M-2018.137

Dear Mr. Beverungen:

This office represents adjoining landowners, Raymond C. Seitz, et al, who appeared at the Variance Petition hearing on December 7, 2018 to express their objection to the variance requested by the contract purchaser, Michael Brenner. As stated at the hearing, Mr. Seitz expressed his concerns with the petitioner's request for variance from the required 300' setback specified under the Baltimore County Zoning code in Section 1A09.7 (B)(5)(b). The hearing was held open until December 14, 2018 in order to allow the petitioner additional time to revise the variance request to move the structure and/or building envelope further away from the west and south lot lines and closed toward the east and north lot lines. It was hoped that such movement would enable Seitz to agree to the revised variance request. Brenner has indicated that he could move the house 20' farther from the south lot line for a total of 135'; Brenner Email #1 attached with proposed revised site plan. Considering the size of the Brenner lot, this revision is not acceptable. The revision would be in violation of the 300' setback requirement. Although Seitz has indicated his willingness to agree to some variance in this requirement, the movement of the house a mere 20' does not solve the issues that the 300' setback determined by the Environmental Protection and Sustainability Department sought to address. The variance and the revision are not acceptable; I have attached copies of Mr. Seitz' emails (Seitz Emails 1 & 2) setting forth his reasons and incorporate his comments in this response.

It is requested that the variance as to the setback requested under BCZR Sec 1A09.7.B(5)(b)(1)(a) and the location of the accessory structure under BCZR Sec. 400.1 be denied in this case.

Finally, I have emailed a copy of Mr. Seitz' objection to the proposed variance revision to the land consultant (Polaris Land Consultants) and Michael Brenner.

If you are any questions, please contact the undersigned at 410-828-4853 or email to: **ptc@phoenixtitle.biz** .

Sincerely,



Gary A. Graham

Encl: Email responses (1 & 2) from R Seitz
cc: Raymond C. Seitz
gshultz@polarisl.com
Mibrenner@gamil.com

John E. Beverungen

From: Michael Brenner <mibrenner@gmail.com>
Sent: Thursday, December 13, 2018 6:20 PM
To: John E. Beverungen
Cc: Clay Seitz; ptc@phoenixtitle.biz; Geoffrey Schultz; Thomas Moore
Subject: 19675 Eagle Mill Rd – Variance Site Plan Redline Change
Attachments: AMMENDED-SITE-PLAN-RED-LINE.pdf

Hi John,

At my hearing last week, you had offered me and my neighbor Clay Seitz an opportunity to discuss a possible update to my house location on my site plan for my zoning variance request. I am attaching a "redline" update to that plan, and am happy to have Geoff Schultz send you more detail for the official file at your request.

On Tuesday this week, we held our perc test. During that time, my land consultants and I staked out the tentative house corners with an adjustment of 20 feet to the North, farther away from Clay's field. We saw that Clay was outside observing the perc process and invited Clay on to the property to discuss our plan and the modification we were making based on his general concern that the house location was too close to his field. We expressed that moving it any farther North would not only prevent me from putting in a small turn-around driveway, but that it really made no difference on the visibility of the house from his fields or the road, since the lot is relatively flat and completely open.

During that meeting, we also tentatively agreed to accept his primary request, which was for him to have an easement over our property providing him with secondary access to his fields, in exchange for giving us a street-access easement over his property to get to our property, instead of cutting a driveway through our 30 yards of panhandled trees. While I don't see this request as related to our zoning variance hearing, and not something that my wife and I need, we believe this acceptance and the house location movement shows a mutual effort for parity and compromise.

I am also copying Clay Seitz and his council Gary Graham, and my land consultants Geoffrey Schultz and Tom Moore.

Thank you for your consideration, and please let me know if I (or Geoffrey) can provide anything else for your consideration.

Thanks,
Mike

--
Mike Brenner

> Window

Subject: Fwd: Revised Site Plan

From: Clay Seitz <biz@clayseitz.com>

Date: Wed, Dec 12, 2018 12:33 pm

To: Ptc@phoenixtitle.biz

Attach: AMMENDE-SITE-PLAN-RED-LINE.pdf

Brenner Email #1

20 feet along one dimension and no change in the other doesn't sound like very much. What are your thoughts?

-clay

Begin forwarded message:

> From: Michael Brenner <mibrenner@gmail.com>

> Date: December 12, 2018 at 11:41:37 AM EST

> To: Clay Seitz <biz@clayseitz.com>

> Cc: Thomas Moore <tmoore@gaylordbrooks.com>, Heather Brenner <hlmills7@gmail.com>

> Subject: Revised Site Plan

>

> Clay,

>

> Following our discussion yesterday, I'm attaching my revised site plan. The call outs are what we discussed yesterday and are as follows:

> Based on your request to move our house farther from your field, we've moved our house location away from your field by 20'. We will not be moving the house location any farther North or East, and we will be submitting this back to the County in regards to my Zoning Variance Request I have with the County.

>

> It is our intent to grant you a permanent easement so you can access your field through our property, however along with what we discussed yesterday, we'd like to have that easement closer to the drainage swell to not interfere with our septic reserve location. I am also offering to grade this during our house construction phase.

>

> In exchange for your acceptance of #2, we are requesting a shared driveway easement allowing us to use the existing street access opening and crossing up to my property as soon as I have sufficient room to get onto my lot.

> I believe this shows parity and fair compromise from both you and me, and I hope you're willing to accept this plan.

>

> Thanks,

> Mike + Heather

>

> --

> Mike Brenner

Copyright © 2003-2018. All rights reserved.

[Print](#) | [Close Window](#)**Subject:** answer to zoning setbacks issue**From:** biz@clayseitz.com**Date:** Thu, Dec 13, 2018 1:01 am**To:** ptc@phoenixtitle.biz

Seth Email #1

Gary:

here is my proposed answer to the zoning setbacks issue. Please let me know when you get this, and then when you have a chance to read it please let me know what you think. we should probably try to get this in by the close of business Thursday.

thanks,

clay

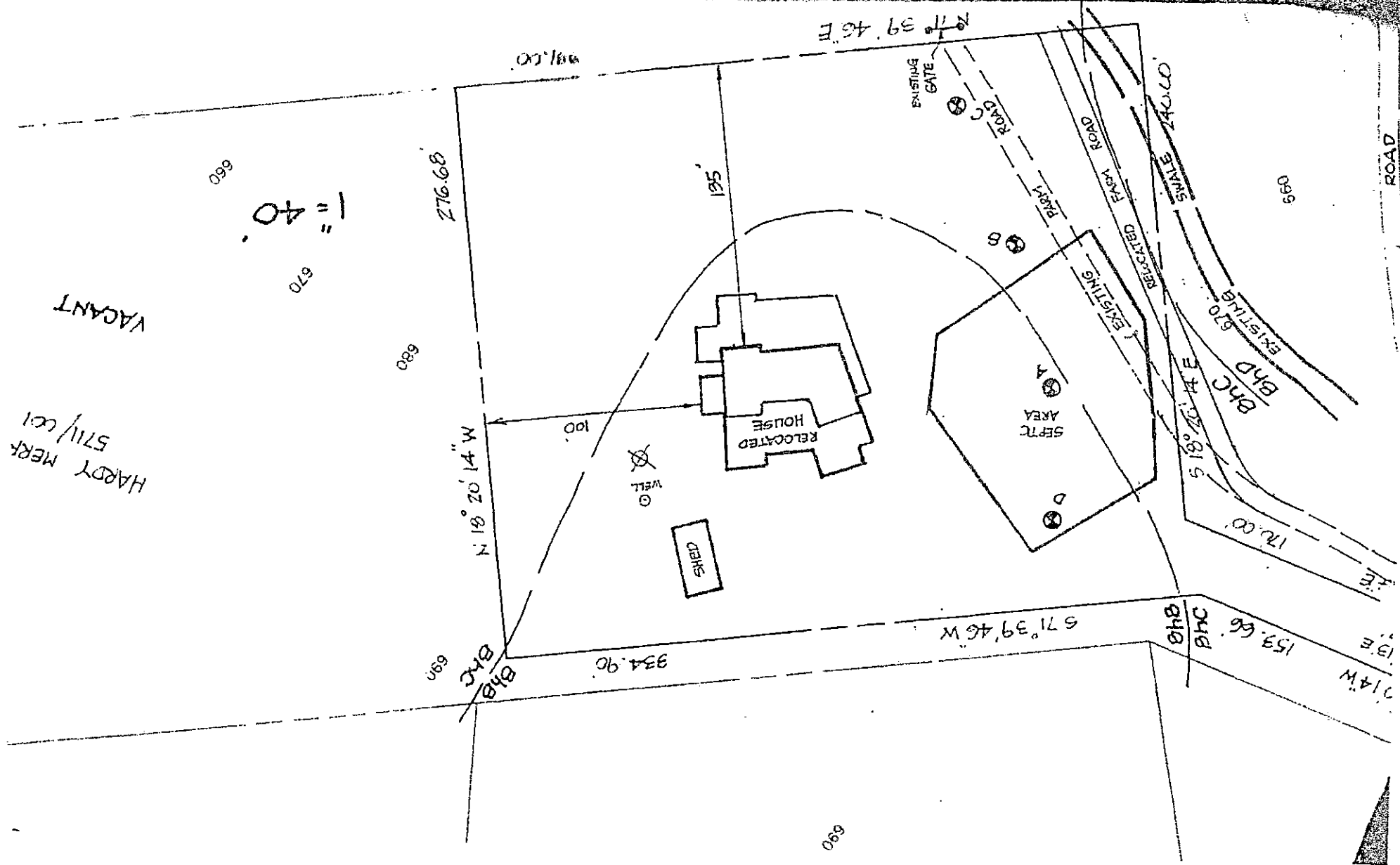
Regarding case 2019-0108-A, I feel that the proposed move 20 feet to the north is a token move and not in the spirit of negotiation. Given the nature of the ag land to the south and the east, I believe that the house should be situated more to the north and east on the lot and less towards the center of the lot.

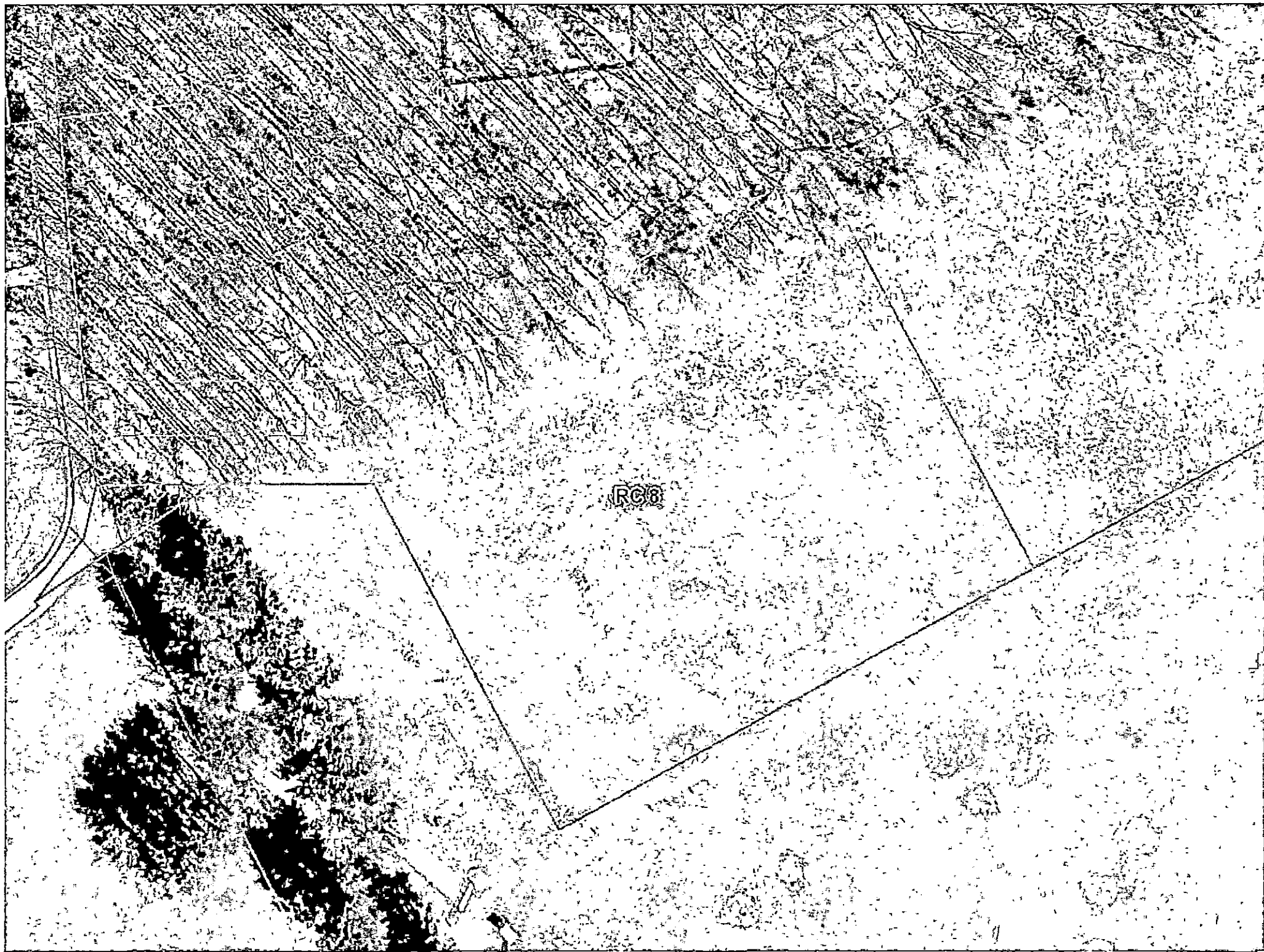
My main concern about the proposed house placement is the close proximity of the house to my farm. R.C.8 zoning requires a 300 foot setback from an active farming operation. While the dimensions of the lot do not allow a full 300 feet, the 300 foot setback should be upheld to whatever extent is reasonable on the south and west sides bordering the farming activity.

There are many issues with houses placed close to farms. Animal noises, machinery noises, flies, visual impact to scenery, manure smells, pesticides and herbicides, and dangerous machinery and animals. While Mr Brenner says that he is willing to put up with these issues, I am not sure that everyone that buys that house would be, I am not sure that Mr Brenner will still be willing to live with this in a few years, and I am not sure he could really know all of those issues until having lived there for a few years. Although we try to minimize any issues with our neighbors, there is a chance that issues and conflict will arise from this in the future. To preserve the little bit of farming still happening in the area we need to protect the farms from the continued encroachment of development.

I would also reiterate my assertion that putting the house farther to the north and east is consistent with the spirit of the of the R.C. zoning in Baltimore County. This would more closely group the house with the other houses in the area and leave more open space south of the house for wildlife. Much of the recent development in the area has followed this type of plan, where the houses are relatively closer together and open spaces are maintained. I think moving the house further to the east also might reduce the visibility from the road.

The assertion that Mr Brenner made during the hearing that he cannot go further north without being in the trees is not warranted. There are just not significant trees of any real size on the north edge of his property, since this is mostly scrub brush and bushes in this area until crossing the property line where the real forest starts.





Regarding the request for a variance for putting the shed in the front of the house instead of the rear of the house, my only objection to that is that it moves the house farther south and closer to the farming activity.

I believe that the variance should be for a larger setback from the farm. The average lot width east to west is approximately 333 feet (331 on the south edge and 334.9 on the north edge). The lot height north to south is approximately 276 feet. These figures are per the latest drawing submitted by Mr Brenner. Further, let's assume that the average house is something like 60 feet by 45 feet, and that most people would orient the long dimension east to west to capture the best views (the drawing does not show the actual dimensions of the proposed house). The non-ag setbacks according to the zoning are 35 feet. So, calculating the maximum set back on the west side would result in a setback of 238 feet, starting with a width of 333 feet and subtracting out a setback of 35 feet and a house width of 60 feet. And, calculating a maximum setback on the south side would result in a setback of 196 feet, starting with a height of 276 feet and subtracting out a house width of 45 feet and a setback of 35 feet. These are the maximum setbacks that could be used to be able to build a house on that lot.

My suggestion would be to add space in case the house is larger than average, the shed is placed north of the house, or a driveway loop is placed north of the house. Using a setback of 60 feet instead of 35 feet on the north and east would decrease the setbacks to 213 feet on the west side and 171 feet on the south side. This is the variance that I would suggest that the county grant in this case, if they choose to grant a variance. While this does not back the proposed house all the way into the corner of the property, it moves it further away from the ag activity.

One other thing that I would note from the drawing is the location of the septic field. This is close to the swale. There are some steep grades approaching the swale, probably close to the 25 degree slope that could be a potential health problem. The swale at times may be considered a body of water since there is often standing water in the swale after these big storms we have been having where we get a couple of inches of rain at a time. The septic field is being placed in the way of a prescriptive easement that has existed for 20 years on that land. The septic field is located a few hundred feet above my household well with 15 to 18 degree grades in between. There are springs coming out of the hill below that septic field that sometimes run ankle deep. And there is a 180 year old spring house that captures the water that comes out of that hill at the bottom of those steep grades, although that is some distance off. It seems like with 2.2 acres a better location for the septic field could be found, given all of these issues. I understand that this probably needs to be addressed in a building permit hearing and not a setback variance hearing, but I wanted to go on record that I had these objections, given that there is a site plan that has been submitted for this proceeding.

Thank you for considering the issue of the ag setbacks.

[Print](#) | [Close Window](#)**Subject:** Re: Revised Site Plan**From:** Clay Seitz <biz@clayseitz.com>**Date:** Thu, Dec 13, 2018 10:32 am**To:** Mike Brenner <mibrenner@gmail.com>**Cc:** Thomas Moore <tmoore@gaylordbrooks.com>, Heather Brenner <hmills7@gmail.com>, Ptc@phoenixtitle.biz

Seitz Email #2

Mike, please do not wait for me to submit your response. I told you during the hearing and in person on Tuesday that I do not think a 20 foot move really addressed my concerns. I think there is a lot of open space to the north and east that could be used that would allow more distance from my fence lines.

One other thing that I would note from the drawing is the location of the septic field. This is close to the swale. There are some steep grades approaching the swale, probably close to the 25 degree slope that could be a potential health problem. The swale at times may be considered a body of water since there is often standing water in the swale after these big storms we have been having where we get a couple of inches of rain at a time. The septic field is being placed in the way of a prescriptive easement that has existed for 20 years on that land. The septic field is located a few hundred feet above my household well with 15 to 18 degree grades in between. There are springs coming out of the hill below that septic field that sometimes run ankle deep. And there is a 180 year old spring house that captures the water that comes out of that hill at the bottom of those steep grades, although that is some distance off. It seems like with 2.2 acres a better location for the septic field could be found, given all of these issues. I understand that this probably needs to be addressed in a building permit hearing and not a setback variance hearing, but I wanted to go on record that I had these objections, given that there is a site plan that has been submitted for this proceeding.

-clay

On Dec 13, 2018, at 7:31 AM, Mike Brenner <mibrenner@gmail.com> wrote:

Clay,

I wanted to check in and see if you have had a chance to review my last email. I wanted to wait back to hear from you before sending off to the County, but as the commissioner told me at the hearing you were at, I'll need to get this plan to him before Fri (so later today).

It would be great to have you sign off on these changes we have made in response to some of your requests. I know it's not 100% of what you were asking for, but I do believe it shows parity and an effort to try and work together.

--

Mike Brenner

On Dec 12, 2018, at 11:41 AM, Michael Brenner <mibrenner@gmail.com> wrote:

Clay,

Following our discussion yesterday, I'm attaching my revised site plan. The call outs are what we discussed yesterday and are as follows:

1. Based on your request to move our house farther from your field, we've moved our house location away from your field by 20'. We will not be moving the house location any farther North or East, and we will be submitting this back to the County in regards to my Zoning Variance Request I have with the County.
2. It is our intent to grant you a permanent easement so you can access your field through our property, however along with what we discussed yesterday, we'd like to have that easement closer to the drainage swall to not interfere with our septic reserve location. I am

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment10/23DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment

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

FIRE DEPARTMENT

11/30PLANNING
(if not received, date e-mail sent _____)Comment10/15

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/16/18SIGN POSTING (1st) Date: 11/17/18 by _____SIGN POSTING (2nd) Date: 12/2/18 by PulsonPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

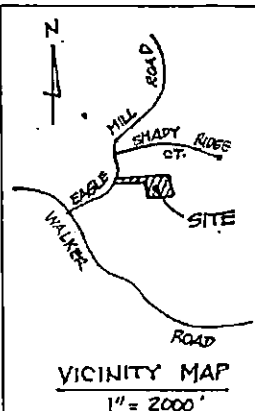
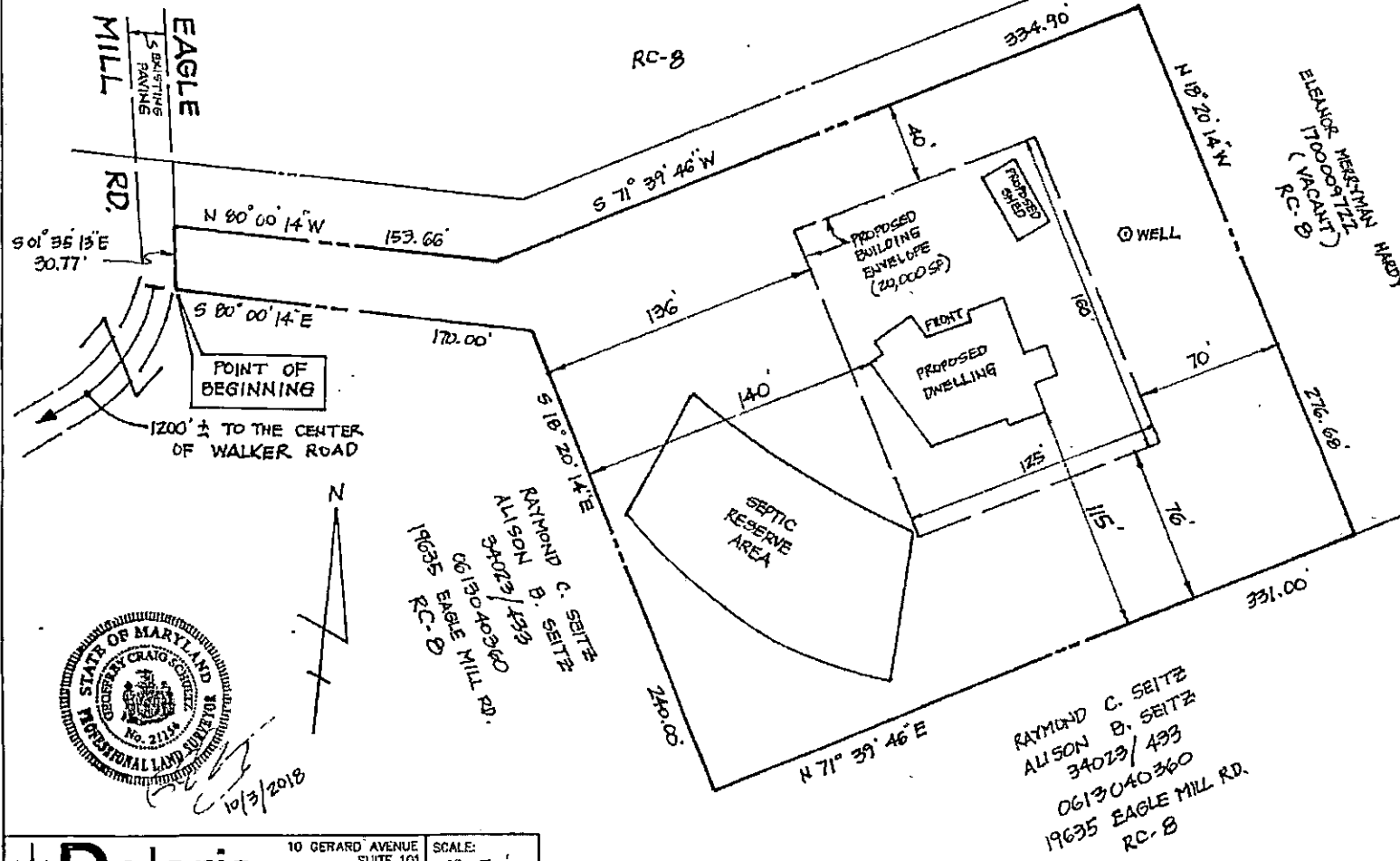
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

| View Map | | View GroundRent Redemption | | View GroundRent Registration | |
|---|----------|--|---------------|---------------------------------|--|
| Tax Exempt: | | Special Tax Recapture: | | | |
| Exempt Class: | | NONE | | | |
| Account Identifier: | | District - 06 Account Number - 1700009723 | | | |
| Owner Information | | | | | |
| Owner Name: | | HARDY ELEANOR MERRYMAN | | Use: | RESIDENTIAL |
| Mailing Address: | | 138 E SPRINGETTSBURY AVE
YORK PA 17403-3144 | | Principal Residence: | NO |
| | | | | Deed Reference: | /05711/ 00001 |
| Location & Structure Information | | | | | |
| Premises Address: | | EAGLE MILL RD
0-0000 | | Legal Description: | 2.217 AC SER
EAGLE MILL RD REAR 190
1000 E WALKER RD |
| Map: | Grid: | Parcel: | Sub District: | Subdivision: | Section: |
| 0011 | 0012 | 0187 | | 0000 | |
| | | | | Block: | Lot: |
| | | | | | |
| | | | | Assessment Year: | Plat No: |
| | | | | 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
2.2100 AC | |
| | | | | County Use
05 | |
| Stories | Basement | Type | Exterior | Full/Half Bath | Garage |
| | | | | | Last Major Renovation |
| Value Information | | | | | |
| | | Base Value | Value | Phase-In Assessments | |
| | | | As of | As of | As of |
| | | | 01/01/2017 | 07/01/2018 | 07/01/2019 |
| Land: | | 100,900 | 100,900 | | |
| Improvements | | 0 | 0 | | |
| Total: | | 100,900 | 100,900 | 100,900 | 100,900 |
| Preferential Land: | | 0 | | | 0 |
| Transfer Information | | | | | |
| Seller: MERRYMAN N B AG USE 83-84 | | Date: 12/27/1976 | | Price: \$0 | |
| Type: NON-ARMS LENGTH OTHER | | Deed1: /05711/ 00001 | | Deed2: | |
| Seller: | | Date: | | Price: | |
| Type: | | Deed1: | | Deed2: | |
| Seller: | | Date: | | Price: | |
| Type: | | Deed1: | | 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: | | NONE | | | |
| Homestead Application Information | | | | | |
| Homestead Application Status: No Application | | | | | |
| Homeowners' Tax Credit Application Information | | | | | |
| Homeowners' Tax Credit Application Status: No Application | | | | Date: | |

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 19675 EAGLE MILL RD. OWNER(S) NAME(S) ELEANOR MERRYMAN HARDY
 SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A
 PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 1700009723 DEED REF. # 05711/001 (P.2)



ZONING MAP# 012 AZ
 SITE ZONED RC-8
 ELECTION DISTRICT 6
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE 2.217
 OR SQUARE FEET 96,573
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC _____ PRIVATE X
 SEWER IS: PUBLIC _____ PRIVATE X
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
N/A



Polaris LAND CONSULTANTS

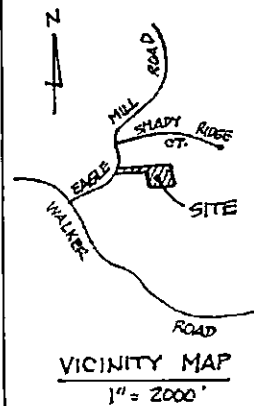
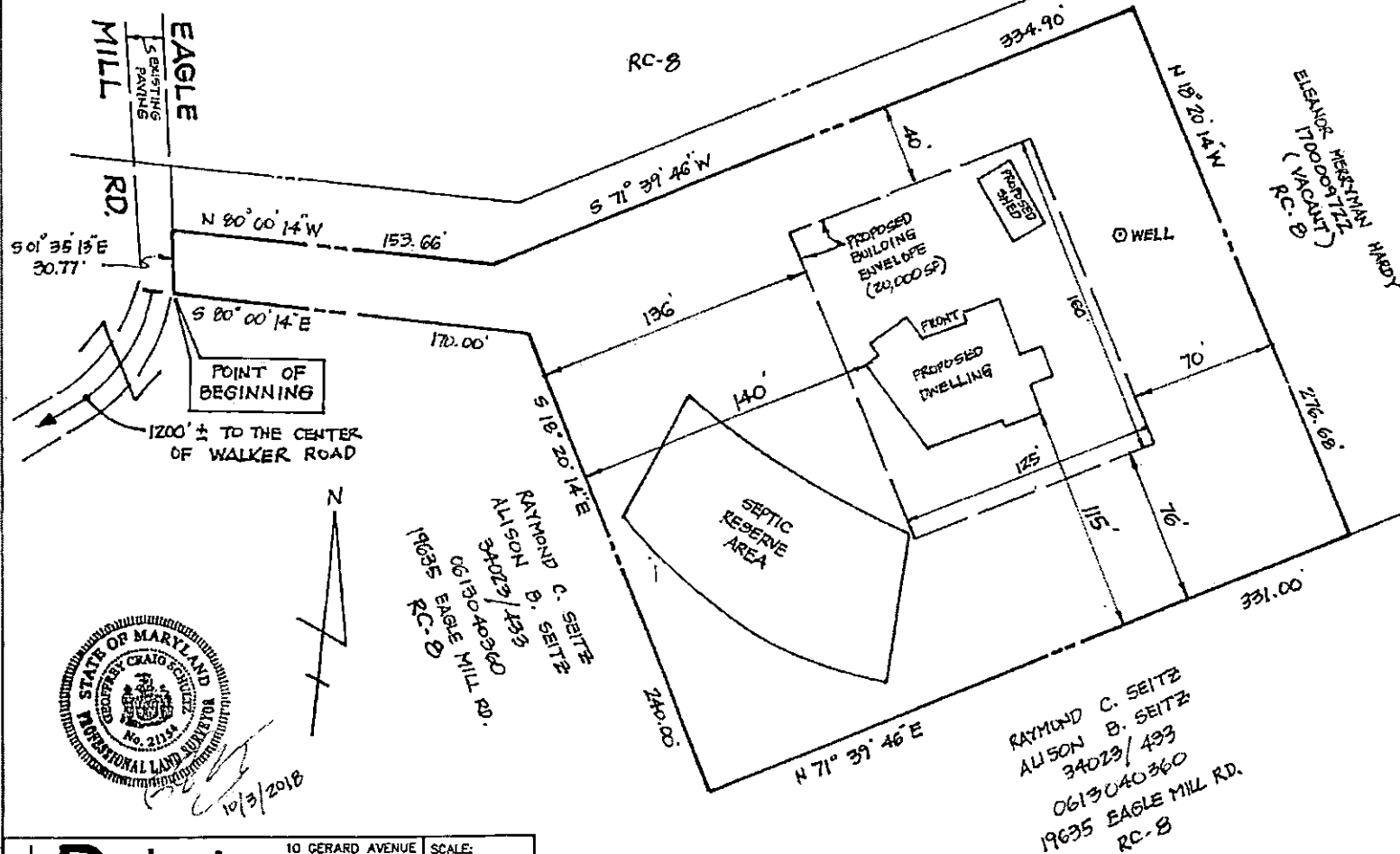
10 GERARD AVENUE
 SUITE 101
 TIMONIUM, MD 21093
 PHONE: (410) 252-4444
 FAX: (410) 252-4493
 WWW.POLARISLC.COM

SCALE:
 1" = 50'

DATE:
 10/3/2018

2019-0108-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 19675 EAGLE MILL RD. OWNER(S) NAME(S) ELEANOR MERRYMAN HARDY
 SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A
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Polaris
 LAND CONSULTANTS

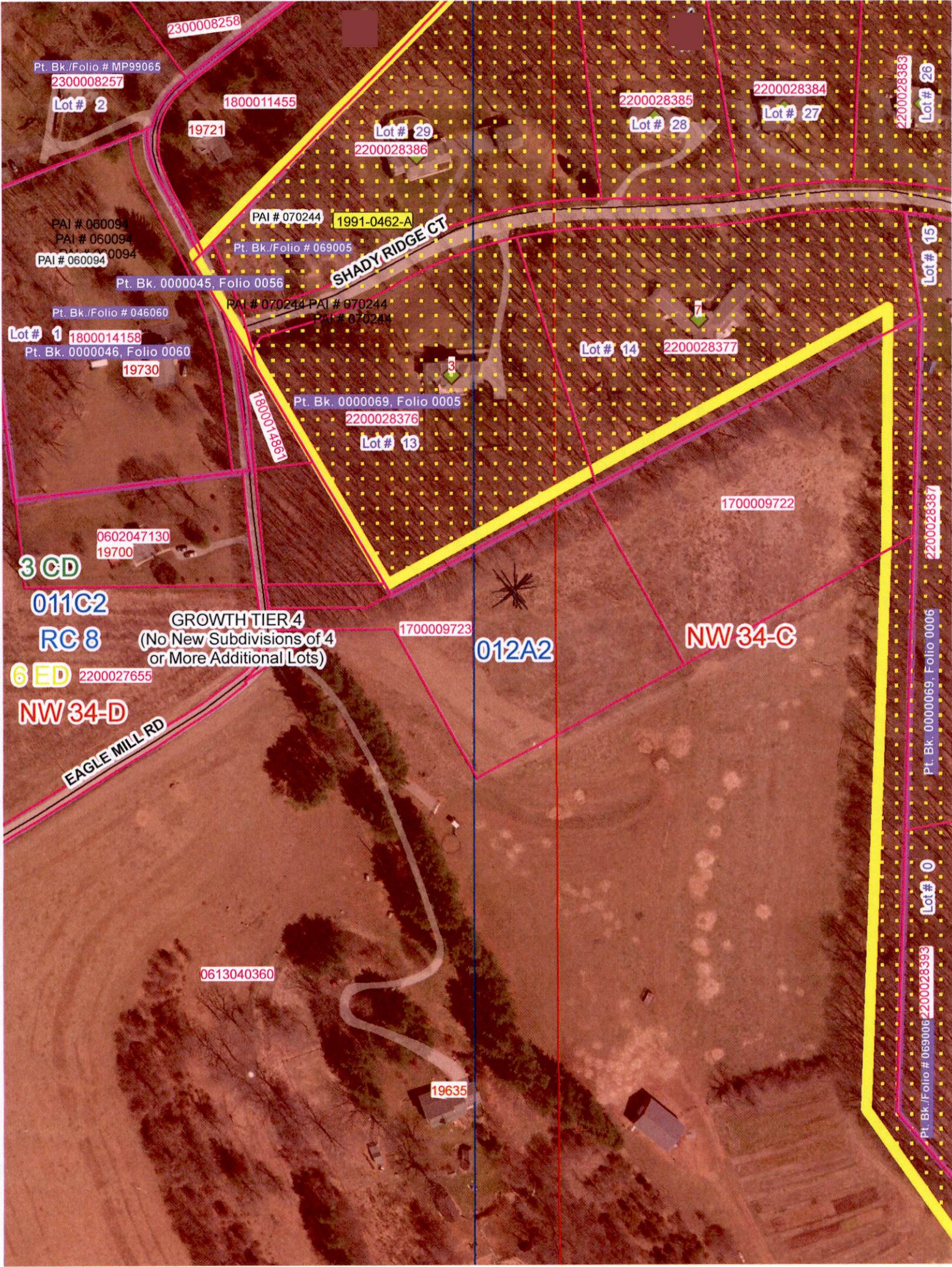
10 GERARD AVENUE
 SUITE 101
 TIMONIUM, MD 21093
 PHONE: (410) 252-4444
 FAX: (410) 252-4493
 WWW.POLARISLC.COM

SCALE:
 1" = 50'

DATE:
 10/3/2018

2019-0108-4

PET. No. 1



Pt. Bk./Folio # MP99065

2300008257

Lot # 2

1800011455

19721

Lot # 29

2200028386

2200028385

Lot # 28

2200028384

Lot # 27

2200028383

Lot # 26

PAI # 060094
PAI # 060094
PAI # 060094

PAI # 070244

1991-0462-A

Pt. Bk./Folio # 069005

Pt. Bk. 0000045, Folio 0056

SHADY RIDGE CT

PAI # 070244 PAI # 070244
PAI # 070244

Pt. Bk./Folio # 046060

Lot # 1 1800014158

Pt. Bk. 0000046, Folio 0060

19730

Pt. Bk. 0000069, Folio 0005

2200028376

Lot # 13

Lot # 14

2200028377

1700009722

0602047130
19700

3 CD

011C2

RC 8

6 ED 2200027655

NW 34-D

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

1700009723

012A2

NW 34-C

EAGLE MILL RD

0613040360

19635

2200028387

Pt. Bk. 0000069, Folio 0006

Lot # 0

Pt. Bk./Folio # 069006 2200028393

Ind. pictures of stable diff. ~~diff.~~

Aaron

X