#### MEMORANDUM

DATE:

June 7, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0260-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on June 6, 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: PETITIONS FOR SPECIAL HEARING \* AND VARIANCE

BEFORE THE

(1120 Freeland Road)

OFFICE OF

6<sup>th</sup> Election District

Of FICE OF

3<sup>rd</sup> Council District Jeffrey W. Abel

ADMINISTRATIVE HEARINGS

Legal Owner

FOR BALTIMORE COUNTY

Petitioner

Case No. 2019-0260-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 Jeffrey W. Abel, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve a pole barn, accessory building addition and garage with a footprint bigger than the principal dwelling. In addition, a Petition for Variance seeks: (1) to permit an existing pole building with a setback of 0 ft. in lieu of the required 2.5 ft. and with a height of 19 ft. in lieu of the required 15 ft.; (2) to permit a proposed accessory building addition with a height of 22 ft. in lieu of the required 15 ft.; and (3) to permit an existing detached garage to be located in the side yard in lieu of the required rear yard and with a height of 19 ft. in lieu of the required 15 ft. A site plan was marked as Petitioner's Exhibit 1.

Jeffrey W. Abel 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. No substantive Zoning Advisory Committee ("ZAC") comments were received from any of the county reviewing agencies.

The subject property is approximately 3.04 acres in size and zoned RC-2. The property

Date 5019

ORDER RECEIVED FOR FILING

is improved with a single-family dwelling, garage and pole barn. Those three structures were built 25+ years ago and Petitioner does not propose any changes to them. Petitioner recently began construction of an addition that would connect the garage and pole building. It would essentially constitute another bay for the garage, as shown in photos submitted at the hearing. Pet. Ex. 4D & 4E. Petitioner intends to store a recreational vehicle in this space. Based on an anonymous complaint Petitioner was issued a code enforcement citation and instructed to obtain zoning relief and a building permit for the garage addition.

#### SPECIAL HEARING

The special hearing is required only because Petitioner proposes to connect the existing garage to the pole building, such that they become one structure. Considered as such the footprint of these adjoining accessory structures will be larger than the footprint of the single-family dwelling. However, as noted above, with the exception of the small addition under construction these buildings were constructed over 25 years ago and the appearance of the site will therefore not change. In addition, this property is in a rural setting and an aerial photograph (Pet. Ex. 3B) submitted at the hearing shows Petitioner's closest neighbors are approximately 460' and 870' away. As such, I do not believe granting the request would have any discernable impact upon either and the petition will therefore 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).

ORDER RECEIVED FOR FILING

Date

By

By

The subject property is accessed by a long panhandle drive, which renders it unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct the proposed addition to the garage. 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 County and/or community opposition.

THEREFORE, IT IS ORDERED this 7th day of May, 2019, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve a pole barn, accessory building addition and garage with a footprint bigger than the principal dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit an existing pole building with a setback of 0 ft. in lieu of the required 2.5 ft. and with a height of 19 ft. in lieu of the required 15 ft.; (2) to permit a proposed accessory building addition with a height of 22 ft. in lieu of the required 15 ft.; and (3) to permit an existing detached garage to be located in the side yard in lieu of the required rear yard and with a height of 19 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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

By



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 1120 Freeland Rd Fredow Nd 21053 which is presently zoned RC2 10 Digit Tax Account # 2 1 00 00 82 2 Deed References: Property Owner(s) Printed Name(s) \_\_\_\_\_\_\_ w (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: 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 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. ( 4 400.3 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 BEPRESENTED 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 Purch	naser/Lessee:		Legal Ow	Legal Owners (Petitioners):				
			Jeffrey	w. Abel	1			
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## 1120 FREELAND RO. CASE # 2019 -0260 - 5PHA

SPECIAL HEARING .

1.) To approve accessory structures: Pole Barn, accessory building addition and garage with a footprint bigger than the principal dwelling.

VARIANCE:

2.) To permit an existing pole building w/a setback of 0 ft. in lieu of the required 2.5 ft. and with a height of 19 ft. in lieu of the required 15 ft. To permit a proposed accessory building addition with a height of 22 ft. in lieu of the required 15 ft. Lastly, to permit an existing detached garage to be located in the side yard in lieu of the required rear yard and with a height of 19 ft. in lieu of the required 15 ft.

# ZONING PROPERTY DESCRIPTION FOR 1120 FREELAND ROAD FREELAND, MD 21053

Beginning at a point on the northwest side of Freeland Rd which is 60 feet wide at a distance of 540 feet southwest of the centerline of the nearest improved intersecting street Maple Avenue which is 20 feet wide.

Being Lot #6 Section # 2 in the subdivision of See Tree Manor as recorded in Baltimore County Plat Book 35 Folio 85 containing 3.04 acres. Located in the 6<sup>th</sup> Election District and Third Council District.

User Name:

# jbaseman

File Name: Sheriff2010.xlsx

Time: 16:43:52

Date: 10/23/2017

March 5, 2019

Zoning Administrator County Courthouse Towson, Maryland

Dear Sir or Madam,

We have been asked to comment on what the impact would be to our family if Mr. Abel were to be permitted to construct an additional barn on his property.

We fully support this project. Mr. Abel is a good neighbor and his entire property is well kept, neat, mowed and free of any debris. From our house, unlike any of the other neighbors, we can see Mr. Abel's entire backyard including the area where his outbuildings are located. Additionally, we also get use out of these buildings. We use the garage frequently to work on our cars; changing oil, car washes, brakes, etc. The upper building stores a reservoir boat in which we share ownership.

The construction of the additional outbuilding is fully supported by our family.

Larry Finneyfrock

Owners, Lot 5

Sherri Finneyfrock

OFFICE	OF BUD	GET AND	ARYLAN D FINANC RECEIPT	E	Sub Rev/	Date:		(1)	RUSINE 3/08/20 REG MOO3 >>RECEIPT	D RECEIPT  S ACTUAL TIME UP  19 3/07/2019 09:37:26  WALKIN CAN  1 809667 3/07/2019 0F1
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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

April 8, 2019

### 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: 2019-0260-SPHA

1120 Freeland Road

540 ft. s/west of centerline of Maple Avenue 6th Election District – 3rd Councilmanic District

Legal Owner: Jeffrey Abel

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Special Hearing to approve a Pole Barn, accessory building addition and garage with a footprint bigger than the principal building. Variance to permit an existing pole building with a setback of 0 ft. in lieu of the required 2.5 ft. and with a height of 19 ft. in lieu of the required 15 ft. To permit an existing detached garage to be located in the side yard in lieu of the required rear yard and with a height of 19 ft. in lieu of the required 15 ft.

Hearing: Monday, May 6, 2019 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Mike Mohler Director

MM:kl

C: Jeffrey Abel, 1120 Freeland Road, Freeland 21053 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 TUESDAY, APRIL 16, 2019.

- (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

## 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:

4/16/2019

Order#:

11728084

Case #:

2019-0260-SPHA

Description:

NOTICE OF ZONING HEARING - CASE NUMBER:

2019-0260-SPHA

NOTICE OF ZONING HEARING

Darlene Miller, Public Notice Coordinator (Representative Signature)

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: 2019-0260-SPHA

1120 Freeland Road

540 ft. s/west of centerline of Maple Avenue 6th Election District - 3rd Councilmanic District

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and with a height of 19 f. in lieu of the required 15 ft. Hearing: Monday, May 6, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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.

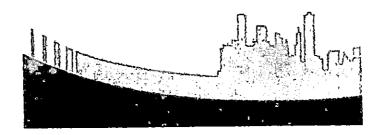
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## CERTIFICATE OF POSTING

April 12, 2019 amended for second inspection
Re: Zoning Case No. 2019-0260-SPHA Legal Owner: Jeffrey Abel Hearing date: May 6, 2019
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 require by law were posted conspicuously on the property located at 1120 Freeland Road.
The signs were initially posted on April 10, 2019.
The subject property was also inspected on
Sincerely,

See the attached sheets for the photos of the posted signs

Bruce E. Doak

MD Property Line Surveyor #531

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



# ZONING NOTICE

CASE NO. 2019-0260-SPHA 1120 Freeland 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: Monday May 6, 2019 1:30 PM** 

REQUESTS: <u>SPECIAL HEARING</u> TO APPROVE A POLE BARN, ACCESSORY BUILDING ADDITION AND GARAGE WITH A FOOTPRINT BIGGER THAN THE PRINCIPAL BUILDING.

VARIANCES 1) TO PERMIT AN EXISTING POLE BUILDING WITH A SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 2.5 FEET AND WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET. 2) TO PERMIT AN EXISTING DETACHED GARAGE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 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 HUARING IS HANDICAPPED ACCESSIBLE



# ZONING NOTICE

CASE NO. 2019-0260-SPHA 1120 Freeland 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: Monday May 6, 2019 1:30 PM

REQUESTS: SEECIAL HEARING TO APPROVE A POLE BARN, ACCESSORY BUILDING ADDITION AND GARAGE WITH A FOOTPRINT BIGGER THAN THE PRINCIPAL BUILDING.

VARIANCES 1) TO PERMIT AN EXISTING POLE BUILDING WITH A SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 2.5 FEET AND WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET. 2) TO PERMIT AN EXISTING DETACHED GARAGE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET.

PERTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM THE HEARING CALL 410-087-9391.

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

There begins a service and a s

TO:

THE DAILY RECORD

Tuesday, April 16, 2019 - Issue

Please forward billing to:

Jeffrey Abel 1120 Freeland Road Freeland, MD 21053 443-890-1731

#### 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: 2019-0260-SPHA

1120 Freeland Road

540 ft. s/west of centerline of Maple Avenue 6th Election District – 3rd Councilmanic District

Legal Owner: Jeffrey Abel

Special Hearing to approve a Pole Barn, accessory building addition and garage with a footprint bigger than the principal building. Variance to permit an existing pole building with a setback of 0 ft. in lieu of the required 2.5 ft. and with a height of 19 ft. in lieu of the required 15 ft. To permit an existing detached garage to be located in the side yard in lieu of the required rear yard and with a height of 19 ft. in lieu of the required 15 ft.

Hearing: Monday, May 6, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

publ peoble

Mike Mohler

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 1120 Freeland Road; 540' SW of c/line of Maple Avenue 6th Election & 3rd Councilmanic Districts Legal Owner(s): Jeffrey W. Abel Petitioner(s)

RECEIVED

MAR 13 2019

- \* BEFORE THE OFFICE
- \* OF ADMINSTRATIVE
- \* HEARINGS FOR
- \* BALTIMORE COUNTY
- \* 2019-260-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 Lummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DÉMILIO

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 13<sup>th</sup> day of March, 2019, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Pata-Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 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.



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

May 1, 2019

Jeffery W. Abel 1120 Freeland Road Freeland MD 21053

RE: Case Number: 2019-0260-SPHA, 1120 Freeland Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 07, 2019. 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/kl

Enclosures

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

5-6

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

DATE: 3/26/2019

RECEIVED

MAR 2 9 2019

OFFICE OF ADMINISTRATIVE HEARINGS

Acting Director, Department of Permits, Approvals and Inspections

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-260

INFORMATION:

**Property Address:** 

1120 Freeland Road

Petitioner: Zoning:

Jeffrey W. Abel RC 2

Requested Action:

Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve two accessory structures with a connecting addition to have a building footprint larger than the principal structure and the petition for variance to permit an accessory structure with a setback of 0', a height of 22'to be located in the side yard in lieu of the required 15', 2.5' and rear yard only respectively.

The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

July 100 4

Division Chief:

JM/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 INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

**DATE:** 3/26/2019

Acting Director, Department of Permits, Approvals and Inspections

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-260

INFORMATION:

Property Address: 1120 Freeland Road Petitioner: Jeffrey W. Abel

Zoning:

RC2

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve two accessory structures with a connecting addition to have a building footprint larger than the principal structure and the petition for variance to permit an accessory structure with a setback of 0', a height of 22' to be located in the side yard in lieu of the required 15', 2.5' and rear yard only respectively.

The Department has no objection to granting the petitioned zoning 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

JM/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

#### INTEROFFICE CORRESPONDENCE

TO:

Michael Mohler, Acting Director

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 18, 2019

Item No. 2019-0253-SPHA, 0254-SPH, 0255-SPH, 0257-A, 0259-SPHA,

**DATE:** March 29, 2019

.0260-SPHA, 0261-A, 0262-A, 0263-X & 0264-SPH

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 Correspondence**



RECEIVED

MAR 2 0 2019

OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

March 20, 2019

SUBJECT:

DEPS Comment for Zoning Item

# 2019-0260-SPHA

Address

1120 Freeland Road

(Abel Property)

Zoning Advisory Committee Meeting of March 18, 2019.

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

Reviewer:

Steve Ford



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

Date: 3/13/19

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 - 6260 - 5PHA

Special Hearing Navionice Jeffrey W. Abel 1120 Fredand 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

JB 5-6-19 1:30 PM

#### **Debra Wiley**

From:

Bruce Doak <bdoak@bruceedoakconsulting.com>

Sent:

Friday, May 3, 2019 9:46 PM

To:

Sherry Nuffer

Cc:

Administrative Hearings

Subject:

Case #2019-0260-SPHA posting cert

**Attachments:** 

Posting cert 5 03 19.pdf

#### Bruce

Bruce E. Doak Consulting 410-419-4906 bdoak@bruceedoakconsulting.com 3801 Baker Schoolhouse Road Freeland, MD 21053

RECEIVED

MAY 0 6 2019

OFFICE OF ADMINISTRATIVE HEARINGS 73V 3743



#### CERTIFICATE OF POSTING

April 12, 2019 May 03, 2019 amended for second inspection

Re:

Zoning Case No. 2019-0260-SPHA

Legal Owner: Jeffrey Abel Hearing date: May 6, 2019 RECEIVED

MAY 0 6 2019

OFFICE OF ADMINISTRATIVE HEARINGS

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 1120 Freeland Road.

The signs were initially posted on April 10, 2019.

The subject property was also inspected on May 03, 2019.

Sincerely.

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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

TEALVISTA ITT SHEARINGS.



CASE NO. 2019-0260-SPHA 1120 Freeland 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: Monday May 6, 2019 1:30 PM** 

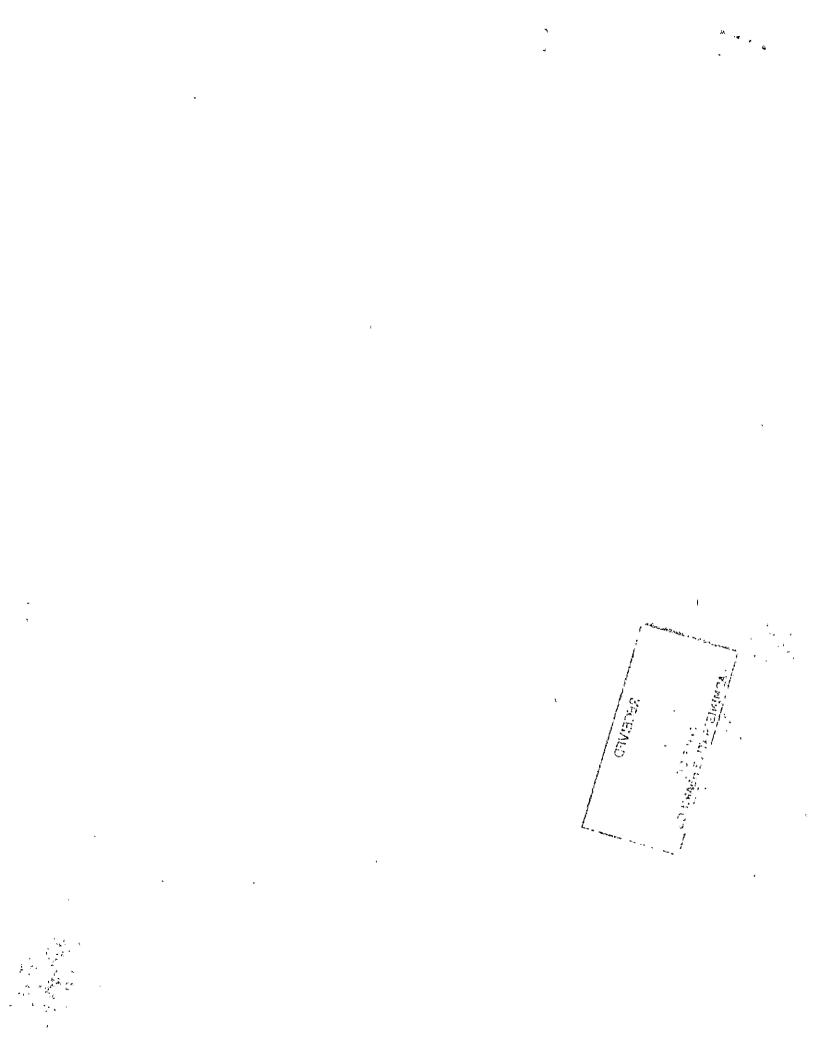
REQUESTS: SPECIAL HEARING TO APPROVE A POLE BARN, ACCESSORY BUILDING ADDITION AND GARAGE WITH A FOOTPRINT BIGGER THAN THE PRINCIPAL BUILDING.

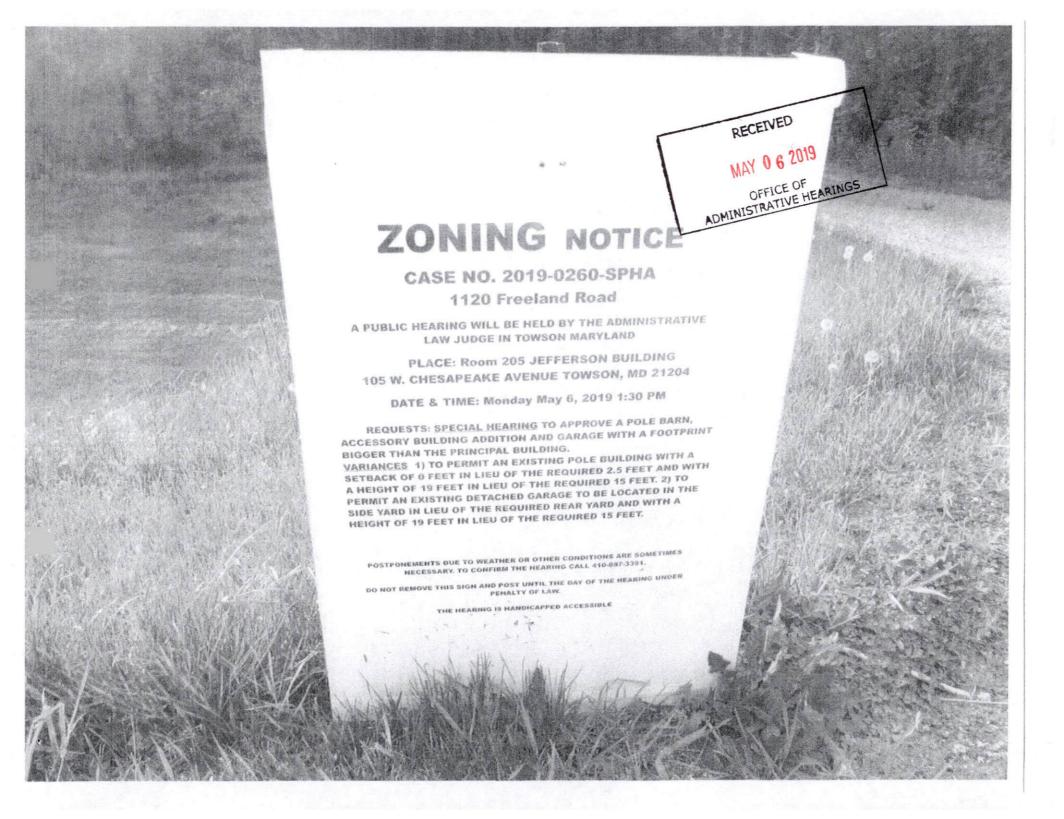
VARIANCES 1) TO PERMIT AN EXISTING POLE BUILDING WITH A SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 2.5 FEET AND WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET. 2) TO PERMIT AN EXISTING DETACHED GARAGE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED 15 FEET.

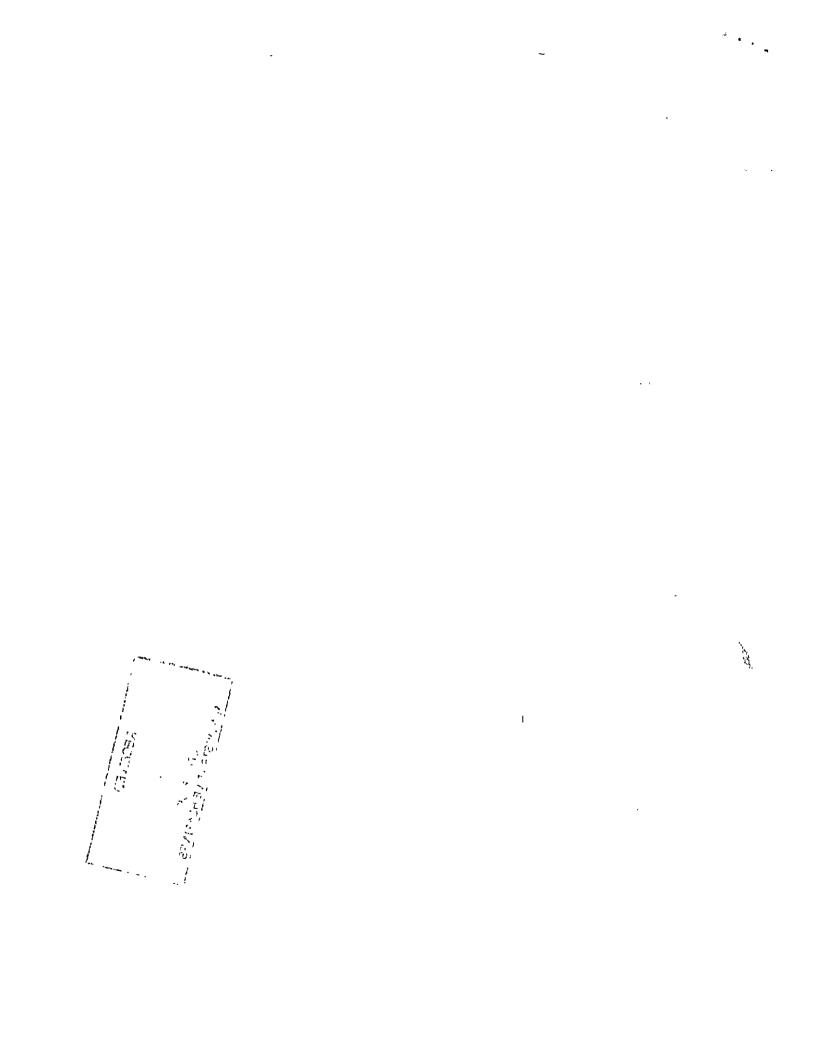
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE NECESSARY, TO CONFIRM THE HEARING CALL 410-88

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER 0 6 2019
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBL







## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
300	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	N/C
3/20_	DEPS (if not received, date e-mail sent)	MC
	FIRE DEPARTMENT	NO
3/24	PLANNING (if not received, date e-mail sent)	110pl
3/13	STATE HIGHWAY ADMINISTRATION	NO Opportion
	TRAFFIC ENGINEERING	<u> </u>
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No. <u>CB   8000099</u>	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	Darly Record
SIGN POSTING (1	Date: 4	by DOOK
SIGN POSTING (2	Date: 5319	by Car
	EL APPEARANCE Yes No D	
Comments, if any:		

#### Real Property Data Search

#### Search Result for BALTIMORE COUNTY

View N	тар		View Ground	Kent Keu	citibuon			AIGM QLC	undRen	Regis	tration	
Tax Ex	empt:			<b>a</b>	Specia	al Tax Recapt	ture:	•				
Exempt Class:					NONE							
Account	Identifier	:		District -	06 Acco	unt Number	- 2100008	3221				
						er Information					-	
Owner N	ame:						Use: Principal Residence:		9:	RESIDENTIAL YES		
Mailing A	Address:			1120 FRE FREELAN			Deed Re	eference:		/26859	/ 00349	
				Loc	ation & S	Structure Infor	mation		-			
Premises	s Address	5:		1120 FRE 0-0000	ELAND	RD	Legal De	escription:			6 3.042	
Map:	Grid:	Parcel:	Sub	Subdi	vision:	Section:	Block:	Lot:	Assessn		REE MA Plat	
map.	Onu.	i arcei.	District:	Subui	¥151011.	Geotion.	DIOCK.	LUI.	Year:	nent	No:	
0006	0006	0261		0000		2		6	2017		Plat Ref:	0035/ 0085
Specia	ıl Tax Are	as: ,		-		Town:		_		NONE		
·		,				Ad Valorem Tax Class:	:					
Primar Built	Primary Structure Above Grade Livi		e Living	Finished Basement Area		Property Land County Area		nty Use				
1993			2,412 SF					3.040	00 AC		04	
Stories 2	s <b>Bas</b> YES	ement	Type STANDARD	UNIT	Exterio SIDING			Garage 1 Attache		st Majo	r Renov	/ation
					Value	e Information					_	
			Base	Value		Value		Phase-in A	.ssessm	ents		
						As of		As of		As c		
Land:			102.0	nn		01/01/2017		07/01/2018		07/0	1/2019	
	ements		102,900 216,100		102,900 227,100							
Total:	OIIIOIIIO		319,000		330,000			326,333		330.	,000	
Prefere	ential Lan	d:	0					020,000		0	,000	
					Transi	fer Information	<u> </u>					
Seller:	ABEL JE	FFREY W			Date: 0	4/07/2008			Price:	\$186,20	 )6	
Type:	NON-ARM	1S LENGT	H OTHER		Deed1: /26859/ 00349		19	Deed2:				
Seller: THRESHOLD DEVELO PMENT GROUP INC			Date: 12/14/1988			Price: \$48,000						
		NGTH IMP	ROVED		Deed1:	: /08052/ 0054	12		Deed2	:		
Seller:		Date:			Price:							
Type:					Deed1	:			Deed2	:		
					Exemp	tion Informatio						
	xempt As	sessment		Class			07/01/20	)18		07/01/2	2019	
County:				000			0.00					
State:				000			0.00	0		0.0010	00	
Municipa	·			000			0.0 00.0	U		0.00]0.	UU	dominant in 1888 to the
Tax Ex	-				-	al Tax Recapt	ture:					
FYemr	ot Class:				NONE							

Homestead Application Information

Homestead Application Status: Approved 05/20/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

## TALTIMORE COUNTY MAR AND INTER-OFFICE CORRESPONDED

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2/0000 522/ 20/9 - 57/44

Legal Owner/Petitioner: Vefter/ ABe/
Contract Purchaser: Property Address: // 20 FRecuro Ad
Location Description:
Bac Thee Manor

VIIOLATION INFORMATION: Case No. CB/9000699
Defendants: Ve 64/64 ABe/

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME REGINA MOORE

ADDRESS 11/2 FRECLAND BY
FREE LAND MY 21057

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

l. Complaint letter/memo/email/fax (if applicable) Complaint Intake Form/Code Enforcement Officer's report and notes 3. State Tax Assessment printout  $\Box$ 4. State Tax Parcel Map (if applicable) 5. MVA Registration printout (if applicable) 6. Deed (if applicable) 7. Lease-Residential or Commercial (if applicable) 8. Photographs including dates taken 9. Correction Notice/Code Violation Notice 10. Citation and Proof of Service (if applicable) 11. Certified Mail Receipt(s) if applicable) Final Order of the Code Official/Hearing Officer (if applicable) 12. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)  $\Box$ 13. Complete Chronology of Events, beginning with the first complaint through the 14. Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/

C: Code Enforcement Officer

DATE: 03/13/2019 STANDARD ASSESSMENT INQUIR: (1)

TIME: 07:38:29

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE

21 00 008221 06 2-0 04-00 H NO 03/05/19

ABEL JEFFREY W DESC-1.. PT LT 6 3.042 AC

DESC-2.. BEE TREE MANOR

-------- PHASED IN -------

1120 FREELAND RD PREMISE. 01120 FREELAND RD

00000-0000

FREELAND MD 21053-0000 FORMER OWNER: ABEL JEFFREY W

CURR PRIOR PROPOSED CURR PRIOR FCV LAND: 102,900 102,900 ASSESS ASSESS 330,000 330,000 IMPV: 216,100 227,100 TOTAL.. 326,333 330,000 PREF... TOTL: 319,000 CURT... 330,000 330,000 0 PREF: 0 326,333 CURT: 319,000 330,000 EXEMPT. 0

DATE: 01/17 01/17

----- FCV -----

---- TAXABLE BASIS ---- FM DATE

ASSESS: 330,000 11/30/18

ASSESS: 326,333

ASSESS: (

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

CASE NAME	ABEL	
CASE NUMB	BER	
DATE 5/	06/19	

# PETITIONER'S SIGN-IN SHEET

NAME

**ADDRESS** 

CITY, STATE, ZIP

E - MAIL

Jeffrey W. Abel	1120 Freeland Rd.	Freeland, and 21053	Jeffabel 85 @ Gmail. con
Bever E. DOAK	3801 BAKER SCHOOLHOUSE ROAD	FREURUS MO 21053	
BRUGE E. DOSK CONSUM	-/4G	BOOAK C BRUCEEDOA	COUSULTING COM
			-
			А.
		<u>                                     </u>	

DATE: 03/13/2019 STANDARD ASSESSMENT INQUIR: (2)

TIME: 07:40:20

PROPERTY NO.	DIST	GROUP	CLASS	OCC. HI	STORIC	DEL LOAD	DATE
21 00 008221	06	2-0	04-00	H	NO	03/0	05/19
LOT	в во	OK		MAP	0006	LOT WIDTH	.00
BLOCK	FO	LIO		GRID	0006	LOT DEPTH	.00
SECTION 2	?			PARCEL	0261	LAND AREA	3.040 A
PLAT						YEAR BUILT	93

TRANSFER DATA	EXEMPT DATA
NUMBER 377436	STATUS
DATE 04/07/08	CLASS CODE
PURCHASE PRICE 186,206	STATE EXEMPT CODE 000
GROUND RENT0	COUNTY EXEMPT CODE 000
DEED REF LIBER 26859	CURR STATE EX ASMT 0
DEED REF FOLIO 0349	PRIOR STATE EX ASMT 0
CONVEYED IND 4	CURR COUNTY EX ASMT 0
TOT-PART TRAN IND	PRIOR COUNTY EX ASMT 0
GRANTOR ACCT NO	
CRITICAL NEW CONST CARD	STRUCTURE
AREAS CODE YEAR NO	CODE SQ. FEET
01025	2412

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 03/13/2019 STANDARD ASSESSMENT INQUIRY (3)

TIME: 07:40:27

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE

21 00 008221 06 2-0 04-00 H NO 03/05/19

GEO CODE N/A LAND-USE

REC CREATE DATE.. 03/05/19 81 NO R

DELETE CODE..... M

DATE DELETED....

LAST FM DATE.... 11/30/18

LAST FM TYPE....

PREV FM DATE....

PREV FM TYPE....

----- COUNTY -----

LAST LOAD DATE... 03/05/19

PRIOR LOAD DATE.. 02/22/19

STATE TAXABLE ASSESS

ASSESS: 330,000

ASSESS: 326,333

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF



# Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1800699

Record ID Assigned To Assigned Date Received Date Status Compliance Date **Hearing Date** 10/02/2018 10/02/2018 Inspection Scheduled CB1800699 **Hunter Rowe** Complaint Description: Description: I have noticed a house at 1120 Freeland Rd is constructing a building. Apparently there is no building permit on record. **Property** Owner Complainant Regina Moore 1120 FREELAND RD ABEL JEFFREY W FREELAND, MD 21053-9562 1120 FREELAND RD 1112 Freeland Rd Tax ld: 2100008221 FREELAND, MD 21053-0000 Freeland MD, 21053 4104040128 -ginamoore@comcast.net Inspection Details Complied On Result Action Inspector <u>Date</u> Service Hunter Rowe Initial Inspection Scheduled Lien Information - No Lien **Comments Detail - No Comments** 3/13/19 bester Sto STRUCTURE BEING BUILT Between 2 BARNS CN ISSUED P.U. 3/6/19 H.R.D.

Baltimore County
Department of Permits, Approvals And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

	NIFORM CODE ENFORCEMENT CORRECTION NOTICE
Citation Case No. CB/100699	Property No. 2/000822/ Zoning:
Name(s): Vetrher ABEL	443-890-1731
Address: 1/20 FACCIANDS	
Violation Location: 54 Me	
Violation Essation.	
DID UNLAWFULLY VIO	LATE THE FOLLOWING BALTIMORE COUNTY LAWS:
2003 BALTMORE COUNTY.	Code SUBTITUE 3 SOLFON 35"-2-30) PENNITTO BUTIMOVE COUNTY CODE 40-12 PART 120 DON 35-2-304 VZO/4 HOM JUBURIT TO PERMET MUST BE OBYAZNES FOR STANTONE
HUM INPOSTEDIO LOTTUCE	1 BUTIMOVE COUTH CODE 40-12 PART 120
STOP WORK OLDER Sect	DI 35-2-24 VZOLATON JURDAL TO
\$ 200 A DAY FINE	PERMIT MUST BE OBYATIVED FOU STANTOR
. •	RED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
ON OR BEFORE: 3/6/19	DATE ISSUED: 2//3//9
FAILURE TO COMPLY WITH THE DEADLIN	JE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION (200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
INSPECTOR: After Mer	PRINT NAME:
/	STOP WORK NOTICE
ARE CORRECTED AND/OR PROPER PERMIT	GOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS IS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION NT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:
	DATE ISSUED:
	PRINT NAME:
COPIES: PINK - AGENCY, YELLOW - V	IOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR
PAI BI 10	REV. 2/13

### Baltimore County - My Neighborhood



Baltimore County Government, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

KEY OF PROVIDED PHOTOS

B. DOAK

4/10/19











05/04/2019

Larry and Sherrie Finneyfrock 1132 Freeland Rd Freeland, Md. 21053 Lot 5

Your Honor,

At the request of Mr. Abel I am writing this letter. We are aware of the possible setback violation regarding his existing building and my property. We have no issue with the current location of that building. Mr. Abel conversed with us at the time of construction and agreed on its location. The construction was 25 years ago when GPS was not available and no property markers could be located. Larry has helped Mr. Abel construct his buildings. The position of his buildings has no negative impact on the view from our house. We are in full support of granting Mr. Abel the variance and special exemption.

Sincerely,

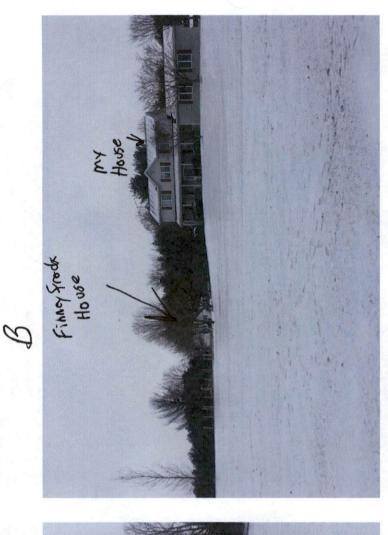
Sherrie Finneyfrock

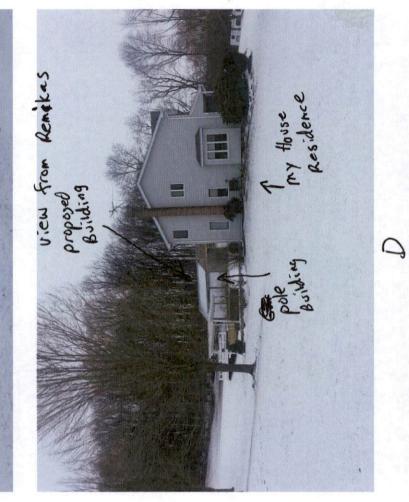
PETTTTONER'S

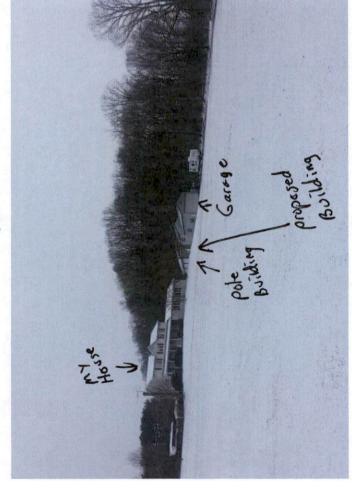
EXHIBIT NO. 5

.











D





March Control

