

MEMORANDUM

DATE: December 3, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0415-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on December 2, 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**

(19608 Cameron Mill Road)

7th Election District

3rd Council District

Troy M. & Kimberly J. Elser,

Legal Owners

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0415-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 Troy M. & Kimberly J. Elser, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for an amendment to the Final Development Plan (“FDP”) of Cameron Mill for the purpose of adjusting the lot lines of Lots 35, 36 and 53A. In addition, a Petition for Variance was filed pursuant to BCZR: (1) to allow an accessory building (existing garage) with a zero (0) foot rear yard setback in lieu of the minimum required 2 ½ feet; and (2) to allow an accessory building (existing garage) with a height of 16 ft. in lieu of the maximum allowed 15 feet, pursuant to § 400.3.

The property owners, Troy and Kimberly Elser, appeared in support of the requests. Professional Land Surveyor, Geoffrey Schultz, also appeared and a site plan was introduced through him and admitted as Petitioners’ Exhibit 7. Petitioners were represented by James H. West, Esquire. Their adjoining neighbors to the north, George Karavedas and Pamela Lehnert, husband and wife, appeared in opposition. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

ORDER RECEIVED FOR FILING

Date 10/29/19

By Sen

This case involves a large garage structure owned by the Petitioners that was partially built on three adjoining properties: lots 35, 36 and 48 of the Cameron Mill subdivision. Mr. Elser testified that he and his wife purchased the property in 2004 and that in 2008 they contracted with a builder to construct the garage in question. He testified that it was the builder's responsibility to submit all the plans and procure all the necessary permits when the garage was built. He testified that he and his wife believed that everything had been done properly and they believed the garage had been built entirely on their property. I note that the Elsers did not produce any plans or permits from the garage construction process; however, I take Mr. Elser at his word that they believed everything had been properly done by their builder.

Mr. Elser identified a series of aerial photographs that show the Elsers' home and garage and also show the home and property of their neighbors to the north, Ms. Lehnert and Mr. Karavedas. (Petitioners Exhibit 2). Elser then identified a series of photographs of the garage structure. (Petitioners' Exhibit 3). He then identified a letter from a Mr. Kenneth Kassmel, the owner of lot 36, one of the lots affected by the proposed lot line adjustment and Final Development Plan amendment. In this letter (Petitioners' Exhibit 4) Kassmel states that he has no objection to the lot line adjustment and amendment. Mr. Elser then identified a series of photographs (Petitioners' Exhibit 5) that show survey stakes and a string line that depict that portion of the garage that is currently built on lot 48, the property owned by Lehnert and Karavedas. He testified that if the variance relief is granted the Elsers will deconstruct and remove that portion of the garage that encroaches on lot 48. He further explained that he had been informed that if they removed more of that corner of the garage structure it would significantly impair its structural integrity, and this is why they are seeking a variance from the 2.5 foot rear lot line setback

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requirement.¹ Mr. Elser testified that the property between his house and the Lehnert/Karavedas house (all owned by them) is heavily wooded and that he did not believe the garage structure was visible from his neighbors' house even during the winter months.

Mr. Schultz was accepted as an expert in surveying, zoning and development. His *curriculum vitae* was admitted as Petitioners' Exhibit 6. He testified about the unique topography of the Elser's lot, and particularly the steepness of the grade in the area where the garage is located. He testified that he was the principal designer of the original Cameron Mill development. He explained that most of the lots are 3 to 4 acres, as compared with the Elsers' lot, which is less than 2 acres. He testified that the requested lot line adjustment and Final Development Plan amendment would have no significant adverse impacts on the Cameron Mill development. In his opinion, the requested variance relief would have no negative impact on the public health, safety or welfare and would not conflict with the spirit and intent of the BCZR. He also believed that the variance relief was necessary in order to preserve the structural integrity of the garage. However, when questioned by Mr. Karavedas he acknowledged that he was not an architect or structural engineer.

Todd Getz, the owner of lot 35, then briefly testified and stated that he was in support of the requested relief and had no objection to the lot line adjustment and proposed amendment to the

¹ By letter dated October 24, 2019, Mr. West has asked that the Elsers be permitted to amend their Petition so as to request a "**one foot rear yard setback** in lieu of the minimum required 2 ½ feet (rather than the zero foot rear yard setback requested in the original Petition). This would allow for Ms. Lehnert and Mr. Karavedas to erect a fence along the rear boundary of the property, referenced in Ms. Lehnert's testimony, but would preserve as much of the existing garage as possible." (emphasis in original). By email dated October 25, 2019 Mr. Karavedas opposed the amended request for variance relief, stating: "We have been made aware of the letter Mr. West sent requesting an amendment to the Petition for variance relief for the garage on the Elser property to change the request from a 0' setback to 1' setback. Mr. West reached out to us for our approval to which we responded we are not in favor. As we are not familiar of the legal aspects we are puzzled by this action and want to make it clear that we do not support this request." This letter and email will be made a part of the record.

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Final Development Plan. Donald Russell, the President of the Cameron Mill Homeowners Association testified that he was appearing on behalf of the HOA simply to insure that any amendment to the Final Development Plan would be properly documented and recorded in the County Land Records.

Mr. Karavedas then submitted a series of photographs of the portion of their property that has been infringed by the Elser's garage, and by various other encroachments by the Elsers, including underground electrical lines, landscape lighting, and a makeshift fire pit. (Protestants' Exhibits 1-6). Ms. Lehnert testified that the Elsers have been using this portion of her and her husband's property without their knowledge or consent. She testified that the fire pit is 79 feet inside their property and that the landscape lighting is over 100 feet inside.

The property line issue arose when Lehnert and Karavedas had a property line survey done in preparation for building a structure on their property. They needed to know the exact property boundary so that they could calculate the proper setbacks for this structure. Ms. Lehnert explained that they had initially been willing to try to work with the Elsers on a lot line adjustment on their property like that the Elsers' other neighbors have agreed to. However, she explained that her mortgage company objected and that they would have had to go through a formal application process with the mortgage company that would cost \$500 just to initiate. She also testified that she was concerned about being fined by the County for any disturbances the Elsers had made in the forest buffer easements – specifically the aforementioned wiring, lights and fire pit, as well as some playground equipment.² Ms. Lehnert explained that they did not have a big problem with the

² The Protestants submitted an email they had received from Troy Elser in which he forwarded an email he had received from his former attorney, Lawrence Schmidt. (Protestants' Exhibit 7). This email explains Mr. Schmidt's efforts in obtaining a forest buffer variance for a shed, play set, and tree house that the Elsers had constructed on property within lots 35, 36, and 47, which would all be within lot 53A (the Elser's lot) if the requested lot line adjustment is granted.

one foot height variance the Elsers are requesting but that they are opposed to the requested zero setback from her property line because she and her husband want to build a fence along that property border to prevent future encroachments, and they do not want to have to build it right on top of the Elsers' garage. She also questioned how the Elsers would maintain the back of the garage if there was no setback. Understandably, Ms. Lehnert also stated that she wants the Elsers to remove all the underground wiring and the landscape lighting that they have installed on her property. She stated that they don't really object to the Elsers leaving the fire pit because it is really just a circle of stones. Finally, she stated that they do not object to the requested height variance on the garage.

In response to this testimony from Mr. Karavedas and Ms. Lehnert, Troy Elser testified that he had not intentionally trespassed on their property and that prior to the above-referenced property line survey he had believed his property went up past the large pine tree shown in Protestants' Exhibit 5. He did not offer any explanation for why he believed his property extended this far north. He confirmed that he would remove all the wiring and lighting.

SPECIAL HEARING

The Elser's neighbors who own lots 35 and 36 have no objection to the requested lot line adjustments and concurrent amendment to the Final Development Plan. The HOA has no objection either, as long as the amendment is properly documented and recorded. Ms. Lehnert

Attached to Mr. West's letter of October 24 (referenced in footnote 1) is a letter dated October 5, 2019 from Thomas Krispin to Mr. Schmidt. Mr Krispin, the Supervisor of the County's Environmental Impact Review section states in this letter that "while the shed, play set, and tree house are within the existing forest buffer easement, they are covered under a previously approved forest buffer variance, and will not have to be removed." The letters from Mr. West and Mr. Krispin will be made a part of the record.

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10/29/19

By

Sen

and Mr. Karavedas did not voice any objection to this either as it does not affect them. I will therefore grant this requested relief.

VARIANCE

Under Section 307 of the BCZR, and under Maryland common law, the request for a zoning variance must satisfy a two-pronged analysis, 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). Even if both these prongs are met the variance must still not conflict with the spirit and intent of the BCZR.

Both Mr. Schultz and Mr. Elser described the asymmetrical dimensions of the Elsers' property as well as the steep topography. They also explained that is a smaller lot than the others in the development. Although these features make the property somewhat unique, they are not the reason the variance is necessary. Both the rear lot line setback variance and the height variance are needed only because the garage was constructed in violation of the BCZR. With respect to the question of hardship, I agree with Ms. Lehnert, that if the Elsers – or their builder – had properly determined their property boundaries when they built the garage then they would not need the setback variance relief they are now seeking. In sum, this is a self-imposed hardship and, as such, variance relief is more strongly disfavored. *See, e.g., Chesapeake Bay Foundation, Inc. v. DCW Dutchship Island, LLC*, 439 Md. 588 (2014).

I agree that the Elsers should have been much more certain of their property lines before they built the garage and, for that matter, before they installed wiring and lighting on their neighbors' property. However, I do find that it would be a disproportionate hardship if all of their

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By Sen

requested variance relief were denied, especially since the garage is a good distance from the Lehnert/Karavedas home and is separated by dense forest. If the rear yard setback regulations are strictly interpreted, the Elsans will experience a practical difficulty because they would have to remove an extra 2 ½ feet from the back corner of the garage and they contend this may cause significantly greater structural issues. If they are required to meet the height limitations they will have to alter the entire roof structure which will also impact the architectural symmetry with their residence. I also appreciate the fact that the Elsans have asked to amend their Petition in deference to Ms. Lehnert's expressed concerns. However, under all the circumstances I cannot ignore the fact that Mr. Karavedas and Ms. Lehnert still object to the setback variance. I do, however, also note that they have stated that they do not object to the Elsans' requested one foot height variance.

Finally, I find that the height 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.

THEREFORE, IT IS ORDERED this 29th day of **October, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing for an amendment to the Final Development Plan ("FDP") of Cameron Mill for the purpose of adjusting the lot lines of Lots 35, 26 and 53A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the variance to allow an accessory building (existing garage) with a height of 16 ft. in lieu of the maximum allowed 15 feet, pursuant to § 400.3, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the *Amended* Petition for Variance, to allow an accessory building (existing garage) with a one (1) foot rear yard setback in lieu of the minimum required 2 ½ feet, be and hereby is, DENIED.

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Date

10/29/19

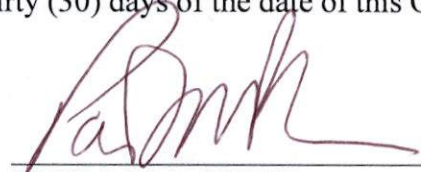
By

Sen

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.
2. Prior to issuance of permits Petitioner must comply with ZAC comments received from DEPS, a copy of which is attached hereto and made a part hereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:slh

ORDER RECEIVED FOR FILING

Date 10/29/19

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 19608 CAMERON MILL ROAD

which is presently zoned RC-8

Deed References: 19959/266

10 Digit Tax Account # 2400005586

Property Owner(s) Printed Name(s) TROY M. ELSEY AND KIMBERLY J. ELSEY

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

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

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN OF "CAMERON MILL" FOR THE PURPOSE OF ADJUSTING THE LOT LINES OF LOTS 35, 36, AND 53A.

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

3. X a Variance from Section(s) 400.1 (BCZR) TO ALLOW AN ACCESSORY BUILDING (EXISTING GARAGE) WITH A ZERO FOOT REARYARD SETBACK IN LIEU OF THE MINIMUM REQUIRED 2 1/2 FEET, AND 400.3 TO ALLOW AN ACCESSORY BUILDING (EXISTING GARAGE) WITH A HEIGHT OF 16 FEET, IN LIEU OF THE MAXIMUM ALLOWED 15 FEET.
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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

N/A

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

TROY M. ELSEY

KIMBERLY J. ELSEY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

19608 CAMERON MILL RD. PARKTON, MD

Mailing Address

City

State

21120

410-443-3921

ELSEY43@GMAIL.COM

Zip Code

Telephone #

Email Address

Representative to be contacted:

GEOFFREY C. SCHULTZ

Name - Type or Print

Signature

57 W. TIMONIUM RD. TIMONIUM, MD

Mailing Address

City

State

21093

410-252-4444

G.SCHULTZ@PLARIS.LC.COM

Zip Code

Telephone #

Email Address

CASE NUMBER

2019-0415-SPHA

Filing Date

8/1/19

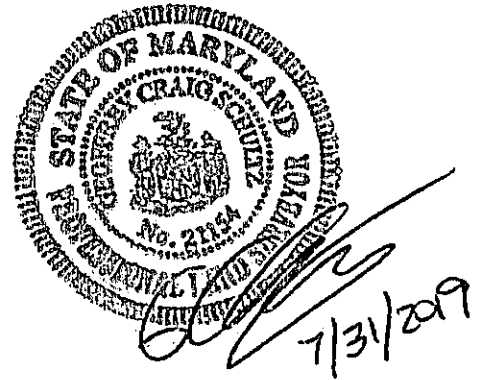
Do Not Schedule Dates:

Reviewer JS



57 WEST TIMONIUM ROAD
SUITE 210
TIMONIUM, MD 21093
PHONE: (410) 252-4444
WWW.POLARISLC.COM

Zoning Description of
19608 Cameron Mill Road
7th Election District
3rd Councilmanic District
Baltimore County, MD

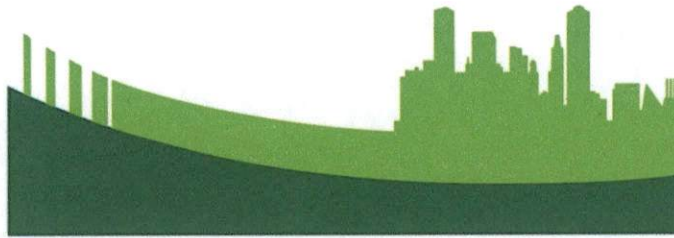


Beginning at a point on the North side of Cameron Mill Road, at the distance of 1600 feet more or less Southwest of the center of Cameron Ridge Court, and being known as Lot 53A as shown on an Amended Subdivision Plat of Section Two-Plat One, Cameron Mill, as recorded in Plat Book 76 Page 112.

Containing 1.882 acres of land, as recorded in deed Liber 19959 Folio 266.

2019-0415-SPHA

LAND SURVEYING — SUBDIVISION DESIGN — COMMERCIAL SITE DESIGN — LAND USE & PLANNING
STORM WATER MANAGEMENT — CONSTRUCTION SURVEYING — PROJECT MANAGEMENT — ZONING MATTERS



CERTIFICATE OF POSTING

September 30, 2019 (amended October 21, 2019)

Re:

Zoning Case No. 2019-0415-SPHA

Legal Owner: Troy & Kimberly Elser

Hearing date: October 21, 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 required by law were posted conspicuously on the property located at **19608 Cameron Mill Road**.

The signs were posted on **September 30, 2019**.

The signs were inspected again on **October 21, 2019**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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

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

ZONING NOTICE

CASE NO. 2019-0415-SPHA

19608 Cameron Mill Road

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

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

DATE & TIME: Monday October 21, 2019 11:00 AM

**REQUESTS: SPECIAL HEARING FOR AN AMENDMENT TO THE
FINAL DEVELOPMENT PLAN OF CAMERON MILL FOR THE
PURPOSE OF ADJUSTING THE LOT LINES OF LOT 35, 36 AND
53A.**

**VARIANCE TO ALLOW AN ACCESSORY BUILDING (EXISTING
GARAGE) WITH A ZERO FOOT REAR YARD SETBACK IN LIEU
OF THE MINIMUM REQUIRED 2 1/2 FEET AND TO ALLOW AN
ACCESSORY BUILDING (EXISTING GARAGE) WITH A HEIGHT
OF 16 FEET IN LIEU OF THE MAXIMUM ALLOWED 15 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-857-3997.**

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

ZONING NOTICE

CASE NO. 2019-0415-SPHA

19608 Cameron Mill Road

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

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

DATE & TIME: Monday October 21, 2019 11:00 AM

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ACCESSORY BUILDING (EXISTING GARAGE) WITH A HEIGHT
OF 16 FEET IN LIEU OF THE MAXIMUM ALLOWED 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 HEARING IS HANDICAPPED ACCESSIBLE**

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 6, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0415-SPHA
Address 19608 Cameron Mill Road
(Elser Property)

Zoning Advisory Committee Meeting of **August 9, 2019**.

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

1. This request, if approved, requires an application to the Development Review Committee (DRC) for determination related to the Amendment to the Approved Development Plan.
2. This request, if approved, involves the requirement for amendments to the following recorded subdivision plats:
 - a. Amended resubdivision of lots 53 and 53A, Section two, Plat one of "Cameron Mill" recorded in Plat Book 76, Folio 112.
 - b. "Cameron Mill", Section Two, Plat Two recorded in Plat Book 67, Folio 142.
3. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). Per an October 5, 2018 letter to Mr. Lawrence Schmidt, the existing uses have been approved through a Forest Buffer variance.

Reviewers: Steve Ford, Dev. Coord. 410-887-5859
Michael Kulis, EIR 410-887-3980

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 8/14/19

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

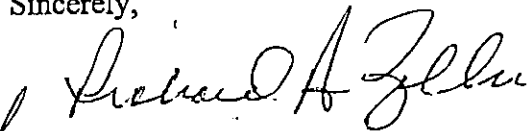
Dear Ms. Lewis:

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. *2019-0415-SPHA*

*Special Hearing, Variance
Trey M. Elser & Kimberly F. Elser
19608 Cameron 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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
19608 Cameron Mill Road; N/S Cameron Mill *
Road, 1,600' SW of Cameron Ridge Court *
7th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Troy & Kimberly Elser *
Petitioner(s) * BALTIMORE COUNTY
* 2019-415-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

AUG 13 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of August, 2019, a copy of the foregoing Entry of Appearance was mailed to Geoffrey Schultz, 57 West Timonium Road, Timonium, Maryland 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 16, 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: 2019-0415-SPHA

19608 Cameron Mill Road

N/s Cameron Mill Road, southwest of Cameron Ridge Court

7th Election District – 3rd Councilmanic District

Legal Owners: Troy & Kimberly Elser

Special Hearing for an amendment to the Final Development Plan of Cameron Mill for the purpose of adjusting the lot lines of Lot 35, 36 and 53A. Variance to allow an accessory building (existing garage) with a zero foot rear yard setback in lieu of the minimum required 2 ½ ft. and to allow an accessory building (existing garage) with a height of 16 ft. in lieu of the maximum allowed 15 ft.

Hearing: Monday, October 21, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Elser, 19608 Cameron Mill Road, Parkton 21120
Geoffrey Schultz, 57 W. Timonium Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 1, 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.

TO: THE DAILY RECORD
Tuesday, October 1, 2019 - Issue

Please forward billing to:

Troy Elser
19608 Cameron Mill Road
Parkton, MD 21120

410-443-3921

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: 2019-0415-SPHA

19608 Cameron Mill Road

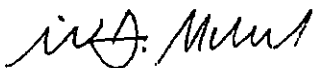
N/s Cameron Mill Road, southwest of Cameron Ridge Court

7th Election District – 3rd Councilmanic District

Legal Owners: Troy & Kimberly Elser

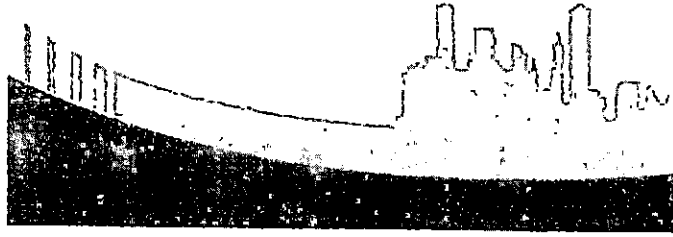
Special Hearing for an amendment to the Final Development Plan of Cameron Mill for the purpose of adjusting the lot lines of Lot 35, 36 and 53A. Variance to allow an accessory building (existing garage) with a zero foot rear yard setback in lieu of the minimum required 2 ½ ft. and to allow an accessory building (existing garage) with a height of 16 ft. in lieu of the maximum allowed 15 ft.

Hearing: Monday, October 21, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.



CERTIFICATE OF POSTING

September 30, 2019 (amended _____)

Re:

Zoning Case No. 2019-0415-SPHA

Legal Owner: Troy & Kimberly Elser

Hearing date: October 21, 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 required by law were posted conspicuously on the property located at 19608 Cameron Mill Road.

The signs were posted on September 30, 2019.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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

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

ZONING NOTICE

CASE NO. 2019-0415-SPHA

19608 Cameron Mill Road

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

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

DATE & TIME: Monday October 21, 2019 11:00 AM

**REQUESTS: SPECIAL HEARING FOR AN AMENDMENT TO THE
FINAL DEVELOPMENT PLAN OF CAMERON MILL FOR THE
PURPOSE OF ADJUSTING THE LOT LINES OF LOT 35, 36 AND
53A.**

**VARIANCE TO ALLOW AN ACCESSORY BUILDING (EXISTING
GARAGE) WITH A ZERO FOOT REAR YARD SETBACK IN LIEU
OF THE MINIMUM REQUIRED 2 1/2 FEET AND TO ALLOW AN
ACCESSORY BUILDING (EXISTING GARAGE) WITH A HEIGHT
OF 16 FEET IN LIEU OF THE MAXIMUM ALLOWED 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 HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2019-0415-SPHA

19608 Cameron Mill Road

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

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

DATE & TIME: Monday October 21, 2019 11:00 AM

**REQUESTS: SPECIAL HEARING FOR AN AMENDMENT TO THE
FINAL DEVELOPMENT PLAN OF CAMERON MILL FOR THE
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**VARIANCE TO ALLOW AN ACCESSORY BUILDING (EXISTING
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ACCESSORY BUILDING (EXISTING GARAGE) WITH A HEIGHT
OF 16 FEET IN LIEU OF THE MAXIMUM ALLOWED 15 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3321.**

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

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

10/1/2019

Order #: 11793681
Case #: 2019-0415-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0415-SPHA



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: 2019-0415-SPHA

19608 Cameron Mill Road

N/s Cameron Mill Road, southwest of Cameron Ridge Court

7th Election District - 3rd Councilmanic District

Legal Owners: Troy & Kimberly Elser

Special Hearing for an amendment to the Final Development Plan of Cameron Mill for the purpose of adjusting the lot lines of Lot 35, 36 and 63A. Variance to allow an accessory building (existing garage) with a zero foot rear yard setback in lieu of the minimum required 2 1/2 ft. and to allow an accessory building (existing garage) with a height of 16 ft. in lieu of the maximum allowed 15 ft.

Hearing: Monday, October 21, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

o1

**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/neighborhood 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: 2019-0415 - SPHA
Property Address: 19608 CAMERON MILL ROAD
Property Description: LOT 53A - SECTION Z
"CAMERON MILL"
Legal Owners (Petitioners): TROY M. & KIMBERLY J. ELSE
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: TROY ELSE
Company/Firm (if applicable): N/A
Address: 19608 CAMERON MILL ROAD
PARKTON, MD 21120
410-443-3921
Telephone Number: _____

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 09, 2019

Geoffrey C. Schultz
57 W. Timonium Road
Timonium MD 21093

RE: Case Number: 2019-0415-SPHA, 19608 Cameron Mill 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 August 01, 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,

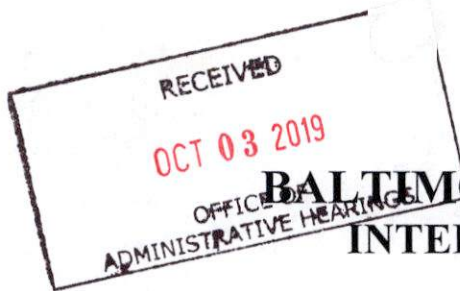
A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Troy M. Elser 19608 Cameron Mill Road Parkton MD 21120



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 9/27/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-415

INFORMATION:

Property Address: 19608 Cameron Mill Road
Petitioner: Troy M. Elser, Kimberly J. Elser
Zoning: RC 8
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition special hearing to amend the final development plan of "Cameron Mill" for the purpose of adjusting the lot lines of the lots 35, 36, and 53A. The Department of Planning also reviewed a variance to allow an existing accessory structure with a zero foot rear yard setback in lieu of the minimum required 2.5 feet and to allow the same building to have a height of 16 feet in lieu of the maximum 15 feet.

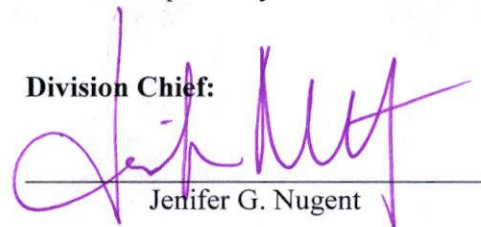
The Department of Planning has no objections to granting the requested relief.

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

Prepared by:


Jessie Bialek

Division Chief:


Jerifer G. Nugent

CPG/JGN/JAB/

c: Joseph Wiley
Geoffrey C. Schultz
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 9/27/2019

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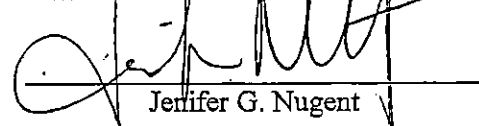
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Prepared by:


Jessie Bialek

Division Chief:


Jenifer G. Nugent

CPG/JGN/JAB/

c: Joseph Wiley
Geoffrey C. Schultz
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 6, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0415-SPHA
Address 19608 Cameron Mill Road
(Elser Property)

Zoning Advisory Committee Meeting of **August 9, 2019.**

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

1. This request, if approved, requires an application to the Development Review Committee (DRC) for determination related to the Amendment to the Approved Development Plan.
2. This request, if approved, involves the requirement for amendments to the following recorded subdivision plats:
 - a. Amended resubdivision of lots 53 and 53A, Section two, Plat one of "Cameron Mill" recorded in Plat Book 76, Folio 112.
 - b. "Cameron Mill", Section Two, Plat Two recorded in Plat Book 67, Folio 142.
3. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). Per an October 5, 2018 letter to Mr. Lawrence Schmidt, the existing uses have been approved through a Forest Buffer variance.

Reviewers: Steve Ford, Dev. Coord. 410-887-5859
Michael Kulis, EIR 410-887-3980

ORDER RECEIVED FOR FILING
Date 10/29/19
By BAW

CASE NAME ELSER
CASE NUMBER 2019-0415-SP4A
DATE 10/21/19

[illegible]

2. The second part outlines the specific steps and procedures for conducting a thorough audit. This includes identifying the scope of the audit, gathering relevant data, and performing detailed analyses to identify any discrepancies or areas of concern.

3. The third part addresses the challenges often encountered during the audit process. These may include limited access to information, incomplete documentation, or resistance from personnel. Strategies are provided to overcome these obstacles and ensure a comprehensive review.

4. The final part discusses the importance of communication and reporting throughout the audit. Regular updates and clear communication with all stakeholders are crucial for understanding the progress and findings, and for implementing necessary corrective actions.

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

Paul Mayhew

From: GEORGE KARAVEDAS <scoutboy1@comcast.net>
Sent: Friday, October 25, 2019 3:41 PM
To: Paul Mayhew
Subject: Case # 2019-0415

CAUTION: This message from scoutboy1@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Judge Mayhew:

We have been made aware of the letter Mr. West sent requesting an amendment to the Petition for variance relief for the garage on the Elser property to change the request from a 0' setback to 1' set back. Mr. West reached out to us for our approval to which we responded we are not in favor. As we are not familiar of the legal aspects we are puzzled by this action and want to make it clear that we do not support this request.

Thank you for your time.

Respectfully,

George Karavedas

Pamela Lehnert

WEST, EDWARDS & AITKEN, LLC

ATTORNEYS AT LAW

JOHN H. WEST, III
MARY BAKER EDWARDS
GEORGE A. AITKEN
JAMES H. WEST

409 WASHINGTON AVE., SUITE 1010
TOWSON, MARYLAND 21204
TELEPHONE: 410-296-4655
FAX: 410-296-6654

JAMES H. WEST
JAY.WEST@WEALAW.COM
DIRECT: 410-842-0574

October 24, 2019

VIA HAND DELIVERY

The Honorable Paul M. Mayhew
Managing Administrative Law Judge for
Baltimore County
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204



Re: Property Address: 19608 Cameron Mill Road
Legal Owner: Troy and Kimberly Elser
Case No.: 2019-0415-SPHA

Dear Judge Mayhew:

Following up on the hearing before you on October 21, 2019, I am enclosing a copy of the letter dated October 5, 2018 from Thomas Krispin, Supervisor of Environmental Impact Review for the Department of Environmental Protection and Sustainability, to Lawrence Schmidt, Esquire, the Elser's' prior counsel, that was referenced in the hearing on Monday. I have provided a copy of the letter in advance to Ms. Lehnert and Mr. Karavedas, who attended the hearing to protest the set-back variance relief sought.

In addition to the foregoing, please accept this letter as a request to amend the Petition for variance relief to allow for an accessory building (existing garage) with a **one foot rear yard setback** in lieu of the minimum required 2 ½ feet (rather than the zero foot rear yard setback requested in the original Petition). This would allow for Ms. Lehnert and Mr. Karavedas to erect a fence along the rear boundary of their property, referenced in Ms. Lehnert's testimony, but would preserve as much of the existing garage as possible.

Thank you for your consideration of the foregoing.

Respectfully submitted,

James H. West

JHW/r

Enclosure

cc: Ms. Pamela Lehnert (via email)
Mr. George Karavedas (via email)



DONALD I. MOHLER III
County Executive

October 5, 2018

Mr. Lawrence Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Suite 200
Towson, MD 21204

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability



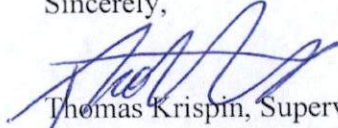
Re: 19608 Cameron Mill Road

Dear Mr. Schmidt,

This letter is in response to your correspondence regarding the lot line adjustment in the Cameron Mill subdivision encompassing lots 35, 36, 47, and 53A. It is understood that the purpose of the lot line adjustment is to reconfigure the lot lines between the four separate lots so that the existing garage, play set, and tree house owned by lot 53A will no longer be on property belonging to lots 35, 36, and 47. The lot line adjustment will cause a portion of the existing forest buffer easement located on lots 35, 36, and 47 to be transferred to lot 53A. While the shed, play set, and tree house are within the existing forest buffer easement, they are covered under a previously approved forest buffer variance, and will not need to be removed.

If you have any questions regarding these comments or if we can be of assistance, please feel free to contact me at tkrispin@baltimorecountymd.gov or (410) 887-3980.

Sincerely,


Thomas Krispin, Supervisor
Environmental Impact Review

S:\EPS\EIR\Tom K\19608cameronmillrd-FBE.doc

IN RE: PETITION FOR SPECIAL
HEARING AND VARIANCE
(19608 Cameron Mill Road)

7th Election District
3rd Councilmanic District

Legal Owner: Troy & Kimberly Elser

Petitioners

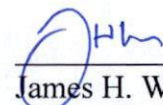
* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No.: 2019-0415-SPHA
*

* * * * *

ENTRY OF APPEARANCE

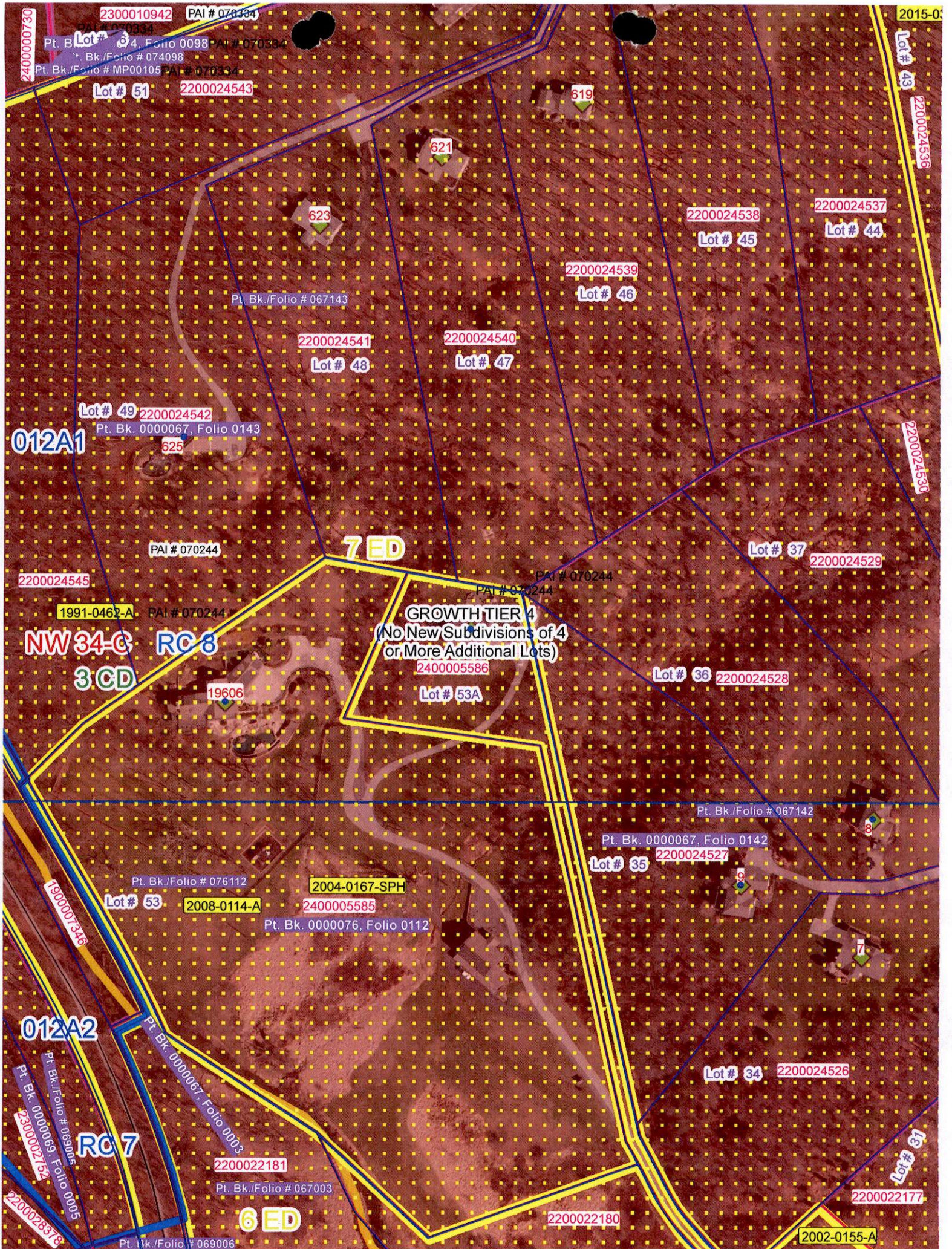
Please enter the appearance of the undersigned on behalf of Petitioners Troy and Kimberly
Elser.

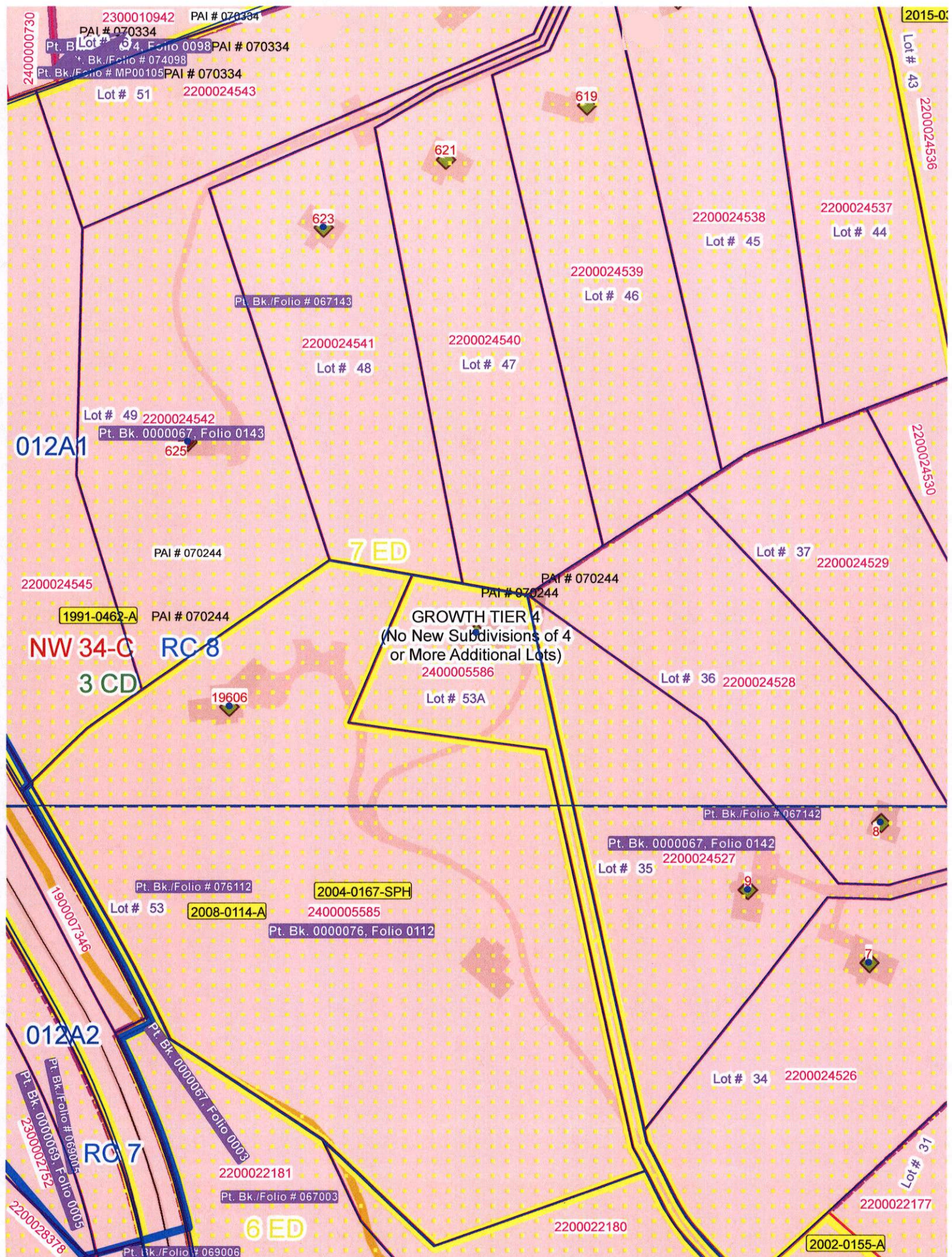
Respectfully submitted,



James H. West
CPF# 9812170275
West, Edwards & Aitken, LLC
409 Washington Avenue, Suite 1010
Towson, Maryland 21204
Tel.: 410-842-0574
Fax: 410-296-6654
jay.west@wealaw.com

*Attorneys for Petitioners
Troy and Kimberly Elser*





CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/Conditions/Comments/No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
9/16	DEPS (if not received, date e-mail sent _____)	Comment
_____	FIRE DEPARTMENT	_____
9/27	PLANNING (if not received, date e-mail sent _____)	No Objections
8/14	STATE HIGHWAY ADMINISTRATION	No Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 10/1/19	
SIGN POSTING (1 st)	Date: 9/30/19 by DocK	
SIGN POSTING (2 nd)	Date: 10/2/19 by DocK	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Search Result for BALTIMORE COUNTY

1/2

Case No.:

2019-0415-SHA

Exhibit Sheet

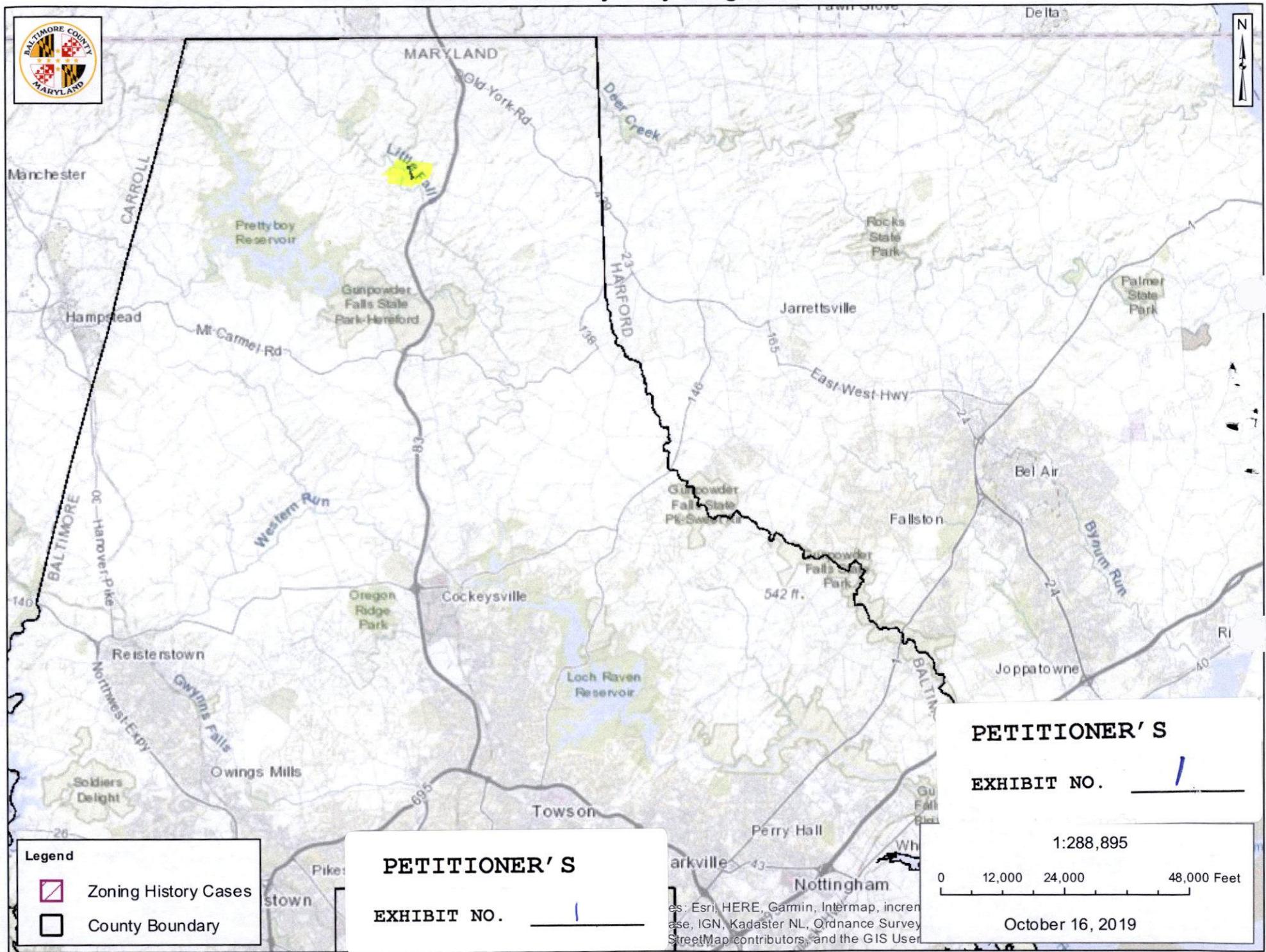
Petitioner/Developer

Protestants

No. 1	Area Map	my Neighborhood Aerial Photo
No. 2	Aerial Photos	Photo of Southern Portion of Lot 48
No. 3	Photos of Garage	Photo of Landscape Lighting
No. 4	Kassmuel letter	Photo of landscape Lighting and Garage
No. 5	Photos of Garage with property line stakes	Photo of Lighting and Large Pine tree
No. 6	Schultz c.v.	Photo of Property Stakes and Garage
No. 7	Site Plan	Email from Lawrence Schmidt, Esq.
No. 8	Site drawing of Lots 53a, 35, 36, 48	
No. 9		
No. 10		
No. 11		
No. 12		

Sen
10-29-19EW
12-3-19

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 1

1:288,895

0 12,000 24,000 48,000 Feet

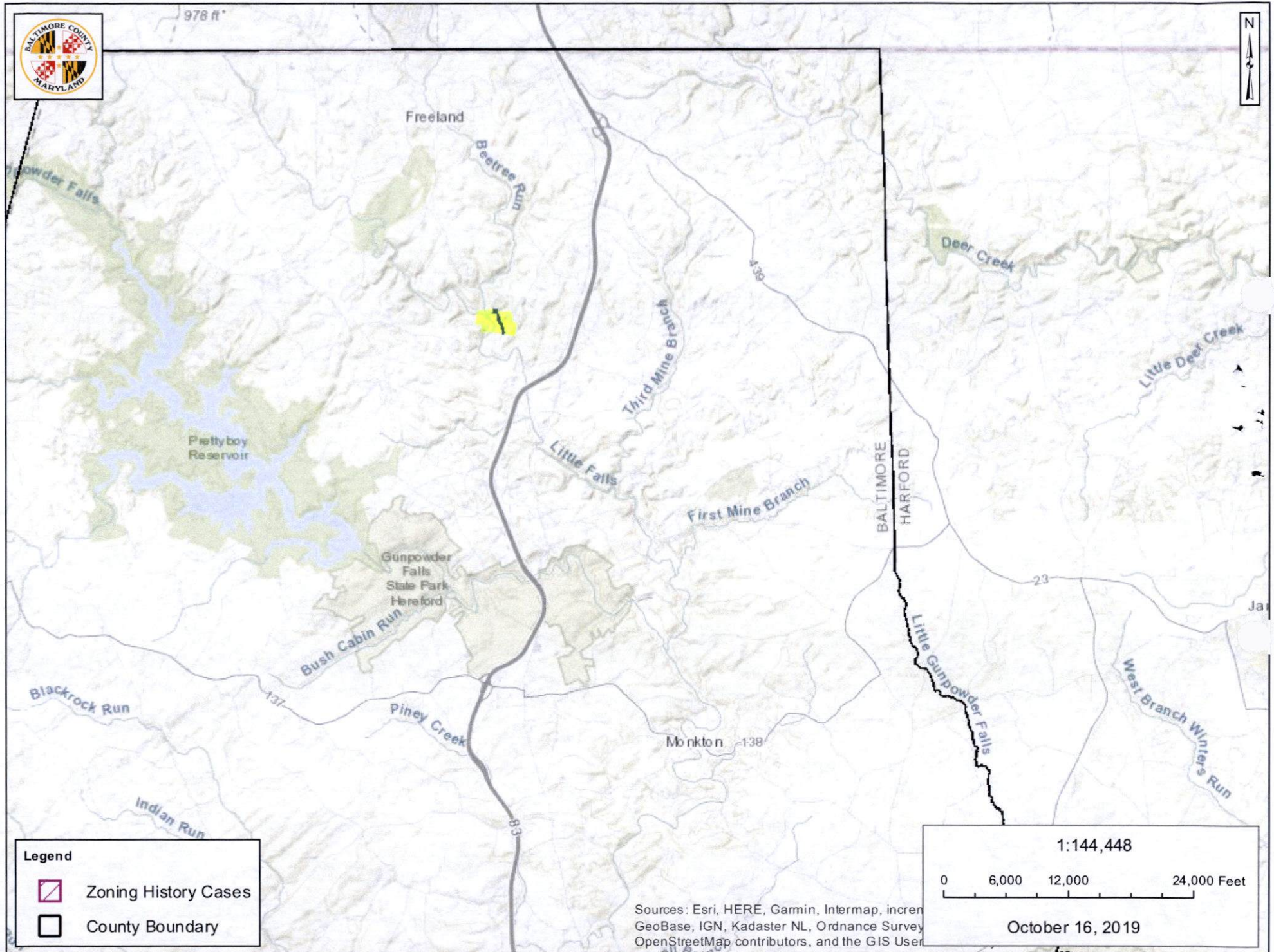
October 16, 2019

PETITIONER'S

EXHIBIT NO. 1

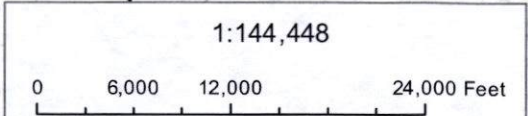
es: Esri, HERE, Garmin, Intermap, increment
ase, IGN, Kadaster NL, Ordnance Survey
StreetMap contributors, and the GIS User

Baltimore County - My Neighborhood



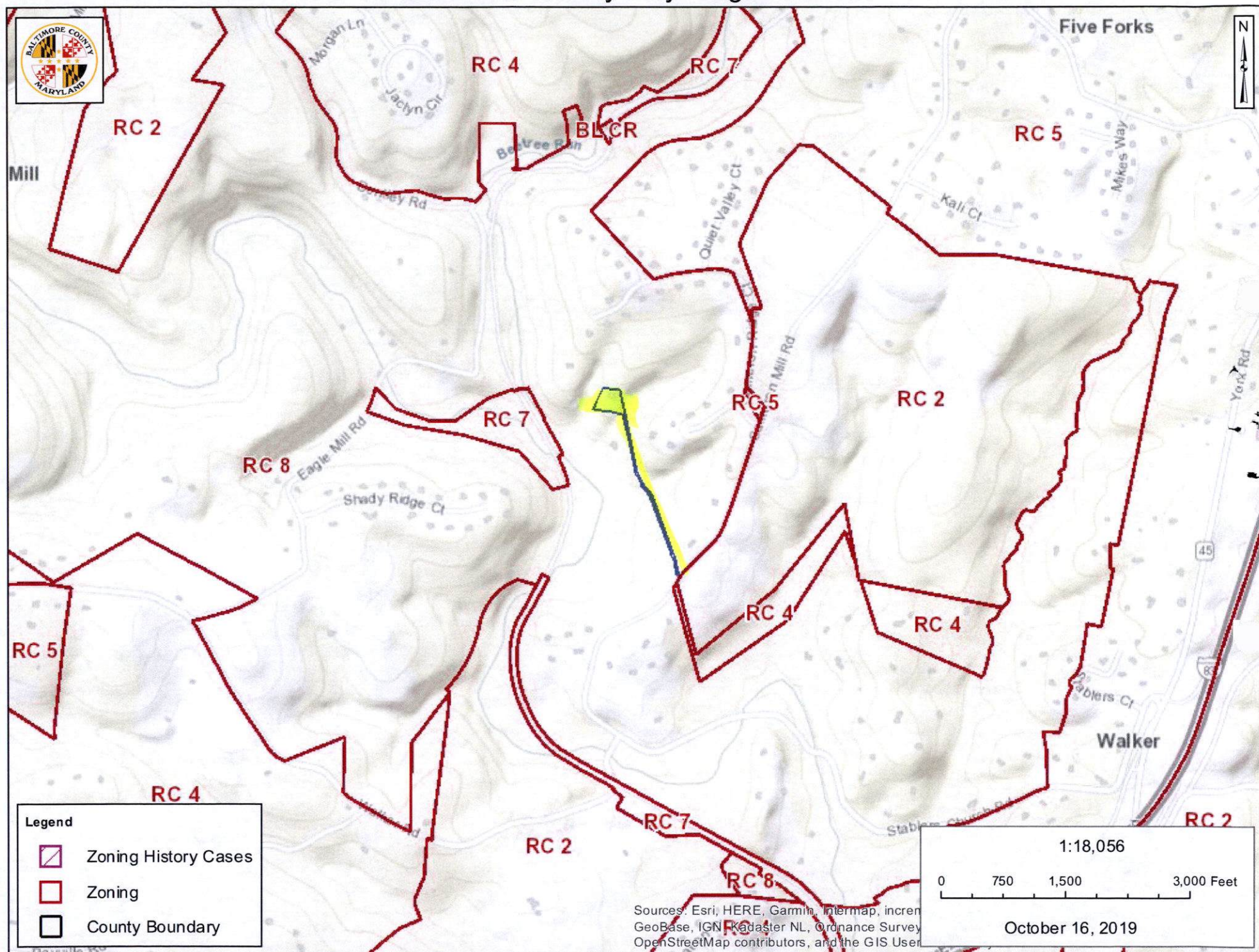
Legend

-  Zoning History Cases
-  County Boundary



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, NAVTEQ, Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community

October 16, 2019

The seal of Baltimore County, Maryland, is a circular emblem. It features a yellow border with the words "BALTIMORE COUNTY" at the top and "MARYLAND" at the bottom. The center is divided into four quadrants by a red cross. The top-left quadrant is black with yellow diagonal stripes. The top-right quadrant is white with red diagonal stripes. The bottom-left quadrant is white with red diagonal stripes. The bottom-right quadrant is black with yellow diagonal stripes. There are three yellow stars on the left side of the cross and three yellow stars on the right side of the cross.

Sources: Esri, HERE, Garmin, Intermap, increment P, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, NAVTEQ, Swisstopo, Mapbox Labs, Swatch, OpenStreetMap contributors, and the GIS User Community

Baltimore County Government Esri HERE Garmin INCREMENT D 11SCS METI/NA SA EPA USDA



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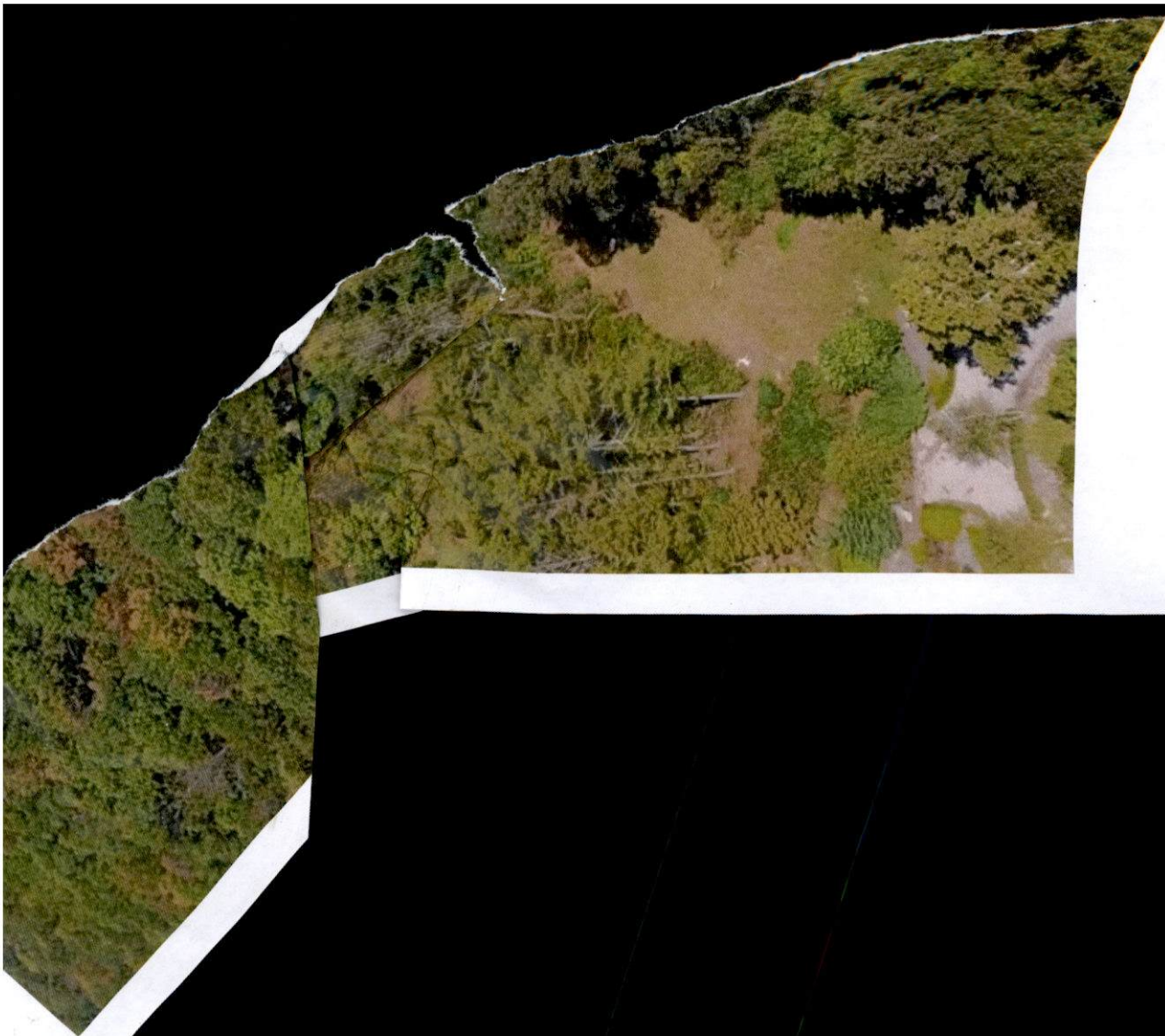
NO.

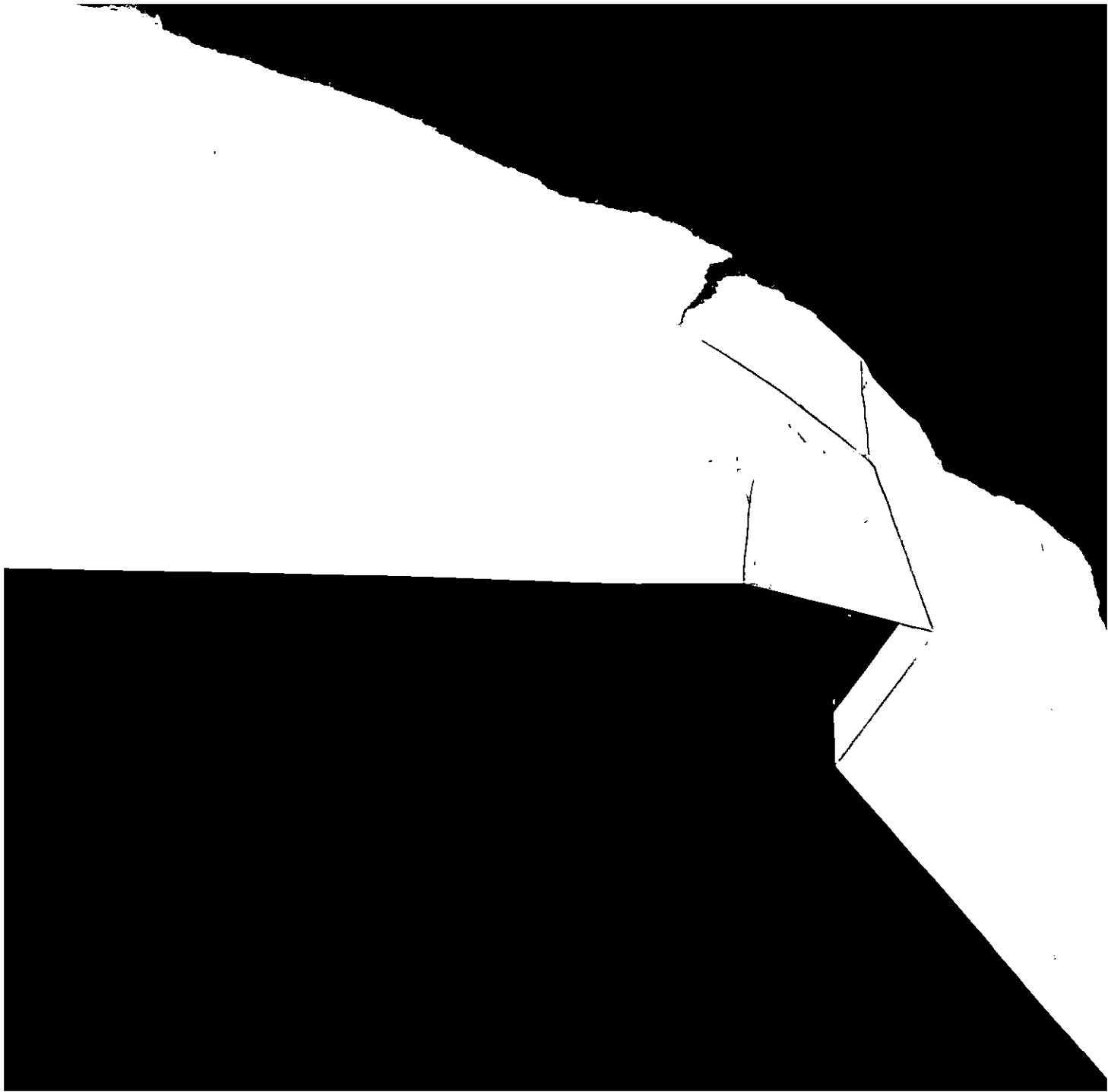
2



PETI

EXH







PETITIONER'S

EXHIBIT NO. 5







Geoffrey C. Schultz

Polaris Land Consultants
57 West Timonium Road - Suite 210
Timonium, MD 21093
410-252-4444
Gschultz@polarisl.com

Education

Towson University, Towson, MD
B.S. (Mathematics and Economics)

Loyola College of MD, Baltimore, MD
M.B.A. (Finance)

Active Registration – MD Professional Land Surveyor

Experience includes over forty years of in the preparation of residential and commercial zoning plans in Baltimore County and testimony in scores of zoning hearings before the Baltimore County Administrative Officer and the Baltimore County Board of Appeals.

Professional Experience

Polaris Land Consultants, LLC - Member

(2011-Present)

Providing Civil Engineering and Land Surveying services within the Baltimore County Area Specializing in Subdivision Design, Residential and Commercial Site Design, Property Best-Use Analysis, Zoning Issues and Hearings, Stormwater Management and Utility Design, and Land Grading and Sediment Control Design.

McKee and Associates, Inc.

(1977-2010)

Officer/Project Manager

Responsible for the daily operations of the firm, including scheduling of work, preparation of proposals, supervision of personnel, preparation of feasibility studies and engineer's cost estimates for prospective work, overseeing the planning and design phases of in-house projects, coordinating with outside consultants and contractors, supervision of billing and account receivable management, and marketing of the firms resources to potential clients.

Also responsible for the management of residential and commercial development projects including the processing of projects through the development review process, representation at reviewing agency meetings and testimony at required hearings, management of the drafting and design of all required drawings, preparation of public works agreements and contract documents, supervision of construction stakeout and management of construction.

PETITIONER' S

EXHIBIT NO.

6



PETITIONER' S

EXHIBIT NO. 3















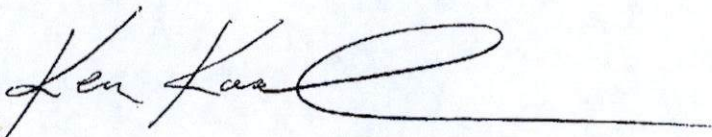
October 6, 2019

To Whom It May Concern:

My name is Ken Kassmel and I am the owner of Lot 36 (8 Quiet Brook Ct) which is one of the effected properties involved in the requested (Elser) lot line adjustment. I am unable to attend the hearing due to a prior work commitment but wanted this document to serve as my support and approval of the requested lot line adjustments and boundary and height exception requests.

This area is minimal and completely unusable property that I am comfortable conveying to the Elser's to remove any trespass or inaccuracies with the properties and final development plan.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Kassmel", with a long horizontal flourish extending to the right.

Kenneth Kassmel

PETITIONER' S

EXHIBIT NO.

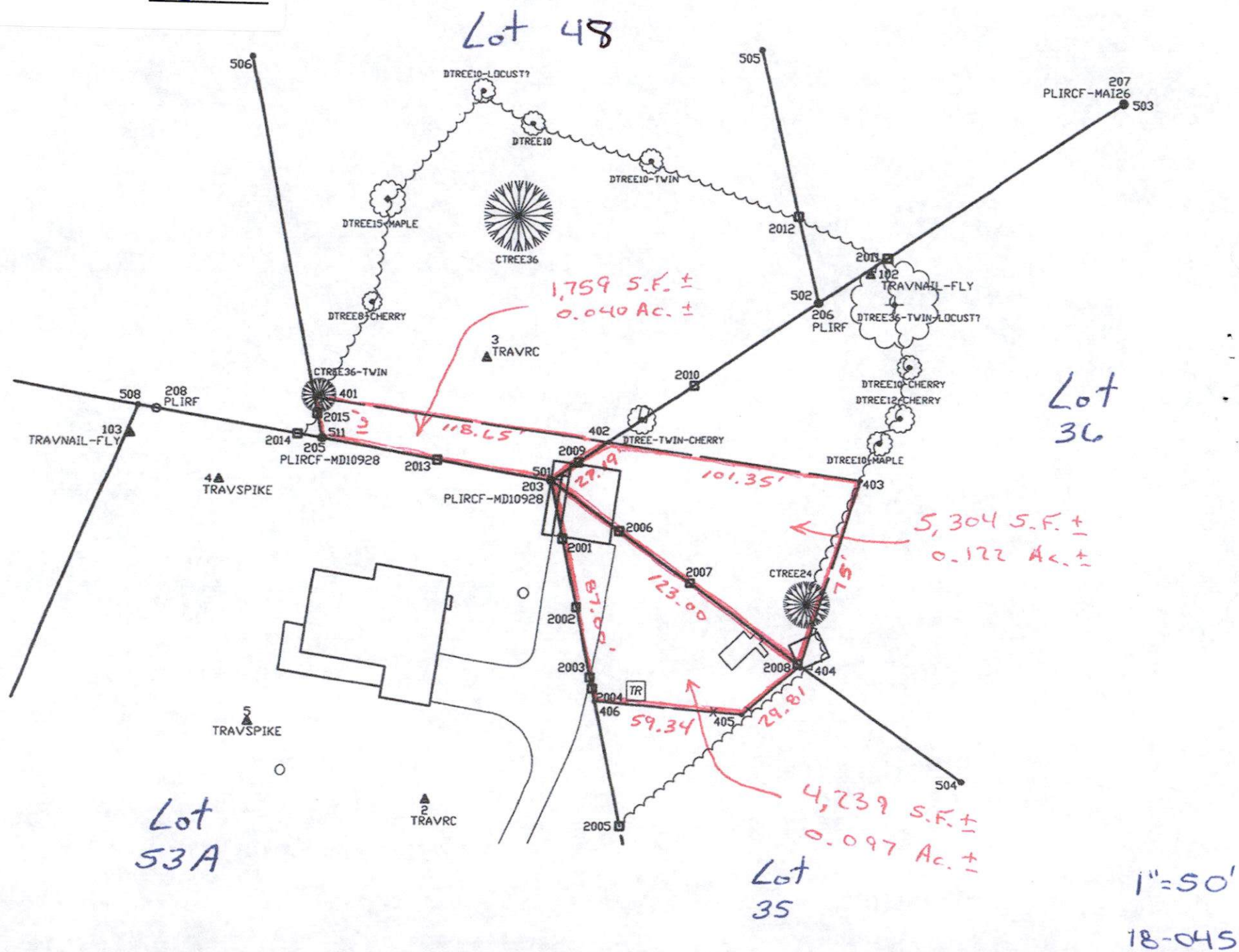
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EXHIBIT NO. 8

EXHIBIT NO. 8





PROTESTANT'S
EXHIBIT NO. 1



PROTESTANT' S

EXHIBIT NO. 2



PROTESTANT' S

EXHIBIT NO. 4

From: Troy Elser <elser43@gmail.com>

To: Pamela Lehnert <pam4bars@aol.com>

Subject: Re: Property update...

Date: Fri, Oct 5, 2018 12:08 pm

See below... easily another \$500 cha-ching\$\$!!

Ugh!! 

Troy:

I am replying in reference to your email below. And if you want to forward this email to any of the adjacent neighbors as an explanation of the steps we are taking, please do so.

There are two steps that we are taking to resolve the issue. The first is to request a "lot line adjustment" through Baltimore County. Basically, this means that we are asking the County to approve an adjustment (i.e. relocation) of the lot lines which separate your property from those of your neighbors. That is, you are obtaining a small portion of property from each of your neighbors and the lot line which separates your property (including the new acreage acquired) and your neighbors' lots will be moved to reflect the size and configuration of your lot after the transfers. It is necessary to ask the County to approve the adjustment instead of merely your neighbor's selling you the property. This is because there is an approved plan and record plat on file at the County and recorded in the Land Records of Baltimore County which show the current lot sizes and configurations. Because we are changing those, we need to go through this Lot Line Adjustment process.

When I had originally met with you and Devin Leary, we discussed that there could be an alternative solution instead of a lot line adjustment. That solution would be that instead of moving lot lines, you would obtain an easement over your neighbor's properties. That is, they would continue to own the property they currently own and there would be no transfer of any property. Instead, you would have an easement on their property which would allow you to use their property.

At the end of the day, the decision was made to do the lot line adjustment in that it would ultimately be a "cleaner" process which would resolve the issue. I know that there was significant discussion that your neighbors might be concerned about attempts to sell their respective properties if they were burdened by an easement. Therefore, the decision to do the lot line adjustment was made.

In order to institute this process, I need a plan from Polaris Consultants. My understanding is that Joe Burdyck and/or Geoff Schultz are working on the preparation of that plan. Once the plan is completed, we will file it (along with an application and letter of support) with the County and will shortly thereafter appear before the Development Review Committee for consideration (and approval) of the lot line adjustment plan.

PROTESTANT'S

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10/15/2018, 3:10 PM

The second step of this process relates to the existing forest buffer easement. This is an environmental easement which protects streams and wetlands. When the Cameron Mill subdivision was approved, certain forest buffer easements were placed throughout the subdivision. These easements prohibit the property owner from improving, building and using the land on which the forest buffer easement is attached. The land is to be kept in a natural state in order to protect a stream or wetland.

There is no forest buffer easement on your property. However, there is an easement on your neighbors properties. We were concerned that the County would allege a violation of the forest buffer easement against your neighbors as they are the property owners. Even though, it was you that built the garage, playground equipment, etc. within the forest buffer easement.

In order to address this issue, I met with David Lykens, the Deputy Director of the Department of Environmental Protection at Baltimore County. I explained the situation to him. He was most accommodating. In fact, he indicated to me that the forest buffer easements which were originally put in place were actually far greater in size than was needed. He felt that the properties involved were not actually deserving of being in a forest buffer easement and that the disturbance in those areas did not harm the stream. He suggested that the simplest way to address this issue was for me to write a letter to him explaining the intrusion in the forest buffer areas. He further indicated that the county had previously allowed an intrusion (called a variance) in a forest buffer easement area near by. He explained that his department would "piggy back" the disturbance that you had caused into the variance previously granted. I can not stress enough that Mr. Lykens was most accommodating and that this approach is the simplest way to handle this. If the variance is "extended" to cover your neighbors properties which have been disturbed by you, then there would be no violation of the forest buffer easement. The variance would be to allow activities within the forest buffer easement.

I prepared a draft letter and sent it to Mr. Lykens for his review. He indicated that he would review the letter and send me a response indicating that it was acceptable. As of today's date, I have not heard from him. I have followed up a couple of times. He has told me that he has been busy with other matters and apologized. He has also indicated that there is no problem. I frankly believe that this is so far down the list that he has simply not gotten to it. Because Mr. Lykens has been so accommodating, I would ask that the neighbors not contact him, or have their attorney contact him. I simply don't want to rock the boat. I will continue to push to get this resolved. I have copied Joe and Geoff on this email and perhaps they can advise us as to the status of the lot line adjustment plan.

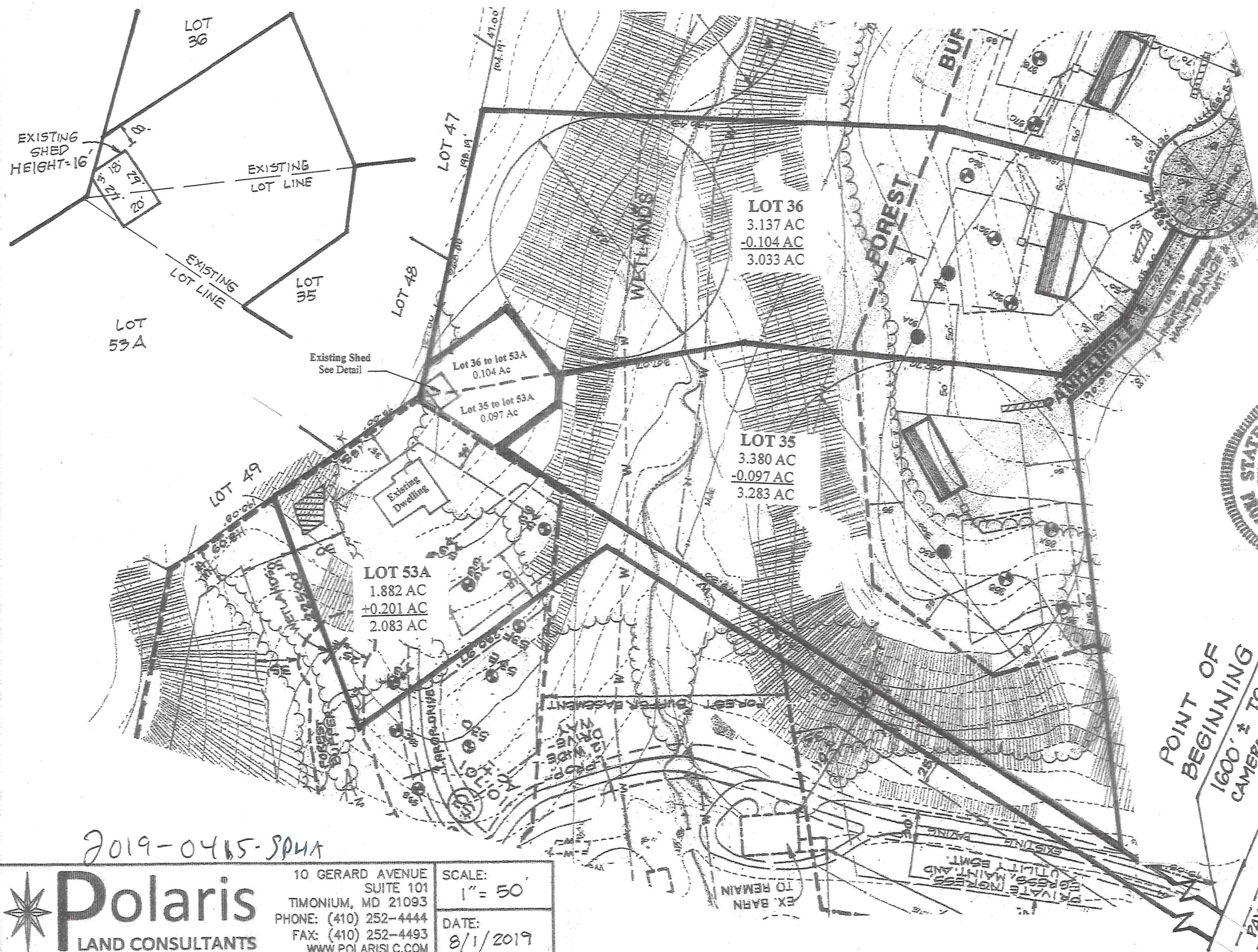
Larry

Lawrence E. Schmidt|Partner

Smith, Gildea & Schmidt, llc

600 Washington Avenue|Suite 200|Towson, MD 21204|(410) 821-0070

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
ADDRESS 19608 CAMERON MILL ROAD OWNER(S) NAME(S) TROY M. & KIMBERLY J. ELSER
SUBDIVISION NAME CAMERON MILL LOT # 53A BLOCK # SECTION # 2
PLAT BOOK # 76 FOLIO # 112 10 DIGIT TAX # 2400005586 DEED REF. # 19959/00266

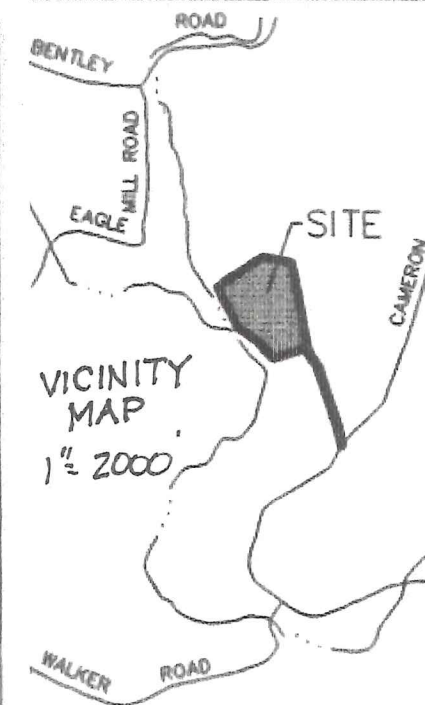
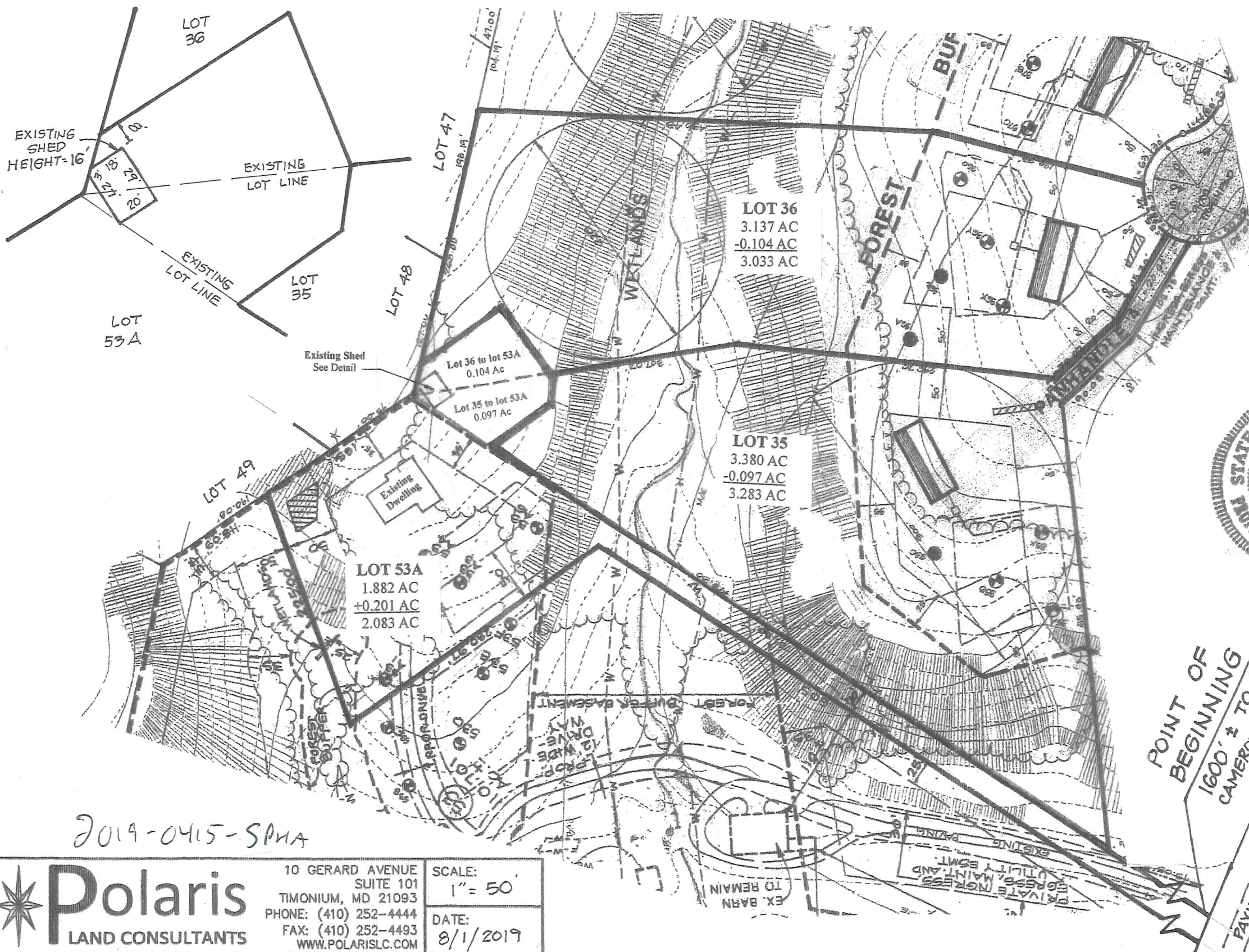


ZONING MAP# 012 A2
SITE ZONED RC-B
ELECTION DISTRICT 7TH
COUNCIL DISTRICT 3RD
LOT AREA ACREAGE 1.882 Ac.
OR SQUARE FEET —
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC — PRIVATE X
SEWER IS:
PUBLIC — PRIVATE X
PRIOR HEARING? 04-167-SPH
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
SPECIAL HEARING
GRANTED TO ALLOW
AMENDMENT TO THE
FDP FOR A RECONFIGURATION
OF LOTS 53 & 53A

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

SCALE:
1" = 50'

DATE:
8/1/2019