



JOHN A. OLSZEWSKI, JR.
County Executive

March 26, 2020

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

Keith E. Ronald
14009 Fox Land
Phoenix, Maryland 21131

To Whom It May Concern:

RE: Spirit and Intent
Zoning Case # 2019-0495-SPHA
14009 Fox Land Road

Your recent letter to this office was forwarded to me for reply. Based on the information provided therein, my review of the available zoning records and after consultation with Zoning Review Supervisor, the following has been determined the proposed modification is within the Spirit and Intent of zoning case # 2019-0495-SPHA. A copy of an approved redline with the proposed changes will be added to the zoning case folder.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in blue ink that reads "Gary Hucik".

Gary Hucik
Planner II
Zoning Review

cc: Zoning Hearing File # 2019-0495-SPHA
File-Spirit & Intent Letters

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**
(14009 Fox Land Road) *

10th Election District *
3rd Council District *
Keith E. and Cyndy L. Ronald,
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2019-0495-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 Keith and Cyndy Ronald , legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 404.B.1 of the Baltimore County Zoning Regulations (“BCZR”) to propose an accessory structure to be used as an accessory apartment. In addition, a Petition for Variance was filed pursuant to BCZR §§ 400.1 and 400.3: (1) to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard; and (2) to permit a height of 20 ft. in lieu of the maximum height of 15 ft. A redlined site plan was marked and accepted into evidence as Petitioners’ Exhibit 1. The property is zoned RC5.

Keith and Cyndy Ronald appeared in support of the requests. They were represented by John Gontrum, Esq. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”). Neither agency opposed the requested relief.

ORDER RECEIVED FOR FILING

Date 12/10/19
By sen

SPECIAL HEARING

Because there were no Protestants Mr. Gontrum was permitted to proffer the evidence. He explained that Mr. Ronald has a degenerative disease that necessitates the requested relief. Mr. and Mrs. Ronald will occupy the proposed accessory residential structure and their daughter and son-in-law will occupy the principal residence. The accessory structure must be located to the side of the principal residence rather than in the back because the residence relies on private well and septic and the well is behind the residence, as depicted on the site plan. The Ronalds need the 1400 square foot structure in order to accommodate wheelchair access throughout the interior, which necessitates wider doorways and hallways. The 20 foot height is needed in order to make the structure architecturally compatible with the existing residence and the others in the neighborhood. Aerial photographs of the existing residence and the surrounding properties were admitted as Petitioners' Exhibits 2A and 2B. Floor plans of the proposed accessory apartment were admitted as Petitioners' Exhibits 3A and 3B.

Based on the record evidence I find that Petitioners are entitled to the relief requested in the Special Hearing. The requested relief can be granted within the spirit and intent of the BCZR and without being injurious to the public, health, safety and welfare. I specifically find that the requested relief meets all the conditions of BCZR Sec. 502.1 and that no particular conditions or restrictions are required in order to protect the surrounding properties.

VARIANCE

A variance can be granted under BCZR Sec. 307.1 and under Maryland common law if a two prong legal test is met:

- (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

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Date 12/10/19
By SEN

- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Ronalds' home is on an irregularly shaped lot and is accessed by a long panhandle driveway. It has a large septic reserve area in the front yard and a well in the rear. As such, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed accessory apartment in a manner that will accommodate their present and future needs. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this **10th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to propose an accessory structure to be used as an accessory apartment, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard; and (2) to permit a height of 20 ft. in the maximum height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The accessory structure shall not be used as a principal residence or for commercial purposes.
3. No separate utility meter shall be permitted.
4. Prior to issuance of permits, Petitioners must comply with the ZAC comment

ORDER RECEIVED FOR FILING

Date 12/10/19
By sen

submitted by the ("DEPS"), a copy of which is attached hereto and made a part hereof.

5. Petitioners shall execute and file, along with a copy of this Order, within the land records of Baltimore County, a Declaration of Understanding that conforms with BCZR Sec. 400.4.A.1 and

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:sln

ORDER RECEIVED FOR FILING

Date 12/10/19
By sen



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 14009 Fox Land Road

which is presently zoned RC-5

Deed References: S. M. N# 8624-183

10 Digit Tax Account # 1600008862

Property Owner(s) Printed Name(s) KEITH E. & CYN DY L. RONALD

(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 a proposed accessory structure to be use as an accessory apartment.
section 404.B.1

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

3. X a **Variance** from Section(s) 400.1 & 400.3 (BZR); To permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard, and to permit a height of 20 feet in lieu of the required height of 15 feet, and to allow a detached accessory apartment with 1400 square feet in lieu of the required 1200 square feet of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: you need additional space, you may add an attachment to this petition (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If last.

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0495-SP4A Filing Date 10/21/19

Do Not Schedule Dates: _____

Reviewer gh

ZONING DESCRIPTION – 14009 Fox Land Road

All that lot situate in the Tenth Election District of Baltimore County, State of Maryland and described as follows:

Beginning for Lot 35 as laid out on the Plat of Manor Ridge Subdivision recorded among the Plat Records of Baltimore County in Plat Book OTG No. 35 page 129 at a point situate on the East side of Fox Land Road 50 feet wide and at the distance of 420 feet measured Southerly from the South side of Eland Road 50 feet wide, thence running Southerly along the south side of Fox Land Road 12.22 feet, thence leaving said road and running the nine following courses and distances: South 58 degrees 18 minutes 10 seconds East 222 feet, South 20 degrees 01 minute 25 seconds West 251.72 feet, South 35 degrees 23 minutes 33 seconds West 118.89 feet, North 72 degrees East 290 feet, North 18 degrees West 199.90 feet, North 72 degrees East 35 feet, North 3 degrees 57 minutes 41 seconds East 47.02 feet, North 86 degrees 02 minutes 19 seconds West 89.43 feet and North 58 degrees 18 minutes 10 seconds West 224.32 feet to the place of beginning.

Containing 1.42 Acres of Land, more or less.

Keith E. Ronald
14009 Fox Land Road
Phoenix, Maryland 21131

March 23, 2020

Paul M. Mayhew,
Managing Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re : Petition for Special Hearing and Variance
Case No. 2019-0495 – SPHA
Property : 14009 Fox Land Road

Dear Mr. Mayhew:

You presided over our Special Hearing in the above matter on December 5, 2019. In your Opinion and Order, you approved our requests to (i) construct an accessory apartment to be located in the side yard of our property in lieu of the rear yard; (ii) to permit a height of 20 feet; and (iii) to allow the accessory apartment to be a 1,400 square foot structure in order to accommodate my disability.

The plans we submitted with the Petition and to you at the Hearing by my attorney, John Gontrum, showed that the apartment would be located in the southeast corner of our property, approximately 10 feet inside my property lines. The original site plan that was prepared by my surveyor, Dave Ransone, when he originally filed the Petition, only showed the approximate location of where the apartment would be. In those early stages, we did not know what the apartment would look like.

Our formal set of building plans ('Plans') were prepared by Frank Baylor and sealed by John Schneider, Jr. Dave Ransone filed a building permit application with the County using the Plans. The Plans show an L-shaped, one story apartment containing two bedrooms, two baths, a living and kitchen area and a den/office. The apartment will be located no less than ten feet inside my property lines. The apartment will be 1,400 square feet and have pitched roofs and a 12 foot ceiling.

Our property has a well and septic system. We need to have two water storage tanks in the apartment—one for regular daily use and the second for the sprinkler system that is required by Baltimore County. We also need to have our own hot water heater, HVAC equipment and other utilities in the apartment. When the plans were being first prepared, we tried to fit all of that equipment into the apartment. But that would have taken up more than 100 square feet of space in the living area of the apartment. Our designer suggested that we keep all the equipment in a utility crawl space under Bedroom No. 1. The crawl space will be 7 feet high, which makes that space uninhabitable. It cannot be used as living space and will only be used to hold the utilities. Our designer also suggested that we have a carport, so that anyone using it will have a little bit of cover from the rain and snow during bad weather.

After Dave Ransone filed the building permit application, my designer, Frank Baylor, advised that the size of the apartment, as shown on the Plans, was a little more than 1,400 square feet. Frank has prepared a revised foundation plan for the apartment, with a 2-24-20 revision date, which shows that the total square footage of the apartment is 1,400 square feet. A copy of that revised sheet no A3 is enclosed. I will also email you a pdf version of the Plans.

Dave Ransone was told that the Plans Review office would not approve the issuance of the building permit because the footprint of the apartment as shown on the Plans was not the same as the preliminary plans that were attached to the Petition for Special Hearing or provided to the Hearing Examiner during the Hearing. I believe the Plans Review office also objected to the pitched roof of the apartment and the carport. We also have a pitched roof on our existing house and, as we explained at the Hearing, our hope was for the looks of the two structures to be consistent.

The Plans submitted with the building permit application are very similar, if not the same, as the plans submitted as part of the Petition for Special Hearing. See enclosed copies of Exhibit 3-A, showing the location of the apartment on our property, and Exhibit 3-B, showing the first floor plans, both of which Exhibits were submitted at the Hearing, which shows an L shaped, one story apartment with two bedrooms, two baths, living room, kitchen, den/office and carport, all of which are on the Plans submitted with the building permit application. The apartment, as shown on the revised set of Plans, is 1,400 square feet and also complies with your Opinion and Order.

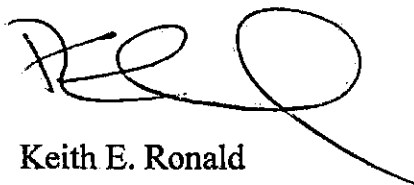
I have filed the Declaration required by the County among the Land Records of Baltimore County. I met with Miranda Clifford of the Baltimore County Office of Environmental Protection. She has advised me what improvements will need to be made to my septic system during the building process in order to comply with that Office's requirements.

I understand that your office can issue a letter to confirm that the Plans do meet with the spirit and intent of the Opinion and Order issued in this matter. I would very much appreciate if you could prepare such a letter which I will deliver to the Planning Office so they will approve my building permit application. My check for the filing fee is enclosed.

I will also send you a redlined plat that Dave Ransone prepared showing the outline of the proposed apartment as presented at the Hearing. The outline shown on the application was prior to the completion of the plans and a projected idea of the location and size.

Thank you. Once you have reviewed, please do not hesitate to contact me if you have any questions. My cell number is 410-591-0482. My email is keith.ronald006@gmail.com.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KEE R', with a large circular flourish at the end.

Keith E. Ronald

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
14009 Fox Land Road; E/S of Fox Land Road, *
South 442' to c/line of Eland Road *
10th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Keith & Cyndy Ronald *
Petitioner(s) * BALTIMORE COUNTY
* 2019-495-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
OCT 29 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 29th day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to David Ransone, 204 Ridge Avenue, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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:

11/15/2019

Order #: 11811797
Case #: 2019-0495-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0495-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: 2019-0495-SPHA

14009 Fox Land Road

East side of Fox Land Road, south of Eland Road

10th Election District - 3rd Councilmanic District

Legal Owners: Keith & Cyndy Rowald

Special Hearing for a proposed accessory structure to be used as an accessory apartment. Variance to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard, and to permit a height of 20ft. in lieu of the maximum height of 15ft.; and to allow a detached accessory apartment with 1400 sq. ft. in lieu of the maximum square footage of 1200 sq. ft.

Hearing: Thursday, December 5, 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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

n15

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/14/2019

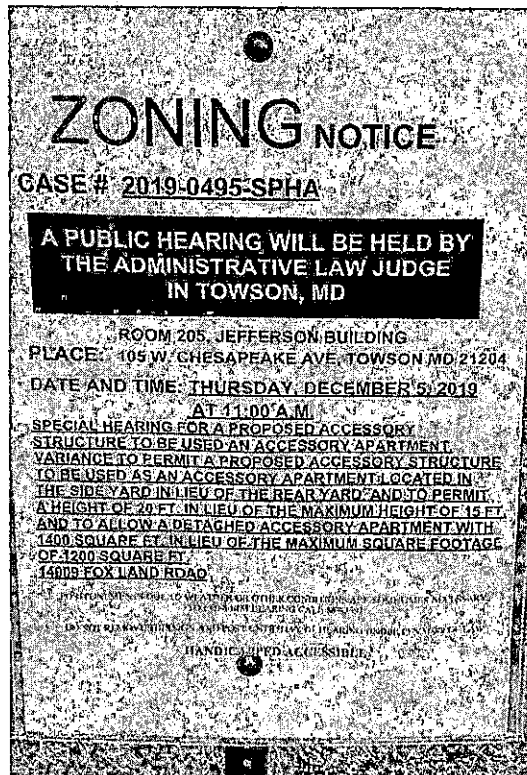
Case Number: 2019-0495-SPHA

Petitioner / Developer: DAVID RANSONE ~ MR. & MRS. RONALD

Date of Hearing: DECEMBER 5, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
14009 FOX LAND ROAD

The sign(s) were posted on: **NOVEMBER 14, 2019**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 14009 Fox Land Road ~ 2019-0495-SPHA



Background Photo 2nd Sign @ 14009 Fox Land Road ~ 2019-0495-SPHA
CASE # 2019-0495-SPHA



JOHN A. OLSZEWSKI, JR.
County Executive

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

October 31, 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: 2019-0495-SPHA

14009 Fox Land Road

East side of Fox Land Road, south of Eland Road

10th Election District – 3rd Councilmanic District

Legal Owners: Keith & Cyndy Ronald

Special Hearing for a proposed accessory structure to be used as an accessory apartment. Variance to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard, and to permit a height of 20 ft. in lieu of the maximum height of 15 ft. *and to allow a detached accessory apartment with 1400 square in lieu of the maximum square footage of 1200 square feet*

Hearing: Thursday, December 5, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Michael D. Mallinoff
Director

MM:kl

C: Mr. & Mrs. Ronald, 14009 Fox Land Road, Phoenix 21131
David Ransone, 204 Ridge Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 15, 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
Friday, November 15, 2019 – Issue

Please forward billing to:
Keith & Cyndy Ronald
14009 Fox Land Road
Phoenix, MD 21131

410-591-0482

CORRECTED 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: 2019-0495-SPHA
14009 Fox Land Road
East side of Fox Land Road, south of Eland Road
10th Election District – 3rd Councilmanic District
Legal Owners: Keith & Cyndy Ronald

Special Hearing for a proposed accessory structure to be used as an accessory apartment. Variance to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard, and to permit a height of 20 ft. in lieu of the maximum height of 15 ft.; and to allow a detached accessory apartment with 1400 sq. ft. in lieu of the maximum square footage of 1200 sq. ft.

Hearing: Thursday, December 5, 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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2019-0495-SPHA
Property Address: 14009 Foxland Rd 21131
Property Description: _____
Legal Owners (Petitioners): Keith E. Ronald & Cindy L. Ronald
Contract Purchaser/Lessee: _____

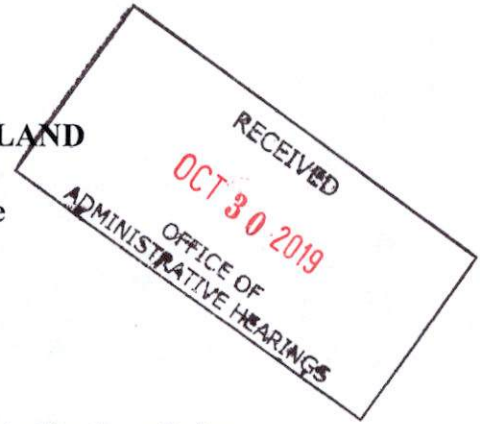
PLEASE FORWARD ADVERTISING BILL TO:

Name: Keith & Cindy Ronald
Company/Firm (if applicable): _____
Address: 14009 Fox Land Road
Phoenix, Maryland 21131
Telephone Number: 410-591-0482

62-5-19 11 AM

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: October 30, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0495-SPHA
Address 14009 Fox Land Road
(Ronald Property)

Zoning Advisory Committee Meeting of **October 25, 2019.**

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

1. Ground Water Management will need to review any permit for an accessory apartment building – since the property is served by well and septic.

Reviewer: Dan Esser

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 10/29/19

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. 2019-0495 - SPHA

*Special Hearing, Variance
Keith E. & Cynoy L. Ronald
14009 Fox Land Road.*

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

Sincerely,



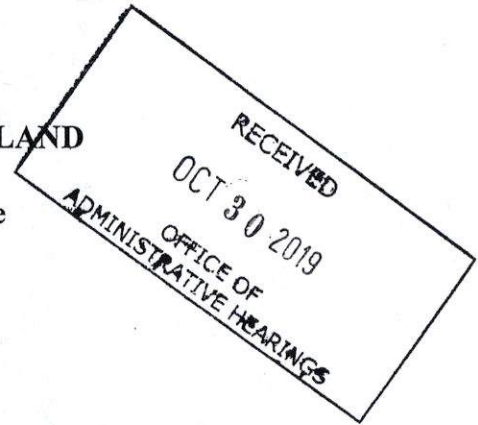
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

12-5-19 11 AM

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: October 30, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0495-SPHA
Address 14009 Fox Land Road
(Ronald Property)

Zoning Advisory Committee Meeting of **October 25, 2019**.

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

1. Ground Water Management will need to review any permit for an accessory apartment building – since the property is served by well and septic.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 12/10/19
By Sen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/4/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS (Amended)
Case Number: 19-495

INFORMATION:

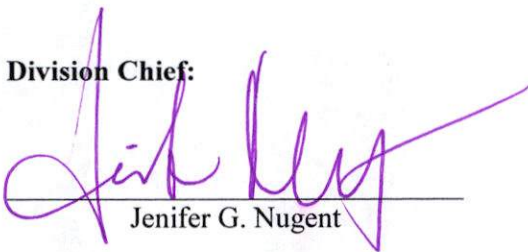
Property Address: 14009 Fox Land Road
Petitioner: Keith E. Ronald, Cyndy L. Ronald
Zoning: RC 5
Requested Action: Special Hearing, Variance

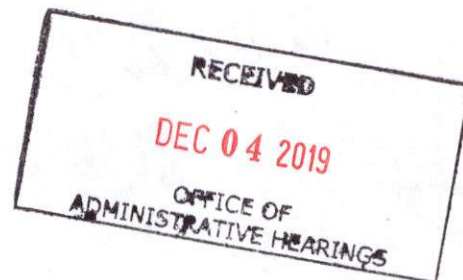
The Department of Planning has been contacted by the Petitioner's attorney who has supplied information regarding the health of the applicant and on that basis has requested the Department to amend its November 8, 2019 comment.

Given the extenuating health conditions of the applicant, the Department will defer to the Administrative Law Judges determination for the request for variance to BCZR Sec 400.4.B.2. relating to the limitation of 1,200 square feet for a detached unit.

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

Division Chief:


Jenifer G. Nugent



CPG/JGN/LTM/

c: Megan Benjamin
David Ransone
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-5-19

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 11/15/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-495



INFORMATION:

Property Address: 14009 Fox Land Road
Petitioner: Keith E. Ronald, Cyndy L. Ronald
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing under section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether the administrative law judge should approve a proposed accessory structure to be used as an accessory apartment. A variance from sections 400.1 & 400.3 (BCZR) is being requested to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the rear yard; to permit a height of 20 feet in the maximum height of 15 feet; and to allow the size of 1400 square feet in lieu of the required 1200 square feet.

A site visit was conducted on November 7, 2019. The applicants own a 1.42-acre parcel located on a panhandle lot from Fox Land Road. It was noted that most lots do not have detached accessory structures in the neighborhood.

There is the concern that such a use will become permanent, however, BCZR Sec. 400.4.C.1.C provides for termination of the use and as such, if approved, approval should be specifically conditioned to comply with Sec 400.4.C.1.C. so as to not be detrimental to the health safety, or general welfare of the surrounding community. Given the accessory structure is not an existing structure, there is a question of the need for it to exceed the permitted maximum size of 1200 square feet. In addition, regardless of the size or configuration of the property, the Department does not see that the larger size is warranted.

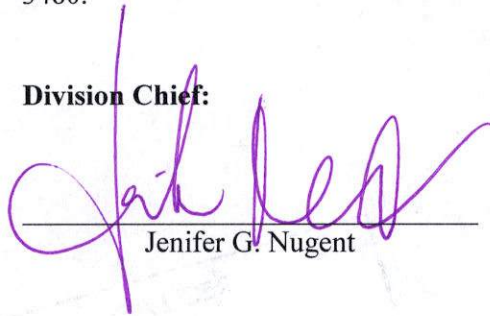
The Department of Planning has no objections to granting the requested relief for the location and height of the proposed accessory (in-law) apartment, conditioned upon the following:

1. Full compliance with BCZR § 400.4 must be met.
2. The accessory structure shall not be used as a principal residence or for commercial purposes and no separate utility meter shall be permitted.

Date: 11/15/2019
Subject: ZAC # 19-495
Page 2

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

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Megan Benjamin
David Ransone
Office of the Administrative Hearings
People's Counsel for Baltimore County

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this ____ day of _____ 20____, by and between KEITH E. RONALD and CYNDY L. RONALD (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

A. The Declarants, who are also the owners of this property, have filed an application for a use permit and special hearing to construct a new accessory apartment on Declarants' property, as more particularly shown on that Zoning Hearing Plan prepared by David Ransone, Land Surveyor, dated October _____, 2019, attached hereto as **Exhibit B** ("Plan"). The property being located at: 14009 Fox Land Road, Phoenix Maryland, 21131 and is more particularly described in **Exhibit A** (The Property). Any use permit or hearing plans attached hereto are made a part hereof. The property is zoned RC-5, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Keith E. Ronald and Cyndy L. Ronald, who are husband and wife and the parents of Katharine Ronald Moog. The other residents of the property are: Katharine Ronald Moog and her husband, Max Moog, who will be the residents of and occupy the existing dwelling on the Property. Katharine Ronald Moog is the daughter the Declarants. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarants' request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PAI.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and PAI hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination:

A. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

B. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot No. 35 as shown on the Plat entitled "Plat of MANOR RIDGE SUBDIVISION", which Plat is recorded among the Land Records of Baltimore County in Plat Book OTG No. 35 folio 129.

The improvements thereon being known as 14009 Fox Land Road.

BEING THE SAME lot of ground which by Deed dated October 5, 1990, and recorded among the Land Records of Baltimore County in S.M. Liber No. 8624, page 183 was granted and conveyed by Elan Development Corporation unto Keith E. Ronald and Cyndy L. Ronald, as husband and wife, the Grantors and Declarants herein.

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

10/30

DEPS

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

Comment

FIRE DEPARTMENT

Amended
PLANNING

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

11/15/19No Objection
2nd condition10/29

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/15/19SIGN POSTING (1st)

Date:

11/14/19by O'KeefeSIGN POSTING (2nd)

Date:

12-2-19by "

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Debra Wiley

PM 12-5-19
11 AM

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, December 3, 2019 11:50 PM
To: Administrative Hearings
Subject: Certifications
Attachments: Fox Land Rd. Cert.jpeg; Fox Land Rd. Photos.docx; 8408 A Park Heights Ave. Cert.jpeg; 8408 A Park Heights Ave. Photos.docx; 8410 Park Heights Ave. Cert.jpeg; 8410 Park Heights Ave. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I have several Certs and photos for you of Case # 2019-0495-SPHA @ Fox Land Road ~ Case # 2019-0487-A @ 8408 A Park Heights Avenue & Case #2019-0488-A @ 8410 Park Heights Avenue. Have a nice day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 12/3/2019

Case Number: 2019-0495-SPHA

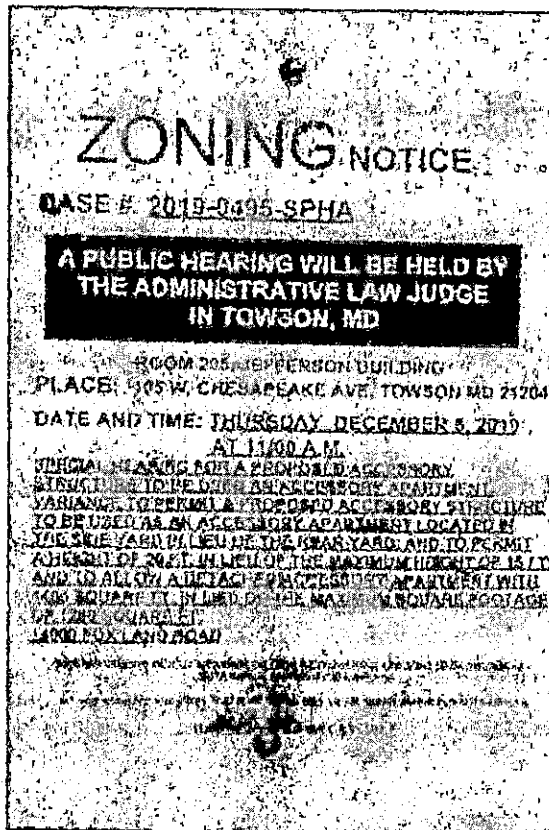
Petitioner / Developer: DAVID RANSONE ~ MR. & MRS. RONALD

Date of Hearing: DECEMBER 5, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
14009 FOX LAND ROAD

The sign(s) were posted on: **NOVEMBER 14, 2019**

The sign(s) were re-photographed on: **DECEMBER 2, 2019**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

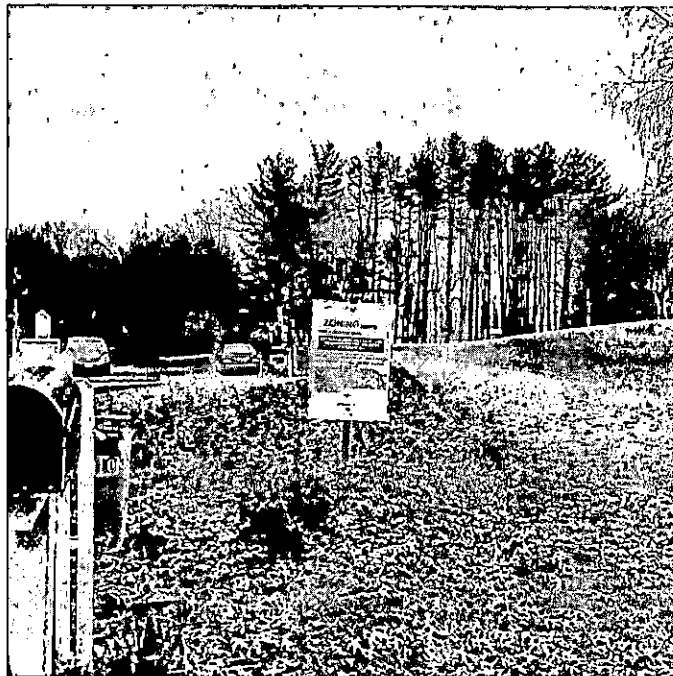
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Re-Photographed 1st Sign @ 14009 Fox Land Road ~ 12/2/2019



Re-Photographed 2nd Sign @ 14009 Fox Land Road ~ 12/2/2019
CASE # 2019-0495-SPHA

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt: None			Special Tax Recapture: None						
Exempt Class: None									
Account Identifier:			District - 10 Account Number - 1600008862						
Owner Information									
Owner Name:		RONALD KEITH E RONALD CYNDY L			Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		14009 FOX LAND RD PHOENIX MD 21131			Deed Reference:		/08624/ 00183		
Location & Structure Information									
Premises Address:		14009 FOX LAND RD 0-0000			Legal Description:		PLUS STRIP 429 S ELAND ROAD MANOR RIDGE		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0044	0002	0328	10030037.04	0000			35	2020	Plat Ref: 0035/ 0129
Special Tax Areas: None					Town:		None		
					Ad Valorem:		None		
					Tax Class:		None		
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1990		2,912 SF		500 SF		1.4200 AC		04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2	YES	STANDARD UNIT	SIDING/	5	3 full/ 1 half	1 Attached			
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2019		07/01/2020	
Land:			158,300	158,300					
Improvements			340,300	340,300					
Total:			498,600	498,600		498,600			
Preferential Land:			0						
Transfer Information									
Seller: ELAN DEVELOPMENT CORPORATION				Date: 10/17/1990			Price: \$327,750		
Type: ARMS LENGTH IMPROVED				Deed1: /08624/ 00183			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:			Class	07/01/2019		07/01/2020			
County:			000	0.00					
State:			000	0.00					
Municipal:			000	0.00		0.00			
Tax Exempt: None			Special Tax Recapture: None						
Exempt Class: None									
Homestead Application Information									
Homestead Application Status: Approved 06/04/2010									
Homeowners' Tax Credit Application Information									



JOHN A. OLSZEWSKI, JR.
County Executive

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

November 25, 2019

David Ransone
204 Ridge Ave
Towson MD 21286

RE: Case Number: 2019-0495-SPHA, 14009 Fox Land 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 October 21, 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
Keith E. & Cyndy L. Ronald 14009 Fox Land Road Phoenix MD 21131

Debra Wiley

12-5-19
11 Am
Spirit + Intent

From: Paul Mayhew
Sent: Tuesday, March 24, 2020 9:47 PM
To: Administrative Hearings
Cc: Gontrum, John
Subject: Re: Case No. 2019 0495 SPHA - 14009 Fox Land Road

Mr Ronald:

Please accept this as a formal spirit and intent letter. I remember this hearing vividly and have reviewed the redlined plans. I find them completely within the spirit and intent of my previous Order and hereby authorize the issuance of all permits - subject of course to septic and other building code issues. I hope you and your family are as well as can be under all the circumstances. If you have any further difficulties in the permitting process please feel free to contact me.

Paul M Mayhew

ALJ

Sent using OWA for iPhone

From: Administrative Hearings
Sent: Monday, March 23, 2020 11:08:13 PM
To: Paul Mayhew
Subject: Fw: Case No. 2019 0495 SPHA - 14009 Fox Land Road

Hi Paul,

Please see the attachments above provided by Mr. Ronald. He appeared before you and an Order was issued in December. He is having problems obtaining a permit and is now seeking a "spirit and intent letter" from you regarding his accessory apartment. He understands that we're working remotely from home, and I've indicated that we'll see what can be done without the actual file. I believe he's trying to obtain a copy of the site plan that was approved in his hearing so you can review that as well once received.

I've provided the link below for your convenience to refresh your memory of your December Opinion and Order.

Please let me know how you'd like to proceed. I will acknowledge receipt of his email and let him know that we'll get back to him asap. He does have my cell number since I've been returning calls from the office voice mail.

Here's the link to retrieve your Order:

<http://resources.baltimorecountymd.gov/Documents/Permits/Decisions/2020/december/19495spha.pdf>

Thanks, Deb

From: Keith Ronald <keith.ronald006@gmail.com>
Sent: Monday, March 23, 2020 5:02 PM
To: Administrative Hearings
Cc: Dave Ransone
Subject: Case No. 2019 0495 SPHA - 14009 Fox Land Road

CAUTION: This message from keith.ronald006@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Debbie:

Good talking with you this morning.

As we discussed, I am requesting a Spirit and Intent letter for the above referenced case. You told me that your office is closed and the only way to send the request is via email.

Attached are pdf files with copies of my three page letter to Paul Mayhew, who heard our case. The pdf files titled Ronald Plat 1 and 2 are copies of the Zoning Hearing Plan prepared by my surveyor, Dave Ransone, which were attached to the original Petitions for Special Hearing. The pdf file title Ronald Special Hearing Exhibits contains copies of Exhibits 3-A and 3-B which were filed at the hearing. These two Exhibits show the location of the proposed apartment in relation to our existing house and the proposed floor plan. I also attach a copy of the revised foundation plan dated 2/24/20 described in my letter.

You told me when we spoke on the phone that Mr. Mayhew will want to see the Site Plan that was filed as an Exhibit in the Hearing. I will look through my files to see if I have a copy. I have also asked John Gontrum, who represented me at the hearing, to send me those Exhibits from his file. I have not heard back from John yet. I will email you these documents when I find them.

I can send you a complete set of the building plans if Mr. Mayhew wants to review them.

Thank you. Once you and Mr. Mayhew have reviewed, please let me know if you have any questions or want me to provide you with any additional information.

Keith Ronald
410-591-0482

Debra Wiley

From: Paul Mayhew
Sent: Tuesday, March 24, 2020 9:36 PM
To: Administrative Hearings
Subject: Re: Case No. 2019 0495 SPHA - 14009 Fox Land Road

Yes
Thanks

Sent using OWA for iPhone

From: Administrative Hearings
Sent: Tuesday, March 24, 2020 9:46:19 AM
To: Paul Mayhew
Subject: Re: Case No. 2019 0495 SPHA - 14009 Fox Land Road

Thanks Paul. I know in the past sometimes John would just do an email in lieu of a letter and wasn't sure if the information supplied was enough for you to go with.

From: Paul Mayhew
Sent: Tuesday, March 24, 2020 9:30:02 AM
To: Administrative Hearings
Subject: RE: Case No. 2019 0495 SPHA - 14009 Fox Land Road

OK Deb. Thanks, I'll see what I can do!

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, March 23, 2020 11:08 PM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Subject: Fw: Case No. 2019 0495 SPHA - 14009 Fox Land Road

Hi Paul,

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Sent: Monday, March 23, 2020 5:02 PM
To: Administrative Hearings
Cc: Dave Ransone
Subject: Case No. 2019 0495 SPHA - 14009 Fox Land Road

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You told me when we spoke on the phone that Mr. Mayhew will want to see the Site Plan that was filed as an Exhibit in the Hearing. I will look through my files to see if I have a copy. I have also asked John Gontrum, who represented me at the hearing, to send me those Exhibits from his file. I have not heard back from John yet. I will email you these documents when I find them.

I can send you a complete set of the building plans if Mr. Mayhew wants to review them.

Thank you. Once you and Mr. Mayhew have reviewed, please let me know if you have any questions or want me to provide you with any additional information.

Keith Ronald
410-591-0482

Debra Wiley

From: Keith Ronald <keith.ronald006@gmail.com>
Sent: Monday, March 23, 2020 5:03 PM
To: Administrative Hearings
Cc: Dave Ransone
Subject: Case No. 2019 0495 SPHA - 14009 Fox Land Road
Attachments: Letter to Paul Mayhew 03 20 20.pdf; Keith Ronald Signature Page 03 23 20.pdf; Ronald Special Hearing Exhibits .pdf; 1953 Ronald 2-24-20 rev foundation plan.pdf; Ronald Plat 1_0001.pdf; Ronald Plat 2.pdf

CAUTION: This message from keith.ronald006@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Thank you. Once you and Mr. Mayhew have reviewed, please let me know if you have any questions or want me to provide you with any additional information.

Keith Ronald
410-591-0482

Debra Wiley

From: Administrative Hearings
Sent: Monday, March 23, 2020 11:10 PM
To: Keith Ronald
Subject: Re: Case No. 2019 0495 SPHA - 14009 Fox Land Road

Mr. Ronald,

This is to acknowledge receipt of your email. This information will be forwarded and reviewed by ALJ Mayhew and we will get back to you as soon as possible.

Thank you for contacting the Office of Administrative Hearings.

From: Keith Ronald <keith.ronald006@gmail.com>
Sent: Monday, March 23, 2020 5:02:50 PM
To: Administrative Hearings
Cc: Dave Ransone
Subject: Case No. 2019 0495 SPHA - 14009 Fox Land Road

CAUTION: This message from keith.ronald006@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Keith Ronald
410-591-0482

Keith E. Ronald
14009 Fox Land Road
Phoenix, Maryland 21131

March 23, 2020

Paul M. Mayhew,
Managing Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re : Petition for Special Hearing and Variance
Case No. 2019-0495 – SPHA
Property : 14009 Fox Land Road

Dear Mr. Mayhew:

You presided over our Special Hearing in the above matter on December 5, 2019. In your Opinion and Order, you approved our requests to (i) construct an accessory apartment to be located in the side yard of our property in lieu of the rear yard; (ii) to permit a height of 20 feet; and (iii) to allow the accessory apartment to be a 1,400 square foot structure in order to accommodate my disability.

The plans we submitted with the Petition and to you at the Hearing by my attorney, John Gontrum, showed that the apartment would be located in the southeast corner of our property, approximately 10 feet inside my property lines. The original site plan that was prepared by my surveyor, Dave Ransone, when he originally filed the Petition, only showed the approximate location of where the apartment would be. In those early stages, we did not know what the apartment would look like.

Our formal set of building plans ('Plans') were prepared by Frank Baylor and sealed by John Schneider, Jr. Dave Ransone filed a building permit application with the County using the Plans. The Plans show an L-shaped, one story apartment containing two bedrooms, two baths, a living and kitchen area and a den/office. The apartment will be located no less than ten feet inside my property lines. The apartment will be 1,400 square feet and have pitched roofs and a 12 foot ceiling.

Our property has a well and septic system. We need to have two water storage tanks in the apartment—one for regular daily use and the second for the sprinkler system that is required by Baltimore County. We also need to have our own hot water heater, HVAC equipment and other utilities in the apartment. When the plans were being first prepared, we tried to fit all of that equipment into the apartment. But that would have taken up more than 100 square feet of space in the living area of the apartment. Our designer suggested that we keep all the equipment in a utility crawl space under Bedroom No. 1. The crawl space will be 7 feet high, which makes that space uninhabitable. It cannot be used as living space and will only be used to hold the utilities. Our designer also suggested that we have a carport, so that anyone using it will have a little bit of cover from the rain and snow during bad weather.

After Dave Ransone filed the building permit application, my designer, Frank Baylor, advised that the size of the apartment, as shown on the Plans, was a little more than 1,400 square feet. Frank has prepared a revised foundation plan for the apartment, with a 2-24-20 revision date, which shows that the total square footage of the apartment is 1,400 square feet. A copy of that revised sheet no A3 is enclosed. I will also email you a pdf version of the Plans.

Dave Ransone was told that the Plans Review office would not approve the issuance of the building permit because the footprint of the apartment as shown on the Plans was not the same as the preliminary plans that were attached to the Petition for Special Hearing or provided to the Hearing Examiner during the Hearing. I believe the Plans Review office also objected to the pitched roof of the apartment and the carport. We also have a pitched roof on our existing house and, as we explained at the Hearing, our hope was for the looks of the two structures to be consistent.

The Plans submitted with the building permit application are very similar, if not the same, as the plans submitted as part of the Petition for Special Hearing. See enclosed copies of Exhibit 3-A, showing the location of the apartment on our property, and Exhibit 3-B, showing the first floor plans, both of which Exhibits were submitted at the Hearing, which shows an L shaped, one story apartment with two bedrooms, two baths, living room, kitchen, den/office and carport, all of which are on the Plans submitted with the building permit application. The apartment, as shown on the revised set of Plans, is 1,400 square feet and also complies with your Opinion and Order.

I have filed the Declaration required by the County among the Land Records of Baltimore County. I met with Miranda Clifford of the Baltimore County Office of Environmental Protection. She has advised me what improvements will need to be made to my septic system during the building process in order to comply with that Office's requirements.

I understand that your office can issue a letter to confirm that the Plans do meet with the spirit and intent of the Opinion and Order issued in this matter. I would very much appreciate if you could prepare such a letter which I will deliver to the Planning Office so they will approve my building permit application. My check for the filing fee is enclosed.

I will also send you a redlined plat that Dave Ransone prepared showing the outline of the proposed apartment as presented at the Hearing. The outline shown on the application was prior to the completion of the plans and a projected idea of the location and size.

Thank you. Once you have reviewed, please do not hesitate to contact me if you have any questions. My cell number is 410-591-0482. My email is keith.ronald006@gmail.com.

Very truly yours,

Keith E. Ronald

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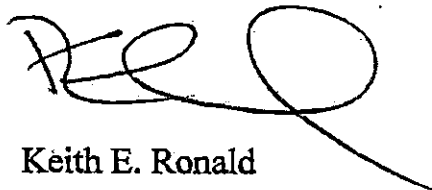
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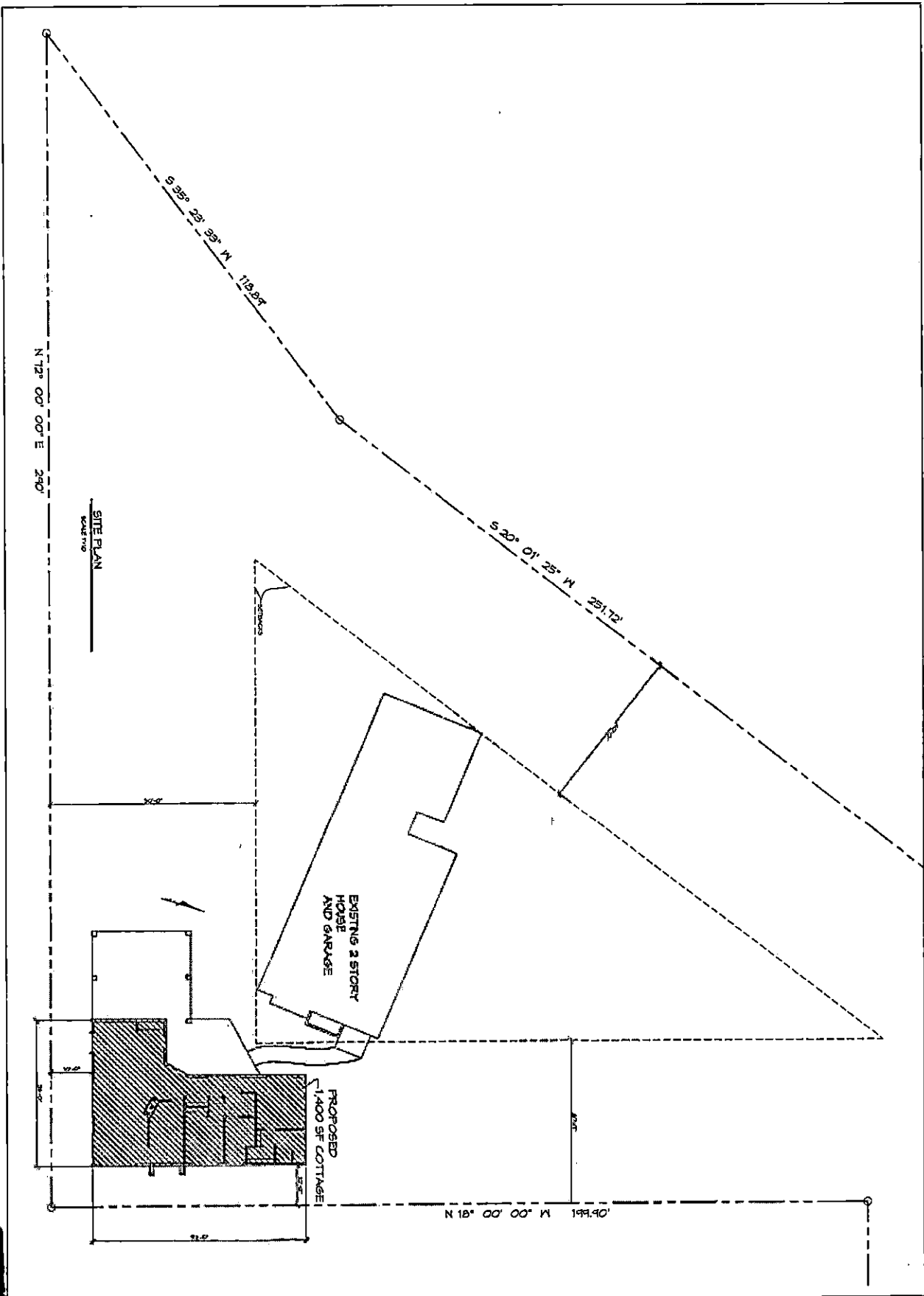
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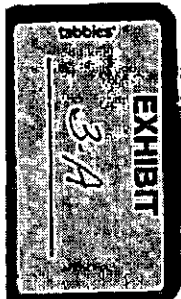
A handwritten signature in black ink, appearing to be 'KEE' followed by a large circular flourish.

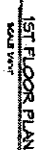
Keith E. Ronald



SITE PLAN

C1	THE RONALD RESIDENCE 14099 FORDLAND ROAD PHOENIX, AZ 85031	BARBARA CLOPP DRAFTING SERVICE 14099 FORDLAND ROAD PHOENIX, AZ 85031 (602) 998-1111			SITE PLAN
----	---	---	--	--	-----------





1ST FLOOR PLAN

tablets

32

EXHIBIT

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES BEFORE DIGGING
 1-800-233-7777
 http://www.missutility.com

FOUNDATION PLAN

THE RONALD RESIDENCE
 14005 FOXLAND ROAD
 PHOENIX, AZ 85021

BAYLOR CAD
 DRAFTING SERVICE
 1000 N. CENTRAL AVENUE
 SUITE 200
 PHOENIX, AZ 85004

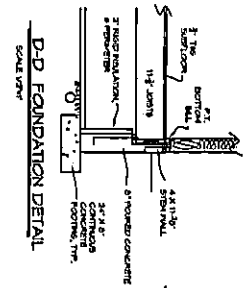
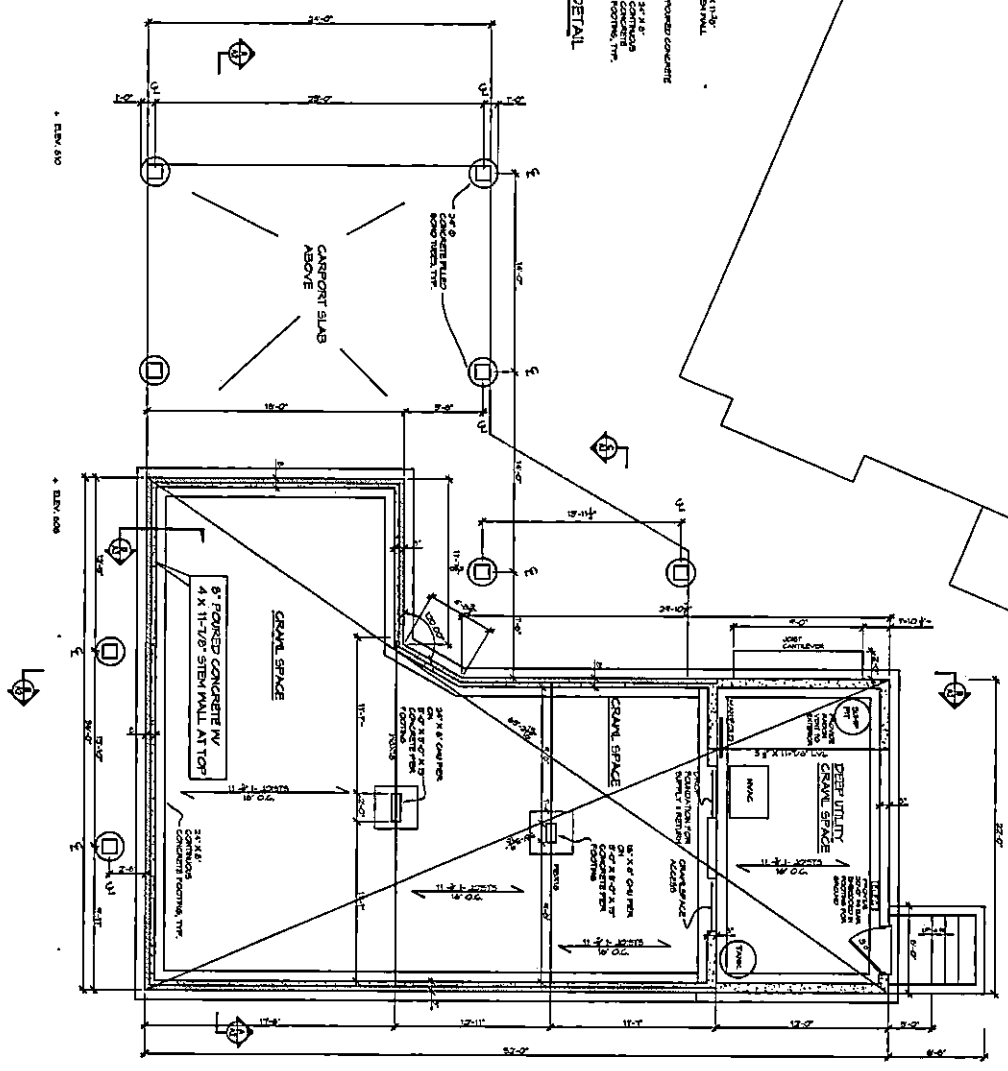
REVISIONS

2-24-03	ADDITIONAL FOUNDATION PLAN FOR EXISTING WALL
1-27-03	FOUNDATION PLAN

FILE: 1953

A3

2-23-20



FOUNDATION PLAN
 SCALE 1/8\"/>

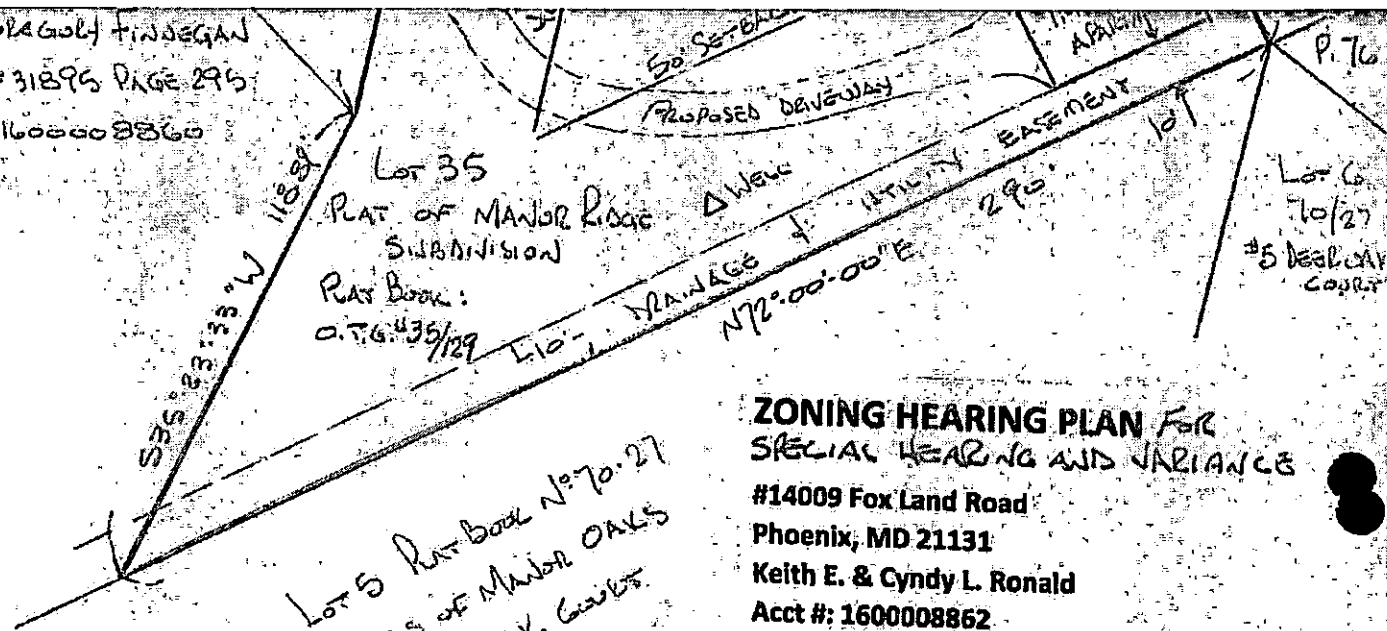
* ELEV. 612

* ELEV. 610

* ELEV. 608

* ELEV. 608.4

MARK GRAGOLY FINDEGAN
Book N° 31895 PAGE 295
Acct #: 1600008860



Lot 5 Plat Book N° 70.27
Fields of Manor Oaks
#7 DEER OAK GROVE
Thomas F. Hider
Vanderbilt
Book N° 14751 Pg 570
Acct # 2300001768

ADJOINING
OWNER DISTANCES
Lot 6 70/27:
#5 DEER OAK CT
SEAN DUNN 4
JESSICA GOMEL
Book N° 30833 Pg 393
Acct #: 2300001769

PAGE 76:
CHARLES HOWARD III
13908 MANOR ROAD
Book N° 31400 Pg 72
Acct # 1016090060

NOTE: ADDITIONS IN RED

PLAN TO ACCOMPANY PETITION
FOR IN-LAW APARTMENT SPECIAL
HEARING AND VARIANCE FOR
1,400 SF IN LIEU OF THE REQUIRED
1,200 SF AND A HEIGHT OF 20'
IN LIEU OF THE REQUIRED 15'.

**ZONING HEARING PLAN FOR
SPECIAL HEARING AND VARIANCE**
#14009 Fox Land Road
Phoenix, MD 21131
Keith E. & Cyndy L. Ronald
Acct #: 1600008862
DEED REF: S.M.N° 8624.183
GIS Tile: 0441
Zoned: RC-5
Elect. Dist.: 10
Council Dist.: 3
Lot Area: 1.42 Acres +/-
Historic Area: No
CBCA: No
Flood Area: No
Private water and sewer.
Prior zoning hearings: 1978-0264-A

Scale: 1" = 40'

Date: 10.17.19

ADDITIONS 11.05.19

Prepared by:
David Ransone - Land Surveyor
204 Ridge Avenue
Towson, MD 21286
410-207-8358

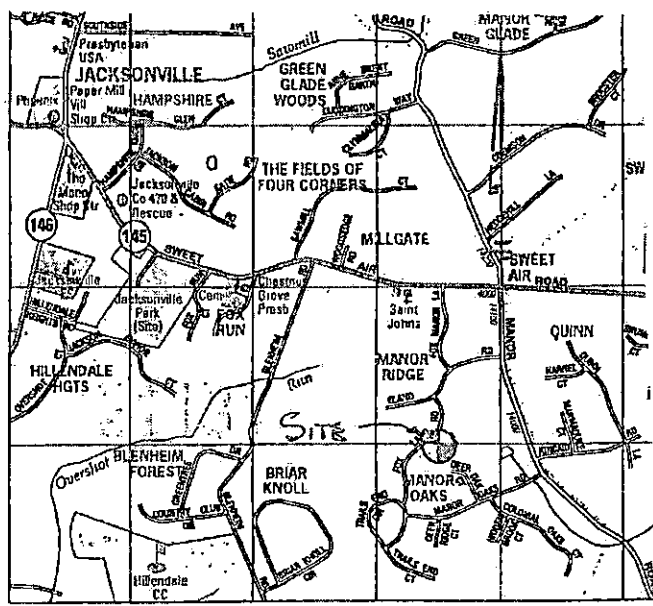
Fox Land
Road 50' R/W

4760' to Jct of
ELAND ROAD (50' R/W)

Lot 36
FRANCES SWICK
#1401 Foyland Rd
Book 98818 Pg 139
Acct # 1600008863

Lot 1 Manor Ridge
Plat Book # 78-351
#13910 Manor Road
Acct # 22000004068

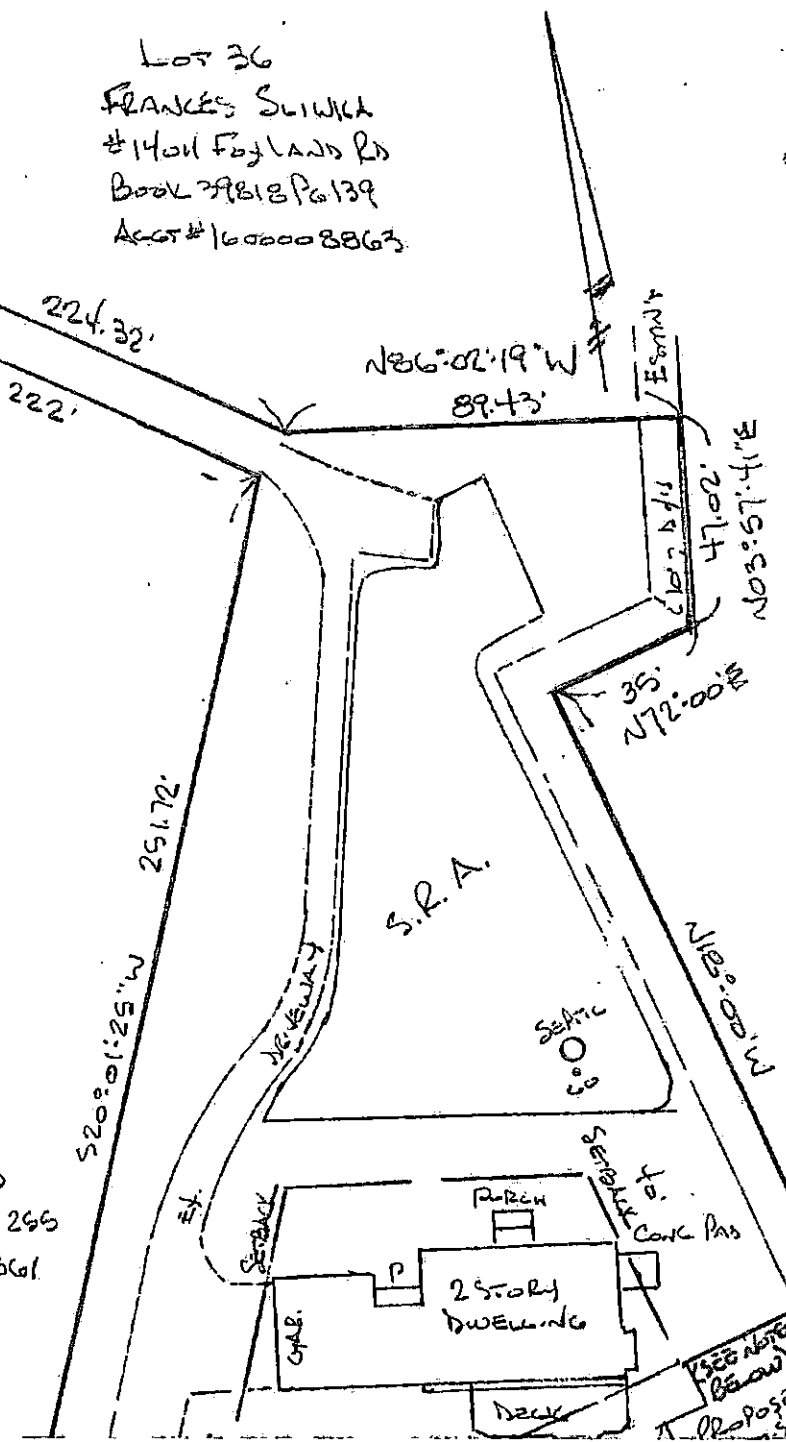
TRACT A
PUEBLO PROPERTY
PLAT BOOK # 56-46
1392A Manor Road
Acct # 2200008808



VICINITY MAP - 1/2, 857'

Lot 34
DONALD & FRANCES
WESLEY
#1407 Foyland Rd
Book # 9886 Pg 266
Acct # 1600008861

Lot 33
#14005 Foyland Rd



SEE NOTE
(Below)
PROPOSED
S.F.

Case No.: 2019-0495-SPHA 14009 Foxland Road

Exhibit Sheet

Petitioner/Developer

pw
1-10-2020

Protestants

Sen
12/10/19

No. 1	Redlined Site Plan	
No. 2 A+B	Aerial Photos	
No. 3 A+B	Floor Plans	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County - Neighborhood



Legend

- House Numbers
- ▨ Zoning History Cases
- ▭ Zoning
- ▭ Property
- ▭ County Boundary

1:1,128

0 45 90 180 Feet

December 4, 2019

EXHIBIT

2-A

tabbles

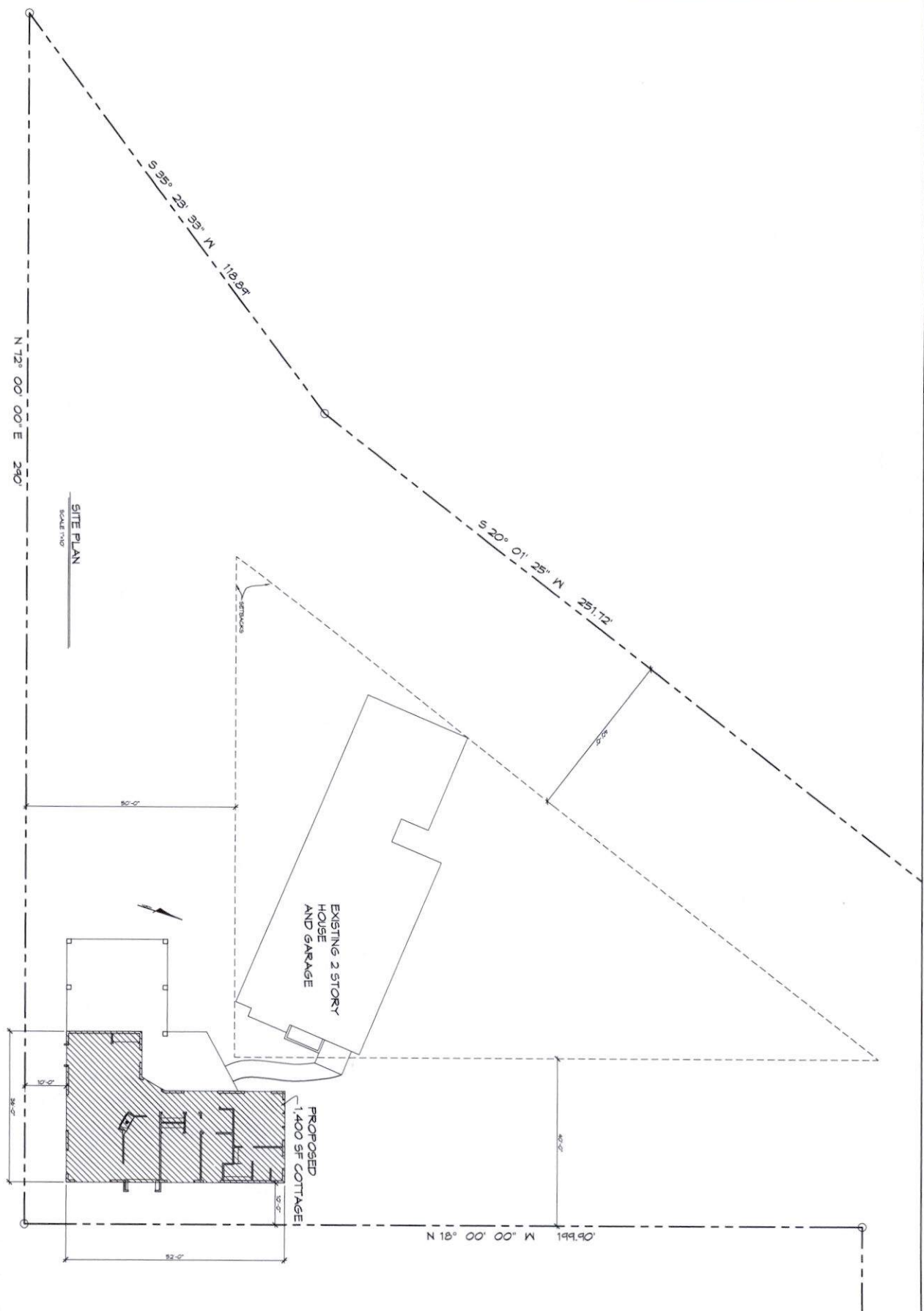
Baltimore County - My Neighborho



EXHIBIT

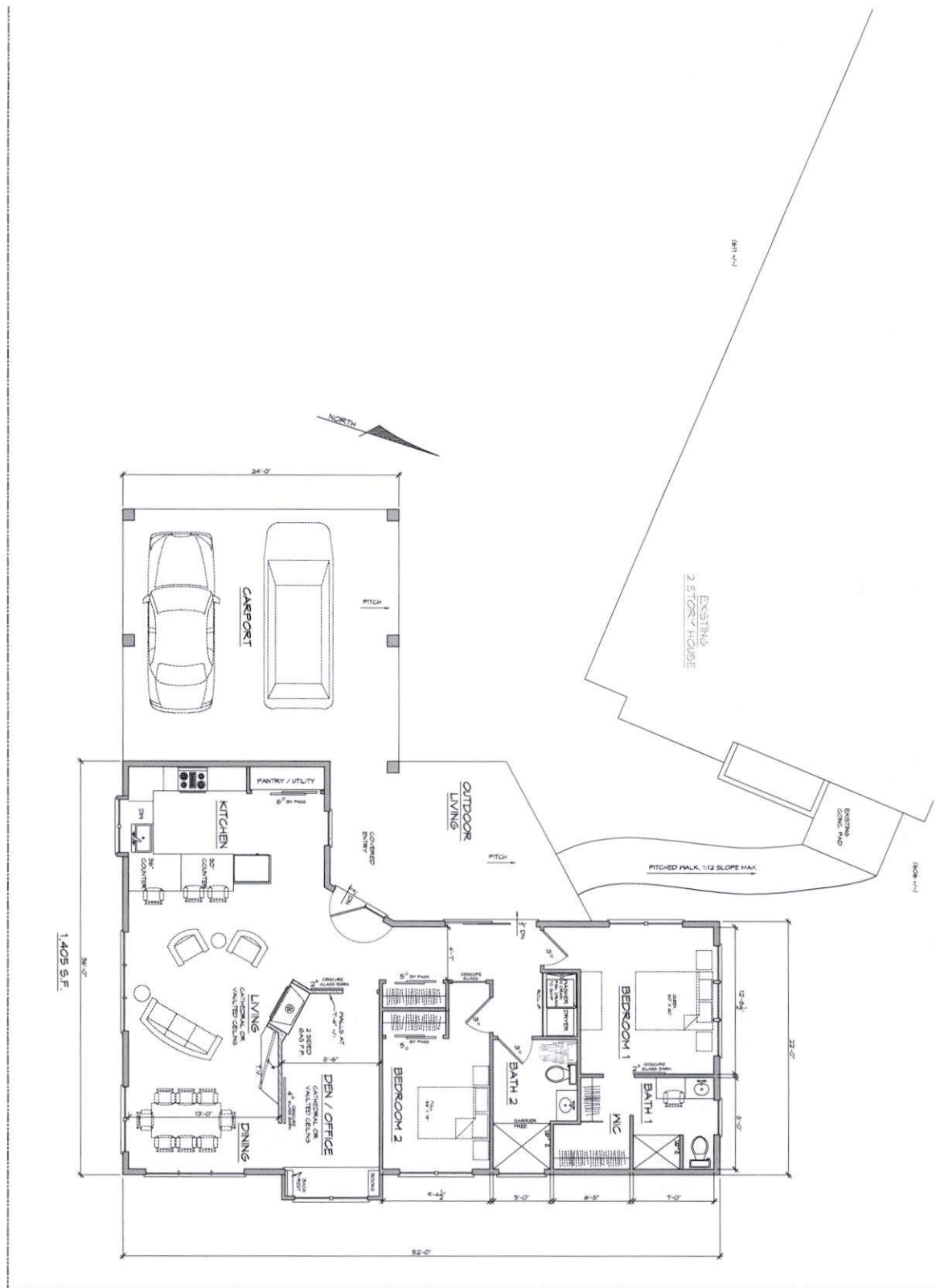
tabbles

2+B



C1	THE RONALD RESIDENCE 14009 FOXLAND ROAD PHOENIX, MD 21131	BAYLOR GAO DRAFTING SERVICE 1000 PHOENIX RD. WESTPHALIA, MD 21156 443-240-9999			SITE PLAN
----	---	--	--	--	-----------

tabbles®
EXHIBIT
 3-A



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

No. **190546**

PAID RECEIPT

Date: **10/21/19**

BUSINESS ACTUAL TIME TRN
 10/21/2019 10/21/2019 09:13:57

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

REG WSDS WALKIN LRB
 >>RECEIPT # 038954 10/21/2019 OFLJ
 528 ZONING VERIFICATION
 CR NO. 190546
 Rcpt Tot \$ 150.00
 150.00 - CK .00 CA
 Baltimore County, Maryland

Total: **150.00**

Rec From: **David Ransone**

For: **14.009 Foxland Road**

2019-0495-SHA

**CASHIER'S
 VALIDATION**

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

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 20 day of February, 2020, that Keith & Cindy Ronald located at 14009 Foxland Road should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: accessory apartment
(In law Apartment)
Case # 2019-0495-SPHA

1124 MMW
Permit (or Receipt) Number

Director, Permits, Approvals and Inspections

Planner's Initials

gl

Revised 10/17/11

LR - Declaration/Covenant
 Recording Fee 20.00
 Declarant Name:
 RONALD/BALTIMORE
 COUNTY
 Ref:
 LR - Surcharge 40.00
 SubTotal: 60.00
 Total: 60.00
 01/22/2020 02:57
 CC03-11
 #132877 CC0301
 Baltimore
 County/PAI
 Registe 96

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 8th day of January, 2020, by and between KEITH E. RONALD and CYNDY L. RONALD (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

A. The Declarants, who are also the owners of this property, have filed a Petition for Special Hearing and Variance (hereinafter "Petition") to construct a new accessory apartment on Declarants' property, as more particularly shown on that Plat to Accompany Declaration of Understanding for Zoning Case Number 2019-0495-SPHA attached hereto as **Exhibit A** (hereinafter "Plan"). The property being located at: 14009 Fox Land Road, Phoenix Maryland, 21131 and is more particularly described in **Exhibit B** (hereinafter "Property"). Any use permit or hearing plans attached hereto are made a part hereof. The property is zoned RC-5, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. A copy of the Opinion and Order issued by the Administrative Law Judge dated December 10, 2019 with respect to the Petition is attached to this Declaration. The accessory apartment will be the housing for: Keith E. Ronald and Cyndy L. Ronald, who are husband and wife and the parents of Katharine Ronald Moog. The other residents of the property are: Katharine Ronald Moog and her husband, Max Moog, who will be the residents of and occupy the existing dwelling on the Property. Katharine Ronald Moog is the daughter the Declarants. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarants' request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PAI.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and PAI hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination:

A. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

B. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

Tina M. Budacz

[Signature] (SEAL)
KEITH E. RONALD

Tina M. Budacz

[Signature] (SEAL)
CYNDY L. RONALD

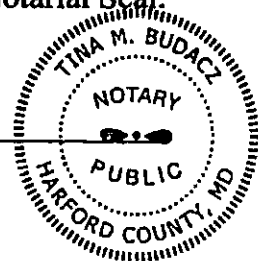
State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 9th day of January, 2020, before the Subscriber, a Notary Public of State of Maryland, personally appeared Keith E. Ronald and Cyndy L. Ronald, the Declarants herein, who are also the owners of this property, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Tina M. Budacz

Notary Public



My Commission Expires: 5-16-22



The Declaration of Understanding for the Accessory Apartment at:

14009 Fox Land Road 21131 (2019-0495-SPHA)
Address of property

is approved:

Michael Mallinoff
Michael Mallinoff, Director
Department of Permits, Approvals and Inspections

1-13-20
Date

4

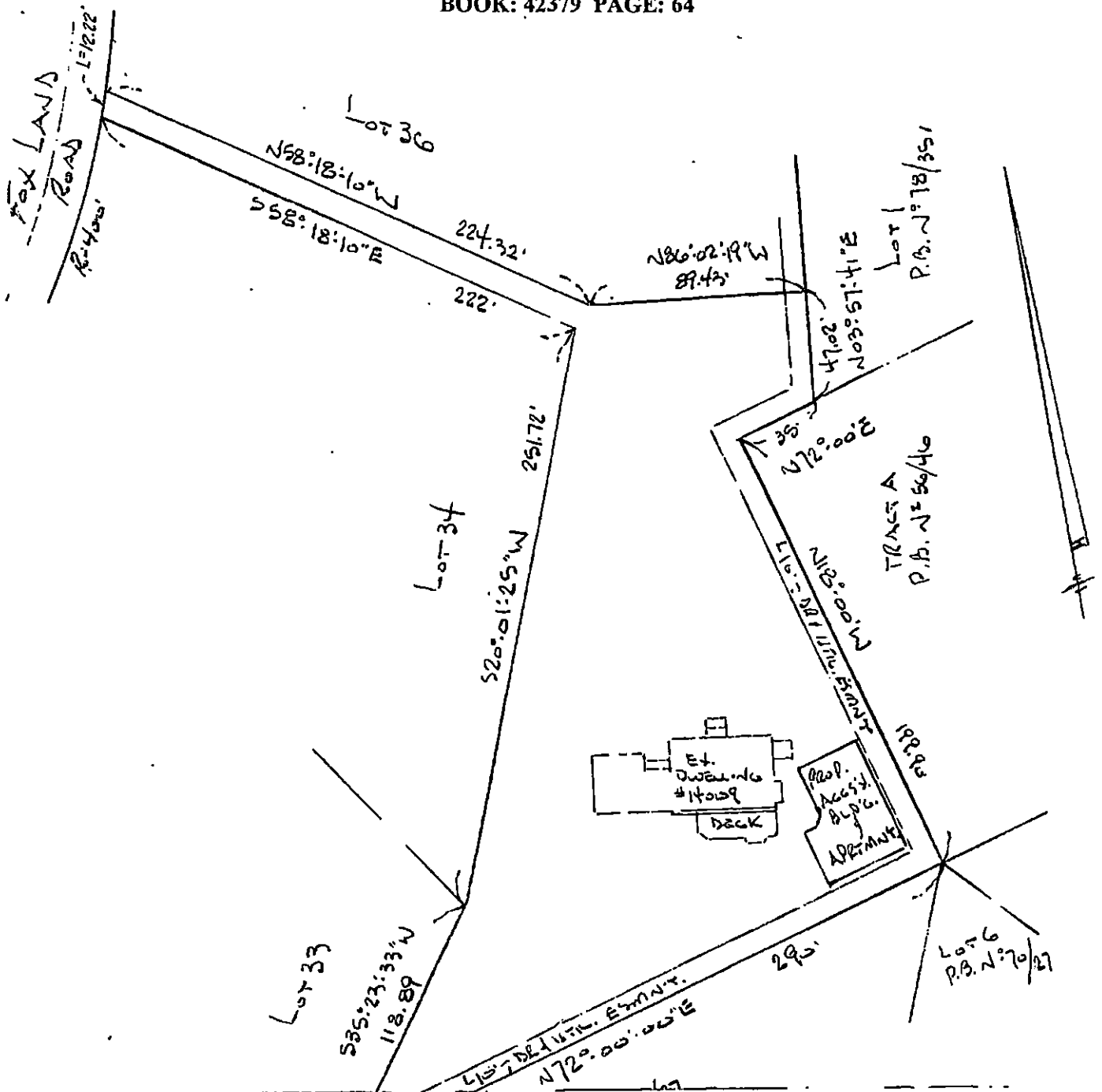
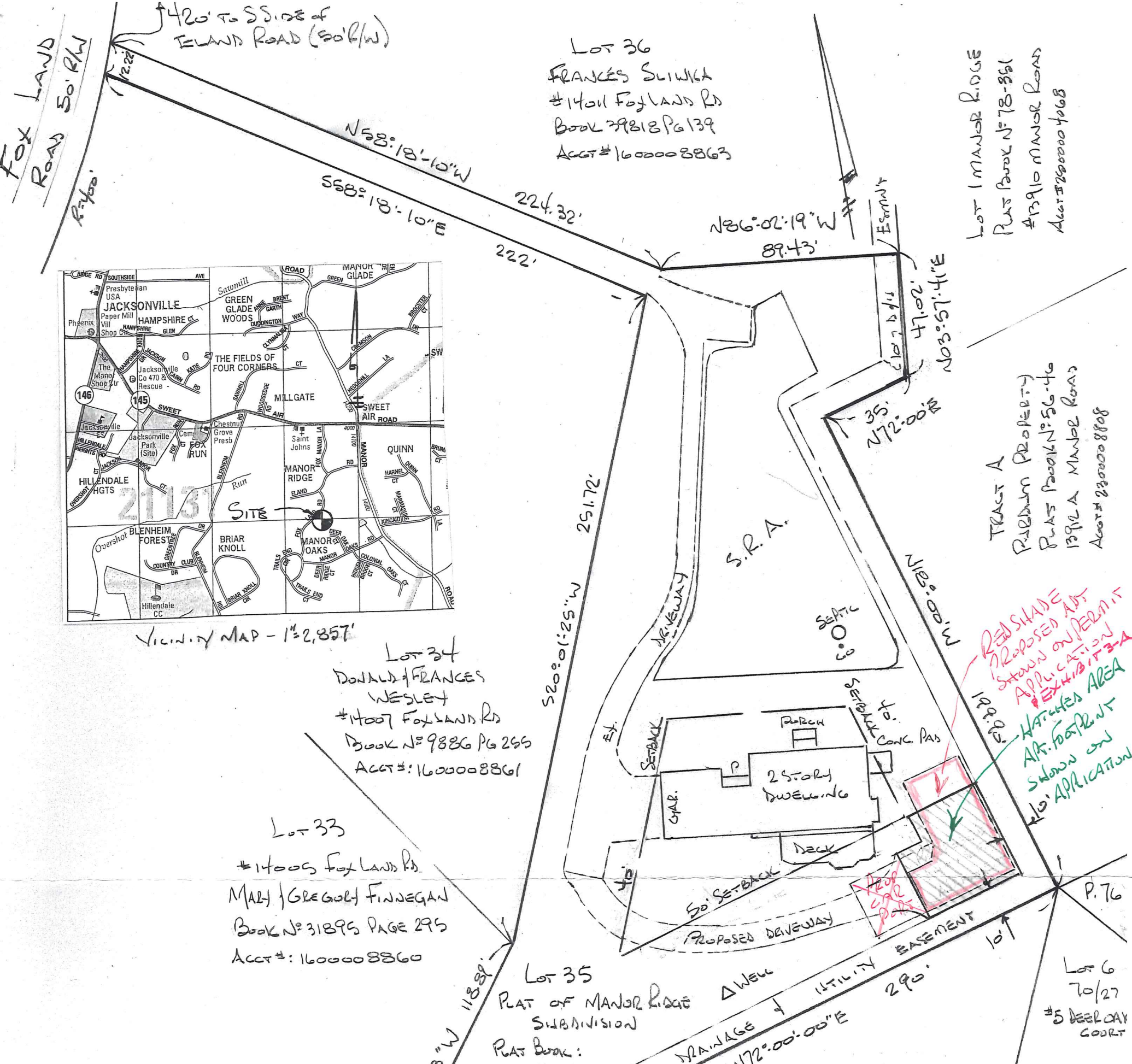


EXHIBIT B

BEING KNOWN AND DESIGNATED as Lot No. 35 as shown on the Plat entitled "Plat of MANOR RIDGE SUBDIVISION", which Plat is recorded among the Land Records of Baltimore County in Plat Book OTG No. 35 folio 129.

The improvements thereon being known as 14009 Fox Land Road.

BEING THE SAME lot of ground which by Deed dated October 5, 1990, and recorded among the Land Records of Baltimore County in S.M. Liber No. 8624, page 183 was granted and conveyed by Elan Development Corporation unto Keith E. Ronald and Cyndy L. Ronald, as husband and wife, the Grantors and Declarants herein.



ZONING HEARING PLAN

#14009 Fox Land Road
Phoenix, MD 21131
Keith E. & Cyndy L. Ronald
Acct #: 1600008862
DEED REF: S. M. N: 8624-183
GIS Tile: 044A1
Zoned: RC 5
Elect. Dist.: 10
Council Dist.: 3
Lot Area: 1.42 Acres +/-
Historic Area: No
CBCA: No
Flood Area: No
Private water and sewer.
Prior zoning hearings: 1978-0264-A

RED-LINED PROPOSAL 3-18-20

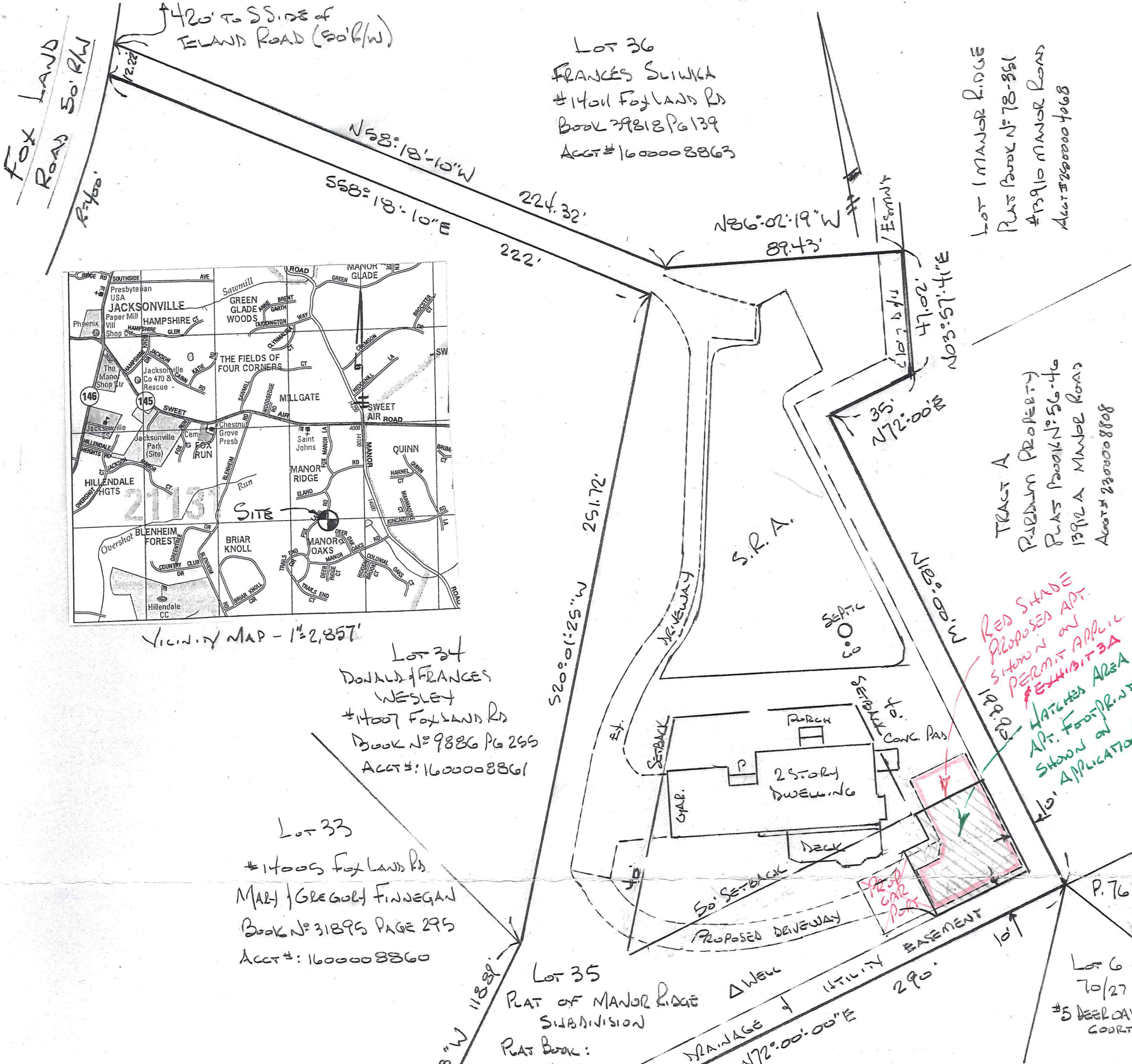
Scale: 1"= 40' Date: 10-17-19

Prepared by:
David Ransone - Land Surveyor
204 Ridge Avenue
Towson, MD 21286
410-207-8358

ADJOINING OWNER LISTINGS

Lot 6 70/27:
#5 DEER OAK CT
SEAN DUNN &
JESSICA GOMEZ
Book # 30833 Pg 393
Acct #: 2300001769

PARCEL 76:
CHARLES HOWARD III
13908 MANOR ROAD
Book # 31400 Pg 72
Acct # 1016090060



ZONING HEARING PLAN

#14009 Fox Land Road
Phoenix, MD 21131
Keith E. & Cyndy L. Ronald
Acct #: 1600008862
DEED REF: S.M.N. # 8624.183
GIS Tile: 044A1
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Scale: 1"= 40' Date: 10.17.19

Prepared by:
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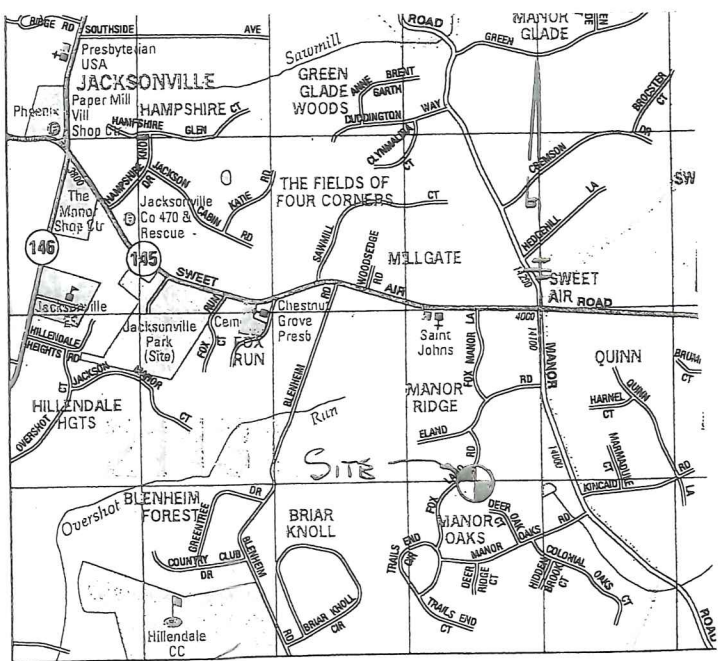
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13908 MANOR ROAD
BOOK # 31400 PG 72
ACCT # 1016090060

Fox Land Road 50' R/W

420' to 500' of ELAND ROAD (50' R/W)

Lot 36
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#14011 Foyland Rd
Book 29818 Pg 139
Acct # 1600008863

Lot 1 Manor Ridge
Plat Book N° 78-351
#13910 Manor Road
Acct # 2300004668



Vicinity Map - 1/2" = 2,857'

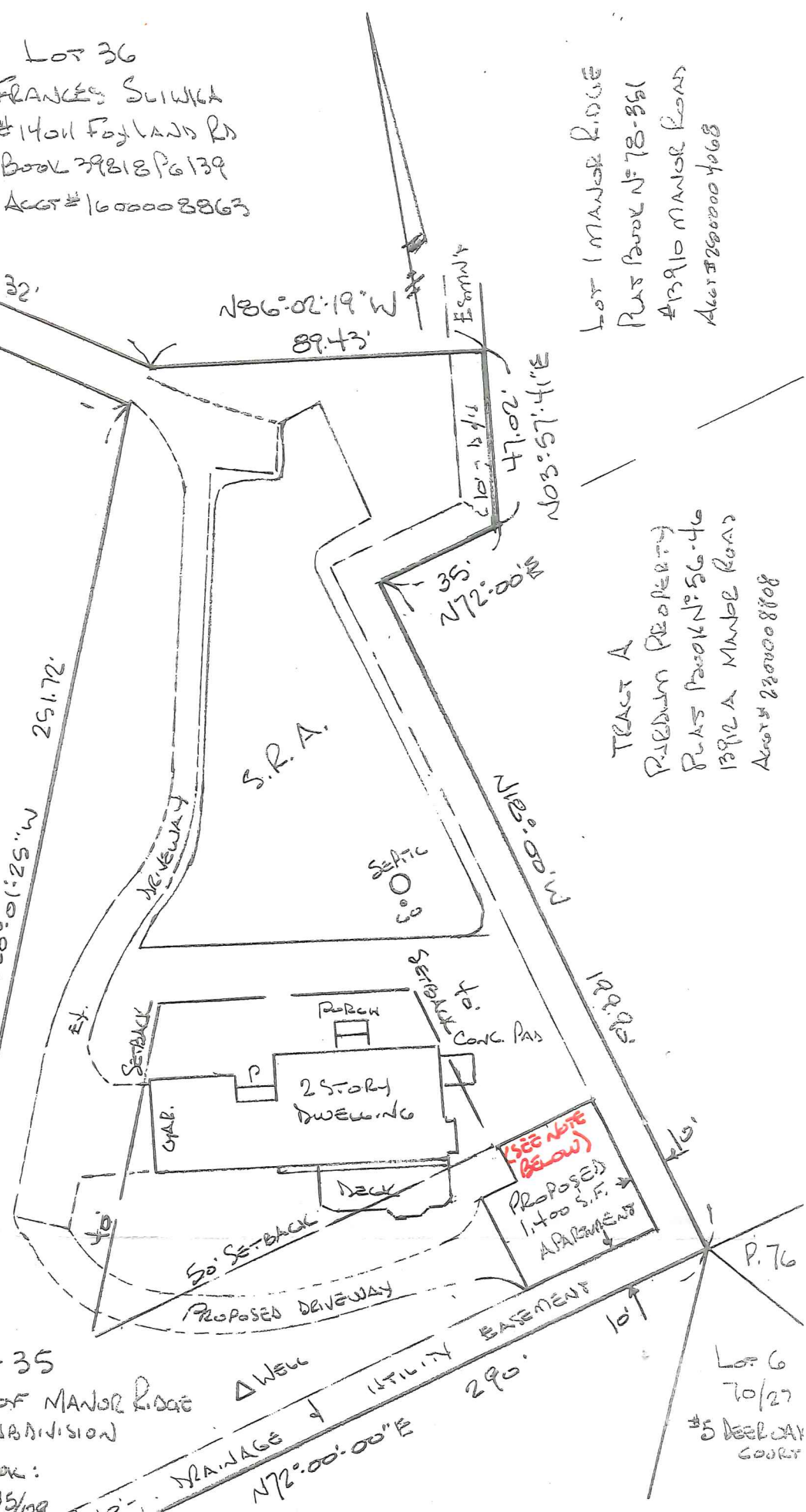
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Book N° 9886 Pg 295
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Lot 33
#14005 Foyland Rd
MARY & GREGORY FINNEGAN
Book N° 31895 PAGE 295
Acct # 1600008860

Lot 35
PLAT OF MANOR RIDGE
SUBDIVISION
PLAT BOOK:
O.T.G. 435/29

Lot 5 Plat Book N° 70-27
Fields of Manor Oaks
#7 DEER OAK GROVE
Thomas J. HERSH
JANUARY 11, 1974
Book N° 14751 Pg 570
Acct # 2300001768

Lot 6
70/27
#5 DEER OAK COURT



ZONING HEARING PLAN FOR SPECIAL HEARING AND VARIANCE

#14009 Fox Land Road
Phoenix, MD 21131
Keith E. & Cyndy L. Ronald
Acct #: 1600008862
DEED REF: S.M.N° 8624-183
GIS Tile: 044A1
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CBCA: No
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Parcel 76:
CHARLES HOWARD III
13908 MANOR ROAD
Book N° 31400 Pg 72
Acct # 1016090060

NOTE: ADDITIONS IN RED
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PETITIONER'S

EXHIBIT NO. 1