

January 28, 1997

13021 Beaver Dam Road
Hunt Valley, Md. 21030

Department of Permits and Development
111 Westchester Avenue
Towson, Maryland 21204
Attention: Mr. Arnold Jablon

Reference Case #93-41A

Request - Spirit of Intent of the Order - Modification of Special Exception

Dear Mr. Jablon:

I respectfully request your consideration for the allowance of a greenhouse in lieu of existing nursery as approved and red-lined on attached plan. This greenhouse will be constructed of plastic/w/aluminum frame thus making it removable and portable. There is an existing 14' high berm with mature plantings of a minimum height of 8' along I-83 to the east. (pictures of property enclosed).

Thank you for your consideration of this request.

Sincerely,

MICHAEL E. TURLEY

Speed
Letter

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



January 31, 1997

8th Election District

Dear Mr. Turley:

Staff has reviewed your request in light of zoning cases 93-41-A and 93-324-SPHXA. Due to the fact that the zoning commissioner granted the latter case in part in accordance with petitioners exhibit "A" as well as a detailed restrictive covenant agreement, this office is unable to approve any changes to the approved plans and agreements without a special hearing to amend the same.

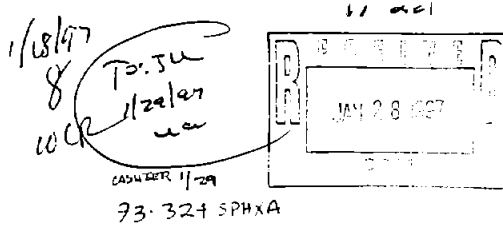
If you have any further questions, feel free to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning cases 93-41-A
93-324-SPHA



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Hunt Valley, Md. 21030

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January 31, 1997

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John L. Lewis
Planner II
Zoning Review

JLL:rye

c: zoning cases 93-41-A
93-324-SPHA

6/16/09
IN THE MATTER OF:
MICHAEL E. TURLEY-LEGAL OWNER
1230' OF BEAVER DAM ROAD, 500' W
OF BALTIMORE-HARRISBURG EXP.
(13021 BEAVER DAM ROAD)

8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 93-41-A
*

* * * * *

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated March 9, 1993 from a amended decision of the Zoning Commissioner dated February 8, 1993 wherein the Petition for Variance was GRANTED with restrictions.

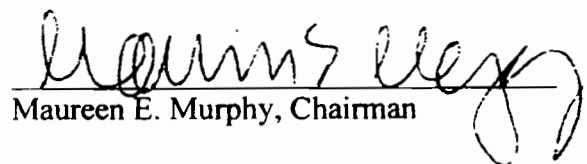
WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible;

WHEREAS, the subject matter has been held on the Board's docket since July 22, 1993, and no further action having occurred in this matter;

WHEREAS, the Board sent a letter requesting the status of this matter and having received a reply letter dated May 26, 2009 from Deborah Dopkin, Esquire on behalf of Appellant/Protestant, indicating that her client no longer lives in the area. A copy of the letter has been attached hereto and made part of; and

IT IS THEREFORE ORDERED, this 16th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 93-41-A be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

May 26, 2009

Ms. Theresa R. Shelton
Administrator
County Board of Appeals
of Baltimore County
Jefferson Building
Second Floor, Suite 203
Towson, Maryland 21204

RE: Open Cases

Dear Theresa:

Congratulations on your return to the Board! Fortunately for my clients, I have had no appeals before the Board since you have been back.

Though I am sure you have written opposing counsel in each of the following cases, here is my understanding of the current status of each:

Case No. 93-41-A, 13021 Beaver Dam Road - I believe this matter can be dismissed. My client no longer lives in close proximity to the subject property and has no further interest in it.

Case No. 98-109-A, Towson Unitarian Universalist Church - This matter was appealed to Circuit Court and then to the Court of Special Appeals. In each case, the decision of the Board was affirmed. I believe opposing counsel, Mr. Lanzi, will confirm this information.

Case Nos. CBA-00-115 & CBA-00-121, 6516 N. Charles Street - My recollection is that this matter was settled and that opposing counsel was to send me a document memorializing the settlement. I have never received any documentation and believed the matter should be dismissed.

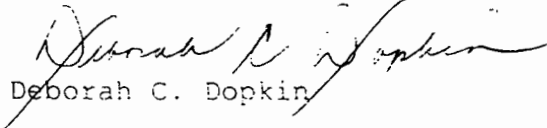
Ms. Theresa R. Shelton
Administrator
County Board of Appeals
of Baltimore County
May 26, 2009
Page 2

Case No. 04-169-A, 7112 Pheasant Cross Drive - My understanding is that the appellants, who lived next door, moved away from the property and no longer have an interest in it, and accordingly the case should be dismissed.

I hope this information is helpful to you. In each case, I have not heard from the client in years and am certain that none of them wants to pursue the proceedings.

I look forward to seeing you.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

C:\docs\KMC\KMC\DCD\Letters 2009\shelton theresa 05 26 09 wpd

3/9/93

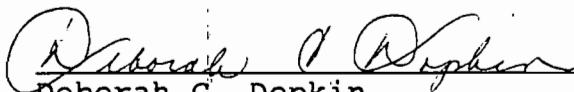
IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
1230' S of Beaver Dam Road, 500' * ZONING COMMISSIONER
W of Baltimore-Harrisburg Exp. * OF BALTIMORE COUNTY
(13021 Beaver Dam Road) * Case No. 93-41-A
8th Election District *
3rd Councilmanic District *
Michael E. Turley *
Petitioner *

* * * * *

NOTICE OF APPEAL

Please note an appeal from the Amended Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner of Baltimore County, dated February 8, 1993 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Appellant is the Protestant, Charles Carroll, whose address is 13023 Beaver Dam Road, Cockeysville, Maryland 21030.

Enclosed is the appeal fee of \$175.00, along with the sign fee of \$35.00.


Deborah C. Dopkin
ROSOLIO, SILVERMAN & KOTZ, P.A.
Suite 220, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 339-7100
Attorneys for Appellant

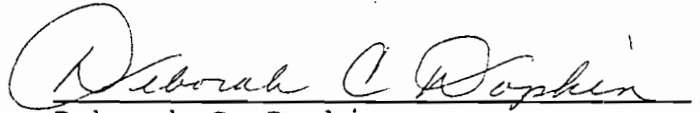
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PAYMENT
3/9/93 jaw
ZONING OFFICE

LAW OFFICES

ROSOLIO, SILVERMAN & KOTZ, P.A.

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 9th day of March, 1993,
a copy of the foregoing Notice of Appeal was mailed, postage
prepaid to T. Rogers Harrison, Esquire, 105 West Chesapeake Avenue,
Suite 300, Towson, Maryland 21204, attorney for Petitioner.


Deborah C. Dopkin

dcd\carroll\carroll.tur

Baltimore County Government
Office of Zoning Administration
and Development Management

RECEIVED
COUNTY BOARD OF APPEALS

93 MAR 11 PM 2:30



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 10, 1993

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
Baltimore, MD 21207

RE: Petition for Variance
13021 Beaver Dam Road
8th Election District
3rd Councilmanic District
Michael E. Turley-Petitioner
Case No. 93-41-A

Dear Mr. Harrison:

Please be advised that an appeal of the above-referenced case was filed in this office on March 9, 1993 by Deborah C. Dopkin. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aronold Jablon".

ARONOLD JABLON
Director

AJ:jaw

cc: People's Counsel
Mr. R. Bruce Alderman, Signal Development



2/8/93

IN RE: PETITION FOR ZONING VARIANCE
1230' S of Beaver Dam Road, 500'
W of Baltimore-Harrisburg Exp.
(13021 Beaver Dam Road)
8th Election District
3rd Councilmanic District

Michael E. Turley
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-41-A
*

* * * * *
AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter originally came before the Zoning Commission-
er as a Petition for Zoning Variance filed by the legal owner of the sub-
ject property, Michael E. Turley. By my factual findings and Order dated
November 3, 1992, certain of the requested variances were granted and
others denied as premature. Subsequently, by letter of December 1, 1992,
counsel for the property owner requested reconsideration of the Order as
it related to a certain variance between an existing shed (75 x 22 ft. in
dimension) and a proposed shed (30 ft. x 24 ft. in dimension); and,

WHEREAS, I have reviewed the opinion, site plan, counsel's letter
dated December 1, 1992 and other exhibits and shall issue this amended
Order in an effort to clarify my prior decision. Broadly speaking, my
prior decision can be said to have resolved two major issues related to
this property. First, I denied, as premature, all variances which spring
from the application of Section 404, et seq., of the B.C.Z.R. to this
property. As noted in my prior decision, Section 404 of the regulations
applies to wholesale flower farms, horticultural nurseries and landscape
service operations. This property is presently used as a farm. It is not
used to support any of the uses identified in Section 404. Thus, until
and unless the Petitioner requests a special exception for a use identi-
fied under Section 404, variance relief from that section cannot be grant-
ed.

APPROVED PER ORDER OF
Date 2/8/93
By [Signature]

Notwithstanding my decision as to the non-applicability of Section 404, sections 1A03.4.B.4 and 102.2 of the B.C.Z.R. are applicable to this property. These regulations apply to all structures located in an R.C.4 zone. The property is, in fact, zoned R.C.4. Further, Sections 1A03.4.B.4 and 102.2 require that principal buildings in an R.C.4 zone shall be located, at least, 100 ft. apart. Further, it has been the policy of the Zoning Office to include all buildings located on a parcel and used for farming purposes, (e.g., sheds, barns, etc.) to be considered principal buildings.

Applying Sections 1A03.4.B.4 and 102.2 of the B.C.Z.R. to the subject tract, there are four variances necessary. They are:

1. a variance to permit a 3 ft. side yard setback, in lieu of the required 50 ft., from an existing shed, 22 ft. x 75 ft. to the property line;

2. a distance of 45 ft., in lieu of the required 100 ft., from an existing shed, 22 ft. x 75 ft. to an existing barn, 44 ft. x 50 ft.;

3. a distance of 40 ft., in lieu of the required 100 ft., from an existing shed 22 ft. x 75 ft. to a proposed shed, 30 ft. x 24 ft. (a side yard setback variance to the property line is not required for the proposed shed); and,

4. a distance of 52 ft., in lieu of the required 100 ft., for an existing barn with proposed addition to an existing metal shed, 20 ft. x 12 ft.

The first two of the above named variances were granted in my prior Order. The third was denied. In fact, I did misconstrue the intent of that variance and believed, at that time, the Petitioner was seeking a variance from the proposed shed to the property line. The fourth variance

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Date

By

requested was also denied based upon the fact that within the Petition, it was noted that relief from Section 404 was sought.

In an effort to clarify my findings, I shall amend my Order to grant the third and fourth variances described above. Thus, all four of the variances which spring from the application of Sections 1A03.4.B.4 and 102.2 shall be granted. Simply stated, I am persuaded that the proposed shed (30 x 24 ft.), the existing shed (75 ft. x 22 ft.), the existing barn with its addition, and the metal shed (20 x 12 ft.) may all be placed/remain where shown on the site plan. My decision, in this respect, is based upon the fact that three of the structures are already in place and to grant this variance will legitimize an existing situation. Further, the location of the proposed shed observes the property line setbacks. The placement of the structures, in my view, will not detrimentally effect the surrounding locale. It should also be noted that a future storage bin (30 ft. x 40 ft.) is shown on the south side of the property, some distance away from the entrance to the property and the four buildings described above. Apparently, no variances are required or requested for the location of that future storage bin. Further, I shall ratify my prior findings that the variances granted herein are all from Sections 1A03.4.B.4 and 102.2 and that any which arise from Section 404 et. seq. of the B.C.Z.R. are to be denied as premature. I am granting only variances as they relate to the buildings as used on a farm and making no judgment on the use of the property and regulations pertaining thereto for landscape service operations.

NOW, THEREFORE, it is ordered by the Zoning Commissioner for Baltimore County this 8th day of February, 1993 that the Order dated

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Date

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November 13, 1992 of the within case be and is amended to grant variances from Sections 1A03.4.B.4 and 102.2 to permit:

1. a side yard setback from an existing shed (75 ft. x 25 ft.) of 3 ft. in lieu of the required 50 ft.;

2. a building to building distance of 40 ft. in lieu of the required 100 ft. for an existing shed (22 ft. x 75 ft.) to a proposed shed (30 ft. x 24 ft.);

3. a distance between buildings of 45 ft. in lieu of the required 100 ft. between an existing shed (75 ft. x 25 ft.) to an existing barn (44 ft. x 50 ft.) and

4. a distance of 52 ft. between buildings in lieu of the required 100 ft. between an existing metal shed (20 ft. x 12 ft.) and a proposed addition to the existing barn; and,

IT IS FURTHER ORDERED that the Findings of Fact, Conclusions of Law and Order issued by the Zoning Commissioner on November 13, 1992 be and is hereby ratified and incorporated, except as specifically amended herein.

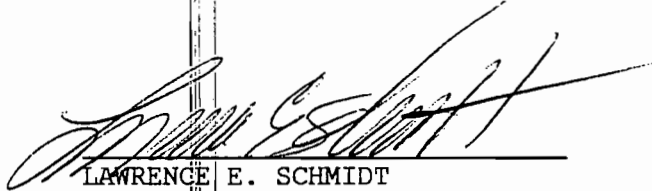
Any appeal from this decision must be taken in accordance with the applicable provisions of law.

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Date

By

LES:mmn


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

11/13/92

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
1230' S of Beaver Dam Road, 500' *
W of Baltimore-Harrisburg Exp. * ZONING COMMISSIONER
(13021 Beaver Dam Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Michael E. Turley * Case No. 93-41-A
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Michael E. Turley, by and through his attorney, T. Rogers Harrison, Esquire. For reasons which will be discussed hereinafter, an examination of the specific relief requested is to be emphasized. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as set forth in the Petition, as follows: 1) From Section 404.1.A to permit a setback of 0 feet from any property line in lieu of the required 25 feet for internal roadways; 2) From Sections 404.1.C, 404.3.A and 404.3.C.2 to permit the loading and unloading of agricultural/landscaping products on the subject property, zoned R.C.4, and to permit an existing screened earth berm in lieu of the required screening and planting; 3) From Sections 1A03.4.B.4, 102.2 and 404.1.B to permit a building setback of 3 feet in lieu of the required 50 feet for an existing shed, a distance of 45 feet between the existing shed and existing barn, a distance of 40 feet between the existing shed and a proposed 30' x 24' shed, and a distance of 52 feet in lieu of the required 100 feet between the existing 20' x 12' metal shed and the proposed barn addition; 4) from Section 409.8.A.2 to permit drive-ways and parking area to have a crusher run surface in lieu of the required

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Date

By

11/13/92
[Signature]

paving; and, 5) an amendment to the final development plan for the subject property, all as more particularly described on Petitioner's Exhibit 4.

Michael E. Turley, the Petitioner and property owner, appeared and testified on behalf of the Petition and was represented by T. Rogers Harrison, Esquire. Also appearing on behalf of the Petition was Paul Lee, Registered Professional Engineer. Charles Carroll, adjoining property owner, appeared and testified as a Protestant in the matter, and was represented by Deborah C. Dobkin, Esquire. Also appearing and testifying was John C. Engel, a Deacon of the Timonium Presbyterian Church which is located nearby.

A summary of the testimony presented is helpful in examining the issues. Testimony indicated that the subject property, known as 13021 Beaver Dam Road, consists of 21.8014 acres, more or less, zoned R.C. 4 and is improved with a nursery, barn and two sheds. Said property was originally part of a larger farm tract, known as Pine Hill Farm, which was subdivided into three lots. A final development plan for this subdivision, known as Bishop's Pond, was approved in 1988. That plan has been amended on two occasions, once by the owners of Lot 1 and later by the owner of Lot 3. Lot 1 is owned by the Hunt Valley Presbyterian Church and is proposed for development with a Church building and related facilities thereon. Lot 2, which is the subject of this matter, is currently used as a turf and nursery farm, and Lot 3 contains the existing dwelling which was the centerpiece of the original Pine Hill Farm. The Petitioner filed the instant Petition as a result of a complaint filed by the owner of adjoining Lot 3, Charles Carroll, regarding an existing shed.

Mr. Turley testified that he has owned Lot 2 since July, 1991. He testified that at the time of his purchase, he contacted Baltimore

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County to obtain designation of the property as a reduced acreage farm. This designation is permitted pursuant to Section A-17 of the Baltimore County Zoning Commissioner's Policy Manual. Said Policy allows a property owner to obtain County verification of the legitimacy of a farm use after a farm has been subdivided or otherwise reduced in size. The designation of this property as a reduced acreage farm was granted as evidenced by the inter-office correspondence signed by Paul J. Solomon on behalf of the Agricultural Land Preservation Board for Baltimore County, identified herein as Petitioner's Exhibit 1. A farm is defined in Section 101 of the B.C.Z.R. as: "A single tract of land more than three acres, primarily devoted to agriculture, including but not limited to raising of crops, dairy, forestry, livestock and poultry farming; horse breeding, training and stabling; grazing; commercial greenhousing, flower farms and nurseries, whether wholesale or retail, excluding a limited-acreage wholesale flower farm and commercial or non-commercial riding stables." (Bill No. 98, 1975). Thus, it is clear that the current use of the property can only be described as a farm.

Mr. Turley testified that he intends to construct a single family dwelling on the site and is desirous of continuing farming pursuits on the property. Currently, the property is used as a turf and nursery farm. In addition to the proposed dwelling, the Petitioner proposes to construct an addition onto an existing barn and a 30' x 24' shed near the driveway entrance to the site. Mr. Turley testified that he has made significant improvements to the site since his purchase of the property. He installed an earth berm along the easterly side of the property where same immediately abuts Interstate 83. He indicated that this earth berm was constructed to provide a noise and visual barrier from the motoring traffic on I-83.

ORDERS RECEIVED FOR FILING

Date

By

Mr. Turley also constructed an earth berm on the west side of the property, near the property line between his property and Mr. Carroll's lot. Mr. Turley noted that many of the variances being requested are for existing structures and improvements. That is, except for the proposed 30' x 24' shed near the driveway and the proposed addition, the requested variances are needed to legitimize existing conditions. According to Mr. Turley and his counsel, the instant Petition was filed at the request of Baltimore County to address the complaint filed by Mr. Carroll.

Paul Lee, Registered Professional Engineer, testified on behalf of the Petitioner and described in detail the variances requested and the history of the subdivision. Mr. Lee testified that he believes the variances should be granted and that they comply with the applicable regulations found in Section 307.1 of the B.C.Z.R. In his view, the Petitioner will suffer practical difficulty if the variances are not granted.

John Engel, of the Hunt Valley Presbyterian Church, testified that he is concerned primarily about that portion of the request which relates to the surface of the driveway which provides access to the site from Beaver Dam Road. He is concerned about extensive use of that roadway in connection with the potential special exception use of the property. In that event, he would request that the existing crusher run driveway be paved in order to prevent dust and dirt from filtering onto his property.

Charles Carroll also testified. Many of his concerns relate to the present and prospective use of the property. As was stated by me at the hearing, the issue of the property's use is not before me and I decline to rule upon same. Nonetheless, Mr. Carroll is fearful of the potential commercialization of this property.

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Prior to addressing the merits of each variance, it should be noted that much of the relief sought is from the strict application of Section 404, et seq., of the B.C.Z.R. Although that Section is titled "Farm and Agricultural Operations", this Section does not regulate farms. Rather, the specific regulations therein provide standards for those agricultural uses identified as limited acreage wholesale flower farms, horticultural nurseries, landscape service operations, agricultural roadside businesses and farm markets. Section 404, as a whole, was comprehensively readopted by the County Council via the passage of Bill No. 41-92. As noted above, that recently enacted bill regulates many agricultural uses, including landscape service operations. The Petition specifically seeks relief from Sections 404.1.A, 404.1.B, 404.1.C. and 404.3.A and C.2.

As noted above, it is clear that the property's present use must be considered as a farm, notwithstanding the description of the property's existing and proposed use as a "landscape service operation" on the site plan. Landscape service operations are permitted only by special exception in R.C. 4 zones (See Sections 1A03.B.7.C and 404.3.C). It is clear that there has been no special exception requested, much less granted, for such use of this property. Again, it must be emphasized that I must consider only the merits of the request before me as they relate to the Petitioned variances. I am not deciding whether a special exception for the subject site is appropriate under the applicable provisions of the B.C.Z.R.

The various regulations of Section 404 all relate to setback, internal roadway, loading, and screening requirements for a landscape service operation. The property's classification as a farm and the relief requested raise a threshold question; namely, can a variance from area regulations relating to a particular use be granted when that underlying

ORDER RECEIVED FOR FILING

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11/3/92
[Signature]

use has not been established? Clearly, strict compliance with the setback, internal roadway, loading and screening requirements contained in Section 404 is necessary, only if the property is used as a landscape service operation. That is, the requirements from which relief is sought do not apply to all uses in an R.C. 4 zone. Rather, those standards apply only if the property is used as a landscape service operation. The fact that the subject property is not being so used, at least at the present time, prohibits me from considering variances from any provision within Section 404. Thus, I must dismiss, as premature, those portions of the Petition which seek relief from any regulation relating to the use of the property as a landscape service operation.

There is sound logic for this conclusion. If the Petitioner intends on pursuing a legal use designation of the property as a landscape service operation, a site plan accompanying the Petition for Special Exception need be filed. That site plan and Petition may also incorporate a Petition for Zoning Variance requesting relief identical to that which has been requested in the instant case. Further, compliance with the standards found in Section 502.1 of the B.C.Z.R. will be necessary in order for the special exception to be granted. The Petitioner's new site plan and the concerns raised while considering the requirements of Section 502.1 may well generate issues bearing upon the variances requested. Therefore, to grant the relief requested at the present time would be inappropriate in that the variances sought relate to a use which has not been documented and lawfully established, or for that matter, even requested.

The Petitioner has, however, requested certain other variances from the B.C.Z.R. which are applicable to the present use. These are variances from Sections 1A03.4.B.4, 102.2 and 409.8A.2 concerning setbacks.

and distances for existing improvements and the required parking surface. The first variance to be considered is from Section 1A03.4.B.4 to permit a building setback of 3 feet from the property line to the existing 75' x 22' shed. It is questionable whether this variance is necessary. Section 1A03.4.B.4 requires a 50-foot lot line setback for buildings constructed after the adoption of that regulation. This particular shed has been in existence for many years and may very well predate the legislation. Certainly, it predates the establishment of the lot lines when the property was subdivided. In that the shed already exists in its present locale, I will not require that same shall either be removed or relocated. Thus, this variance shall be granted.

A second variance arises from the requirements of Section 102.2 of the B.C.Z.R. as they are incorporated within Section 1A03.4.B.4. Section 102.2 provides that no yard space or minimum area required for a building or use shall be considered as part of the yard space or minimum area required for another building or use. The site plan shows that the existing barn is located 45 feet from the 75' x 22' shed, which is but 3 feet from the property line. If Section 102.2 were strictly applied, the Petitioner would be unable to use as a part of the setback distance that area which the subject shed encompasses as well as the 3-foot distance between said shed and the property line. Thus, only a 45-foot setback would be maintained from the existing barn to the property line in lieu of the required 50 feet. Again, these structures are existing and have been in place for many years. They were probably constructed prior to the adoption of the relevant regulations by the B.C.Z.R. In view of same, I will grant that variance as well. In the opinion of this Zoning Commissioner, legitimize-

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Date

By

tion of the setbacks maintained by these structures is warranted and satisfies the Petitioner's burden of practical difficulty.

The third variance requests permission to construct a new shed 40 feet from the existing 75' x 22' shed. The proposed shed will be 30' x 24' in dimension and will be located near the entrance to the property, adjacent to the driveway which leads to Beaver Dam Road. This variance also arises from the 50-foot setback required under Section 1A03.4.B.4 as incorporated within the requirements of Section 102.2. I am unconvinced that any practical difficulty exists in this instance. The Petitioner has shown no compelling reason why strict adherence to the regulation should not be required. It is to be particularly noted that the proposed shed can be located elsewhere on the property inasmuch as it does not currently exist. Thus, I will deny this variance.

In addition to variances from Sections 1A03.4.B.4 and 102.2, the Petitioner requests a variance from Section 409.8. A.2 to allow driveways and parking areas to have a crusher run surface in lieu of the required paving. The Petitioner indicated that he would be willing to pave at least a portion of his driveway in the event application for a Special Exception were made. However, he does not believe that such an improvement need be made at this time. The existing traffic flow does not warrant strict adherence to this regulation and to so require the Petitioner would be unduly burdensome. I agree with this reasoning. If, in fact, a special exception is applied for and granted, this variance shall be reconsidered. The contemplated traffic from such a proposed use may well justify strict adherence to this regulation; however, at the present time, I am convinced that paving this road is not necessary. The existing country lane serves the three lots previously described and no others. I do not believe justi-

ORDER RECEIVED FOR FILING

Date

By

fication exists to require paving in this instance. Therefore, the Petitioner has met his burden of practical difficulty.

In considering all of these variances, I am bound by that rule of law which provides that an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances for the existing structures and parking surface are not granted. For the reasons specifically set forth above, it is clear that special circumstances exist that are peculiar to the land or structures which are the subject of the variances requested and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petition-

er's request is in strict harmony with the spirit and intent of the B.C.Z.R.

A comment is in order regarding the numerous variances requested from Section 404, et seq. which I have dismissed as premature. As previously stated, I do not believe they can be considered until the underlying use of the property as a landscape service operation has been established so that all issues generated by that use and the variances related to same can be addressed. However, significant evidence and testimony were presented which relates to these potential variances. That evidence, particularly as it related to the need to legitimize existing conditions is compelling. The existing structures on this property have been in place many years, well prior to the subdivision of the farm which created this lot. Nevertheless, I will not consider these variances at this time, believing that other relevant issues may be raised relating to these variances within a future special exception hearing.

Additionally, an objection was raised by the Protestants' Counsel regarding the Petitioner's request to amend the final development plan for Bishop's Pond pursuant to the instant Petition for Variance, rather than by a Petition for Special Hearing. In view of my findings above as to the use of this property and the premature request for variances from Section 404, I disagree with this objection. The final development plan should be amended to the extent necessitated by the variances granted herein from Sections 1A03.4.B.4, 102.2 and 404.8A.2. It has been the policy of this Office to allow a Petition for Variance to amend a final development plan to the extent the relief sought in the Petition is granted. That policy shall apply to this case.

ORDER RECEIVED FOR FILING

Date

By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested for the existing improvements shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of November, 1992 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 1A03.4.B.4 to permit a building setback of 3 feet in lieu of the required 50 feet for the existing 75' x 22' shed; from Sections 1A03.4.B.4 and 102.2 to permit a distance of 45 feet in lieu of the required 50 feet for an existing barn; and from Section 409.8.A.2 to permit driveways and parking area to have a crusher run surface in lieu of the required paving, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) If the Petitioner requests a special exception for a landscape service operation on the subject site, the variance granted herein from Section 409.8.A.2 shall be reconsidered.

3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

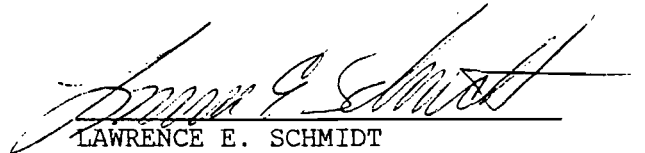
IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting an amendment to the final development plan for Bishop's Pond, to the extent necessitated by the variance relief granted herein, be and is hereby GRANTED; and,

11/13/92
[Signature]

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 404.1.A to permit a setback of 0 feet from any property line in lieu of the required 25 feet for internal roadways; from Sections 404.1.C, 404.3.A and 404.3.C.2 to permit the loading and unloading of agricultural/landscaping products on the subject property, zoned R.C.4, and to permit an existing screened earth berm in lieu of the required screening and planting; from Sections 404.3.B and 3.C concerning landscape service operations; from Section 404.1.B to permit a setback of 3 feet in lieu of the required 50 feet for an existing 75' x 22' shed; and, from Section 404.1.B to permit a distance of 52 feet in lieu of the required 100 feet between the existing 20' x 12' metal shed and the proposed barn addition, be and are hereby DISMISSED AS PREMATURE; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 1A03.4.B.4 and 102.2 to permit a property line distance of 40 feet in lieu of the required 50 feet for a proposed 30' x 24' shed, be and is hereby DENIED.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

By

Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

A1

DESCRIPTION

93-41-A

13021 BEAVER DAM ROAD
ELECTION DISTRICT 8C3
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the East side of a 20 foot wide right-of-way and easement area as recorded in Liber SM 8584-696, said point also being located from the intersection of the centerlines of Baltimore-Harrisburg Expressway (I-83) and Beaver Dam Road Westerly along center of Beaver Dam Road 500 feet $\pm$ and Southerly along 20 foot right-of-way 1230 feet to the northwest corner of subject property, thence binding on the North side of said property (1) South $37^{\circ}55'21''$ East 82.95 feet, (2) South $78^{\circ}39'36''$ East 999.18 feet to the West side of Baltimore-Harrisburg Expressway (I-83), thence binding on the West side of Baltimore-Harrisburg Expressway the five following courses and distances: (3) South $04^{\circ}59'35''$ East 198.62 feet, (4) South $07^{\circ}59'20''$ East 150.01 feet, (5) South $21^{\circ}09'37''$ East 102.39 feet, (6) South $08^{\circ}45'10''$ East 300.00 feet, and (7) South $10^{\circ}34'59''$ East 66.09 feet; thence leaving said West side of Baltimore-Harrisburg Expressway (8) South $24^{\circ}59'11''$ West 732.56 feet, (9) North $48^{\circ}12'30''$ West 332.25 feet, (10) North $88^{\circ}25'21''$ West 48.27 feet, (11) South $84^{\circ}35'34''$ West 159.93 feet, (12) North $50^{\circ}11'05''$ West 186.13 feet, (13) North $11^{\circ}58'33''$ East 1114.14 feet, (14) North $87^{\circ}36'51''$ East 96.08 feet, (15) North $62^{\circ}39'01''$ East 32.65 feet, (16) Due North 31.00 feet, (17) North $38^{\circ}49'47''$ West 98.23 feet, (18) North $78^{\circ}39'36''$ West 542.77 feet, to the East side of a 20 foot right-of-way and easement area, thence binding on said East side of 20 foot right-of-way and easement area (19) North $26^{\circ}54'22''$ West 25.47 feet, and North $06^{\circ}54'40''$ West 57.00 feet to the point of beginning.

Containing 21.8014 acres of land, more or less.

Engineers — Surveyors — Site Planners

7/15/92 ✓



47



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

13021 Beaver Dam Road

93-41-A

which is presently zoned RC4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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

See attached Exhibit A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The roadways and buildings pre-existing ownership by Petitioner - there is a hardship and practical difficulty in that petitioner must technically correct discrepancy on subdivision plan to properly utilize his property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Michael E. Turley

(Type or Print Name)

Signature

2030 Lord Baltimore Drive

Address

Baltimore MD 21207

City

State

Zipcode

Attorney for Petitioner:

T. Rogers Harrison

(Type or Print Name)

Signature

105 W. Chesapeake Avenue
300 Jefferson Building

Address

Towson, MD 21204

City

State

Zipcode

(410) 828-1335

(We do 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 Petition.

Legal Owner(s):

Michael E. Turley

(Type or Print Name)

Signature

(410) 298-5226

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date: Next Two Months

ALL OTHER

REVIEWED BY:

DATE

8/11/92

ORDER RECEIVED FOR FILING
11/13/92



93.41-A

The Petitioner hereby petitions for a variance from Section(s):

(1) Petitioner requesting a variance to Section 404.1.A of the BCZR to permit a 0' setback for internal roadways from any property line or as shown on site plan in lieu of required 25'.

(2) Petitioner requesting a variance to Sections 404.1C of the BCZR requiring loading and unloading from a residentially zoned property to take place 100' from any property line or 50' within a fully enclosed structure in order to utilize existing shed and barn and from Sections 404.1.C and 404.3.A and C-2 to permit an existing screened earth berm (as shown on the plan) to be substituted for required screening and planting. (Section 404.3.B). A landscape service operation may plant horticultural materials on-site. However, such plants may only be sold as an integral part of a landscape design, and may not be sold to the retail customer. (Section 404.3.C) Landscape service operations require a special approval in R.C. 2, 3 & 4 zones and shall meet the requirements outlined in Section 502.1 of these regulations. In addition to these requirements, a landscape service operation is subject to the following standards:

(a) The site would be of sufficient size and properly designed to ensure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors.

(b) Location of the vehicle parking and equipment storage area shall be compatible with surrounding uses and shall be screened from residentially zoned or other used properties as specified in Section 404.1.C.

(3) Petitioner requesting a variance to Sections 1A03.4.B.4, 102.2 and 404.1B of the BCZR to permit a building setback of 3' (exit. shed) in lieu of required 50' (a var. of 47'). A distance of 45' between ex. shed and existing barn, a distance of 40' between ex. shed and prop. 30' x 24' shed; a distance of 52' between ex. 20' x 12' metal shed and prop. barn addition in lieu of required 100' (a variance of 55', 60' and 48').

(4) Petitioner requesting a variance to Section 409.8.A.2 of the BCZR to allow driveways and parking area not to be paved or macadamed but to have a crusher run surface where shown and to amend the last approved dev. plan of "Bishops Pond" for lots for all changes as shown.

Paul Lee, P.E.

47

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5941

93-41-A

DESCRIPTION

13021 BEAVER DAM ROAD
ELECTION DISTRICT 8C3
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the East side of a 20 foot wide right-of-way and easement area as recorded in Liber SM 8584-696, said point also being located from the intersection of the centerlines of Baltimore-Harrisburg Expressway (I-83) and Beaver Dam Road Westerly along center of Beaver Dam Road 500 feet $\pm$ and Southerly along 20 foot right-of-way 1230 feet to the northwest corner of subject property, thence binding on the North side of said property (1) South $37^{\circ}55'21''$ East 82.95 feet, (2) South $78^{\circ}39'36''$ East 999.18 feet to the West side of Baltimore-Harrisburg Expressway (I-83), thence binding on the West side of Baltimore-Harrisburg Expressway the five following courses and distances: (3) South $04^{\circ}59'35''$ East 198.62 feet, (4) South $07^{\circ}59'20''$ East 150.01 feet, (5) South $21^{\circ}09'37''$ East 102.39 feet, (6) South $08^{\circ}45'10''$ East 300.00 feet, and (7) South $10^{\circ}34'59''$ East 66.09 feet; thence leaving said West side of Baltimore-Harrisburg Expressway (8) South $24^{\circ}59'11''$ West 732.56 feet, (9) North $48^{\circ}12'30''$ West 332.25 feet, (10) North $88^{\circ}25'21''$ West 48.27 feet, (11) South $84^{\circ}35'34''$ West 159.93 feet, (12) North $50^{\circ}11'05''$ West 186.13 feet, (13) North $11^{\circ}58'33''$ East 1114.14 feet, (14) North $87^{\circ}36'51''$ East 96.08 feet, (15) North $62^{\circ}39'01''$ East 32.65 feet, (16) Due North 31.00 feet, (17) North $38^{\circ}49'47''$ West 98.23 feet, (18) North $78^{\circ}39'36''$ West 542.77 feet, to the East side of a 20 foot right-of-way and easement area, thence binding on said East side of 20 foot right-of-way and easement area (19) North $26^{\circ}54'22''$ West 25.47 feet, and North $06^{\circ}54'40''$ West 57.00 feet to the point of beginning.

Containing 21.8014 acres of land, more or less.



Engineers — Surveyors — Site Planners

7/15/92 ✓

Towson, Maryland

93-41-H

478

10/21/92

APR 20 1968

Michael E. Tarley

Wet Harrisburg Exp. along Rock Run Rd.

13021 Berriem Ave

Location of Sign: Facing Barrer Dam Rd. at entrance of Apple's

Direct Loading To Property

Remarks:

M. J. Kelly

10/8/92

2

CERTIFICATE OF PUBLICATION

Case: #93-41-A (Item 47)
500 (+/-) W of Harrisburg
Expressway along Beaver
Dam Road to a private
drive (Old Mill Road),
then 1230' South
13021 Beaver Dam Road
8th Election District
3rd Councilmanic

Petitioner(s):
Michael E. Turley
Hearing: Thursday,
October 1, 1992 at 10:00
a.m. in Rm. 106, Office Bldg.

Variance to permit a zero foot setback for internal roadways from any property line or as shown on site plan in lieu of required 25 feet; to utilize existing shed and barn in lieu of requiring loading and unloading from a residentially zoned property to take place 100 feet from any property line or 50 feet within a fully enclosed structure; to permit an existing screened earth berm to be substituted for required screening and planting; to permit a building setback of 3 feet (existing shed) in lieu of required 50 feet; a distance of 45 feet between existing shed and existing barn, a distance of 40 feet between existing shed and proposed 30 ft. x 24 ft. shed, a distance of 52 feet between existing 20 ft. x 12 ft. metal shed and proposed barn addition, in lieu of the required 100 feet; to allow driveways and parking area not to be paved or macadamized but to have a crusher run surface where shown on the site plan; and to amend the last approved development plan of "Bishops Pond" for lots for all changes as shown on the site plan.

TOWSON, MD., 9/14, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/3, 1992.

THE JEFFERSONIAN,

S. Zefer Odum
Publisher

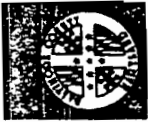
RECEIVED
COUNTY BOARD OF APPEALS

93 MAR 19 PM 1:27

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-41-A

District 5th Date of Posting 3/12/93
Posted for: Appeal
Petitioner: Michael E. Turley
Location of property: 13021 Boore Dam Rd. - 1730' S/ Boore Dam Rd & W of Rt #23
Location of Signs: Post at entrance to driveway leading to property of
Petitioner
Remarks: _____
Posted by: [Signature] Date of return: 3/19/93
Signature
Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

Date

8/09/93

A9300036

APPEAL FEE:

QTY

PRICE

140 FEE FOR ALL OTHER ORDERS

1 X

\$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: LURLEY

\$175.00

03A03H0155ACCRCC

BA C003-32FM03-09-93
Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

3/11/93

M9200279

APPEAL FEES	QTY	PRICE
150 --POSTING SIGNS / ADVERTISING 1 X		\$35.00
TOTAL:		\$35.00
LAST NAME OF OWNER: TURLEY		

Please Make Checks Payable To: Baltimore County

Cashier Validation

Date



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 12, 1993

*P.C. not involved.
Shirley M. Hess*

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-41-A

MICHAEL E. TURLEY
1230' S of Beaver Dam Road, 500' W of
Baltimore-Harrisburg Expressway (13021 Beaver
Dam Road) 8th E District /3rd C District

VAR -Setbacks; loading & unloading of
agricultural/landscaping products on R.C. 4
property; existing screened earth berm in lieu
of required screening; driveway & parking
areas /crusher run in lieu of paved surface;
and amendment to final development plan.

11/13/92 -Z.C.'s Order in which Petition for
Variances GRANTED in part with restrictions;
DISMISSED in part; and DENIED in part.

2/08/93 -Z.C.'s Amended Order in which two of
the variances denied above were GRANTED.



ASSIGNED FOR:

THURSDAY, JULY 22, 1993 AT 10:00 a.m.

cc: Deborah C. Dopkin, Esquire
Mr. Charles Carroll
T. Rogers Harrison, Esquire
Mr. Michael E. Turley
Paul Lee Engineering, Inc.
R. Bruce Alderman,
CIGNAL Development
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Counsel for Appellant/Protestant
Appellant/Protestant
Counsel for Petitioner
Petitioner

Kathleen C. Weidenhammer
Administrative Assistant



7/19/93

T/C from Deborah Dopkin re Michael Turley case scheduled for hearing on Thursday, 7/22/93.

There is a companion matter pending before the Zoning Commissioner -- agreement has been reached in that case; Order was to have been issued by Zoning Commissioner but has not yet been done. When the ZC Order has been issued, it is very likely that this case then will be dismissed by Appellants (represented by Deborah Dopkin).

Therefore, on 7/22/93 -she plans to come in and on the record ask that the matter be continued inasmuch as Larry's decision has yet to be issued.

kathi

Telephone: 339-7100



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 12, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-41-A

MICHAEL E. TURLEY
1230' S of Beaver Dam Road, 500' W of
Baltimore-Harrisburg Expressway (13021 Beaver
Dam Road) 8th E District /3rd C District

VAR -Setbacks; loading & unloading of
agricultural/landscaping products on R.C. 4
property; existing screened earth berm in lieu
of required screening; driveway & parking
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and amendment to final development plan.

11/13/92 -Z.C.'s Order in which Petition for
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DISMISSED in part; and DENIED in part.
2/08/93 -Z.C.'s Amended Order in which two of
the variances denied above were GRANTED.

ASSIGNED FOR:

THURSDAY, JULY 22, 1993 AT 10:00 a.m.

cc: Deborah C. Dopkin, Esquire Counsel for Appellant/Protestant
Mr. Charles Carroll Appellant/Protestant
T. Rogers Harrison, Esquire Counsel for Petitioner
Mr. Michael E. Turley Petitioner
Paul Lee Engineering, Inc.
R. Bruce Alderman,
CIGNAL Development
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

September 22, 1992

(410) 887-3353

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

RE: Item No. 47, Case No. 93-41-A
Petitioner: Michael E. Turley
Petition for Variance

Dear Mr. Harrison:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Zoning Plans Advisory Committee Comments

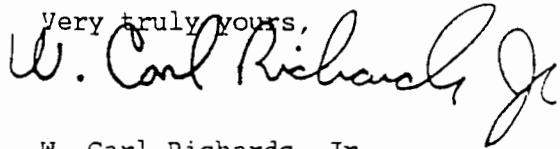
Date: September 22, 1992

Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:hek

Enclosures

cc: Mr. Michael Turley
2030 Lord Baltimore Drive
Baltimore, MD 21207

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
11th day of August, 1992

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

Received By:

A handwritten signature in cursive script, reading "W. Carl Richards Jr.".

Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael Turley

Petitioner's Attorney: T. Rogers Harrison



9/1/92
g
TW

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

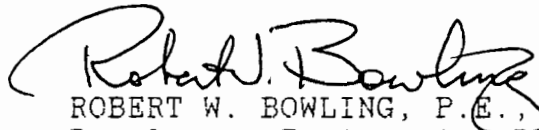
TO: Arnold Jablon, Director DATE: August 31, 1992
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
 for August 31, 1992
 Item No. 47

The Developers Engineering Division has reviewed the subject zoning item. A commercial building permit requires a landscape plan.

Any issues related to landscaping, buffering or berming should be deferred until the required landscape plan is considered.


ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

RECEIVED
SEP 1 1992
ZONING OFFICE

4/9/92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 1, 1992

SUBJECT: 13021 Beaver Dam Road

INFORMATION:

Item Number: 47

Petitioner: Michael E. Turley

Property Size: 21.8 acres

Zoning: R.C. 4

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a Variance to permit a zero foot setback for internal roadways from any property line or as shown on site plan in lieu of required 25 feet; to utilize existing shed and barn in lieu of requiring loading and unloading from a residentially zoned property to take place 100 feet from any property line or 50 feet within a fully enclosed structure; to permit an existing screened earth berm to be substituted for required screening and planting; to permit a building setback of 3 feet (existing shed) in lieu of required 50 feet; a distance of 45 feet between existing shed and existing barn, a distance of 40 feet between existing shed and proposed 30 foot by 24 foot shed, a distance of 52 feet between existing 20 foot by 12 foot metal shed and proposed barn addition in lieu of the required 100 feet; to allow driveways and parking area not be paved or macadamed but to have a crusher run surface where shown on the site plan; and to amend the last approved development plan of "Bishops Pond" for lots for all changes as shown on the site plan.

The Office of Planning and Zoning's Community Planning Division met with Mr. Turley and determined that the use of a landscape service operation would require a special exception. The petitioner has agreed to file for a special exception. The petitioner also indicated that he has met with surrounding property owners and two community associations and, to date, the Office of Planning is not aware of any opposition to the petitioner's proposal.

ZAC COMMENTS

The Office of Planning and Zoning recommends APPROVAL of the applicant's request subject to the following conditions:

1. As noted on the plan accompanying this petition, the hours of operation should be restricted as indicated.
2. Any sign located on the property shall be integrated with landscaping and have its location approved by the Deputy Director of Planning and Zoning.
3. No temporary signs or other types of signs shall be visible from I-83.

Prepared by:

Francis Mowley

Division Chief:

Ernie McDermott

FM/PK/EMcD:prh

RECEIVED

SEP 8 1992

ZONING OFFICE

9/1/92
SW

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 27, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 24, 1992

ITEM NUMBER: 47

The existing access off Beaver Dam Road needs to be relocated to the west as shown on the C.R.G. plan.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
SEP 1 1992
ZONING OFFICE

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(410) 887-4500

AUGUST 24, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL E. TURLEY

Location: #13021 BEAVER DAM ROAD

Item No.: +47 (JLL)

Zoning Agenda: AUGUST 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Pfeiffer Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/KEK

93-41-A

ic/1/92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 1, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #47 *JLP/ltb*
13021 Beaver Dam Road
Zoning Advisory Committee Meeting of August 24, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The property includes a tributary to Beaver Dam Run (Use III) and has an Established Forest Buffer. The stream eventually flows into Loch Raven Reservoir. Environmental Impact Review Division does not support zoning changes which allow for increased use intensity leading to increased run-off and pollutant loading into the reservoir.

In the variance request, it is unclear whether the petitioner is anticipating expanding the operation into retail sales. If this is the case, we would recommend that the proposed paving be extended to all areas where the vehicles of retail customers have access. If this is not the case, we feel the crusher run in the driveways and parking area as shown on the site plan is acceptable in lieu of paving.

The owner will be responsible for treating this surface as needed with appropriate chemicals and/or water if a dust problem should occur.

LP:sp

BEAVERD/TXTSBP

RECEIVED

OCT 5 1992

ZONING OFFICE

APPEAL

Petition for Variance
1230' S. of Beaver Dam Road,
500' W of Baltimore-Harrisburg Expressway
(13021 Beaver Dam Road)
8th Election District - 3rd Councilmanic District
Michael E. Turley-PETITIONER
Case No. 93-41-A

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR 11 PM 2:30

✓ Petition(s) for Variance

✓ Description of Property

✓ Certificate of Posting

✓ Certificate of Publication

✓ Zoning Plans Advisory Committee Comments

✓ Petitioner(s) and Protestant(s) Sign-In Sheets

✓ Petitioner's Exhibits: 1 Rual Accessory Uses
2 Two Photographs of Earth Barrier
3 Twenty
4 Plat to accompany petition
5 Bishops Pond F.D.P.
6 No Marked Exhibit
7 Letter-Gary W. Swatko
8 Letter-Margaret Worrall

Protestant's Exhibits: 1 Letter-H.V. Presbyterian Church
2 Four Photographs
3 Five Photographs
4 One Photographs

Zoning Commissioner's Order dated November 13, 1992 (GRANTED w/restrctns in part)
Zoning Commissioner's Order dated February 8, 1993 (granted) (Amended)

Notice of Appeal received on March 9, 1993 from Deborah C. Dopkin

cc: Mr. R. Bruce Alderman, Cignal Development, 108 W. Timonium Rd,
Timonium MD 21093
People's Counsel of Baltimore County

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Docket Clerk
Arnold Jablon, Director of ZADM

Deborah C. Dopkin, Esquire
ROSOLIO, SILVERMAN & KOTZ, P.A.
Suite 220, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

Counsel for Appellant /protestant

Mr. Charles Carroll
13023 Beaver Dam Road
Cockeysville, MD 21030

Appellant

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
Baltimore, MD 21204

Counsel for Petitioner

Mr. Michael E. Turley
2030 Lord Baltimore Drive
Baltimore, MD 21207

Petitioner

Paul Lee Engineering Inc.
304 W. Pennsylvania Avenue
Towson, MD 21204

✓E

5/12/93 -Notice of Assignment for hearing scheduled for Thursday, July 22, 1993 at 10:00 a.m. sent to following:

Deborah C. Dopkin, Esquire
Mr. Charles Carroll
T. Rogers Harrison, Esquire
Mr. Michael E. Turley
Paul Lee Engineering, Inc.
R. Bruce Alderman,
CIGNAL Development
People's Counsel for Baltimore County
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/19/93 -T/C from D. Dopkin --awaiting decision from the Zoning Commissioner in Case No. 93-324-SPHXA; based upon that Order, appeal in this matter scheduled for hearing on 7/22/93 could be dismissed. As no Order has yet been issued by the ZC, she will request a continuance on the record on 7/22/93. When ZC Order has been issued, this appeal could then be dismissed, and she would then make that request.

7/22/93 -Continued on the record at request of Dopkin; agreement of Harrison; not to be reset until requested by parties. }



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 21, 2009

Deborah C. Dopkin, Esquire
409 Washington Avenue
Suite 1000
Towson, MD 21204

Re: Michael E. Turley
13021 Beaver Dam Road
Case No.: 93-41-A

Dear Ms. Dopkin:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

Please be advised that the last activity that I have noted in this file is that in July 1993 the Board received a telephone call from you advising that upon the outcome of Case No.: 93-324-SPHXA, the appeal in this matter could be dismissed. A continuance was requested on 7/22/1993.

To date, the Board of Appeals has not been contacted with regards to re-scheduling this matter, nor has a Petition to Withdrawal the Appeal/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to discuss this matter; or in the alternative, provide the documentation required to bring to a close this appeal.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in black ink, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

/trs

93-41-A

5/20/09 Status letter to Ms. Dopkin. Follow up 6/15/09

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

NAME	ADDRESS
Thomas X Adelman / 6441 Cignal Dr	300 Allegheny Ave. Towson

Vol. 21221

R. Bruce Adelman / Genl Dev. 108 W. Tuxedo Rd 21093

PETITIONER'S

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Michael E. Tully
Paul Lee
A. D. McCOMAS

13021 Beaver Dam Rd. Cockeysville
FALUS RD COMMUNITY ASSOC
PO BOX 555 BROOKLANDVILLE MD

John L. Linnell
Mary E. Linnell
Craig Linnell

13027 Beaver Dam Rd. Cockeysville
13030 Beaver Dam Rd. Cockeysville
13021 Beaver Dam Rd. Cockeysville

A-17

RURAL ACCESSORY USES

Reference S. 400, 101, 404.2

BALTIMORE COUNTY, MARYLAND

TO BE SUPPLIED BY
THE APPLICANT

INTER-OFFICE CORRESPONDENCE

TO MR. PAUL SOLOMON
 Management Assistant
 Department of Environmental Protection
 and Resource Management

Date 6/24/91

FROM Mr. J. Robert Haines, Zoning Commissioner
 111 W. Chesapeake Ave. Towson, Maryland

SUBJECT REDUCED ACREAGE FARM

Election District 8

Owner: MICHAEL TURLEY
 Address: 13021 BEAVER DAM ROAD
COCKEYSVILLE, MARYLAND 21030

Phone # 301-298-5226Tax Account
Number

2	1	0	0	0	0	5	8	7	4
---	---	---	---	---	---	---	---	---	---

Pursuant to the Zoning Commissioner's policy A-17, this office is officially requesting verification of the legitimacy of a farm use to continue on the reduced acreage on the referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

1. the signed and notarized tenant affidavit
2. the deed to the property
3. the state tax map for that area, map block parcel
4. site plans

51	2	7
----	---	---

We appreciate your verification and/or recommendations concerning this property.

LEGITIMACY OF A FARM USE ON THE REDUCED ACREAGE

☒ Yes ☐ No ☐ Comment _____

Signed: Paul J. SolomonDate: 7/23/91

Representative of the Agricultural
 Land Preservation Board for
 Baltimore County

STATE OF MARYLAND

WILLIAM DONALD SCHAEFER
Governor

LLOYD W. JONES
Director

ROBERT L. DOWLING
Supervisor



Department of Assessments and Taxation
BALTIMORE COUNTY OFFICE

Jefferson Building, Suite 200
105 W. Chesapeake Avenue
Towson, Maryland 21204

September 25, 1991

Mr. Michael Turley
13021 Beaver Dam Road
Cockeysville, Maryland 21030

Your 1991-92 Baltimore County tax bill will be computed as follows:

Homesite
1 Ac. @ 5250 = \$52,500 (Full Cash Value)

Farm
21 Ac. @ 150 = \$ 3,150 (Full Cash Value)

x 1991/92 tax rate (3.075)

\$ 1,711 (This bill will revert to Agricultural
computation)


Joseph Mullen
Field Supervisor

Telephone (301) _____

October 12, 1992

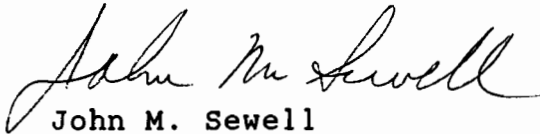
To: Michael E. Turley
13021 Beaver Dam Rd.
Hunt Valley, Md. 21030

Re.: Variance Setback Request

We the undersigned hereby acknowledge Mr. Turley's request for setbacks of existing structures and proposed structures as per plan as filed with the County. We the undersigned being immediate in proximity to Mr. Turley's property have no objections to the plan as drafted and filed with the County of Baltimore. We also are aware of the possibility of a Special Exception filing in the future and are not opposed to its described intent of usage but withhold final decision until such filing has been officially recorded.

Mr. Turley has been forthright in fully disclosing his plans and future intent and has discussed them at length with us individually and as a group.

Signed:



John M. Sewell
13027 Beaver Dam Rd.
Cockeysville, Md. 21030.



Gary W. Swatko
13031 Beaver Dam Rd.
Cockeysville, Md. 21030.



Mrs Mary E. Zinkhan
13030 Beaver Dam Rd.
Cockeysville, Md. 21030.

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

September 29, 1992

Mr. Michael Turley
2030 Lord Baltimore Drive
Baltimore, Maryland 21244

Dear Mr. Turley:

Valleys Planning Council board members, Phillip Worrall and Ned Halle, have reviewed your (July 20, 1992) plans for a landscape service operation on your property at 13021 Beaver Dam Road.

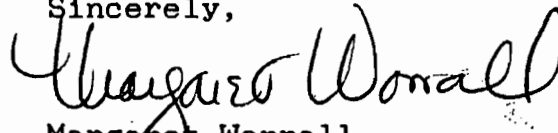
Mr. Worrall and Mr. Halle have advised me that they believe the nature of your operation will be in keeping and appropriate for the rural conservation (RC4) zoning of the property.

It is our understanding that your attorney, T. Rogers Harrison, is in the process of developing restrictive covenants to be entered into by you, your neighbors, and the Falls Road Community Association. This agreement will set limitations on the scope of your service operation including number of trucks, impervious surface, and the nature of your activities.

It is also our understanding that you and your wife plan to live on the property and maintain the landscape service yourselves.

Thank you for contacting us and keeping us informed of your plans.

Sincerely,


Margaret Worrall
Executive Director

cc: Doug McComas
Phil Worrall
Ned Halle

Ret No 8

Hunt Valley

PRESBYTERIAN CHURCH
P.O. Box 70
Hunt Valley, Maryland 21030

10/14/92

*Prot
No
1*

Subject: Representation for Hunt Valley
Presbyterian Church at the October 16, 1992
Hearing Concerning Amendments to the
Final Development Plan for Bishop's Pond

From: President of the Hunt Valley Presbyterian
Church Corporation, and Clerk of the Session
P.O. Box 70, Hunt Valley, MD 21030

To: Baltimore County Zoning Commission

The Hunt Valley Presbyterian Church is the contract purchaser of Lot 1 of the Bishop's Pond Development Plan. This lot consists of approximately 23 acres. This letter is to certify that Mr. John Engle is a member in good standing and a Deacon at the Hunt Valley Presbyterian Church. He has been authorized to represent (be a protestant) on behalf of the Hunt Valley Presbyterian Church, at the subject hearing concerning the Turley Property.

President, and Clerk of Session,

Donald M. Deuterma
Donald M. Deuterma

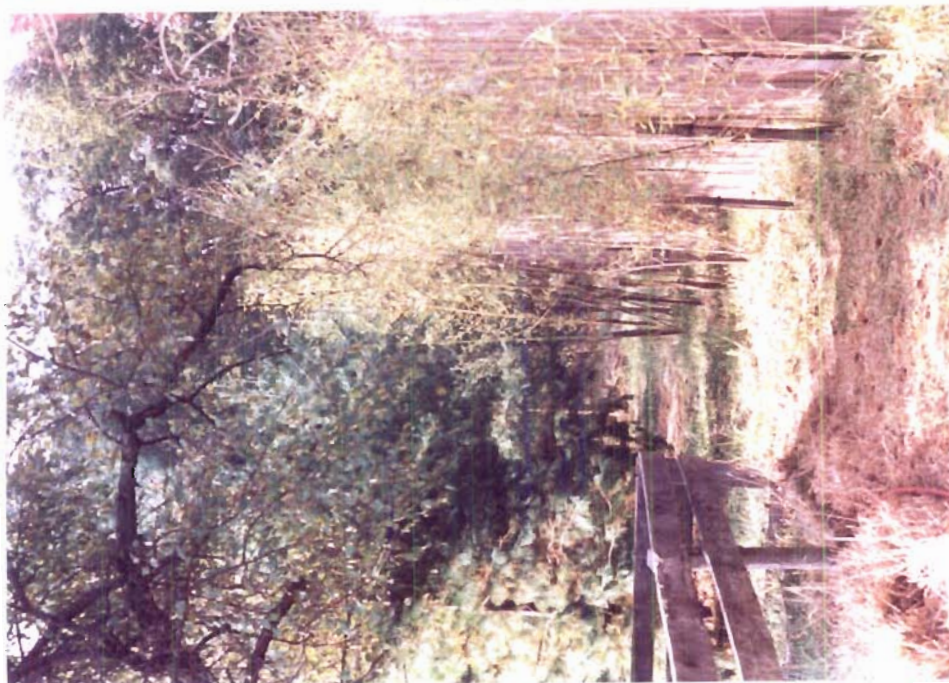






















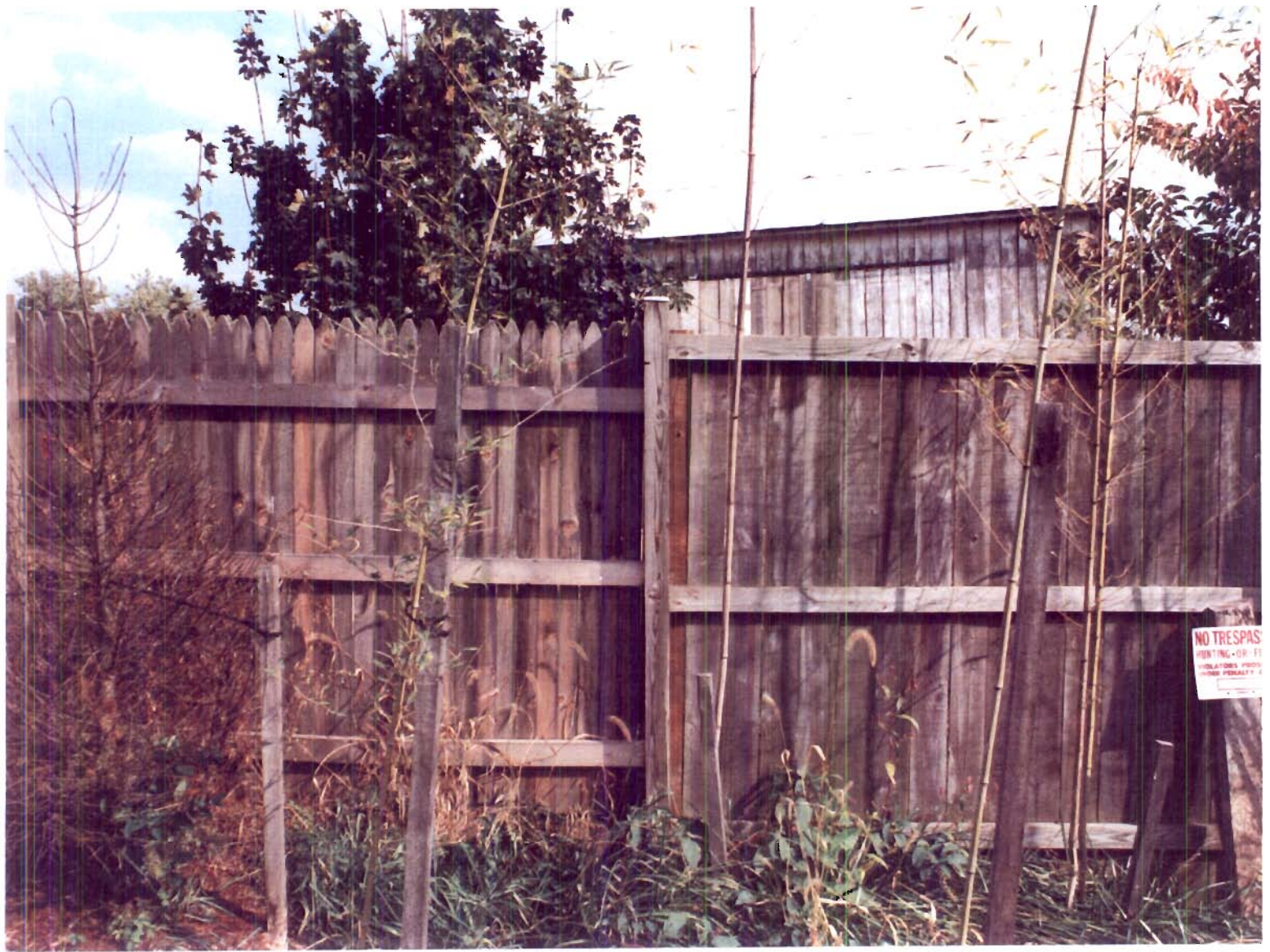












Crop. no. 4

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
1230' S of Beaver Dam Road, 500' *
W of Baltimore-Harrisburg Exp. * ZONING COMMISSIONER
(13021 Beaver Dam Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 93-41-A
Michael E. Turley *
Petitioner *

NOTICE OF APPEAL

Please note an appeal from the Amended Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner of Baltimore County, dated February 8, 1993 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Appellant is the Protestant, Charles Carroll, whose address is 13023 Beaver Dam Road, Cockeysville, Maryland 21030.

Enclosed is the appeal fee of \$175.00, along with the sign fee of \$35.00.

Deborah C. Dopkin
ROSOLIO, SILVERMAN & KOTZ, P.A.
Suite 220, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 339-7100
Attorneys for Appellant

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 9th day of March, 1993, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to T. Rogers Harrison, Esquire, 105 West Chesapeake Avenue, Suite 300, Towson, Maryland 21204, attorney for Petitioner.

Deborah C. Dopkin
Deborah C. Dopkin

deCarroll/carroll

ROSLIO, SILVERMAN & KOTZ, P.A.

-2-

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
1230' S of Beaver Dam Road, 500' *
W of Baltimore-Harrisburg Exp. * ZONING COMMISSIONER
(13021 Beaver Dam Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 93-41-A
Michael E. Turley *
Petitioner *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter originally came before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Michael E. Turley. By my factual findings and Order dated November 3, 1992, certain of the requested variances were granted and others denied as premature. Subsequently, by letter of December 1, 1992, counsel for the property owner requested reconsideration of the Order as it related to a certain variance between an existing shed (75 x 22 ft. in dimension) and a proposed shed (30 ft. x 24 ft. in dimension); and,

WHEREAS, I have reviewed the opinion, site plan, counsel's letter dated December 1, 1992 and other exhibits and shall issue this amended Order in an effort to clarify my prior decision. Broadly speaking, my prior decision can be said to have resolved two major issues related to this property. First, I denied, as premature, all variances which spring from the application of Section 404, et seq., of the B.C.Z.R. to this property. As noted in my prior decision, Section 404 of the regulations applies to wholesale flower farms, horticultural nurseries and landscape service operations. This property is presently used as a farm. It is not used to support any of the uses identified in Section 404. Thus, until and unless the Petitioner requests a special exception for a use identified under Section 404, variance relief from that section cannot be granted.

APPROVED PER ORDER OF
Date 3/9/93
By [Signature]

Notwithstanding my decision as to the non-applicability of Section 404, sections 1A03.4.B.4 and 102.2 of the B.C.Z.R. are applicable to this property. These regulations apply to all structures located in an R.C.4 zone. The property is, in fact, zoned R.C.4. Further, Sections 1A03.4.B.4 and 102.2 require that principal buildings in an R.C.4 zone shall be located, at least, 100 ft. apart. Further, it has been the policy of the Zoning Office to include all buildings located on a parcel and used for farming purposes, (e.g., sheds, barns, etc.) to be considered principal buildings.

Applying Sections 1A03.4.B.4 and 102.2 of the B.C.Z.R. to the subject tract, there are four variances necessary. They are:

1. a variance to permit a 3 ft. side yard setback, in lieu of the required 50 ft., from an existing shed, 22 ft. x 75 ft. to the property line;
2. a distance of 45 ft., in lieu of the required 100 ft., from an existing shed, 22 ft. x 75 ft. to an existing barn, 44 ft. x 50 ft.;
3. a distance of 40 ft., in lieu of the required 100 ft., from an existing shed 22 ft. x 75 ft. to a proposed shed, 30 ft. x 24 ft. (a side yard setback variance to the property line is not required for the proposed shed); and,
4. a distance of 52 ft., in lieu of the required 100 ft., for an existing barn with proposed addition to an existing metal shed, 20 ft. x 12 ft.

The first two of the above named variances were granted in my prior Order. The third was denied. In fact, I did misconstrue the intent of that variance and believed, at that time, the Petitioner was seeking a variance from the proposed shed to the property line. The fourth variance

-2-

requested was also denied based upon the fact that within the Petition, it was noted that relief from Section 404 was sought.

In an effort to clarify my findings, I shall amend my Order to grant the third and fourth variances described above. Thus, all four of the variances which spring from the application of Sections 1A03.4.B.4 and 102.2 shall be granted. Simply stated, I am persuaded that the proposed shed (30 x 24 ft.), the existing shed (75 ft. x 22 ft.), the existing barn with its addition, and the metal shed (20 x 12 ft.) may all be placed/remain where shown on the site plan. My decision, in this respect, is based upon the fact that three of the structures are already in place and to grant this variance will legitimize an existing situation. Further, the location of the proposed shed observes the property line setbacks. The placement of the structures, in my view, will not detrimentally effect the surrounding locale. It should also be noted that a future storage bin (30 ft. x 40 ft.) is shown on the south side of the property, some distance away from the entrance to the property and the four buildings described above. Apparently, no variances are required or requested for the location of that future storage bin. Further, I shall ratify my prior findings that the variances granted herein are all from Sections 1A03.4.B.4 and 102.2 and that any which arise from Section 404 et. seq. of the B.C.Z.R. are to be denied as premature. I am granting only variances as they relate to the buildings as used on a farm and making no judgment on the use of the property and regulations pertaining thereto for landscape service operations.

NOW, THEREFORE, it is ordered by the Zoning Commissioner for Baltimore County this 8th day of February, 1993 that the Order dated

-3-

November 13, 1992 of the within case be and is amended to grant variances from Sections 1A03.4.B.4 and 102.2 to permit:

1. a side yard setback from an existing shed (75 ft. x 25 ft.) of 3 ft. in lieu of the required 50 ft.;
2. a building to building distance of 40 ft. in lieu of the required 100 ft. for an existing shed (22 ft. x 75 ft.) to a proposed shed (30 ft. x 24 ft.);
3. a distance between buildings of 45 ft. in lieu of the required 100 ft. between an existing shed (75 ft. x 25 ft.) to an existing barn (44 ft. x 50 ft.) and
4. a distance of 52 ft. between buildings in lieu of the required 100 ft. between an existing metal shed (20 ft. x 12 ft.) and a proposed addition to the existing barn; and,

IT IS FURTHER ORDERED that the Findings of Fact, Conclusions of Law and Order issued by the Zoning Commissioner on November 13, 1992 be and is hereby ratified and incorporated, except as specifically amended herein.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

ORDER RECEIVED FOR FILING
Date 3/9/93
By [Signature]

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

-4-

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
1230' S of Beaver Dam Road, 500' *
W of Baltimore-Harrisburg Exp. * ZONING COMMISSIONER
(13021 Beaver Dam Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 93-41-A
Michael E. Turley *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Michael E. Turley, by and through his attorney, T. Rogers Harrison, Esquire. For reasons which will be discussed hereinafter, an examination of the specific relief requested is to be emphasized. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as set forth in the Petition, as follows: 1) From Section 404.1.A to permit a setback of 0 feet from any property line in lieu of the required 25 feet for internal roadways; 2) From Sections 404.1.C, 404.3.A and 404.3.C.2 to permit the loading and unloading of agricultural/landscaping products on the subject property, zoned R.C.4, and to permit an existing screened earth berm in lieu of the required screening and planting; 3) From Sections 1A03.4.B.4, 102.2 and 404.1.B to permit a building setback of 3 feet in lieu of the required 50 feet for an existing shed, a distance of 45 feet between the existing shed and existing barn, a distance of 40 feet between the existing shed and a proposed 30' x 24' shed, and a distance of 52 feet in lieu of the required 100 feet between the existing 20' x 12' metal shed and the proposed barn addition; 4) from Section 409.8.A.2 to permit drive-ways and parking area to have a crusher run surface in lieu of the required

ORDER RECEIVED FOR FILING
Date 4/13/92
By [Signature]

paving; and, 5) an amendment to the final development plan for the subject property, all as more particularly described on Petitioner's Exhibit 4.

Michael E. Turley, the Petitioner and property owner, appeared and testified on behalf of the Petition and was represented by T. Rogers Harrison, Esquire. Also appearing on behalf of the Petition was Paul Lee, Registered Professional Engineer. Charles Carroll, adjoining property owner, appeared and testified as a Protestant in the matter, and was represented by Deborah C. Dopkin, Esquire. Also appearing and testifying was John C. Engel, a Deacon of the Timonium Presbyterian Church which is located nearby.

A summary of the testimony presented is helpful in examining the issues. Testimony indicated that the subject property, known as 13021 Beaver Dam Road, consists of 21.8014 acres, more or less, zoned R.C. 4 and is improved with a nursery, barn and two sheds. Said property was originally part of a larger farm tract, known as Pine Hill Farm, which was subdivided into three lots. A final development plan for this subdivision, known as Bishop's Pond, was approved in 1988. That plan has been amended on two occasions, once by the owners of Lot 1 and later by the owner of Lot 3. Lot 1 is owned by the Hunt Valley Presbyterian Church and is proposed for development with a church building and related facilities thereon. Lot 2, which is the subject of this matter, is currently used as a turf and nursery farm, and Lot 3 contains the existing dwelling which was the centerpiece of the original Pine Hill Farm. The Petitioner filed the instant Petition as a result of a complaint filed by the owner of adjoining Lot 3, Charles Carroll, regarding an existing shed.

Mr. Turley testified that he has owned Lot 2 since July, 1991. He testified that at the time of his purchase, he contacted Baltimore

- 2 -

County to obtain designation of the property as a reduced acreage farm. This designation is permitted pursuant to Section A-17 of the Baltimore County Zoning Commissioner's Policy Manual. Said Policy allows a property owner to obtain County verification of the legitimacy of a farm use after a farm has been subdivided or otherwise reduced in size. The designation of this property as a reduced acreage farm was granted as evidenced by the inter-office correspondence signed by Paul J. Solomon on behalf of the Agricultural Land Preservation Board for Baltimore County, identified herein as Petitioner's Exhibit 1. A farm is defined in Section 101 of the B.C.Z.R. as: "A single tract of land more than three acres, primarily devoted to agriculture, including but not limited to raising of crops, dairy, forestry, livestock and poultry farming; horse breeding, training and stabling; grazing; commercial greenhousing, flower farms and nurseries, whether wholesale or retail, excluding a limited-acreage wholesale flower farm and commercial or non-commercial riding stables." (Bill No. 98, 1975). Thus, it is clear that the current use of the property can only be described as a farm.

Mr. Turley testified that he intends to construct a single family dwelling on the site and is desirous of continuing farming pursuits on the property. Currently, the property is used as a turf and nursery farm. In addition to the proposed dwelling, the Petitioner proposes to construct an addition onto an existing barn and a 30' x 24' shed near the driveway entrance to the site. Mr. Turley testified that he has made significant improvements to the site since his purchase of the property. He installed an earth berm along the easterly side of the property where same immediately abuts Interstate 83. He indicated that this earth berm was constructed to provide a noise and visual barrier from the motoring traffic on I-83.

- 3 -

Mr. Turley also constructed an earth berm on the west side of the property, near the property line between his property and Mr. Carroll's lot. Mr. Turley noted that many of the variances being requested are for existing structures and improvements. That is, except for the proposed 30' x 24' shed near the driveway and the proposed addition, the requested variances are needed to legitimize existing conditions. According to Mr. Turley and his counsel, the instant Petition was filed at the request of Baltimore County to address the complaint filed by Mr. Carroll.

Paul Lee, Registered Professional Engineer, testified on behalf of the Petitioner and described in detail the variances requested and the history of the subdivision. Mr. Lee testified that he believes the variances should be granted and that they comply with the applicable regulations found in Section 307.1 of the B.C.Z.R. In his view, the Petitioner will suffer practical difficulty if the variances are not granted.

John Engel, of the Hunt Valley Presbyterian Church, testified that he is concerned primarily about that portion of the request which relates to the surface of the driveway which provides access to the site from Beaver Dam Road. He is concerned about extensive use of that roadway in connection with the potential special exception use of the property. In that event, he would request that the existing crusher run driveway be paved in order to prevent dust and dirt from filtering onto his property.

Charles Carroll also testified. Many of his concerns relate to the present and prospective use of the property. As was stated by me at the hearing, the issue of the property's use is not before me and I decline to rule upon same. Nonetheless, Mr. Carroll is fearful of the potential commercialization of this property.

- 4 -

Prior to addressing the merits of each variance, it should be noted that much of the relief sought is from the strict application of Section 404, et seq., of the B.C.Z.R. Although that Section is titled "Farm and Agricultural Operations", this Section does not regulate farms. Rather, the specific regulations therein provide standards for those agricultural uses identified as limited acreage wholesale flower farms, horticultural nurseries, landscape service operations, agricultural roadside businesses and farm markets. Section 404, as a whole, was comprehensively readopted by the County Council via the passage of Bill No. 41-92. As noted above, that recently enacted bill regulates many agricultural uses, including landscape service operations. The Petition specifically seeks relief from Sections 404.1.A, 404.1.B, 404.1.C. and 404.3.A and C.2.

As noted above, it is clear that the property's present use must be considered as a farm, notwithstanding the description of the property's existing and proposed use as a "landscape service operation" on the site plan. Landscape service operations are permitted only by special exception in R.C. 4 zones (See Sections 1A03.B.7.C and 404.3.C). It is clear that there has been no special exception requested, much less granted, for such use of this property. Again, it must be emphasized that I must consider only the merits of the request before me as they relate to the Petitioned variances. I am not deciding whether a special exception for the subject site is appropriate under the applicable provisions of the B.C.Z.R.

The various regulations of Section 404 all relate to setback, internal roadway, loading, and screening requirements for a landscape service operation. The property's classification as a farm and the relief requested raise a threshold question; namely, can a variance from area regulations relating to a particular use be granted when that underlying

- 5 -

use has not been established? Clearly, strict compliance with the setback, internal roadway, loading and screening requirements contained in Section 404 is necessary, only if the property is used as a landscape service operation. That is, the requirements from which relief is sought do not apply to all uses in an R.C. 4 zone. Rather, those standards apply only if the property is used as a landscape service operation. The fact that the subject property is not being so used, at least at the present time, prohibits me from considering variances from any provision within Section 404. Thus, I must dismiss, as premature, those portions of the Petition which seek relief from any regulation relating to the use of the property as a landscape service operation.

There is sound logic for this conclusion. If the Petitioner intends on pursuing a legal use designation of the property as a landscape service operation, a site plan accompanying the Petition for Special Exception need be filed. That site plan and Petition may also incorporate a Petition for Zoning Variance requesting relief identical to that which has been requested in the instant case. Further, compliance with the standards found in Section 502.1 of the B.C.Z.R. will be necessary in order for the special exception to be granted. The Petitioner's new site plan and the concerns raised while considering the requirements of Section 502.1 may well generate issues bearing upon the variances requested. Therefore, to grant the relief requested at the present time would be inappropriate in that the variances sought relate to a use which has not been documented and lawfully established, or for that matter, even requested.

The Petitioner has, however, requested certain other variances from the B.C.Z.R. which are applicable to the present use. These are variances from Sections 1A03.4.B.4, 102.2 and 409.8A.2 concerning setbacks

- 6 -

and distances for existing improvements and the required parking surface. The first variance to be considered is from Section 1A03.4.B.4 to permit a building setback of 3 feet from the property line to the existing 75' x 22' shed. It is questionable whether this variance is necessary. Section 1A03.4.B.4 requires a 50-foot lot line setback for buildings constructed after the adoption of that regulation. This particular shed has been in existence for many years and may very well predate the legislation. Certainly, it predates the establishment of the lot lines when the property was subdivided. In that the shed already exists in its present locale, I will not require that same shall either be removed or relocated. Thus, this variance shall be granted.

A second variance arises from the requirements of Section 102.2 of the B.C.Z.R. as they are incorporated within Section 1A03.4.B.4. Section 102.2 provides that no yard space or minimum area required for a building or use shall be considered as part of the yard space or minimum area required for another building or use. The site plan shows that the existing barn is located 45 feet from the 75' x 22' shed, which is but 3 feet from the property line. If Section 102.2 were strictly applied, the Petitioner would be unable to use as a part of the setback distance that area which the subject shed encompasses as well as the 3-foot distance between said shed and the property line. Thus, only a 45-foot setback would be maintained from the existing barn to the property line in lieu of the required 50 feet. Again, these structures are existing and have been in place for many years. They were probably constructed prior to the adoption of the relevant regulations by the B.C.Z.R. In view of same, I will grant that variance as well. In the opinion of this Zoning Commissioner, legitimiza-

- 7 -

tion of the setbacks maintained by these structures is warranted and satisfies the Petitioner's burden of practical difficulty.

The third variance requests permission to construct a new shed 40 feet from the existing 75' x 22' shed. The proposed shed will be 30' x 24' in dimension and will be located near the entrance to the property, adjacent to the driveway which leads to Beaver Dam Road. This variance also arises from the 50-foot setback required under Section 1A03.4.B.4 as incorporated within the requirements of Section 102.2. I am unconvinced that any practical difficulty exists in this instance. The Petitioner has shown no compelling reason why strict adherence to the regulation should not be required. It is to be particularly noted that the proposed shed can be located elsewhere on the property inasmuch as it does not currently exist. Thus, I will deny this variance.

In addition to variances from Sections 1A03.4.B.4 and 102.2, the Petitioner requests a variance from Section 409.8. A.2 to allow driveways and parking areas to have a crusher run surface in lieu of the required paving. The Petitioner indicated that he would be willing to pave at least a portion of his driveway in the event application for a Special Exception were made. However, he does not believe that such an improvement need be made at this time. The existing traffic flow does not warrant strict adherence to this regulation and to so require the Petitioner would be unduly burdensome. I agree with this reasoning. If, in fact, a special exception is applied for and granted, this variance shall be reconsidered. The contemplated traffic from such a proposed use may well justify strict adherence to this regulation; however, at the present time, I am convinced that paving this road is not necessary. The existing country lane serves the three lots previously described and no others. I do not believe justi-

- 8 -

fication exists to require paving in this instance. Therefore, the Petitioner has met his burden of practical difficulty.

In considering all of these variances, I am bound by that rule of law which provides that an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances for the existing structures and parking surface are not granted. For the reasons specifically set forth above, it is clear that special circumstances exist that are peculiar to the land or structures which are the subject of the variances requested and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petition-

- 9 -

er's request is in strict harmony with the spirit and intent of the B.C.Z.R.

A comment is in order regarding the numerous variances requested from Section 404, et seq. which I have dismissed as premature. As previously stated, I do not believe they can be considered until the underlying use of the property as a landscape service operation has been established so that all issues generated by that use and the variances related to same can be addressed. However, significant evidence and testimony were presented which relates to these potential variances. That evidence, particularly as it related to the need to legitimize existing conditions is compelling. The existing structures on this property have been in place many years, well prior to the subdivision of the farm which created this lot. Nevertheless, I will not consider these variances at this time, believing that other relevant issues may be raised relating to these variances within a future special exception hearing.

Additionally, an objection was raised by the Protestants' Counsel regarding the Petitioner's request to amend the final development plan for Bishop's Pond pursuant to the instant Petition for Variance, rather than by a Petition for Special Hearing. In view of my findings above as to the use of this property and the premature request for variances from Section 404, I disagree with this objection. The final development plan should be amended to the extent necessitated by the variances granted herein from Sections 1A03.4.B.4, 102.2 and 404.8A.2. It has been the policy of this Office to allow a Petition for Variance to amend a final development plan to the extent the relief sought in the Petition is granted. That policy shall apply to this case.

- 10 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested for the existing improvements shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of November, 1992 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 1A03.4.B.4 to permit a building setback of 3 feet in lieu of the required 50 feet for the existing 75' x 22' shed; from Sections 1A03.4.B.4 and 102.2 to permit a distance of 45 feet in lieu of the required 50 feet for an existing barn; and from Section 409.8.A.2 to permit driveways and parking area to have a crusher run surface in lieu of the required paving, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) If the Petitioner requests a special exception for a landscape service operation on the subject site, the variance granted herein from Section 409.8.A.2 shall be reconsidered.

3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting an amendment to the final development plan for Bishop's Pond, to the extent necessitated by the variance relief granted herein, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 404.1.A to permit a setback of 0 feet from any property line in lieu of the required 25 feet for internal roadways; from Sections 404.1.C, 404.3.A and 404.3.C.2 to permit the loading and unloading of agricultural/landscaping products on the subject property, zoned R.C.4, and to permit an existing screened earth berm in lieu of the required screening and planting; from Sections 404.3.B and 3.C concerning landscape service operations; from Section 404.1.B to permit a setback of 3 feet in lieu of the required 50 feet for an existing 75' x 22' shed; and, from Section 404.1.B to permit a distance of 52 feet in lieu of the required 100 feet between the existing 20' x 12' metal shed and the proposed barn addition, be and are hereby DISMISSED AS PREMATURE; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 1A03.4.B.4 and 102.2 to permit a property line distance of 40 feet in lieu of the required 50 feet for a proposed 30' x 24' shed, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:bjs

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 13021 Beaver Dam Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

See attached Exhibit A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The roadways and buildings pre-existing ownership by Petitioner - there is a hardship and practical difficulty in that petitioner must technically correct discrepancy on subdivision plan to properly utilize his property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Michael E. Turley

(Type or Print Name)

Signature

2030 Lord Baltimore Drive

Baltimore MD 21207

City

State

Zipcode

Agency for Petitioner

T. Rogers Harrison

(Type or Print Name)

105 W. Chesapeake Avenue

300 Jefferson Building

TOWSON, MD 21204

(410) 828-1335

(We do 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 Petition)

Legal Owner(s)

Michael E. Turley

(Type or Print Name)

(410) 298-5226

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

City

State

Zipcode

(410) 828-1335

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date

ALL

REVIEWED BY

DATE

8/11/92

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 8/12/92
Posted for: Michael E. Turley
Petitioner: 13021 Beaver Dam Rd.
Location of property: 13021 Beaver Dam Rd.
Location of Sign: 13021 Beaver Dam Rd.
Remarks: 13021 Beaver Dam Rd.
Posted by: [Signature]
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/3/92.

THE JEFFERSONIAN,

S. Zate Olin
Publisher

Paul Lee P.B.

Paul Lee Engineering Inc.
505 W. Pennsylvania Ave.
Towson, Maryland 21204
410-281-5341

DESCRIPTION

13021 BEAVER DAM ROAD
ELECTION DISTRICT 8C3
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the East side of a 20 foot wide right-of-way and easement area as recorded in Liber SM 8584-696, said point also being located from the intersection of the centerlines of Baltimore-Harrisburg Expressway (I-83) and Beaver Dam Road Westerly along center of Beaver Dam Road 500 feet ± and Southerly along 20 foot right-of-way 1230 feet to the northwest corner of subject property, thence binding on the North side of said property (1) South 37°55'21" East 82.95 feet, (2) South 78°39'36" East 999.18 feet to the West side of Baltimore-Harrisburg Expressway (I-83), thence binding on the West side of Baltimore-Harrisburg Expressway the five following courses and distances: (3) South 04°59'35" East 198.62 feet, (4) South 07°59'20" East 150.01 feet, (5) South 21°09'37" East 102.39 feet, (6) South 06°45'10" East 300.00 feet, and (7) South 10°34'59" East 66.09 feet; thence leaving said West side of Baltimore-Harrisburg Expressway (8) South 24°59'11" West 732.56 feet, (9) North 48°12'30" West 332.25 feet, (10) North 88°25'21" West 48.27 feet, (11) South 84°35'34" West 159.93 feet, (12) North 50°11'05" West 186.13 feet, (13) North 11°58'33" East 1114.14 feet, (14) North 87°36'51" East 96.08 feet, (15) North 62°39'01" East 32.65 feet, (16) Due North 31.00 feet, (17) North 38°49'47" West 98.23 feet, (18) North 78°39'36" West 542.77 feet, to the East side of a 20 foot right-of-way and easement area, thence binding on said East side of 20 foot right-of-way and easement area (19) North 26°54'22" West 25.47 feet, and North 06°34'40" West 57.00 feet to the point of beginning. Containing 21.8014 acres of land, more or less.

Engineers - Lawyers - Site Planners
7/15/92

receipt

Date: 8/11/92
Account: R-001-4150
Number: 1492000047
PUBLIC HEARING FEES: 100.00
020 - ZONING VARIANCE: 100.00
LAST NAME OF OWNER: TURLEY
Please Make Checks Payable To: Baltimore County
BA 009708A08-11-92

receipt

Account: R-001-4150
Number: 1492000047

receipt

Date: 8/11/92
Account: R-001-4150
Number: 1492000047
APPEAL FEES: 100.00
140 - OF ALL OTHER ORDERS: 100.00
LAST NAME OF OWNER: TURLEY
Please Make Checks Payable To: Baltimore County
03A03N0155ACCRCC
BA 009732P03-09-93 \$175.00

receipt

Account: R-001-4150
Number: 1492000047

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 9/23/92

Michael E. Turley
2030 Lord Baltimore Drive
Baltimore, Maryland 21207

RE:
CASE NUMBER: 93-41-A (Item 47)
500' (+/-) W of Harrihsbury Expressway along Beaver Dam Rd to a private drive (Old Mill Road) then 1230' S
13021 Beaver Dam Road
8th Election District - 3rd Councilmanic
Petitioner(s): Michael E. Turley
HEARING: THURSDAY, OCTOBER 1, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 104.55 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Call John

ARNOLD JABLON
DIRECTOR

cc: T. Rogers Harrison, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 12, 1993

CONFIRMATION
Deborah Dopkin
Laura of Harrison's Gc.

NOTICE OF HEARING
ON MOTION FOR RECONSIDERATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, Office located at 400 Washington Avenue, Towson, Maryland, as follows:

CASE NUMBER: 93-41-A
13021 Beaver Dam Road
Michael E. Turley, Petitioner

HEARING: TUESDAY, APRIL 13, 1993 at 11:00 a.m.

HEARING ON MOTION FOR RECONSIDERATION - ONLY.
NO ADDITIONAL TESTIMONY WILL BE TAKEN.

Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: T. Rogers Harrison, Esq.
Deborah Dopkin, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-41-A (Item 47)
500' (+/-) W of Harrihsbury Expressway along Beaver Dam Rd to a private drive (Old Mill Road) then 1230' S
13021 Beaver Dam Road
8th Election District - 3rd Councilmanic
Petitioner(s): Michael E. Turley
HEARING: THURSDAY, OCTOBER 1, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Variance to permit a zero foot setback for internal roadways from any property line or as shown on site plan in lieu of required 25 feet; to utilize existing shed and barn in lieu of requiring loading and unloading from a residentially zoned property to take place 100 feet from any property line or 50 feet within a fully enclosed structure; to permit an existing screened earth berm to be substituted for required screening and planting; to permit a building setback of 3 feet (existing shed) in lieu of required 50 feet; a distance of 45 feet between existing shed and existing barn, a distance of 40 feet between existing shed and proposed 30 foot by 24 foot shed, a distance of 52 feet between existing 20 foot by 12 foot metal shed and proposed barn addition in lieu of the required 100 feet; to allow driveways and parking area not to be paved or macadamized but to have a crusher run surface where shown on the site plan; and to amend the last approved development plan of "Bishops Pond" for lots for all changes as shown on the site plan.

Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Michael E. Turley
T. Rogers Harrison, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 23, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 93-41-A
LEGAL OWNER: MICHAEL E. TURLEY
LOCATION: 13021 BEAVER DAM ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, OCTOBER 16, 1992 at 10:00 a.m.

IN THE COUNTY OFFICE BUILDING, ROOM 106, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Michael E. Turley
T. Rogers Harrison, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 22, 1992

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

RE: Item No. 47, Case No. 93-41-A
Petitioner: Michael E. Turley
Petition for Variance

Dear Mr. Harrison:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 11th day of August, 1992

Call John

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael Turley
Petitioner's Attorney: T. Rogers Harrison

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: August 31, 1992

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
for August 31, 1992
Item No. 47

The Developers Engineering Division has reviewed the subject zoning item. A commercial building permit requires a landscape plan.

Any issues related to landscaping, buffering or berming should be deferred until the required landscape plan is considered.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

BWB:DAK:s

9/1/92
7792-92
W

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 1, 1992

SUBJECT: 13021 Beaver Dam Road

INFORMATION:
Item Number: 47
Petitioner: Michael E. Turley

Property Size: 21.8 acres
Zoning: R.C. 4
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a Variance to permit a zero foot setback for internal roadways from any property line or as shown on site plan in lieu of required 25 feet; to utilize existing shed and barn in lieu of requiring loading and unloading from a residentially zoned property to take place 100 feet from any property line or 50 feet within a fully enclosed structure; to permit an existing screened earth berm to be substituted for required screening and planting; to permit a building setback of 3 feet (existing shed) in lieu of required 50 feet; a distance of 45 feet between existing shed and existing barn, a distance of 40 feet between existing shed and proposed 30 foot by 24 foot shed, a distance of 52 feet between existing 20 foot by 12 foot metal shed and proposed barn addition in lieu of the required 100 feet; to allow driveways and parking area not to be paved or macadamized but to have a crusher run surface where shown on the site plan; and to amend the last approved development plan of "Bishops Pond" for lots for all changes as shown on the site plan.

The Office of Planning and Zoning's Community Planning Division met with Mr. Turley and determined that the use of a landscape service operation would require a special exception. The petitioner has agreed to file for a special exception. The petitioner also indicated that he has met with surrounding property owners and two community associations and, to date, the Office of Planning is not aware of any opposition to the petitioner's proposal.

47.ZAC/ZAC1

Pg. 1

ZAC COMMENTS

The Office of Planning and Zoning recommends **APPROVAL** of the applicant's request subject to the following conditions:

1. As noted on the plan accompanying this petition, the hours of operation should be restricted as indicated.
2. Any sign located on the property shall be integrated with landscaping and have its location approved by the Deputy Director of Planning and Zoning.
3. No temporary signs or other types of signs shall be visible from I-83.

Prepared by: James H. Thompson
Division Chief: Eric A. Korman
FM/PK/EMCD:prh

RECEIVED
ZONING OFFICE

47.ZAC/ZAC1

Pg. 2

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: August 27, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 24, 1992
ITEM NUMBER: 47

The existing access off Beaver Dam Road needs to be relocated to the west as shown on the C.R.G. plan.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
SEP 1 1992
ZONING OFFICE

Baltimore County Government Fire Department

700 East Joppa Road - Suite 901
Towson, MD 21204-5500

(410) 887-4500

AUGUST 24, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL E. TURLEY
Location: #13021 BEAVER DAM ROAD
Item No.: +47 (JLL) Zoning Agenda: AUGUST 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Fisher Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Department of Recreation and Parks Development Review Committee Response

Date 9/1/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Robert E. And Cynthia A. Lyons	43			8-24-92
DED DEPRM RP STP TE			No Comment	
Perring Woods Court Corporation	44			
DED DEPRM RP STP TE			No Comment	
Perring Woods Court Corporation	45			
DED DEPRM RP STP TE			No Comment	
Helen Mooney Murphy	46			
DED DEPRM RP STP TE			No Comment	
Michael E. Turley	47			
DED DEPRM RP STP TE			No Comment	
James Enterprises	48			
DED DEPRM RP STP TE			No Comment	
White Marsh Joint Venture	49			
DED DEPRM RP STP TE			No Comment	
Salvo Realty, Inc.	50			
DED DEPRM RP STP TE			No Comment	
Robert T. and Lorri A. Burgess	51			
DED DEPRM RP STP TE			No Comment	
Chester L. And Virginia J. Farley	52			
DED DEPRM RP STP TE			No Comment	
Mark Allan Claypoole	53			
DED DEPRM RP STP TE			No Comment	
Ritz Enterprises	55			
DED DEPRM RP STP TE			No Comment	

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: October 1, 1992
FROM: J. Lawrence Pilsen
Development Coordinator, DEPRM
SUBJECT: Zoning Item #47 JLP/MB
13021 Beaver Dam Road
Zoning Advisory Committee Meeting of August 24, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The property includes a tributary to Beaver Dam Run (Use III) and has an Established Forest Buffer. The stream eventually flows into Loch Raven Reservoir. Environmental Impact Review Division does not support zoning changes which allow for increased use intensity leading to increased run-off and pollutant loading into the reservoir.

In the variance request, it is unclear whether the petitioner is anticipating expanding the operation into retail sales. If this is the case, we would recommend that the proposed paving be extended to all areas where the vehicles of retail customers have access. If this is not the case, we feel the crusher run in the driveways and parking area as shown on the site plan is acceptable in lieu of paving.

The owner will be responsible for treating this surface as needed with appropriate chemicals and/or water if a dust problem should occur.

LP:sp

BEAVERD/TXTSBP

RECEIVED
OCT 5 1992
ZONING OFFICE

ZONING ENFORCEMENT Baltimore County Zoning Office Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner
DATE: August 14, 1992
FROM: James H. Thompson/DT
Zoning Enforcement Coordinator

SUBJECT: Item No. 47
PETITIONER: Michael E. Turley
VIOLATION CASE NO: C-92-1724
LOCATION OF VIOLATION: 13021 Beaver Dam Road
DEFENDANT: Michael E. Turley
ADDRESS: 13021 Beaver Dam Road

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
T. Rogers Harrison, Esquire	105 W. Chesapeake Avenue 300 Jefferson Building Towson, Maryland 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator so that the appropriate action may be taken relative to the violation case.

DT/cmm

93-41-A

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 8, 1993

(410) 887-4386

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
1230' S of Beaver Dam Road, 500 'W of Baltimore-Harrisburg Exp.
(13021 Beaver Dam Road)
8th Election District - 3rd Councilmanic District
Michael E. Turley - Petitioner
Case No. 93-41-A

Dear Mr. Harrison:

Thank you for your letter dated December 1, 1992. I apologize for the delay in responding to your request. Frankly, I had heard that Mr. Turley had decided to file a Petition for Special Hearing for a landscape service operation and thought that your Motion for Reconsideration may well be moot by that filing. However, Mr. Paul Lee has advised that, in fact, Mr. Turley has decided to withhold his filing until my decision on your Motion was issued.

In any event, enclosed please find a copy of the amended decision rendered in the above-captioned matter. As simply as I can state, it was my intention in this case to grant the variances necessary to legitimize distances between existing buildings. Further, I am persuaded that since the proposed shed (30 x 24 ft.) observes the property line setbacks, the variances from building to building distances should, likewise, be granted for that structure. Thus, the amended Order permits the existing building and the proposed shed to remain as shown on the site plan. Moreover, the Order ratifies my earlier finding that any variances from Section 404 are premature at this time. In my view, until the use is established, variances relating to said use cannot be granted.

I trust that this Amended Order has clarified the intent of my ruling. Please contact me if you have any questions.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

March 29, 1993

(410) 887-4386

Deborah C. Dopkin
Attorney at Law
Nottingham Centre
502 Washington Avenue
Towson, Maryland

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204

RE: Case No. 93-41-A
Motion for Reconsideration
13021 Beaver Dam Road
Michael E. Turley, Petitioner

Dear Mrs. Dopkin and Mr. Harrison:

Confirming telephone conversations, it has been agreed that the hearing on the Motion for Reconsideration in the above captioned case has been changed to Monday, April 12, 1993 at 11:00 A.M. in Room 118 of the Court House.

Thank you for your courtesy and cooperation.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Mr. Michael E. Turley

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

March 10, 1993

T. Rogers Harrison, Esquire
105 W. Chesapeake Avenue
Baltimore, MD 21207

RE: Petition for Variance
13021 Beaver Dam Road
8th Election District
3rd Councilmanic District
Michael E. Turley-Petitioner
Case No. 93-41-A

Dear Mr. Harrison:

Please be advised that an appeal of the above-referenced case was filed in this office on March 3, 1993 by Deborah C. Dopkin. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 387-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:JAW

cc: People's Counsel
Mr. R. Bruce Alderman, Signal Development

APPEAL

Petition for Variance
1230' S. of Beaver Dam Road,
500' W of Baltimore-Harrisburg Expressway
(13021 Beaver Dam Road)
8th Election District - 3rd Councilmanic District
Michael E. Turley-PETITIONER
Case No. 93-41-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 Rural Accessory Uses
2 Two Photographs of Earth Barrier
3 Twenty
4 Plat to accompany petition
5 Bishops Pond P.D.P.
6 No Marked Exhibit
7 Letter-Gary M. Swatko
8 Letter-Margaret Worrall

Protestant's Exhibits: 1 Letter-H.V. Presbyterian Church
2 Four Photographs
3 Five Photographs
4 One Photographs

Zoning Commissioner's Order dated February 8, 1993 (granted)

Notice of Appeal received on March 9, 1993 from Deborah C. Dopkin

cc: Mr. R. Bruce Alderman, Signal Development, 108 W. Timonium Rd,
Timonium MD 21093
People's Counsel of Baltimore County

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Docket Clerk
Arnold Jablon, Director of ZADM

H.O.

There is an intent to request a Special Exception for a 404 farm use in the immediate future. I advised petitioners that this must be made clear to you at hearing since some of the variances requested relate directly to the special exception.

JAW
2/11/92

93-41-A

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCES - * ZONING COMMISSIONER
1230' S of Beaver Dam Road, 500' * OF BALTIMORE COUNTY
W of Baltimore-Harrisburg Exp. * Case No. 93-324-SPHXA
(13021 Beaver Dam Road)
8th Election District
3rd Councilmanic District
Michael E. Turley
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a consolidation of Petitions for Special Hearing, Special Exception and Variances filed in the instant Case No. 93-324-SPHXA by the owner of the subject property, Michael E. Turley, through his attorney, T. Rogers Harrison, Esquire, and the Motion for Reconsideration filed by Charles Carroll, a Protestant, through his Counsel, Deborah C. Dopkin, Esquire, as to related Case No. 93-41-A in which a Petition for Variance was partially granted. Within Case No. 93-324-SPHXA, the Petitioner seeks relief, pursuant to the Petition for Special Hearing, to approve an amendment to the previously approved site plan in Case No. 93-41-A and to amend Lot 2 of the Final Development Plan for Bishop's Pond. As to the Petition for Special Exception, approval is sought for the use of the subject property as a Landscape Service Operation in an R.C. 4 zone, pursuant to Section 1A03.3.B7(c) of the B.C.Z.R. Further, the Petition for Special Exception requests a number of variances relating to the proposed use. These variances arise pursuant to Section 1A03.7C of the Baltimore County Zoning Regulations (B.C.Z.R.) as well as Sections 404.1 and 404.3 thereof. Specifically, relief is sought as follows: From Section 404.1A to permit an internal roadway to have a setback of 0 feet in lieu of the required 25 feet from any property line; from Section 404.1C which requires loading and unloading

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW

JOHN E. MUDD
T. ROGERS HARRISON
MICHAEL E. BURCH
DOUGLAS W. HIRSH
H. PATRICK REYNOLDS, JR.
ANDREW JANQUETTO
H. BARNES MURRELL

September 2, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 93-41-A (Item 47)
500'± W of Harrisburg Expressway
along Beaver Dam Road
13021 Beaver Dam Road
8th Election District
Petitioner - Michael E. Turley

Dear Mr. Schmidt:

I have just received a notice of hearing setting the captioned matter to be heard on October 1, 1992, at 10 a.m. As I will be taking depositions in California at that time, I am requesting that the hearing be reset to sometime after October 6, 1992.

Thank you for your consideration regarding this request.

Very truly yours,

T. Rogers Harrison
T. Rogers Harrison

TRH/lfc

copy - Mr. Michael E. Turley

LOW OFFICES
ROSOLIO AND SILVERMAN, P.A.
SUITE 220, NOTTINGHAM CENTRE
503 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

DEBORAH C. DOPKIN

TELEPHONE 410-330-7000
FAX NO. 410-330-7007

October 2, 1992

Arnold Jablon, Esquire, Director
Office of Zoning Administration and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case Number 93-41-A
Petition for Variances
Michael E. Turley, Petitioner

Dear Mr. Jablon:

Please enter my appearance in the above captioned case on behalf of Charles Carroll, 13023 Beaver Dam Road, Cockeysville, Maryland 21093. I would appreciate your office copying me on all correspondence relating to this matter. Thank you.

Sincerely,

ROSOLIO & SILVERMAN

Deborah C. Dopkin
Deborah C. Dopkin

cc: Charles Carroll

RECEIVED
OCT 2 1992

ZONING OFFICE

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW

JOHN E. MUDD
T. ROGERS HARRISON
MICHAEL E. BURCH
DOUGLAS W. HIRSH
H. PATRICK REYNOLDS, JR.
ANDREW JANQUETTO
H. BARNES MURRELL

105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
410-887-1335
FAX 410-887-1042

900 MARYLAND TRUST BUILDING
14 SOUTH CALVERT STREET
BALTIMORE, MARYLAND 21202
410-383-0000

December 1, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Planning & Zoning
Suite 113 Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
Michael E. Turley, Petitioner
Case No. 93-41-A

Dear Mr. Schmidt:

I am in receipt of your opinion and order dated November 3, 1992, relative to the above case.

If I could refer you to page 8 of that order, it appears that a clarification with respect to petitioner's request and Your Honor's opinion is in order.

A variance of 60 feet between an existing shed (75 feet times 22 feet) and proposed shed (30 feet times 24 feet) was requested, a 40 foot distance in lieu of the 100 feet required by the Zoning Regulations. However, there was not a request nor a requirement for a variance for a side yard setback from the property line. Moreover, I want to point out that the testimony at the hearing, and the exhibits introduced by the petitioner, including the plat, indicated that a building permit has already issued approving the placement of the proposed 30 foot times 40 foot structure.

My interpretation of your order was that it was your intent to deny a variance from the required property line setback, as to the 30 foot times 24 foot structure, rather than deny the variance relative to the distance between the existing and proposed shed.

Paul Lee, P.E.

Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5341

January 28, 1993

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 113 Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Michael Turley
Petition for Variance - Case #93-41A

Dear Mr. Schmidt:

Relative to your order of Nov. 13, 1992 reference to the above mentioned site, please find enclosed herewith a copy of the letter received from Mr. Avery Harden, Landscape Coordinator as a result of a meeting held in the field with myself. Mr. Harden has indicated that a landscape plan for additional landscaping would not be required.

I am enclosing this copy for your zoning file, which should satisfy restriction #3 in your order.

If there are any questions, please do not hesitate to call this office.

Very truly yours,

Paul Lee
Paul Lee

PL:lp
Enclosure
cc: Mr. T. Rogers Harrison w/encl.
Mr. Michael Turley w/encl.

Engineers - Surveyors - Site Planners

PROTESTANT(S) SIGN-IN SHEET

PROTESTANT(S) SIGN-IN SHEET

President, and Clerk of Session,
Donald M. Deuterma
Donald M. Deuterma

PETITIONER'S
PROTESTANT(S) SIGN-IN SHEET

Oct 14 1992
93-41A

Protestant's Sign-In

Name/Address	Org.
Charles Fennell 13043 Carr Dr NW	(Charles Carroll)
John T. Engel	Hunt Valley Presbyterian Church

A-17 **RURAL ACCESSORY USES**
Reference S. 400, 101, 404.2
BALTIMORE COUNTY, MARYLAND

TO BE SUPPLIED BY THE APPLICANT

INTER-OFFICE CORRESPONDENCE

TO *MR PAUL SCHWAB*
Management Assistant
Department of Environmental Protection
and Resource Management

Date *6/24/91*

FROM Mr. J. Robert Haines, Zoning Commissioner
111 W. Chesapeake Ave. Towson, Maryland

Ex No 1

SUBJECT **REDUCED ACREAGE FARM**

Election District *8*

Owner: *MICHAEL TURKEL* Phone # *301-298-5126*

Address: *13021 DRIVEWAY DOW ROAD*
CRICKETSVILLE, MARYLAND 21230

Tax Account Number

<i>2</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>5</i>	<i>8</i>	<i>7</i>	<i>4</i>
----------	----------	----------	----------	----------	----------	----------	----------	----------

Pursuant to the Zoning Commissioner's policy A-17, this use to continue on the reduced acreage on the referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

1. the signed and notarized tenant affidavit
2. the deed to the property
3. the state tax map for that area.
4. site plans.

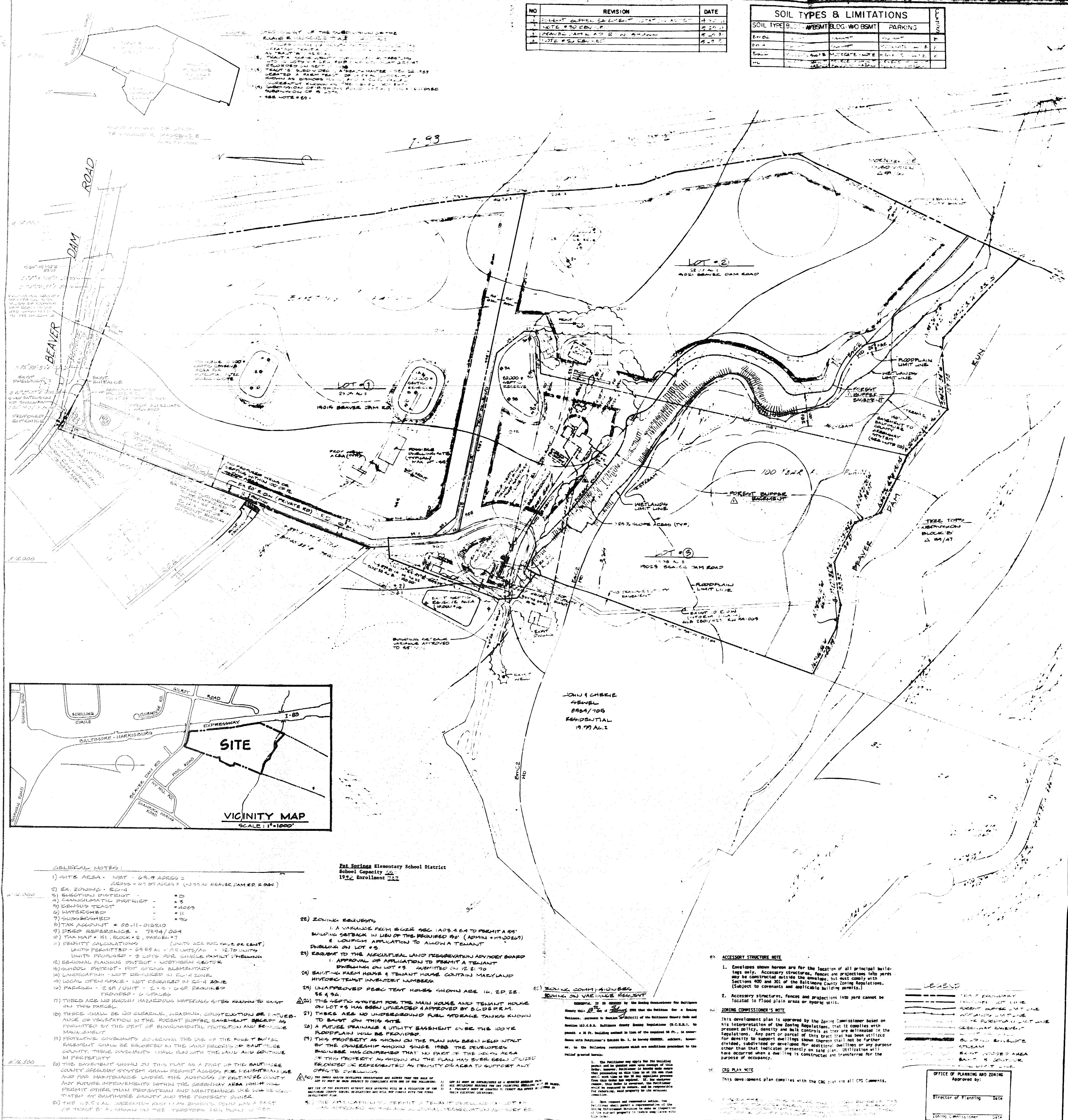
We appreciate your verification and/or recommendations concerning this property.

LEGITIMACY OF A FARM USE ON THE REDUCED ACREAGE

☒ Yes ☐ No ☐ Comment

Signed: *Paul Schwan* Date: *7/23/91*

Representative of the Agricultural Land Preservation Board for Baltimore County



NO.	REVISION	DATE
1	REVISION	12/2/80
2	REVISION	12/2/80
3	REVISION	12/2/80
4	REVISION	12/2/80

SOIL TYPES & LIMITATIONS			
SOIL TYPE	WBSMT BLDG. WBSMT	PARKING	REMARKS
1			
2			
3			
4			

GENERAL NOTES:

- 1) SITE AREA - NET - 69.8 ACRES ± (39.9 AC BEAVER DAM ROAD)
- 2) EX. ZONING - R-24
- 3) SUBDIVISION DISTRICT - 10
- 4) COMMUNITY DISTRICT - 3
- 5) CENSUS TRACT - 4000
- 6) WATERSHED - 11
- 7) SUBDIVISION - 10
- 8) TAX ACCOUNT - 00-11-01810
- 9) DEED REFERENCE - 7894/004
- 10) TAX MAP # 31, BLOCK # 2, PARCEL # 1
- 11) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
- 12) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
- 13) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
- 14) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
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- 17) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
- 18) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
- 19) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)
- 20) PERMITS CALCULATIONS (UNIT: ACRES PER PERCENT)

Pat Springs Elementary School District
School Capacity 100
1972 Enrollment 222

- 21) ZONING REGULATIONS
- 22) ZONING REGULATIONS
- 23) ZONING REGULATIONS
- 24) ZONING REGULATIONS
- 25) ZONING REGULATIONS
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- 37) ZONING REGULATIONS
- 38) ZONING REGULATIONS
- 39) ZONING REGULATIONS
- 40) ZONING REGULATIONS

ACCESSORY STRUCTURE NOTE

1. Envelopes shown herein are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelopes, but must comply with Sections 100 and 301 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)
2. Accessory structures, fences and projections into yards cannot be located in flood plain areas or hydroic soils.

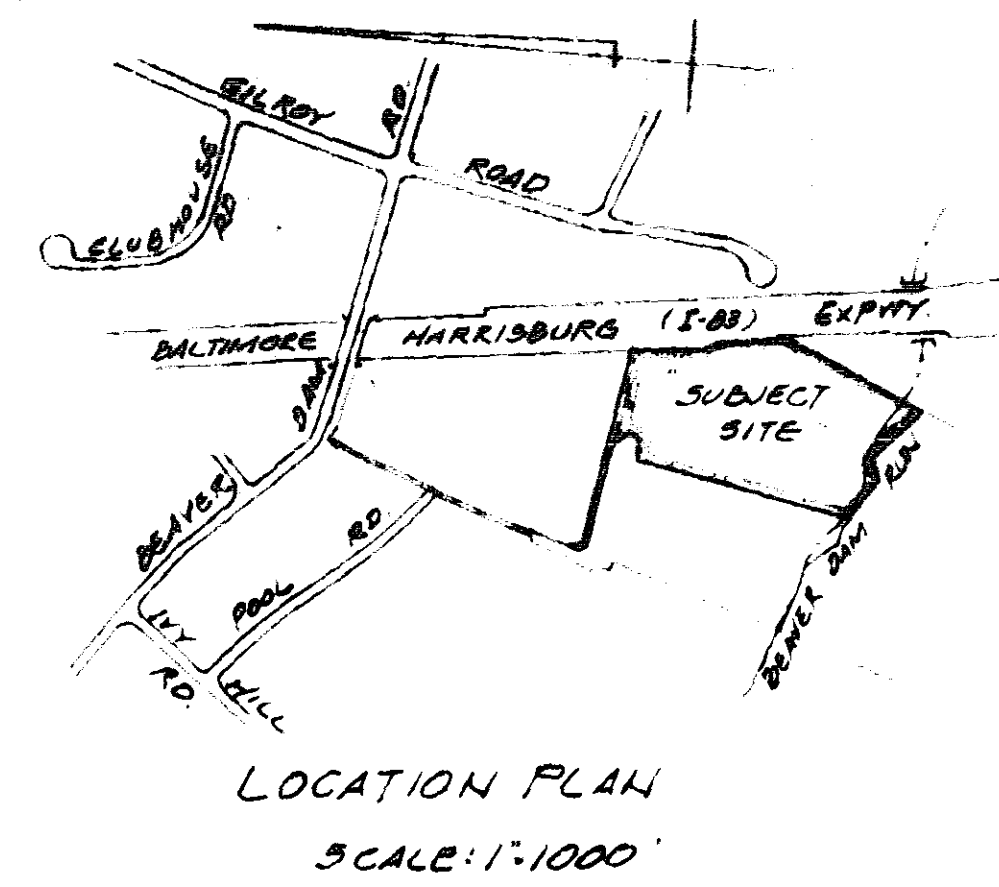
ZONING COMMISSIONER'S NOTE

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the regulations. Any part or parts of this project that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a building is constructed and transferred for the purpose of occupancy.

CITY PLAN NOTE

This development plan complies with the City Plan and all City Comments.

OFFICE OF PLANNING AND ZONING	DATE
Director of Planning	
Planning Commission	



SITE PLAN
SCALE: 1"=100'

SCREENED FROM RESIDENTIALLY ZONED OR USED PROPERTIES AS SPECIFIED
IN SECTION 404.1.C.

10. PETITIONER REQUESTING VARIANCE TO SECTIONS 1A03.4.B.4, 102.2 AND 404.1B OF THE BCCR TO PERMIT A 60' SETBACK OF 5' (EXIST. SHED) IN LIEU OF REQ'D. 80' (A VAR. OF 47'). A DISTANCE OF 45' BETWEEN EX. SHED AND EXISTING BARN, A DISTANCE OF 40' BETWEEN EX. SHED & PROP. 30' X 24' SHED; A DISTANCE OF 52' BETWEEN EX. 20' X 12' METAL SHED AND PROP. BARN ADDITION IN LIEU OF REQ'D. 100' (A VARIANCE OF 55', 60' & 48').
11. PETITIONER REQUESTING A VARIANCE TO SECT. 409.B.2 OF THE BCCR TO ALLOW DRIVEWAYS & PARKING AREA NOT TO BE PAVED OR MACADAMED BUT TO HAVE A CRUSHER RUN SURFACE WHERE SHOWN & AMONG THE LAST APPROVED DEV. PLAN OF BISHOP'S PHONO. FOR LOT 8 FOR ALL CHANGES AS SHOWN.
12. BUSINESS HOURS: MON. - FRI. 6AM. TO 5PM.
13. PROPOSED SUB TO CONFORM TO SECT. 404.101E AND ANY OTHER COUNTY POLICIES.
14. ~~ZZZZZ~~ DENOTES FULL OVER AREAS IN EX. 20' X 12' TO BE PROVIDED AT PETITIONER'S EXPENSE.

VARIANCES

*13021 BEAVER DAM ROAD

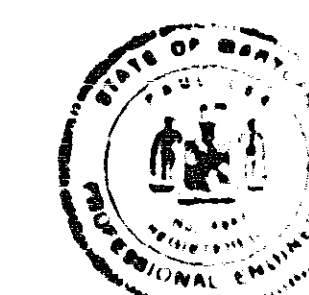
ELECT. DIST. BCS

BALTIMORE COUNTY, MD.

SCALE: AS SHOWN

AUG. 4, 1992

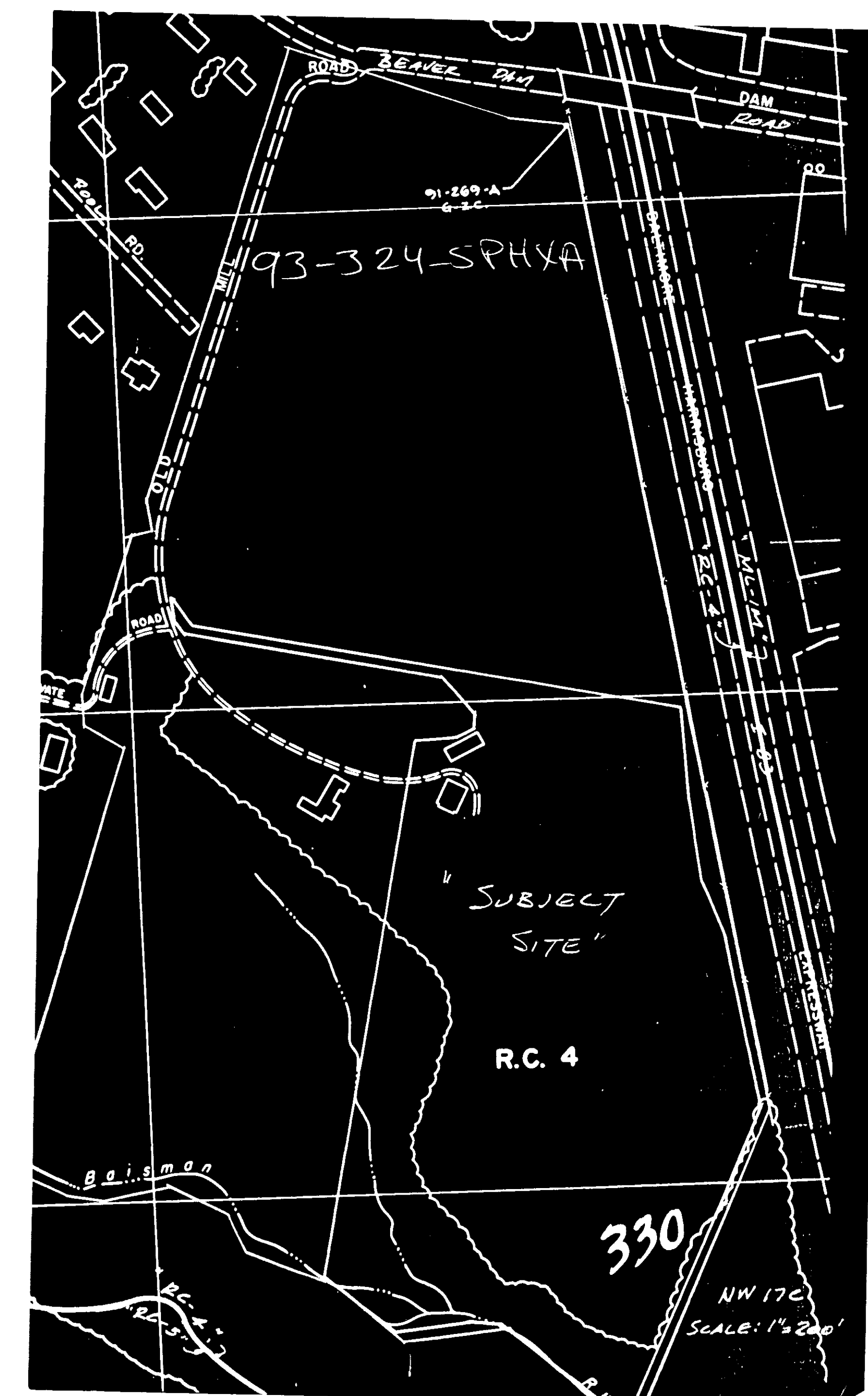
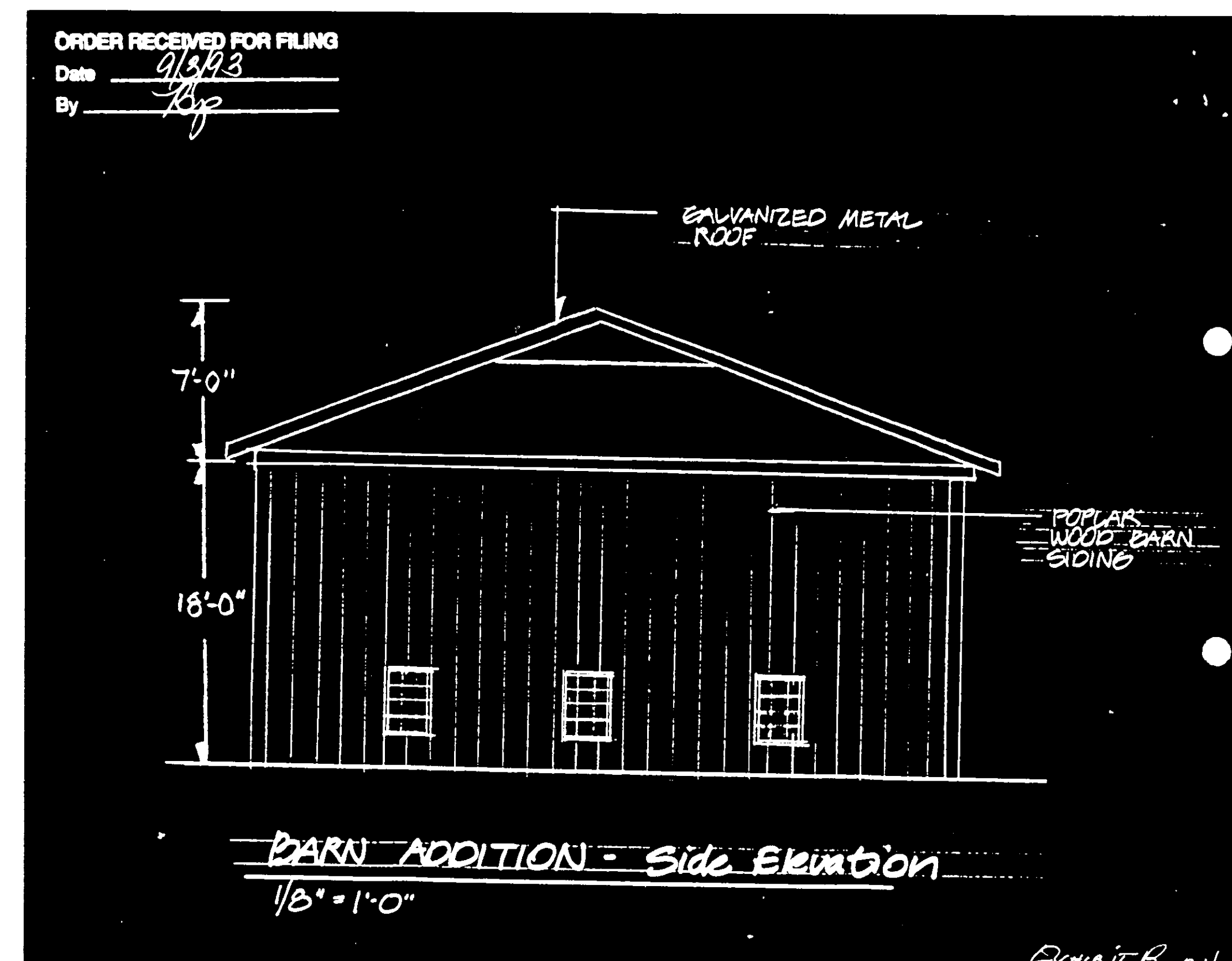
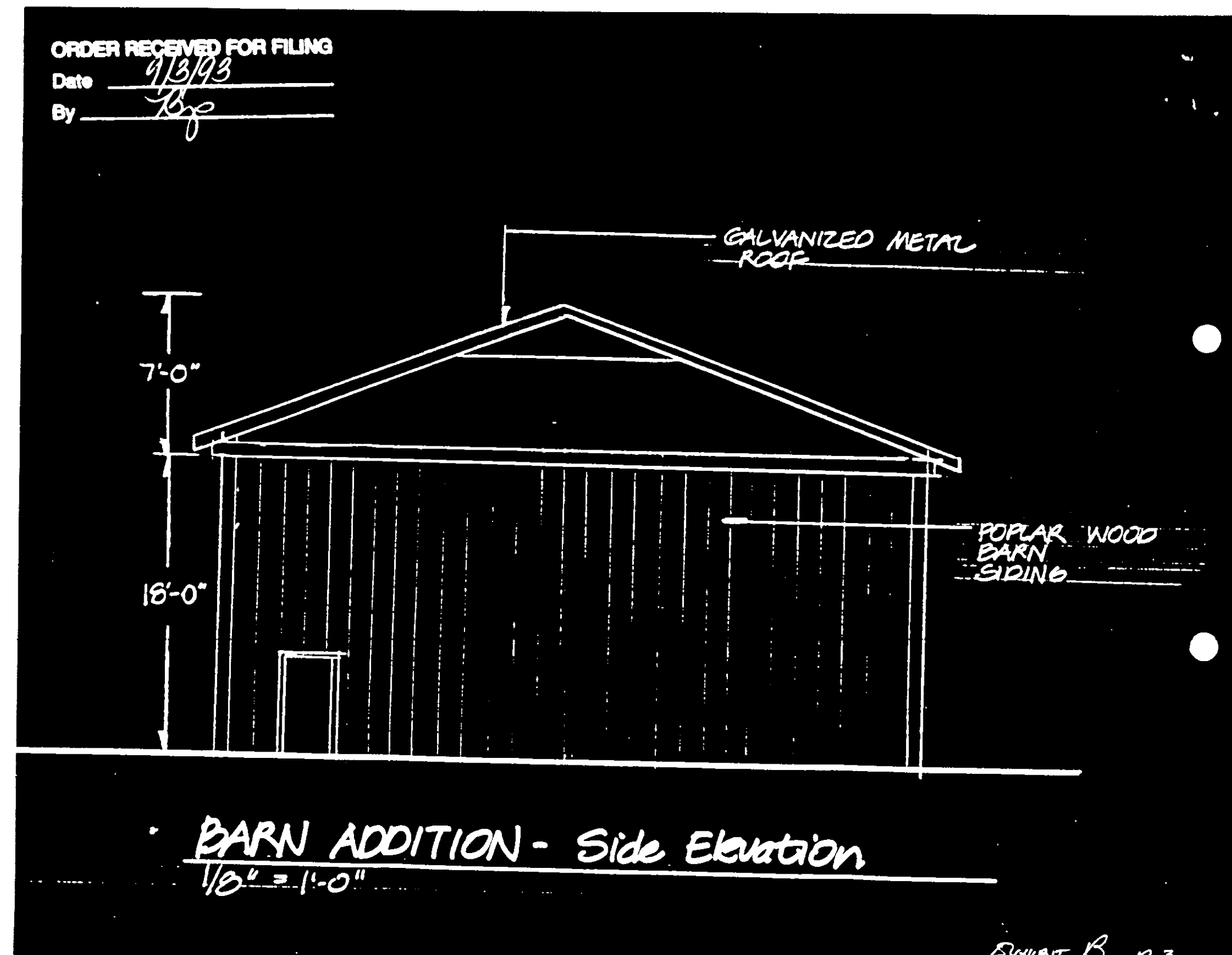
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204



98-017

GENERAL NOTES

1. AREA OF PROPERTY = 21.8014 AC.
 2. EXISTING ZONING OF PROPERTY = "RC-4"
 3. EXISTING USE OF PROPERTY = "LANDSCAPE SERVICE OPERATIONS"
 4. PROPOSED ZONING OF PROPERTY = "RC-4"
 5. PROPOSED USE OF PROPERTY = LANDSCAPE SERVICE OPERATIONS"
 6. NO PRIOR ZONING HEARINGS ON PROPERTY.
 7. WELL AND SEPTIC SYSTEMS EXISTING ON SITE.
8. PETITIONER REQUESTING A VARIANCE TO SECTION 404.1.A OF THE BCR TO PERMIT A 0 SETBACK FOR INTERNAL ROADWAYS FROM ANY PROPERTY LINE OR 45 SHOWN ON SITE PLAN IN LIEU OF REQ'D. 25'.
9. PETITIONER REQUESTING A VARIANCE TO SECTIONS 404.1.C OF THE BCR REQUIRING LOADING AND UNLOADING FROM A RESIDENTIALLY ZONED PROPERTY TO TAKE PLACE 100' FROM ANY PROPERTY LINE OR 50' WITHIN A FULLY ENCLOSED STRUCTURE IN ORDER TO UTILIZE EXISTING SHED AND BARN AND FROM SECTIONS 404.1.C AND 404.3.A AND C TO PERMIT AN EXISTING SCREENED EARTH BERM (AS SHOWN ON THE PLAN) TO BE SUBSTITUTED FOR REQUIRED SCREENING AND PLANTING.
- (SECTION 404.3.B): A LANDSCAPE SERVICE OPERATION MAY PLANT HORTICULTURAL MATERIALS ON-SITE. HOWEVER, SUCH PLANTS MAY ONLY BE SOLD AS AN INTEGRAL PART OF A LANDSCAPE DESIGN, AND MAY NOT BE SOLD TO THE RETAIL CUSTOMER.
- (SECTION 404.3.C) LANDSCAPE SERVICE OPERATIONS REQUIRE A SPECIAL APPROVAL IN R.C. 2, 3 & 4 ZONES AND SHALL MEET THE REQUIREMENTS OUTLINED IN SECT. 502.1 OF THESE REGULATIONS. IN ADDITION TO THESE REQUIREMENTS, A LANDSCAPE SERVICE OPERATION IS SUBJECT TO THE FOLLOWING STANDARDS:
1. THE SITE SHOULD BE OF SUFFICIENT SIZE AND PROPERLY DESIGNED TO INSURE PROTECTION OF EXISTING NEIGHBORING DWELLINGS FROM NOISE, DUST, GLARE AND OTHER NUISANCE FACTORS.
 2. LOCATION OF THE VEHICLE PARKING AND EQUIPMENT STORAGE AREA SHALL BE COMPATIBLE WITH SURROUNDING USES AND SHALL BE



IN RE: PETITION FOR ZONING VARIANCE
1230' S of Beaver Dam Road, 500'
W of Baltimore-Harrisburg Exp.
(13021 Beaver Dam Road)
8th Election District
3rd Councilmanic District
Michael E. Turley
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-41-A

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter originally came before the Zoning Commission-
er as a Petition for Zoning Variance filed by the legal owner of the sub-
ject property, Michael E. Turley. By my factual findings and Order dated
November 3, 1992, certain of the requested variances were granted and
others denied as premature. Subsequently, by letter of December 1, 1992,
counsel for the property owner requested reconsideration of the Order as
it related to a certain variance between an existing shed (75 x 22 ft. in
dimension) and a proposed shed (30 ft. x 24 ft. in dimension); and,

WHEREAS, I have reviewed the opinion, site plan, counsel's letter
dated December 1, 1992 and other exhibits and shall issue this amended
Order in an effort to clarify my prior decision. Broadly speaking, my
prior decision can be said to have resolved two major issues related to
this property. First, I denied, as premature, all variances which spring
from the application of Section 404, et seq., of the B.C.Z.R. to this
property. As noted in my prior decision, Section 404 of the regulations
applies to wholesale flower farms, horticultural nurseries and landscape
service operations. This property is presently used as a farm. It is not
used to support any of the uses identified in Section 404. Thus, until
and unless the Petitioner requests a special exception for a use identi-
fied under Section 404, variance relief from that section cannot be grant-
ed.

in. Thompson
C. 92-1724

IN RE: PETITION FOR ZONING VARIANCE
1230' S of Beaver Dam Road, 500'
W of Baltimore-Harrisburg Exp.
(13021 Beaver Dam Road)
8th Election District
3rd Councilmanic District
Michael E. Turley
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-41-A

RECEIVED
FEB 25 1993
ZONING COMMISSIONER

MOTION FOR RECONSIDERATION

Charles Carroll, Protestant, by Deborah C. Dopkin and
Rosolio, Silverman & Kotz, P.A., his attorneys, submits this Motion
for Reconsideration of the Amended Findings of Fact and Conclusions
of Law, dated February 8, 1993, and for such reasons states that:

1. The Amended Findings of Fact and Conclusions of Law
are unsupported by written finding of fact and conclusions based
upon the testimony, and, as such, granting the Amended Order
constitutes an error of law.
2. The Amended Findings of Fact and Conclusions of Law
are unclear to the extent that further zoning approvals may be
required for the erection of either a new shed or an addition to
the existing barn, and the same should be clarified.
3. By Paragraph 4 of the Amended Findings of Fact and
Conclusions of law, the Zoning Commissioner, sua sponte, reversed
the Order of November 3, 1992, without providing Protestant notice
that the issue was being reconsidered and without affording
Protestant an opportunity to respond.

RODOLFO SILVERMAN & KOTZ, P.A.

DALTIMORE-HARRISBURG

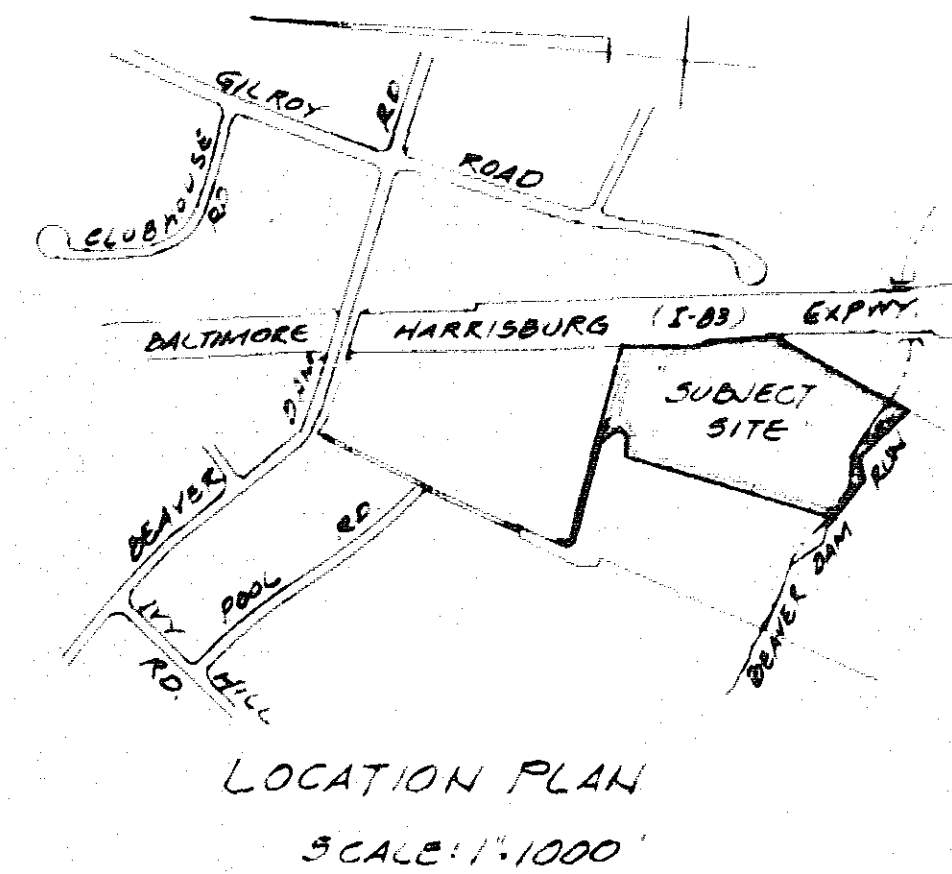
(I-83)

EXPRESSWAY

(NORTHBOUND)
EXIST. "ML-IM" ZONING LINE
EXIST. "RC-4" ZONING LINE
(SOUTHBOUND)

RESTRICTIVE COVENANTS TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

- SUBJECT PROPERTY WILL BE UTILIZED AS THE HOME OF MICHAEL TURLEY AND AS A TURF BATH LANDSCAPE SERVICE OPERATION PURSUANT TO SECT. 404.3.D OF THE BZCR. HOWEVER, UTILIZATION OF THE PROPERTY SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS WHICH SHALL BE RECORDED AT THE APPROPRIATE TIME SUBSEQUENT TO A GRANTING OF THE PETITION FOR SPECIAL EXCEPTION PURSUANT TO SECT. 404.3.C.
- NO MORE THAN 10 ON-THE-ROAD TYPE VEHICLES WILL BE LOCATED ON THE PROPERTY AT ANY ONE TIME (WHICH NO MORE THAN 5 WILL BE LICENSED ON-THE-ROAD TRUCKS EXCLUDING PERSONAL VEHICLES OF MIKE TURLEY AND HIS WIFE AND FAMILY).
- THE HOURS OF OPERATION SHALL BE LIMITED TO 6 AM. UNTIL 6 PM. MONDAY THROUGH FRIDAY.
- TURLEY WILL CONSTRUCT AND MAINTAIN A VEHICLE BY-PASS WITHIN THE CONFINES OF THE COMMON ELEMENT AREA LEADING TO BEAVER DAM ROAD TO FACILITATE DUAL DIRECTIONAL TRAFFIC WITHIN EXISTING 20' FOOT RIGHT OF WAY.
- TURLEY WILL NOT UTILIZE ANY ROAD OR SIGN IDENTIFYING OR ADVERTISING THE LANDSCAPE SERVICE OPERATION ON SITE.
- THE LANDSCAPE SERVICE OPERATION MAY PLANT HORTICULTURAL MATERIALS ON SITE. HOWEVER, TURLEY AGREES TO PERMANENTLY RESTRICT THE SITE SO THAT ANY PLANTS AND/OR TURF PRODUCTS CAN ONLY BE SOLD ON A WHOLESALE BASIS OR AS AN IDEAL PART OF THE LANDSCAPE DESIGN AND SHALL NOT BE SOLD UNDER ANY CIRCUMSTANCES TO RETAIL CUSTOMERS.



LOCATION PLAN
SCALE: 1"=1000'

EXIST. ZONING: "RC-4"
EXIST. USE: "TREE TOPS"
FD. 53-47

PETITIONER'S EXHIBIT No 1

SITE PLAN
SCALE: 1"=100'

GENERAL NOTES

- AREA OF PROPERTY = 21.8014 AC.
- EXISTING ZONING OF PROPERTY = "RC-4"
- EXISTING USE OF PROPERTY = "FARM"
- PROPOSED ZONING OF PROPERTY = "RC-4" WITH SPECIAL EXCEPTION
- PROPOSED USE OF PROPERTY = "LANDSCAPE SERVICE OPERATIONS"
- PRIOR ZONING HISTORY - CASE #23-41A, VARIANCES GRANTED: 11-12-2012-8-93
A. 5' SETBACK IN LIEU OF 50' EXIST. SHED FROM PROPERTY LINE.
B. 40' BETWEEN EX. SHED & PROP. 30'x24' SHED IN LIEU OF REQ'D. 100'.
C. 45' BETWEEN EX. SHED & EX. BARN IN LIEU OF REQ'D. 100'.
D. 52' BETWEEN EX. SHED (20'x15') & PROP. 24'x30' ADDITION IN LIEU OF REQ'D. 100'.
E. DRIVEWAY & PARKING AREA SURFACE TO BE CRUSHER RUN.
F. AMEND LAST APPROVED DEVELOPMENT PLAN OF BISHOPS FORD FOR LOT 3 FOR ALL CHANGES SHOWN.
- PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A LANDSCAPE SERVICE OPERATION IN A "RC-4" ZONE.
- PETITIONER REQUESTING A VARIANCE TO SECT. 404.1.A OF THE BZCR TO PERMIT A 0' SETBACK FOR A TYPICAL CONCRETE FROM ANY PROPERTY LINE OR AS SHOWN ON SITE PLAN IN LIEU OF REQ'D. 25'.
- PETITIONER REQUESTING A VARIANCE TO SECTIONS 404.1.B OF THE BZCR REQUESTING DRIVELAND AND ADJACENT FROM A RESIDENTIAL ZONE TO PERMIT TO TAKE PLACE 100' FROM ANY PROPERTY LINE OR 50' WITHIN A FLOOD BUFFERED STRUCTURE IN ORDER TO UTILIZE EXIST. SHED AND BARN AND FROM SECT. 404.1.C AND 404.3.A. AND TO "EXEMPT" ANY EXIST. SETBACKS FROM EARTH BERM. AS SHOWN ON THE PLAN. THESE SUBSTITUTIONS FOR REQUIRED SETBACKS + FLOOD BUFFER. SECTION 404.3.A. LANDSCAPE SERVICE OPERATION MAY PLANT HORTICULTURAL MATERIALS ON SITE. HOWEVER, SUCH PLANTS MAY ONLY BE SOLD AS AN IDEAL PART OF A LANDSCAPE DESIGN AND MAY NOT BE SOLD TO THE RETAIL CUSTOMER. SECTION 404.3.C. LANDSCAPE SERVICE OPERATIONS REQUIRES A SPECIAL APPROVAL. A "RC-4" ZONE AND SHALL MEET THE REQUIREMENTS OUTLINED IN SECTION 504.1.2. THESE REGULATIONS IN ADDITION TO THESE REQUIREMENTS, A LANDSCAPE SERVICE OPERATION IS SUBJECT TO THE FOLLOWING STANDARDS:
1. THE SITE SHOULD BE OF SUFFICIENT SIZE AND PROPERLY DESIGNED TO INSURE PROTECTION OF EXISTING NEIGHBORING DWELLINGS FROM NOISE, DUST, SMELL AND OTHER NUISANCE FACTORS.

- LOCATION OF THE TRUCK PARKING AND EQUIPMENT STORAGE AREA SHALL BE COMPATIBLE WITH SURROUNDING USES AND SHALL BE SEPARATED FROM RESIDENTIAL ZONED OR USED PROPERTIES AS SPECIFIED IN SECT. 404.1.C.
- PETITIONER REQUESTING A VARIANCE TO SECT. 404.1.B.2 OF THE BZCR TO ALLOW DRIVEWAYS WITH PARKING AREAS NOT TO BE PAVED AT ALL TIMES BUT TO HAVE A CRUSHER RUN SURFACE WHERE SHOWN.
- PETITIONER REQUESTING A SPECIAL HEARING TO AMEND THE SITE PLAN (CASE #23-41A) AND TO AMEND LOTS OF THE APPROVED DEVELOPMENT PLAN OF BISHOPS FORD.
- PROPOSED SIGN TO CONFORM TO SECT. 404.1.D.5 AND ANY OTHER COUNTY POLICIES.
- DEVELOPER FULL OVER AREA IN EX. 20'x14' TO BE PROVIDED AT PETITIONER'S EXPENSE.
- WELL AND SEPTIC SYSTEM EXISTING ON SITE.
- BUSINESS HOURS: MON - FRI. 6AM TO 6PM.

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCES

13021 BEAVER DAM ROAD

2.801 DIST 803

BALTIMORE COUNTY, MD.

SCALE: AS SHOWN

MAY 28, 1993

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

