

IN RE: PETITION FOR VARIANCE
N/S Dulaney Valley Road, 900' NE
of the c/l Long Green Road
(12900 Dulaney Valley Road)
10th Election District
6th Councilmanic District

Robert L. McGill, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-177-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 12900 Dulaney Valley Road, located in the vicinity of Long Green Road in Glen Arm. The Petition was filed by the owners of the property, Robert L. and Barbara C. McGill. The Petitioners seek relief from Section 1A03.4.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building lot of 2.329 acres, more or less, in lieu of the minimum required 3.00 acres. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert L. McGill, Jr., property owner, and Bruce E. Doak, a principal with Gerhold, Cross & Etzel, Registered Professional Land Surveyors, who prepared the site plan for this property. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land containing a gross area of 8.513 acres, zoned R.C.4. The property is improved with a two-story stone house and a large barn and has been the Petitioners residence for many years. The Petitioners are currently proceeding through the minor subdivision process

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Date 11/15/96
By [Signature]

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to create a 2.329 acre lot in the southeast corner of their property adjacent to Dulaney Valley Road. The Petitioners testified that the proposed configuration of the 2.329-acre lot will provide a more uniformly shaped parcel of land and allow the existing improvements on the property to be retained with the remaining 6.184 acres. Furthermore, the 2.329-acre parcel is located in an open field which has been used as pasture land for horses. Common sense and logic dictate that the proposed subdivision would be configured in the manner depicted on Petitioner's Exhibit 1; however, the size of the proposed lot does not meet the requirements set forth in the R.C.5 regulations. Thus, the relief requested is necessary.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

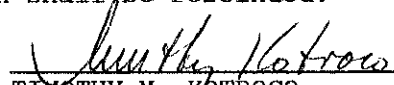
It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request 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 variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of November, 1996 that the Petition for Variance seeking relief from Section 1A03.4.B.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building lot of 2.329 acres, more or less, in lieu of the minimum required 3.00 acres, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
ROBERT L. MCGILL, ET UX	*	
FOR A ZONING VARIANCE FOR	*	OF
PROPERTY LOCATED ON THE NORTH	*	
SIDE DULANEY VALLEY ROAD,	*	BALTIMORE COUNTY
900' NORTHEAST OF THE CENTER-	*	
LINE LONG GREEN ROAD	*	CASE NO. 97-177-A
(12900 DULANEY VALLEY ROAD)	*	
10TH ELECTION DISTRICT	*	
6TH COUNCILMANIC DISTRICT	*	

* * * * *

O P I N I O N

This case comes before the Board of Appeals in opposition to a petition for variance as granted by the Deputy Zoning Commissioner.

The Petitioners, Robert L. and Barbara C. McGill, seek a variance to subdivide their property of 8.513 acres into two lots in an R.C. 4 zone, located on the Dulaney Valley Road in the Loch Raven watershed protection area of Baltimore County. Petitioners seek relief to permit a building lot of 2.329 acres in lieu of the minimum required 3.00 acres under Section 1A03.4B.1.a of the Baltimore County Zoning Regulations (BCZR).

Petitioners appeared represented by Francis X. Borgerding, Jr., Esquire. Appearing in opposition was Carole S. Demilio, Deputy People's Counsel for Baltimore County, and Charlotte Pine, President of the Long Green Valley Association.

Testifying on behalf of the petition was Bruce Doak, accepted as an expert professional land surveyor, who prepared the site plan. The property is improved with a two-story dwelling and a large barn, initially purchased in 1979 by the Petitioners.

Mr. Doak testified that the proposed 2.329-acre parcel will allow the existing improvements on the property to be retained with the remaining 6.184 acres, subdividing the property by using the

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natural characteristics of the land. Petitioner's Exhibit No. 4 shows an aerial view of the McGill farm and the open pasture fronting Dulaney Valley Road and extending to the existing driveway. Mr. Doak explained that the topography of the land made the driveway the natural boundary of the configured 2.329-acre parcel.

Petitioner also offered an alternate plan (Petitioner's Exhibit No. 3) for subdividing the property if the variance was denied for the plan of Exhibit No. 2. Mr. Doak emphasized that subdividing in accordance with Petitioner's Exhibit No. 3 would have a negative impact on the existing house and barn. He also pointed out that the rear portion of the new lot of Exhibit No. 3 (3 acres) would be unusable because it must be reserved for forest conservation requirements (1.7 acres). Petitioner's Exhibit No. 3 also would require a new driveway for access.

Important to the granting of a variance is agreement that the subject property has unique features in comparison to properties in the area, and that there be sufficient evidence that compliance with the zoning regulations would result in "practical difficulty" or "undue hardship." Cromwell v. Ward, 102 Md. App. 691 (1995).

Mr. Doak testified that the McGill property is unique because of the property's topography, lot configuration, placement of forest conservation easement, the location of existing structures, and the driveway. He asserted that enforcement of the zoning regulations would have a disproportionate impact on the site because of these unique characteristics. Petitioner's Counsel argued that variances are allowed when peculiar characteristics relating to the property have a more severe impact on that specific

property because of its uniqueness, and practical difficulty or unreasonable hardship exists. (Cromwell v. Ward)

Petitioner, Robert McGill, testified and described the farm and the surrounding area. He noted the abundance of one-acre size lots opposite his property along Dulaney Valley Road, a community where his subdivided lot will be more than twice the area of those properties of single-family dwellings. He testified that the granting of the variance would not be harmful to the health, safety or welfare of the community. Without the variance, Mr. McGill said he would suffer practical difficulty and unreasonable hardship. Mr. McGill remarked that his is one of the last farms in the area. It is a permanent agricultural fixture in a residential location where traffic is abominable along Dulaney Valley Road. He wants a variance that is acceptable based on use, environment, and aesthetics. The agricultural setting will be preserved.

Testifying in opposition to the requested variance was Charlotte Pine, President of the Long Green Valley Community Association, which opposes the granting of a variance in the R.C. 4 zone. Ms. Pine testified that the R.C. 4 zone enacted in 1976 was to protect the watershed to the Loch Raven Reservoir. The purpose of the 3-acre minimum in the R.C. 4 zone was to lessen the effect of septic systems and water runoff. In reference to the one-acre lots across from the subject property, Ms. Pine remarked that those houses were built long before the creation of the R.C. 4 zone. She also asserted that the subject site is not unique and is typical of properties of the Northern County with slopes, ridges, on-site streams, and pastures.

The Board convened on August 28, 1997 in public deliberation

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of this matter, having had no prior discussion of the merits of this case. We each came together initially with a common feeling to approve the variance because it appeared to make sense, but then the reality which Cromwell V. Ward and Section 307 (BCZR) imposes came into our deliberations.

Section 307 states: "No increase in residential density...shall be permitted as a result of any such grant of a variance from height or area regulations." Under present regulations, with a 3-acre minimum size in the R.C. 4 zone, Petitioner is permitted two dwellings on the 8.513-acre parcel. Although there is no reference by Petitioner as to eventual subdivision of the 6.184-acre parcel, if he is granted a variance with Petitioner's Exhibit No. 2, there is the possibility for further subdivision of his remaining acreage into two 3-acre parcels. The total density on his present acres would then be three, an increase prohibited by the law. One of the Board's concerns then is for the remaining 6 acres in view of Section 1A03.4B of the BCZR.

The variance regulation of BCZR 307 and Cromwell v. Ward sets forth that the lot or structure must be "peculiar or subject to special circumstances." Cromwell termed this as "uniqueness" and that uniqueness cannot be caused by the proposed development. Also, if the site is found to be unique, there must be sufficient evidence that compliance would result in "practical difficulty" or "undue hardship."

Mr. Doak testified that the ridge line is a unique topography particular to the subject property that makes enforcement of Section 1A03.4B (BCZR) have a disproportionate impact. However,

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Mr. Doak did agree with Ms. Pine that the site is typical of properties in the Long Green Valley.

The Board concurs that there is no evidence to find uniqueness of the property, and the practical difficulty claimed by the Petitioner is self-imposed by his plan of subdivision as shown in Petitioner's Exhibit No. 2. Ownership preference in preserving his vista, improvements and amenities of his existing property appear to be the focus in the creation of another lot of less than 3 acres in an R.C. 4 zone. It is not unique because of his farm's topography which evidence shows to be prevalent in the area. There are difficulties and inconveniences because of the topography, and Petitioner has made good faith attempts to do what he desires, and thereby created some difficulties.

In this case, the Board wonders why the variance is necessary, given that Petitioner's Exhibit No. 3 creates a 3-acre lot without the need for a variance. To justify, Petitioner's explanation is based on considerations of the topography of his rear land area; specifically, the ridge line and the length of a driveway and its configuration, which testimony revealed could serve both properties.

In review of the plans and exhibits, we wonder if Petitioner's Exhibit No. 3 is the only other option to subdivide the site in accordance with the regulation. Petitioner's Exhibit No. 2 and Petitioner's Exhibit No. 4 appear to give indication of a possible way to extend the property line of Petitioner's Exhibit No. 2 up to and/or including the existing driveway, thereby gaining the additional acreage required to satisfy the law.

The Board is persuaded that the proposed lot of less than the

minimum acreage required in the R.C. 4 zone under BCZR Section 1A03.4B, and the standards of Cromwell v. Ward, have not been met nor satisfied to justify an area variance as proposed in Petitioner's Exhibit No. 2.

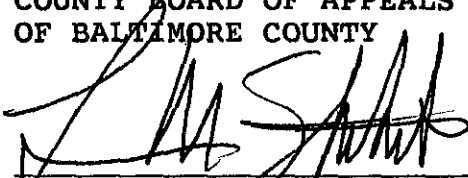
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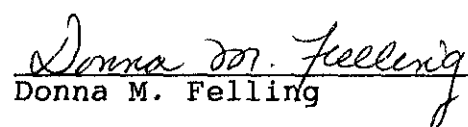
THEREFORE, IT IS THIS 7th day of October, 1997 by the County Board of Appeals of Baltimore County

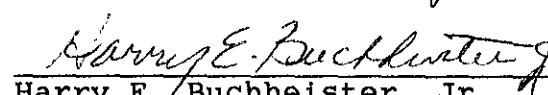
ORDERED that the Petition for Variance seeking to subdivide a property and create a lot of 2.329 acres in an R.C. 4 zone be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Acting Chairman


Donna M. Felling


Harry E. Buchheister, Jr.

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County Board of Appeals of Baltimore County

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

October 7, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 177-A
Robert L. McGill, et ux -Petitioners

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosure

cc: Francis X. Borgerding, Jr., Esquire
Mr. & Mrs. Robert L. McGill
Bruce Doak /Gerhold, Cross & Etzel
Ms. Charlotte Pine
Pat Keller /Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



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PETITION FOR VARIANCE
Robert L. McGill, et ux
Petitioners

BEFORE THE BALTIMORE
COUNTY BOARD OF
APPEALS
Case No. 97-177-A

MEMORANDUM OF PEOPLES' COUNSEL

FACTS

The Petitioners seek a variance to subdivide their property into two lots, one of which will be less than the required three acres in an RC4 zone. (See BCZR Sec. 1A03.4). The Petitioners own 8.513 acres, improved with a dwelling and barn, and operated as a residence and horse farm. Petitioners purchased the property August, 1979, aware the site was zoned RC4.

The site is on Dulaney Valley Road in the Loch Raven watershed protection area in northern Baltimore County. Like many areas of the rural county, it contains slopes, ridges and streams. The Petitioners' surveyor agreed that such topography on a lot is not unusual in the rural areas. In addition, Charlotte Pine, representative of the Long Green Valley Improvement Association, stated clearly that this site is typical of properties in the northern county.

The house, barn, and parking area are situated on approximately 1 acre of elevated terrain; the yard and pasture on the remaining portion. The structures are located on the elevated portions of the lot, and the hillside is used for yard and pasture.

Petitioners propose a 2.329 acre building lot on a fenced pasture parallel to Dulaney Valley Road. The Petitioners chose this area to subdivide in order to keep their use undisturbed, to maintain their views from the existing house, to reduce the costs of development, to convert a delineated area, and to eliminate a

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viable, but roadside pasture.

Mr. Bruce Doak, the Petitioners' surveyor, testified the ridgeline runs along Dulaney Valley Road in this area and falls off to the north; he acknowledged that other neighboring properties share this topography.

He presented an alternative development plan where both lots are at least three acres. The surveyor agreed development can comply with the RC4 requirements and forest conservation regulations. Petitioners' merely prefer to create an undersized lot to suit their needs. The surveyor acknowledged that asymmetrical lot lines on the alternative site plan (Exhibit 3) are not uncommon in the rural areas. Furthermore, he admitted that a shared driveway arrangement is feasible.

Adjacent to the north is another horse farm, with sloped pastures leading to the stream bordering on the Petitioners' property. To the south, across Dulaney Valley Road, are residences allegedly on 1 acre lots. However, it is undisputed these residences were constructed in the 1960's, well before RC4 zoning was enacted in 1976. The existence of nearby lots which are substandard under current law does not justify a variance. That will always be true when standards are upgraded. Even the existence of exceptions on adjoining lots do not justify a variance. Easter v. Mayor & City Council, 195 Md. 395 (1950); Park Shopping Center v. Lexington Park Theatre Co., 216 Md. 271 (1958).

The 1996 Baltimore County 200 and 1000 scale zoning maps confirm the site and surrounding area are zoned RC4. The

Petitioners could not cite a single post-1976 lot of less than 3 acres on a comparable tract.

Petitioners presented no evidence to support the "uniqueness" of the site as defined by recent appellate cases. The Petitioners substituted convenience, preference, and economics for uniqueness. This evidence has never satisfied the variance standards and recent cases have rejected such claims. Moreover, there is no "practical difficulty" or "hardship" since the alternative site plan is viable.

Argument I: Viewed in the context of the BCZR, the variance regulation cannot apply to the requested relief

It may be helpful to review the framework of the zoning regulations to see the variance in proper context.

The earliest zoning laws enacted in 1945 in Baltimore County, separated, for the most part, residential, commercial and manufacturing uses into separate zones. This blueprint is maintained in the current Regulations.

Residential zoning is further divided. Generally, residential development occurs in the rural, watershed and urban areas of the County; the various residential zones reflect this geographic divergency ("Resource Conservation" for agriculture, rural residential, and watershed protection, and "Density Residential" for the more urban-like neighborhoods). Furthermore, each residential zone is distinguishable from the others on the basis of "density" -the number of dwellings per acreage.

(It should be noted that the general density in the RC 4 zone

is .2 or one dwelling per five acres, unless clustering is permitted. An exception was made for smaller parcels between 6-10 acres to allow two lots with three acres each. This benefit, already less than the standard requirements, should be strictly followed.)

Within each zone, are "bulk regulations" - standards for area, and the size and location of structures. Very limited exceptions to these bulk requirements is permitted with a variance under BCZR Sec. 307.

At this juncture, it may be helpful to review the provisions for development on "undersized" lots:

(1) BCZR 304 allows development if certain provisions are met, most notably, the lot was recorded in a deed or subdivision plat prior to March 31, 1955.

(2) Resource Conservation zoning (notably, RC 2, RC 4, and RC 5) became effective in 1976. In these zones, development that cannot meet the current height, area, or setback standards, is permitted under prior standards, provided the lot was created and recorded before the effective date of the RC zone with the approval of the Office of Planning and Zoning. (For RC 4, see BCZR Sec.1A03.4b.4).

Certainly, an undersized lot created in 1997 cannot meet these standards.

In summary, zones are established according to uses. For residential uses, geographic and environmental factors determine classification. An important component is density. Density is an

integral element of a residential zoning classification. To vary density and lot size for the convenience of a property owner is to undermine a basic tenet of zoning.

Furthermore, BCZR 307 states, " No increase in residential density beyond that otherwise allowable by the zoning regulations shall be permitted as a result of any such grant of a variance from height or area regulations. " In other words, the variance procedure is not an avenue to multiply density.

The request in the instant case exemplifies what the Regulation prohibits. The site is 8.513 acres. The owner testified the existing house and improvements occupy one acre. With a 3 acre minimum, the owner is permitted 2 densities, or dwellings on 8.513 acres - the existing house and improvements on one lot and a second dwelling on a second lot, both of which could meet the acreage standards. In the proposal, the new lot is 2.329 acres, with 6.184 acres remaining. The 6.184 parcel could be proposed for further subdivision into two 3 acre parcels. The total density on 8.513 acres would be three. This increase is clearly prohibited by the language of BCZR 307. The variance law was never intended to allow a reduction of lot size and a concomitant increase in density.

Argument II: The Petitioners do not satisfy the language in the variance regulation.

The variance regulation in BCZR 307 sets forth the very narrow circumstances for exceptions to height, area and setback requirements.

First, the lot or structure must be "peculiar" or subject to

"special circumstances". The courts have termed this "uniqueness". (See Cromwell v. Ward, 102 Md. App. 691 (1995); Chester Haven v. Board of Appeals, 103 Md.App. 324 (1995); North v. St. Mary's Co., 99Md.App502 (1994). The unique characteristics cannot be caused by the proposed development.

Second, if the site or structure is found to be unique, there must be sufficient evidence that compliance would result in "practical difficulty" or "undue hardship". The above cases hold that owner preference, profitability, or a self-created hardship do not satisfy this standard.

Third, the digression sought must still be within the spirit and intent of the height, area and setback requirements.

The Petitioners provided no evidence that the site is unique. On the contrary, the Petitioners, their surveyor and Mrs. Pine all agreed that the site is typical of Long Green and much of northern Baltimore County. On-site streams, slopes, ridges, and pastures exist on adjoining properties. The Petitioners failed the uniqueness test and the variance must be denied on this basis alone.

The Court of Special Appeals stated in Chester Haven at p. 337: "The only evidence proffered in support of showing the property's "uniqueness", a showing essential to the grant of the requested variances, was Mr. Whitehill's testimony that it was unique. His testimony in this regard can be paraphrased as "it is unique because the property owner can't do what he wants to do....That position has been consistently rejected as a reason to grant variances by the appellate courts of this and most foreign jurisdictions."

Even so, there is certainly no evidence of practical difficulty or undue hardship. The property at hand clearly has

had and will continue to have a viable use as a residence and horse farm. While there is no absolute right to subdivide, the Petitioner himself proposed an alternative plan for subdivision that complies with zoning and environmental regulations. Moreover, the practical difficulty as claimed by the Petitioners is self-imposed. For these two reasons, this second prong of the variance standard is not satisfied.

As stated in Cromwell at p. 722:

"Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted."

Argument III: Consistent Application of the Law in Administrative Quasi-Judicial Proceedings Is Fundamental.

The CBA must apply the zoning laws fairly and consistently. An exception cannot be granted because the proposal is attractive but illegal. Likewise, an exception cannot be made because the CBA looks favorably upon particular property owners. What if a property owner makes a similar, but less attractive request for a zoning exception?

As the eminent Roscoe Pound, Professor of Law at Harvard University stated in comments on administrative law:

"Legal history shows that administration of justice has at times relied upon precepts and authoritative technique of applying them and at other times upon wide discretion, even of the personal type. This difficulty as between justice according to law and justice without law, goes back to a fundamental problem of the science of law, namely, the balance between the general security and the individual life, and in consequence between security and change. **The general security demands not only a peaceable ordering of society, but certainty and uniformity of judicial action in that ordering..** . It is a great advantage that the law provides

authoritative grounds of decision and an authoritative technique of developing and applying then, in advance of controversy and thus affords an effective check to the natural human impulse to yield ultimate advantage to apparent present advantage." (Emphasis added), (Pound, Roscoe, Administrative Law, Its Growth Procedure and Significance, University of Pittsburgh Press: 1942).

For these reasons the variance request must be denied.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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for Baltimore County
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Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1997, a copy of the foregoing Memorandum of People's Counsel was mailed to Francis X. Borgerding, Esquire, DiNenna and Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner, and to Charlotte Pine, Esq., President, Long Green Valley Association, P.O. Box 91, Baldwin, MD 21013, Protestants.



PETER MAX ZIMMERMAN

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S DULANEY VALLEY ROAD *
900' NE of the c/1 Long * COUNTY BOARD OF APPEALS
Green Road (12900 Dulaney *
Valley Road) 10th * OF BALTIMORE COUNTY
Election District 5th *
Councilmanic District * Case No.: 97-177-A

Robert L. McGill, et ux *
Petitioners *

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PETITIONERS' MEMORANDA

Robert L. McGill, Jr., et ux., Petitioners, by undersigned counsel, herein submit their following memoranda in lieu of closing argument.

STATEMENT OF THE CASE

Petitioners seek a variance from Section 1A03.4.B.1a of the Baltimore County Zoning Regulations (herein B.C.Z.R.) to permit a building lot of 2.329 acres, more or less, in lieu of the minimum required 3 acres as allowed by the subject properties R.C. 4 zoning. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioners' Exhibit Number 2.

Appearing at the hearing on behalf of Petitioner were Robert L. McGill, Jr., property owner and Bruce E. Doak, principal with Gerhold, Cross & Etzel, Registered Professional Land Surveyors. Mr. Doak who was accepted as an expert property line surveyor presented the site plan marked as Petitioners' Exhibit Number 2.

Appearing in opposition to Petitioners' requested relief was Deputy People's Counsel for Baltimore County. Charlotte Pine of the Long Green Valley Association also appeared as a protestant.

Bruce E. Doak revealed that the subject property is part of a larger tract of land containing a gross area of 8.513 acres, zoned R.C. 4. The property is improved with a two story stone house and a large barn. The stone house has been the Petitioners' residence for many years. Petitioners are currently proceeding through a minor subdivision process to create a 2.329 acre lot of the southeast corner of their property adjacent to Dulaney Valley Road. Bruce

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E. Doak testified that the proposed configuration of the 2.329 acre will provide a more uniformly shape parcel of land, allow the existing improvements on the property be retained with the remaining 6.184 acres. Mr. Doak testified that from a topographical prospective the property divided along the existing driveway. Mr. Doak illustrated through Petitioners' Exhibit Number 4 how the Petitioners are proposing to subdivide the property in accordance with Petitioners' Exhibit Number 2 using the natural characteristics of the land and the open field between the existing driveway and Dulaney Valley Road.

Mr. Doak testified the property can be subdivided in accordance with Petitioners' Exhibit Number 3 if the requested variance is not granted. Mr. Doak went on to state that if the subject property is subdivided in accordance with Petitioners' Exhibit Number 3, the lot would encompass the back and right rear of the lot which topographically falls away from driveway area. Mr. Doak testified that subdividing the property in accordance with Petitioners' Exhibit #3 would impact the existing house and barn because of the need to include the rear portion of the lot adjacent to the structures. Mr. Doak pointed out that the rear portion of the new lot pursuant to Petitioners' Exhibit Number 3 would be unusable because it must be used for forest conservation requirements. In addition, Mr. Doak pointed out that Petitioners' Exhibit Number 3 would require a new driveway for access.

Mr. Doak went on to testify that the subject property is unique from the nature of surrounding properties because of the subject property's topography, lot configuration, location of existing structures, location of existing driveway and required placement of forest conservation easement. Mr. Doak testified that the properties' unique characteristics cause the enforcement of Section 1A03.4.B.1a of the B.C.Z.R. to have a disproportionate impact upon the subject property. Mr. Doak pointed out that if the Petitioners are forced to subdivide the property in accordance with Petitioners' Exhibit Number 3, the property will be subdivided against the natural characteristics of the property, including the topography of the land, existing structures on the property, the access to the property and the forest conservation

requirements of Baltimore County. Mr. Doak further testified that if the proposed variance is not granted, the Petitioners will suffer practical difficulty and unreasonable hardship. He testified that the granting of the variance would be within the spirit and intent of the zoning regulations. Further, he testified that if the variance is granted, he saw no harm to the health, safety or welfare of the surrounding community. Mr. Doak also noted that if the Petitioners' requested variance is granted, the size of the lot created 2.329 acres would be twice as large as the numerous one acre lots, adjacent the subject property. Upon cross-examination, Mr. Doak testified that although other properties in northern Baltimore County may have ridge lines running through them it is the unique topography specific to the subject property that makes strict enforcement of B.C.Z.R. 1.A03.4.B.1a on the subject property have a disproportionate impact. Mr. Doak further testified that the subdivision in accordance with Petitioners' Exhibit Number 2 is the best way to subdivide the subject property and preserve the existing horse farm use on the subject property.

Also testifying on behalf of the Petitioners was Robert McGill, Jr. Mr. McGill described the subject property and the structures on the subject property. He went on to describe the area surrounding the subject property consisting of an abundance of approximately one acre size lots.

Mr. McGill further testified that because of the properties' unique factors including topography, lot configuration, existing structures, access and forest conservation requirements when compared to surrounding properties B.C.Z.R. Section 1.A03.4.B.1a disproportionately impacts the subject property. Mr. McGill testified that if the proposed variance is not granted, he will suffer practical difficulty and unreasonable hardship. He further testified that the granting of the variance would not be harmful to the health, safety or welfare of the surrounding community.

Testifying on behalf of the Long Green Valley Community Association was Charlotte Pine. Ms. Pine testified that the community group opposed any variance with regard to R. C.

4 land. Ms. Pine acknowledged that if the variance were to be granted on any property zoned R. C. 4, the Petitioners would first have to meet the requirements of Cromwell v. Ward. On cross-examination, Ms. Pine acknowledged that the back of the subject property slopes much more than the front.

ARGUMENT

Contrary to assertions made at the time of the hearing of this matter, the authority to grant Petitioners' requested variance of Section 1A03.4.B.1a of the B.C.Z.R. is certainly within the Zoning Commissioner's and/or the Board of Appeal's authority under the B.C.Z.R. Section 307 of the B.C.Z.R. clearly allows the Zoning Commissioner and/or the Board of Appeals on appeal to grant variances from height and area regulations. As the uncontradicted testimony of Bruce Doak made clear the subject property containing 8.513 acres can be subdivided in accordance with Petitioners' Exhibit Number 3 under Section 1A03.4.B.1a without a variance. Petitioners' requested relief clearly is simply to request for a variance of an area restriction under Section 1A03.4.B.1a of the B.C.Z.R. and certainly does not seek to increase the density allowed on the subject 8.513 acre of parcel as asserted by People's Counsel. Variances in Maryland and under Baltimore County's charter are allowed when a property's peculiar characteristics or unusual circumstances relating uniquely to the property exist in conjunction with the ordinances more severe impact on the specific property because of the property's uniqueness and practical difficulty or unreasonable hardship exists. Cromwell v. Ward, 102 Md. App. 691 (1995).

The testimony and evidence presented before the Board of Bruce E. Doak and Petitioner, Robert McGill uncontradicted by the protestants' sole witness, Charlotte Pine, is that the Petitioners' requested variance meets the standards articulated in Cromwell v. Ward. Both witnesses made clear that the subject properties' unique characteristics, including topography, lot configuration, location of existing structures, relating only to the subject property cause strict enforcement of Section 1A03.4.B.1a to have a disproportionate impact on the subject

property. Both witnesses testified that the Petitioners will suffer practical difficulty and unreasonable hardship if the proposed variance is not granted.

Protestants produced no expert testimony to contradict Mr. Doak's testimony. In fact, Protestants' sole witness, Charlotte Pine's, testimony stated more an opposition to any variances on R. C. 4 land rather than any specifics regarding Petitioners' property or why Petitioners specific variance should not be granted. When all of the testimony and evidence before the Board are considered, it is clear that the testimony of Mr. Doak and Mr. McGill relating to the factors discussed in Cromwell v. Ward is uncontradicted.

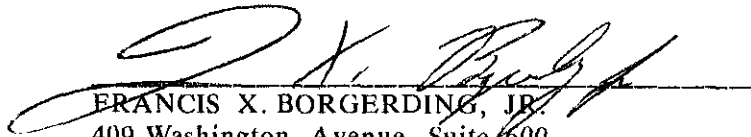
People's Counsel argues that the properties in northern Baltimore County have ridge lines and that if the requested variance is granted it may impact the granting on other R.C. 4 properties. People's Counsel's argument, however, fails to take into effect that unless any requested variance can meet the criteria established in Cromwell v. Ward it cannot be granted.

The uncontradicted testimony evidence in the above-captioned case as illustrated by looking at Petitioners' Exhibit Number 4 clearly indicates that subdivision in accordance with Exhibit Number 2 is in accordance with the natural unique characteristics of the subject property. The testimony and evidence before the Board also makes clear that subdivision in accordance with Petitioners' Exhibit Number 3 goes against the unusual and unique natural characteristics of the subject property, will more severely impact the existing structures on the property, will cause the disruption of present access driveway to the property and will leave a portion of the newly created lot unusable due to the forest conservation requirements required by subdivision. In short, as Petitioner, Robert McGill, testified, subdivision in accordance with the Petitioners' Exhibit Number 2 makes a lot of common sense while subdivision in accordance with the Petitioners' Exhibit Number 3 necessitates form over substance.

CONCLUSION

The testimony and evidence in the above-captioned case clearly establishes that the

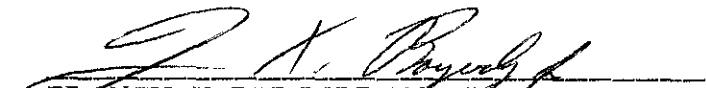
subject properties' peculiar characteristics relating only to the subject property cause Section 1A03.4.B.1a of the B.C.Z.R. to have a more severe impact on the subject property than on other properties. Further, it is clear that the Petitioners will suffer practical difficulty if the proposed variance is not granted. Accordingly, Petitioners respectfully request that this Honorable Board grant Petitioners requested relief.


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONERS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1997, a copy of the foregoing was mailed, postage prepaid, to:

Carole S. Demilio, Esquire
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204


FRANCIS X. BORGERDING, JR.



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 14, 1996

Mr. & Mrs. Robert L. McGill
12900 Dulaney Valley Road
Glen Arm, Maryland 21057

RE: PETITION FOR VARIANCE
N/S Dulaney Valley Road, 900' NE of the c/l Long Green Road
(12900 Dulaney Valley Road)
10th Election District - 6th Councilmanic District
Robert L. McGill, et ux - Petitioners
Case No. 97-177-A

Dear Mr. & Mrs. McGill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bruce Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Suite 100, Towson, Md. 21286

People's Counsel

File

MICROFILMED

RE: PETITION FOR VARIANCE

12900 Dulaney Valley Rd, NW/S Dulaney Valley Road, 900'+/- from c/l Long Green Rd
10th Election District, 6th Councilmanic

Robert and Barbara McGill
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-177-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED



Petition for Variance

97-177-A
to the Zoning Commissioner of Baltimore County

for the property located at

Tax Ac #10-16-075400

12900 DULANEY VALLEY ROAD

which is presently zoned R.C. 4

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)

1A03.4 - B - 1 - a. TO ALLOW A 2.329

ACRE LOT IN LIEU OF THE REQUIRED 3.00 ACRES.

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

SEE LETTER.

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.

I/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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s):

ROBERT L. MCGILL
(Type or Print Name)

Signature

BARBARA C. MCGILL
(Type or Print Name)

Signature

12900 DULANEY VALLEY RD. 592-6130
Address Phone No

GLEN AM MD 21057
City State Zipcode

Name, Address and phone number of representative to be contacted

BRUCE DOAK

GERHOLD CROSS & ETZEL, LTD

SUITE 100
320 E. TOWSON TOWN BLVD 823-4470
Address Phone No
TOWSON MD. 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: Jun DATE 10-15-96

177

MICROFILMED

ORDER RECEIVED FOR FILING

Date 11/14/96

Printed with Soybean Ink
on Recycled Paper

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

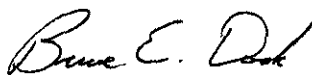
97-177-A

October 3, 1996

TO WHOM IT MAY CONCERN:

A Petition of Variance to Section 1A03.4-B-1-a of the B.C.Z.R. to allow a lot size of 2.329 acres in lieu of the required 3.000 acres is requested. This Petition of Variance is being sought because a lot of 3.000 acres would encroach into the area currently being utilized by the existing house and into the area being used as pasture for horses. The loss of almost an acre of pasture would lessen the need and value of the barn and the remaining 6 acres +/- . I feel that leaving all of the environmental items in one lot and having all of the agricultural use in the same lot fulfills the intent of the current R.C.4 zoning.

Sincerely,



Bruce E. Doak
Principal

177

MICROFILMED

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

97-177-A

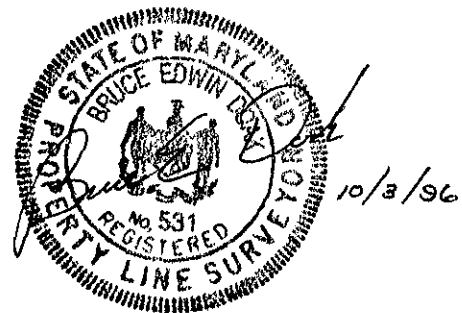
October 3, 1996

Zoning Description for 12900 Dulany Valley Road

Beginning at a point in the centerline of Dulany Valley Road, northeasterly 900 feet, more or less, from the intersecting centerline of Long Green Road, thence running from said point of beginning along the centerline of Dulany Valley Road, 1.) North 29 degrees 09 minutes 00 seconds East 492.00 feet, thence leaving said road and running the five following courses and distances viz: 2.) North 38 degrees 08 minutes 20 seconds West 516.51 feet, 3.) South 36 degrees 20 minutes 25 seconds West 888.65 feet, 4.) South 49 degrees 57 minutes 07 seconds East 304.60 feet, 5.) North 33 degrees 33 minutes 52 seconds East 299.58 feet, and 6.) South 50 degrees 00 minutes 28 seconds East 270.35 feet, to the point of beginning.

Containing 370,832 square feet or 8.513 Acres, more or less.

Note: This description is not for conveyance purposes and only fulfills the requirements of Baltimore County Office of Zoning.



M

mcgill zde

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISC. ANNUOUS CASH RECEIPT

3

No.

DATE 10-15-96

ACCOUNT Room-6152

25 OCT 1964
RECEIVED
FROM: _____

AMOUNT \$ 50.12

129000

UAB (oro)

१०

MICROFILMED

SECRET

卷之四

DISTRIBUTION		VALIDATION	
WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER	

VALIDATION OR SIGNATURE OF CASHIER

33

CERTIFICATE OF POSTING

RE: Case No.: 97-177-A

Petitioner/Developer: ROBERT MCGILL, ETAL

Date of Hearing/Closing: NOV. 14, 1996

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #12900 DULANEY
VALLEY ROAD

The sign(s) were posted on OCT. 25, 1996
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 11/1/96
(Signature of Sign Poster and Date)

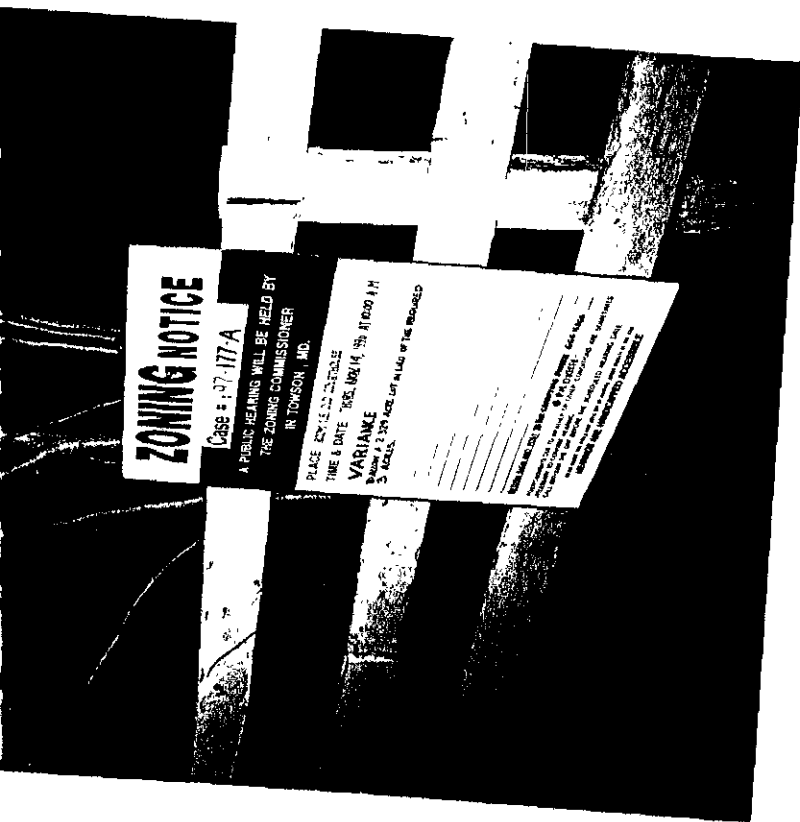
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD 21030
(City, State, Zip Code)

666-5366
(Telephone Number)

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirement for advertising is satisfied. However, the petitioner is responsible for the costs associated with this requirement.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) The cost of the sign will be accessed and paid to this office at the time of filing.
- 2) If this petition is filed by a professional, you will be required to post the sign and this office will telephone you when the sign is ready to be picked up.
- 3) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

TO BE TELEPHONED WHEN SIGN IS READY:

<u>BRUCE DOAK</u>	<u>GERHOLD, CROSS & ETZEL, LTD.</u>	<u>823-4470</u>
Name	Company	Phone Number

For newspaper advertising:

Item No.: 177

Petitioner: ROBERT L. MCGILL & BARBARA C. MCGILL

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT L. MCGILL & BARBARA C. MCGILL

ADDRESS: 12900 DULANEY VALLEY ROAD

GLEN ARM MD. 21057

PHONE NUMBER: 592 6130

MICROFILMED

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: _____

TO ALLOW A 2.329 ACRE LOT IN LIEU
OF THE REQUIRED 3.00 ACRES IN AN RC-4
ZONE.

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

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

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 25, 1996

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: 97-177-A (Item 177)
12900 Dulaney Valley Road
NW/S Dulaney Valley Road, 900'+/- from c/l Long Green Road
10th Election District - 6th Councilmanic
Legal Owner(s): Robert L. McGill and Barbara C. McGill

Variance to allow a 2.329 acre lot in lieu of the required 3 acres.

HEARING: THURSDAY, NOVEMBER 14, 1996 at 10:00 a.m. in Room 118, Old Courthouse

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Robert and Barbara McGill
Bruce Doak

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





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

March 28, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-177-A

IN THE MATTER OF: ROBERT L. MCGILL, ET UX -
Petitioners 12900 Dulaney Valley Road
10th Election District; 6th Councilmanic

(Petition for Variance GRANTED.)

ASSIGNED FOR: THURSDAY, JULY 17, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellant : People's Counsel for Baltimore County
Petitioner : Mr. and Mrs. Robert L. McGill
Bruce Doak /Gerhold, Cross & Etzel
Pat Keller
Lawrence E. Schmidt Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Counsel for Petitioner: Francis X. Borgerding, Esquire

MICROFILMED



Case No. 97-177-A

Robert L. McGill, et ux - Petitioners

N/S Dufaney Valley Road, 900' NE of the
c/1 Long Green Road (12900 Dufaney Valley
Road)

10th Election District Appealed: 12/4/96

(see Attached copy of
vicinity map)

MICROFILMED

*passed
12/1/31*



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 15, 1996

Mr. and Mrs. Robert McGill
12900 Dulaney Valley Road
Glen Arm, MD 21057

RE: Item No.: 177
Case No.: 97-177-A
Petitioner: Robert McGill, et ux

Dear Mr. and Mrs. McGill:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 15, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
November 8, 1996

FROM: R. Bruce Seeley *RBS/96*
DEPRM

SUBJECT: Zoning Item #177 - McGill Property
12900 Dulaney Valley Road
Zoning Advisory Committee Meeting of October 28, 1996

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

Environmental Impact Review

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Agriculture Preservation Review

The Baltimore County Agricultural Land Preservation Advisory Board reviewed the request for a "Reduced Acreage" farm at its October 9, 1996 meeting. At that meeting the Board found the remaining acreage of even 6.184 acre to insufficient to justify its recommendation to the Zoning Office as a farm operation.

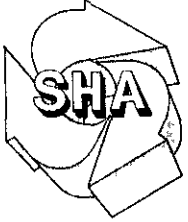
The proposed reduction from the required 3 acre to 2.3 acre lot should, therefore, be reviewed for its impact on watershed protection.

It is recommended that calculations be provided to indicate that the proposed lot will have less than 10% impervious surfaces.

If this is the case and a decision is made to approved the request, it is recommended that a condition be placed on the lot that at no time in the future should improvements be undertaken which will result in a total imperviousness of greater than 10% of the property.

RBS:WL:sp

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

10-26-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 177 (JCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 4, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. (177), 183, 184, 186, 189, 190, 191, 192, 194, and 195

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Rains

PK/JL

MICROFILMED

ITEM177/PZONE/ZAC1

John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 6, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 4, 1996
Item Nos. 175, 176, 177, 178, 180,
181, and 182

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/24/96

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF OCT. 28, 1996.

Item No.: SEE BELOW

Zoning Agenda:

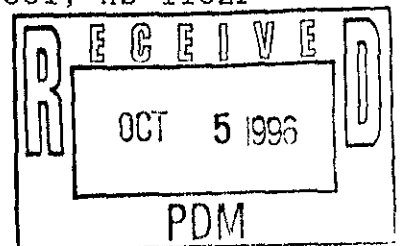
Gentlemen:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 176, 177, 178, 180
AND 181.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File

MICROFILMED



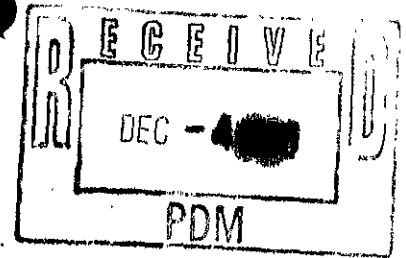


Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188



PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 4, 1996

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR VARIANCE
12900 Dulaney Valley Road, NW/S Dulaney
Valley Rd, 900'+/- from c/l Long Green Rd
10th Election District, 6th Councilmanic
ROBERT AND BARBARA MCGILL, Petitioners
Case No. 97-177-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated November 14, 1996 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Robert and Barbara McGill

Bruce E. Doak
Representative for Petitioners

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 5, 1996

Mr. and Mrs. Robert L. McGill
12900 Dulaney Valley Road
Glen Arm, MD 21057

RE: Petition for Zoning
Variance
N/S Dulaney Valley Road,
900' NE of the c/l Long
Green Road
(12900 Dulaney Valley Rd.)
10th Election District
6th Councilmanic District
Robert L. McGill, et ux -
Petitioners
Case No. 97-177-A

Dear Mr. and Mrs. McGill:

Please be advised that an appeal of the above-referenced case was filed in this office on December 4, 1996 by Peter Max Zimmerman and Carole S. Demilio on behalf of the People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

MICROFILMED



APPEAL

Petition for Zoning Variance
N/S Dulaney Valley Road, 900' NE of the c/l Long Green Road
(12900 Dulaney Valley Road)
10th Election District - 6th Councilmanic District
Robert L. McGill, et ux - Petitioners
Case No. 97-177-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

No Certificate of Publication Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheet

Petitioners' Exhibits: 1 - Plan to Accompany Petition for Zoning
Variance
2 - Plan to Accompany Photographs

Twenty-one Photographs not Marked as Exhibits

Deputy Zoning Commissioner's Order dated November 14, 1996 (Granted)

Notice of Appeal received on December 4, 1996 from Peter Max
Zimmerman and Carole S. Demilio on behalf of the People's Counsel

c: Mr. and Mrs. Robert L. McGill, 12900 Dulaney Valley Road, Glen
Arm, MD 21057
Mr. Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd.,
Suite 100, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petition for Zoning Variance
N/S Dulaney Valley Road, 900' NE of the c/l Long Green Road
(12900 Dulaney Valley Road)
10th Election District - 6th Councilmanic District
Robert L. McGill, et ux - Petitioners
Case No. 97-177-A

☒ Petition for Zoning Variance

☒ Description of Property

☒ Certificate of Posting

No Certificate of Publication Found

☒ Entry of Appearance of People's Counsel

☒ Zoning Advisory Committee Comments

☒ Petitioners Sign-In Sheet

☒ Petitioners' Exhibits: 1 - Plan to Accompany Petition for Zoning
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☒ Twenty-one Photographs not Marked as Exhibits

☒ Deputy Zoning Commissioner's Order dated November 14, 1996 (Granted)

Notice of Appeal received on December 4, 1996 from Peter Max
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Mr. Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd.,
Suite 100, Towson, MD 21286
*People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Counsel for Petitioner:
Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

MICROFILMED

Case No. 97-177-A

VAR -To permit a building lot of 2.329 acres, more or less, in lieu of minimum required 3.00 acres.

11/14/96 -Deputy Zoning Commissioner's Order in which requested relief was GRANTED.

3/28/97 -Notice of Assignment for hearing scheduled for Thursday, July 17, 1997 at 10:00 a.m. sent to following:

People's Counsel for Baltimore County
Mr. and Mrs. Robert L. McGill
Bruce Doak /Gerhold, Cross & Etzel
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

7/16/97 -Entry of Appearance filed by Francis X. Borgerding, Jr., Esquire, on behalf of Robert L. McGill. File noted.

7/17/97 -Case concluded before Board. Briefs due from Borgerding and Demilio Friday, August 8, 1997. Deliberation scheduled for Thursday, August 28, 1997 at 9:30 a.m. Notice of Delib. sent to parties. (copy of delib to L.F.B.)

8/08/97 -Petitioner's Memorandum filed by F. Borgerding on behalf of M/M McGill; Memorandum of People's Counsel filed by C. Demilio and P. Zimmerman.

Copies to L 8/19/97
B 8/14/97
F 8/20/97 mailed.

8/28/97 Deliberated; Var denied

MICROFILMED



County Board of Appeals of Baltimore County

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

July 17, 1997

NOTICE OF DELIBERATION

Having concluded this case on July 17, 1997, the County Board of Appeals scheduled the following date and time for deliberation at the conclusion of the case in the matter of:

ROBERT L. MCGILL, ET UX -Petitioners
CASE NO. 97-177-A

DATE AND TIME : Thursday, August 28, 1997 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE TO COUNSEL : As requested by the Board, Briefs are due (Original and 3 copies) on Friday, August 8, 1997.

Kathleen C. Bianco
Legal Administrator

cc: Appellant : People's Counsel for Baltimore County

Counsel for Petitioners : Francis X. Borgerding, Jr., Esquire
Petitioner : Mr. and Mrs. Robert L. McGill
Bruce Doak /Gerhold, Cross & Etzel

Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, Co Atty

COPIED: L.F.B.

MICROFILMED



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl *8/14 (2)* DATE: August 11, 1997
D. Felling *8/20-mail*
H. Buchheister *8/14 (2)*

FROM: Kathi

SUBJECT: Case No. 97-177-A /Robert L. McGill, et ux -Petitioners

The subject matter is scheduled for public deliberation on Thursday, August 28, 1997 at 9:30 a.m. Enclosed are the following documents filed by Counsel, as requested:

1. Petitioners' Memoranda filed by Francis X. Borgerding, Jr., Esquire, on behalf of Mr. and Mrs. Robert McGill, Petitioners.
2. Memorandum of People's Counsel filed by Carole S. Demilio and Peter Max Zimmerman.

Also enclosed are each Board member's notes from the hearing held on July 17, 1997.

Please let me know if you have any questions.

kathi

Attachments

Note: Copy hand-delivered /mailed to H. Buchheister
Copy hand-delivered /mailed to L. Stahl
Copy hand-delivered /mailed to D. Felling

8/14/97
8/19/97
8/20/97

MICROFILMED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Robert L. McGill, et ux
Case No. 97-177-A

DATE : August 28, 1997 /@ 9:30 a.m.

BOARD /PANEL : Lawrence M. Stahl, Acting Chairman (LMS)
Donna M. Felling (DMF)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
Administrator

Those present at this deliberation included Francis X. Borgerding, Jr., Esquire, Counsel for Petitioners; Peter Max Zimmerman, People's Counsel for Baltimore County and Carole S. Demilio, Deputy People's Counsel.

LMS: This is the meeting of the Board of Appeals for Thursday, August 28, 1997. We are here on Case No. 97-177-A, In the Matter of Robert L. McGill, et ux. We are here for deliberation, and minutes are being taken. Before we begin, this is obviously a working session now of the Board, and I say this for the benefit of our new Board member sitting in with us -- that this is not an open public meeting for testimony or for any other information other than for the three of us to discuss the matter and come to a conclusion. There will be no interplay between the parties. They are here as part of the public and as guests of the Board, and must therefore conduct themselves accordingly.

Harry, I understand you have a question.

HEB: Petitioner's plan is creating a lot of 2.39 acres from 8-1/2 acres - as shown on Petitioner's Exhibit 2 - appears to subdivide the total tract of land for the priority purpose of preserving the house and barn and other existing improvements, and establishing an attractive parcel for eventual development.

To subdivide the total tract as was brought out in testimony from a topographic perspective, he uses the natural characteristics of the land and an open field between his house and an existing driveway and Dulaney Valley Road.

At this point in the deliberation, fellow members, I am not clear as to the boundaries of the lot as to whether it includes the land up to and running the length of the existing driveway, which the testimony by Mr. Doak's stated would feasibly serve both properties.

MICROFILMED

My question is whether the addition of this area of land adjacent to the driveway, bounded by the driveway -- whether the addition of this area to the 2.39 acres would satisfy the 3-acre requirement of Section 1A03.4. The standard of Cromwell v. Ward that there be a uniqueness of the site and that there will be practical difficulty for the Petitioner if variance for a site of less than 3 acres were to be denied, appears unfounded to me from the testimony of both Mr. Doak and Ms. Parker. They agree that the site is typical of this region of Baltimore County.

It is my opinion that the evidence does not support uniqueness of this tract of land -- slopes, ridges and pastures are found throughout the Long Green Valley. With the question I raised of the added amount of land -- acreage -- to the 2.39 that borders the driveway, I feel that the plan as shown in Petitioner's Exhibit 2 should be denied.

LMS: You do not have to come to a conclusion at this time, Donna, but are you ready?

DMF: I have a conclusion -- I would deny the request. I have concerns about the request. First, in trying to establish uniqueness, I have to agree with my fellow Board member that this is in no way discernably unique from any other property in the area. I would have to say it's not really unique but very typical of properties throughout the entire region.

I also, in review of the statements of both parties that nearby residences -- would question the size of their parcels; sometime larger than thought -- even if that is not the case, I would like to say it was People's Counsel's statement that it is undisputed that these residences were constructed in the '60s; legislation enacted in 1976.

All of us should be aware of zoning and what classifications mean -- R.C. was put in place to preserve environmental integrity. It's extremely crucial -- no matter where the property lies -- but especially where it is part of a sensitive land tract -- adjacent to the watershed -- should be preserved. This is of great concern to me.

Further review of this information -- argument against it -- is the R.C. 4 classification and the density for the zoning. It allows for one dwelling for 5 acres -- and then the exception is made for smaller parcels to allow for two lots. This is already less than the standard; that was pointed out by People's Counsel. This parcel falls within the constraints of the exception. I agree with People's Counsel. It should be strictly zoned; otherwise zoning laws would be without

credibility or unenforceable.

It is also noted that the undersized lot created in 1997 cannot meet standards for undersized lot

The last thing that was of concern -- according to BCZR 307, there should be no increase in residential density as a result of the grant of a variance from height or area regulations. The property is just above 8 acres -- falls into the 6 to 10 acre parcel. That specifically allows for two lots of 3+ acres. The current house and improvements occupy one acre; if the variance were allowed, a new lot of 2.39 acres would leave 6+ acre lot remaining, which once again would fall under the exception -- and subsequently could be subdivided into 3+ acre parcels. This would ultimately allow three densities on the 8+ acres rather than two.

Based on that, those are some of my thoughts as to why I believe it should be denied.

LMS: Even though we could ostensibly stop here since two of the three have determined it, I have some thoughts. We are here in open deliberation. Suffice it to say I am not a fan of open deliberation. I feel it is not always in the best interests - coming up with the right or best answer. It's imposed upon us by various entities -- the courts, the legislature -- so we must do it and try to make the best of it. But I would like our brethren at the Circuit Court and the Court of Special Appeals to have to make their decisions in the way they have determined we have to make ours.

That being said, this is a case that bothers me -- it bothers me from two points of view. The question was raised -- why is the variance necessary -- and various reasons came out: Trying to utilize the topography; cut down amounts of driveway; Exhibit 2 would match the topography of the property; having the property cutting off on or below the ridge line. It does not make any sense to divide it this way. From an objective, logical point of view, it would make no sense to do it this way. But put that on the side and reality and common sense have to take a back seat to the requirements arbitrarily and objectively of the law imposed upon land usage. Like it or not, zoning rules and regulations provide a framework under which land is developed. It is done for all good and sufficient reasons that land planning exists.

I cannot help but wonder if Petitioners' No. 3 is the only possible option; it's the only other suggestion we were shown; would not require our approval; we are told that Petitioner's No. 3 would not have needed any change in variance. But even

if assuming we take that at face value, the property can be divided in accordance with the law, like it or not. The parcel that is suggested in Exhibit 2 - that is one - I'm no engineer but I would imagine given all land here and up the side, #3 shows there might be a way to come to the property line and have a small tail that comes up and picks up the additional acreage. Once you do that, most of what they are looking for -- I have concern about the 6 remaining acres. If we were to find uniqueness, we could possibly approve with conditions; possibly limitation on further development. I did not see that as a linchpin one way or another.

I came to this wanting to approve it because it made sense, but then the reality of Cromwell v. Ward and what it imposes comes into play. I have no difficulty with the second half of it. And, Donna, you will notice that the reason so many are turned down is not the difficulties part of it; the problem is always the uniqueness. If it is sufficiently unique, we can make exceptions, but they make it difficult to find uniqueness. It's not unique because of the topography; it's difficult because of it; inconvenient because of it. There are no easy, logical answers because of it -- but it's not unique. I believe it's a good faith attempt on the part of the owner to do what he wants to do.

But I simply do not see uniqueness. The fact that there are smaller lots again makes common sense. It would not look different from other properties; but it still is not going to satisfy the uniqueness test which is an objective test. It is a burden placed on the Petitioner.

I went back over my notes; reviewed again the uniqueness; reviewed the testimony of those who testified - testimony relative to other properties in the area. It simply does not meet the criteria here; cannot find uniqueness; we do not have to go beyond that, as much as I think it makes sense. I agree with both of you -- there's simply not sufficient uniqueness here to trip the discussion to the second part of it all. Accordingly, it fails.

Any other comments?

HEB: I came here feeling that Exhibit 4 with the aerial photograph, which is a beautiful view -- felt all along it would be nice to ask a lawyer what legal requirements are in a particular situation -- but I do not have that opportunity. But when I looked at the land, the white fence coincides with the new boundary line -- seems to be 6/10 acre of land in that area that could have been added to the proposed parcel and still leave Mr. McGill's remaining 6 acres of land.

(At this point in the deliberation of this matter, the panel members reviewed together the various plans submitted in this case.)

The Petitioner has proposed here to provide a beautiful parcel of land to some person in the valley, but as it is now, I cannot see the variance being granted based on plan #2, as I see it.

LMS: There does appear to be sufficient land to redraw it some way. We are here to either approve what is presented or not. We have two exhibits; one does not require us to say anything; one does.

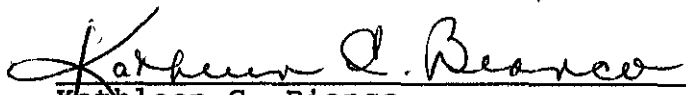
And the one that does, we have agreed that it does not meet Cromwell v. Ward, as most do not. It will therefore be denied.

The Board then unanimously finds that under Cromwell v. Ward, there has not been a sufficient show of uniqueness. Without touching on whether we believe that the project is appropriate, we therefore deny the variance request and the Board will issue a written opinion. Upon the date of the written Opinion and not today's date the right of appeal to the Circuit Court exists for either party.

We are adjourned.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Administrator

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

*Member of Maryland and
District of Columbia Bar*

July 14, 1997

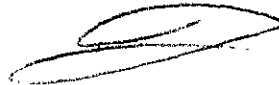
County Board of Appeals for
Baltimore County
Court House
Towson, Maryland 21204

RE: Robert L. McGill
Case No.: 97-177-A

Gentlemen/Ladies:

Please enter the appearance of the undersigned on behalf of Robert L. McGill in case number 97-177-A which is set for hearing on Thursday, July 17, 1997. Thank you.

Very truly yours,



FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Peter Max Zimmerman, Esquire

MICROFILMED

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 16 PM 5:30

*File noted
7-16-97*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE E. ~~DOAK~~-GAROLD CROSS & ETSEL, LTD

320 E. TOWNSHOWN BLVD. ^{TOWNSH} Mo 21286

ROBERT L. MCGILL JR.

12900 DULANEY VALLEY RD. ²¹⁰⁵⁷ GLEN ARM MD



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
November 8, 1996

FROM: R. Bruce Seeley *RBS/96*
DEPRM

SUBJECT: Zoning Item #177 - McGill Property
12900 Dulaney Valley Road
Zoning Advisory Committee Meeting of October 28, 1996

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

Environmental Impact Review

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Agriculture Preservation Review

The Baltimore County Agricultural Land Preservation Advisory Board reviewed the request for a "Reduced Acreage" farm at its October 9, 1996 meeting. At that meeting the Board found the remaining acreage of even 6.184 acre to insufficient to justify its recommendation to the Zoning Office as a farm operation.

The proposed reduction from the required 3 acre to 2.3 acre lot should, therefore, be reviewed for its impact on watershed protection.

It is recommended that calculations be provided to indicate that the proposed lot will have less than 10% impervious surfaces.

If this is the case and a decision is made to approved the request, it is recommended that a condition be placed on the lot that at no time in the future should improvements be undertaken which will result in a total imperviousness of greater than 10% of the property.

MICROFILMED

RBS:WL:sp

*B of A
People Co. #4*



1



2

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

97-177-A

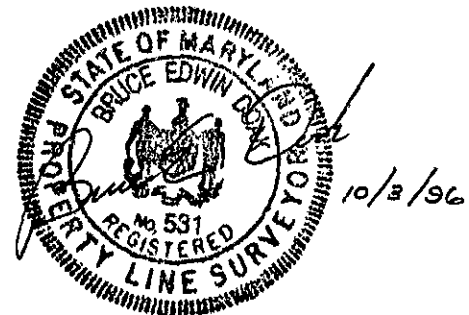
October 3, 1996

Zoning Description for 12900 Dulany Valley Road

Beginning at a point in the centerline of Dulany Valley Road, northeasterly 900 feet, more or less, from the intersecting centerline of Long Green Road, thence running from said point of beginning along the centerline of Dulany Valley Road, 1.) North 29 degrees 09 minutes 00 seconds East 492.00 feet, thence leaving said road and running the five following courses and distances viz: 2.) North 38 degrees 08 minutes 20 seconds West 516.51 feet, 3.) South 36 degrees 20 minutes 25 seconds West 888.65 feet, 4.) South 49 degrees 57 minutes 07 seconds East 304.60 feet, 5.) North 33 degrees 33 minutes 52 seconds East 299.58 feet, and 6.) South 50 degrees 00 minutes 28 seconds East 270.35 feet, to the point of beginning.

Containing 370,832 square feet or 8.513 Acres, more or less.

Note: This description is not for conveyance purposes and only fulfills the requirements of Baltimore County Office of Zoning.



177

mcgill.zde



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1 MED



Petition for Variance

97-177-A

to the Zoning Commissioner of Baltimore County

Tax Acc #10-16-075400

for the property located at

12900 DULANEY VALLEY ROAD

which is presently zoned R.C. 4

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)

1A03.4 - B - 1 - a. TO ALLOW A 2.329

ACRE LOT IN LIEU OF THE REQUIRED 3.00 ACRES.

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

SEE LETTER.

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.

I/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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s):

ROBERT L. MCGILL
(Type or Print Name)

Signature

BARBARA C. MCGILL
(Type or Print Name)

X Barbara C. McGill
Signature

12900 DULANEY VALLEY RD. 592-6130
Address Phone No

GLEN ANN MD 21057
City State Zipcode

Name, Address and phone number of representative to be contacted

BRUCE DOAK

GERHOLD CROSS & ETZEL, LTD

SUITE 100
320 E. TOWSON TOWN BLVD 823-4470
Address TOWSON MD. 21286 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: Jum DATE 10-15-96

ORDER RECEIVED FOR FILING

Date 11/14/96



Printed with Soybean Ink
on Recycled Paper



177



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6

CERTIFICATE POSTING

RE: Case No.: 97-177-A

Petitioner/Developer: ROBERT MCGILL, ET AL.

Date of Hearing/Closing: NOV. 14, 1996

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #12900 DULANEY

VALLEY ROAD

The sign(s) were posted on OCT. 25, 1996
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 11/1/96
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD 21030
(City, State, Zip Code)

666-5366
(Telephone Number)

ZONING NOTICE

Case # 97-177-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE SIGN IN 10-15 DAYS
BEFORE HEARING

DATE: OCT. 25, 1996
VARIANCE

523 PENNY LANE
HUNT VALLEY, MD 21030

FOR VARIANCE FROM
ZONING ORDINANCE

SEE THE ZONING COMMISSIONER
FOR MORE INFORMATION

FOR VARIANCE FROM
ZONING ORDINANCE

SEE THE ZONING COMMISSIONER
FOR MORE INFORMATION

FOR VARIANCE FROM
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ZONING ORDINANCE

SEE THE ZONING COMMISSIONER
FOR MORE INFORMATION



7



8

MICROFILMED



County Board of Appeals of Baltimore County

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

July 17, 1997

NOTICE OF DELIBERATION

Having concluded this case on July 17, 1997, the County Board of Appeals scheduled the following date and time for deliberation at the conclusion of the case in the matter of:

ROBERT L. MCGILL, ET UX -Petitioners
CASE NO. 97-177-A

DATE AND TIME : Thursday, August 28, 1997 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE TO COUNSEL : As requested by the Board, Briefs are due (Original and 3 copies) on Friday, August 8, 1997.

Kathleen C. Bianco
Legal Administrator

cc: Appellant : People's Counsel for Baltimore County

Counsel for Petitioners : Francis X. Borgerding, Jr., Esquire
Petitioner : Mr. and Mrs. Robert L. McGill
Bruce Doak /Gerhold, Cross & Etzel

Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, Co Atty

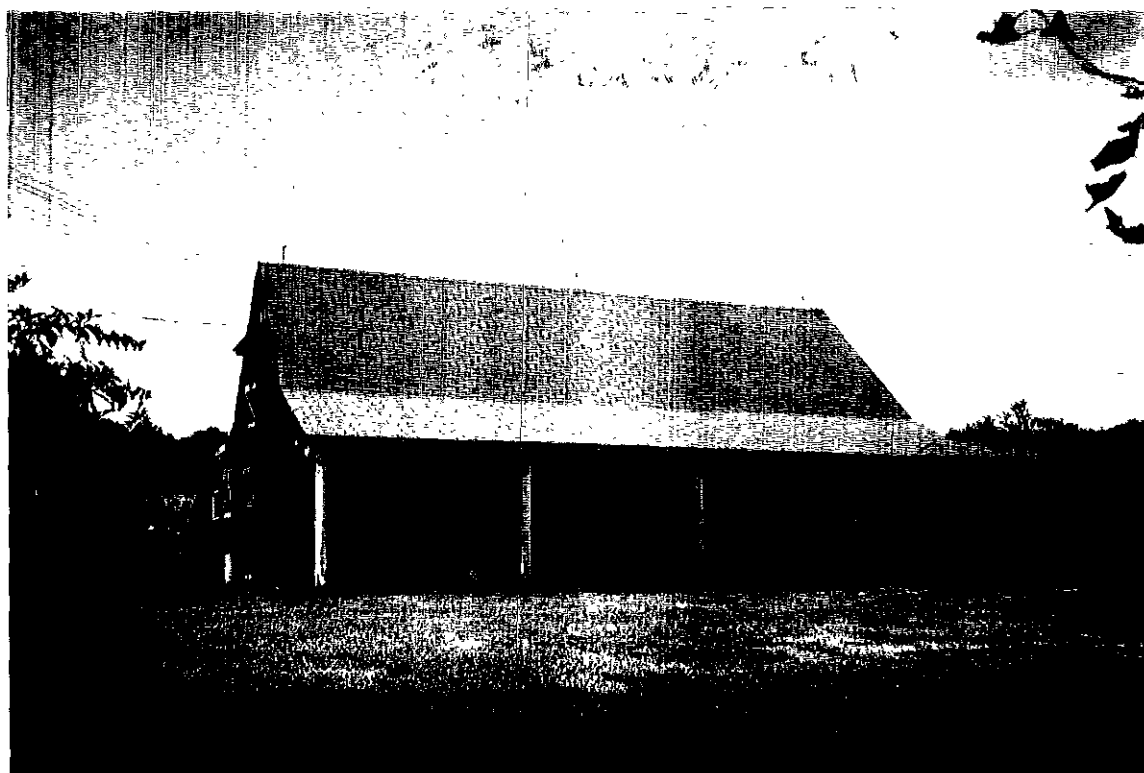
COPIED: L.F.B.

21801





#9



#10

1 17D

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

TOWNSHIP

BRUCE E. DOAK - GERRARD CROSS & EISEL, LTD 320 E. TOWNSHIP BLVD. MO 21286
ROBERT L. MCGILL JR. 12900 DULANEY VALLEY RD. GLEN ARM MD 21057





11



12

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary

Parker F. Williams
Administrator

10-26-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 177 (JCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



13



A 14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 4, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 177, 183, 184, 186, 189, 190, 191, 192, 194, and 195

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

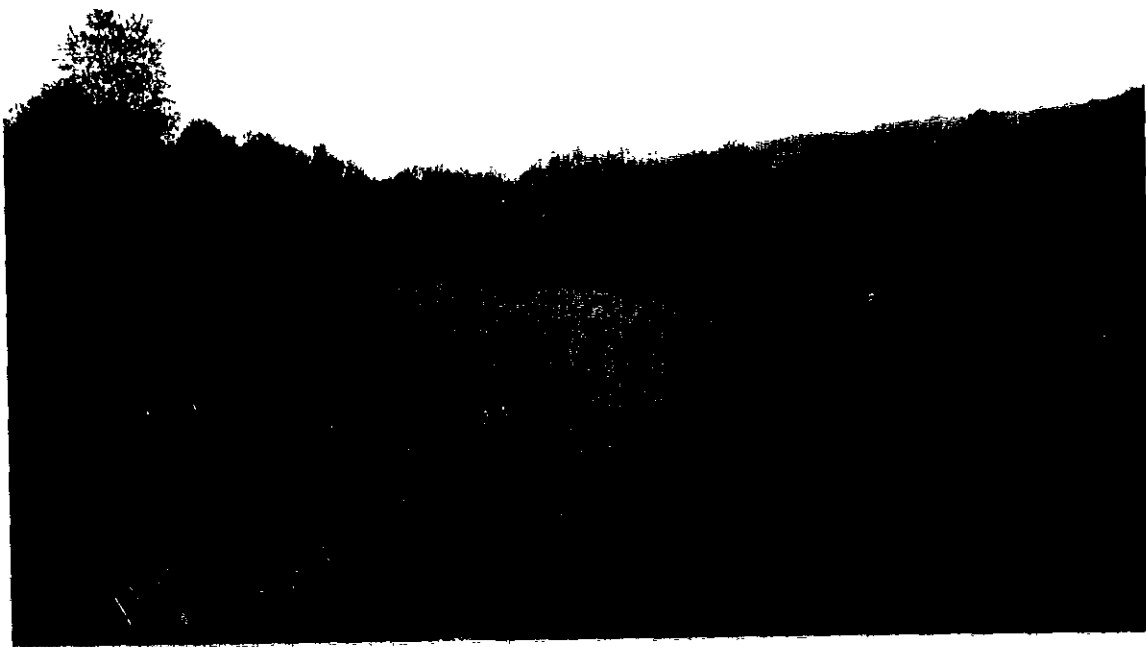
Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Burns

PK/JL



15



16

MICROFILMED

John H. ...

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 6, 1996

FROM: *PWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 4, 1996
Item Nos. 175, 176, 177, 178, 180,
181, and 182

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE35



17



18

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/24/96

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF OCT. 28, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

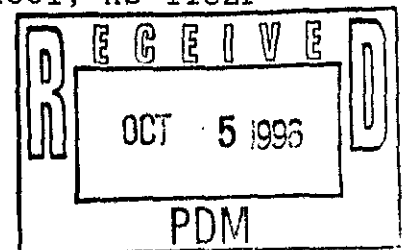
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 176, 177, 178, 180
AND 181.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





9



#20

MICROFILMED

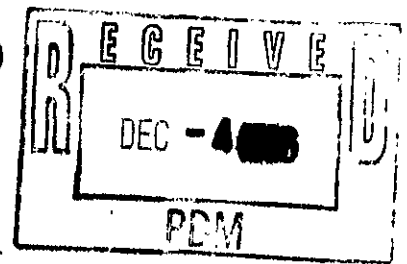


Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188



PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 4, 1996

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR VARIANCE
12900 Dulaney Valley Road, NW/S Dulaney
Valley Rd, 900'+/- from c/l Long Green Rd
10th Election District, 6th Councilmanic
ROBERT AND BARBARA MCGILL, Petitioners
Case No. 97-177-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated November 14, 1996 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Robert and Barbara McGill

Bruce E. Doak
Representative for Petitioners



#21

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 15, 1996

Mr. and Mrs. Robert McGill
12900 Dulaney Valley Road
Glen Arm, MD 21057

RE: Item No.: 177
Case No.: 97-177-A
Petitioner: Robert McGill, et ux

Dear Mr. and Mrs. McGill:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 15, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



LONG GREEN VALLEY ASSOCIATION

*Proffler Co.
Z/L #5*

RESOLVED: That the position of the Long Green Valley Association as adopted by the Board of Directors on the zoning matter known as:

**PETITION FOR VARIANCE
Robert L. MGill, et ux, Petitioners**

(12900 Dulaney Valley Road)

CASE NO. 97-177-A

is that:

The Association is in opposition to granting variance in RC4 Zone in the above-referenced case. [Cromwell v. Ward 102 Md App 691 (1995)].

AS WITNESS OUR HANDS AND SEAL THIS 16th day of July, 1997.

ATTEST:

LONG GREEN VALLEY ASSOCIATION

Charlotte W. Price

President

Carol Drela

Secretary

MICROFILMED

LONG GREEN VALLEY ASSOCIATION

RESOLVED: That at the Annual meeting of the Long Green Valley Association held on April 14, 1997, it was decided by the Association that responsibility for review and action on all zoning matters for the period one year be placed in the Board of Directors consisting of the following members:

ALL PERSONS ON ATTACHED LIST

AS WITNESS OUR HANDS AND SEAL THIS 16 day of July, 1997.

ATTEST:

LONG GREEN VALLEY ASSOCIATION

Charlotte W. Pine
President

Carol Treloar
Secretary

NAME	OFFICE	STREET	CITY	STATE	ZIP	HOME PHONE	WORK PHONE	TERM	EXPIRES
Edward L. Blanton, Jr.	Ex Officio	5025 Long Green Road	Glen Arm	MD	21057	592-6284	296-8160		
Nancy Boyce		5912 Glen Arm Road	Glen Arm	MD	21057	592-2831		1999	
Sally Buck		12722 Long Green Pike	Hydes	MD	21082	592-9570	633-8110	1999	
Michael Cordes		5530 Glen Arm Road	Glen Arm	MD	21057	592-3792		1998	
Robert Deford	Ex Officio	12820 Long Green Pike	Hydes	MD	21082	472-4960	592-5015		
Catherine Ebert		12815 Kanes Road	Glen Arm	MD	21057	592-2381		2000	
Susanne Emory		5525 Glen Arm Road	Glen Arm	MD	21057	592-9288		2000	
Katherine Gabriel	Vice President	12601 Long Green Pike	Glen Arm	MD	21057	592-8087		2000	
Elizabeth Hartline		5430 Patterson Road	Hydes	MD	21082	592-8162		1998	
Denise McCloskey		5300 Hydes Road	Hydes	MD	21082	592-2996		2000	
Sally Millermann		13009 Bottom Road	Hydes	MD	21082	592-3588		1998	
Helen Mitchell		4523 Long Green Road	Long Green	MD	21092	592-6508		1999	
Charlotte Pine	President	607 Baltimore Avenue	Towson	MD	21204		823-5200	1998	
Bartlett Regan		6037 Church Lane	Hydes	MD	21082	592-5867		1999	
Michael Reier		11909 Long Green Pike	Glen Arm	MD	21057	592-9045	581-1101	1998	
Carol Trella	Secretary	5433 Patterson Road	Baldwin	MD	21013	592-3956		1999	
John T. Vance III	Treasurer	13333 Long Green Pike	Baldwin	MD	21013	592-2970		2000	

May 15, 1997



AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, ss:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors of the Long Green Valley Association.

July 16, 1997
Date

LONG GREEN VALLEY ASSOCIATION

ATTEST:

Charlotte A. Fune
President

Coral Treloar
Secretary

DATE: July 16, 1997

From: BALTIMORE COUNTY, MARYLAND

Gayle Parker

MESSAGE

- (1) PC-4 should attempt to reduce the amount of impervious surfaces. Recommend moving proposed house site for lot #1 to the middle of front pasture and both lots share existing drive.

Signed _____

REPLY

- (2) label pines - ex 1A, 1B
- (3) send to GWM for review - Additional comments if any will follow
- (4) Dredging/Tank removal.

Signed _____

White - Recipient's Reply

Yellow - Recipient's File

CPS-009 Pink - Originator / File / Follow Up

Reply Message

PETITIONERS BEFORE GME

BOARD OF APPEALS #7

FOR IDENTIFICATION

MICROFILMED

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 20, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File: Case No. 97-177-A
Robert L. McGill, et ux

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-177-A)

MICROFILMED

~~Deb W~~
~~Mary~~

(K)

Mrs. Eberle

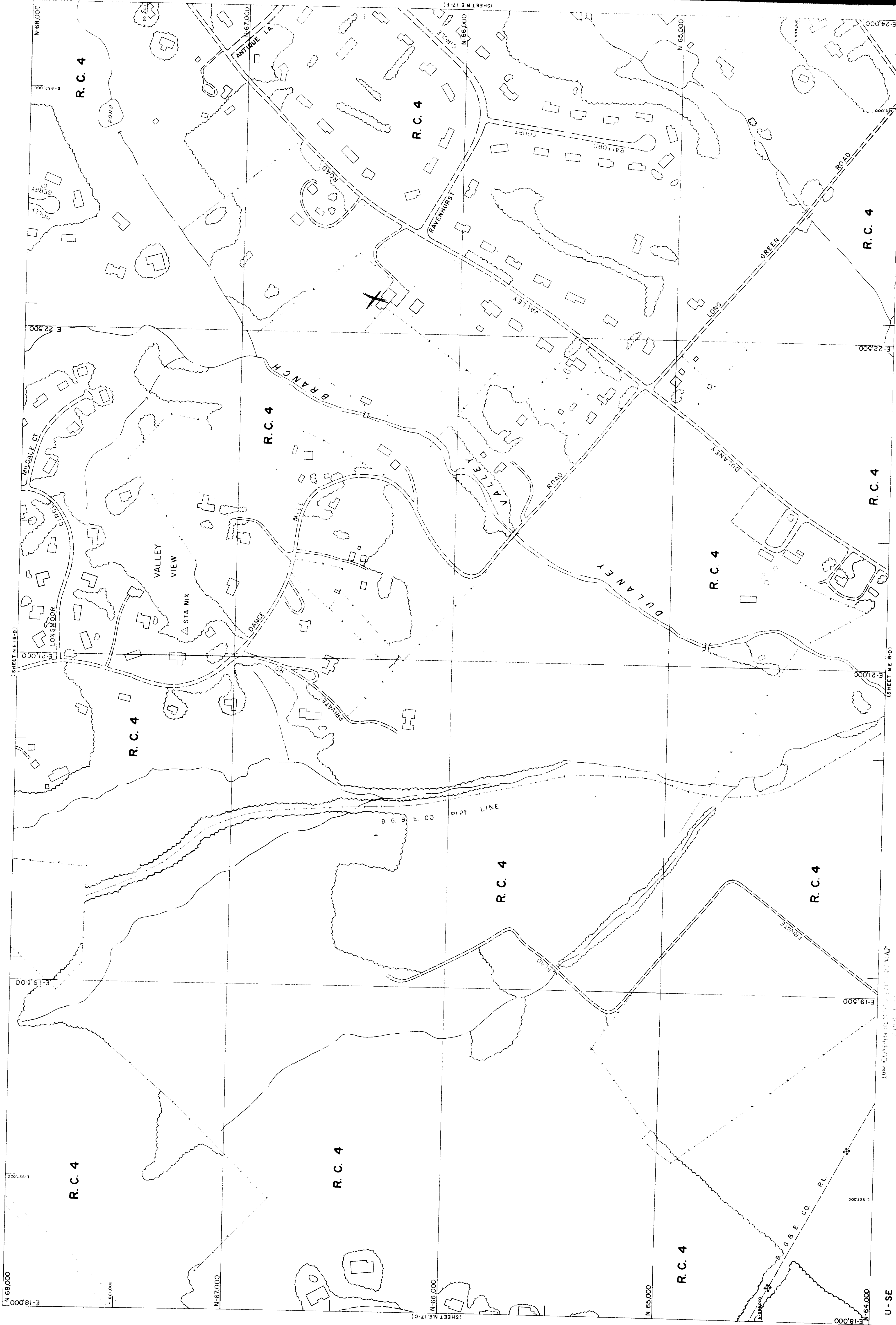
#410-821-7328

Re: Your discussion
Yesterday

~~#10-~~

MICROFILMED 1-937-0134

Chris Eberle

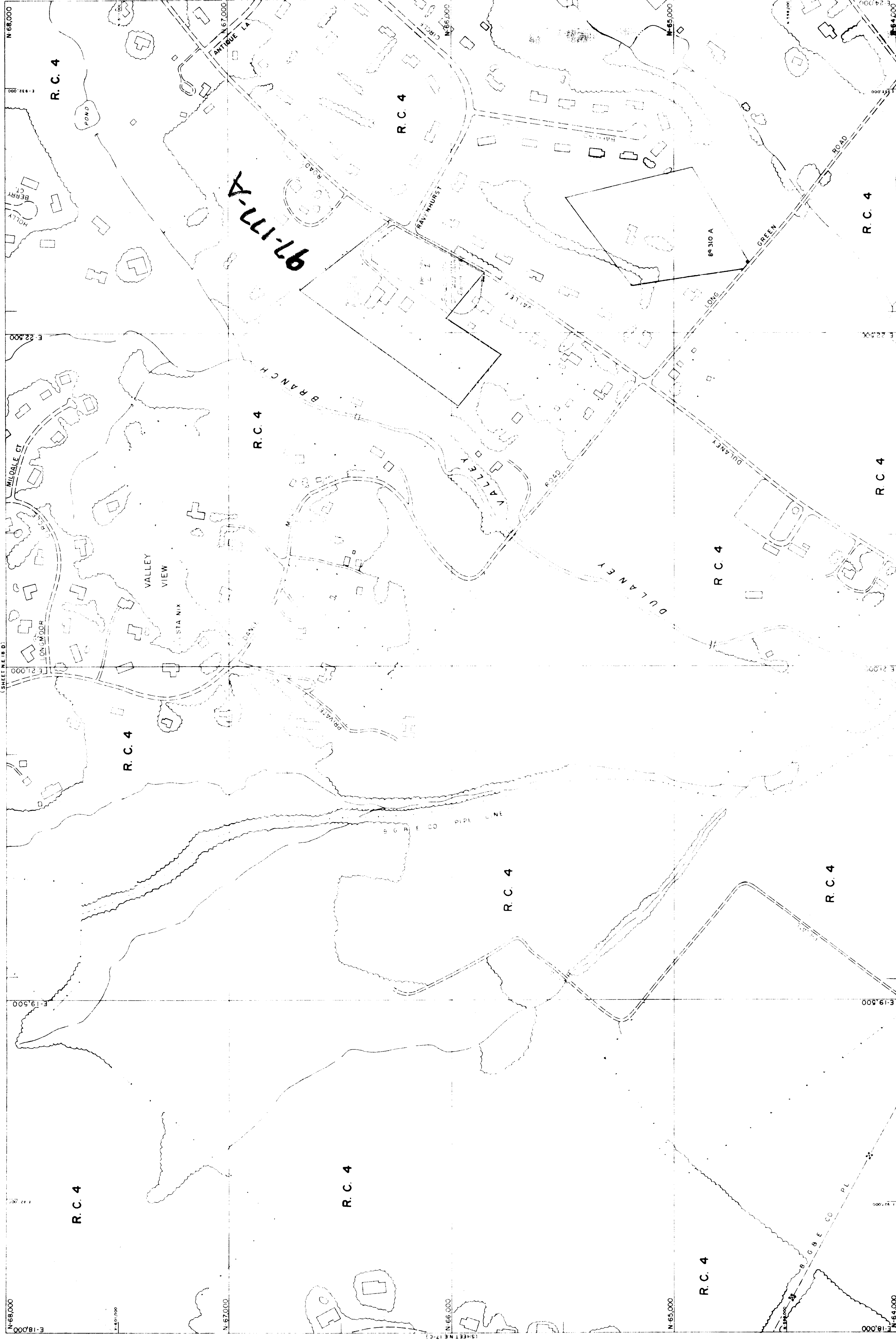


**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION DULANEY VALLEY AND DANCE MILL ROADS	SHEET N.E. 17-D
DATE OF PHOTOGRAPHY JANUARY '986		

MICROFILMED

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Del. J. H. [Signature]
Chairman, County Council

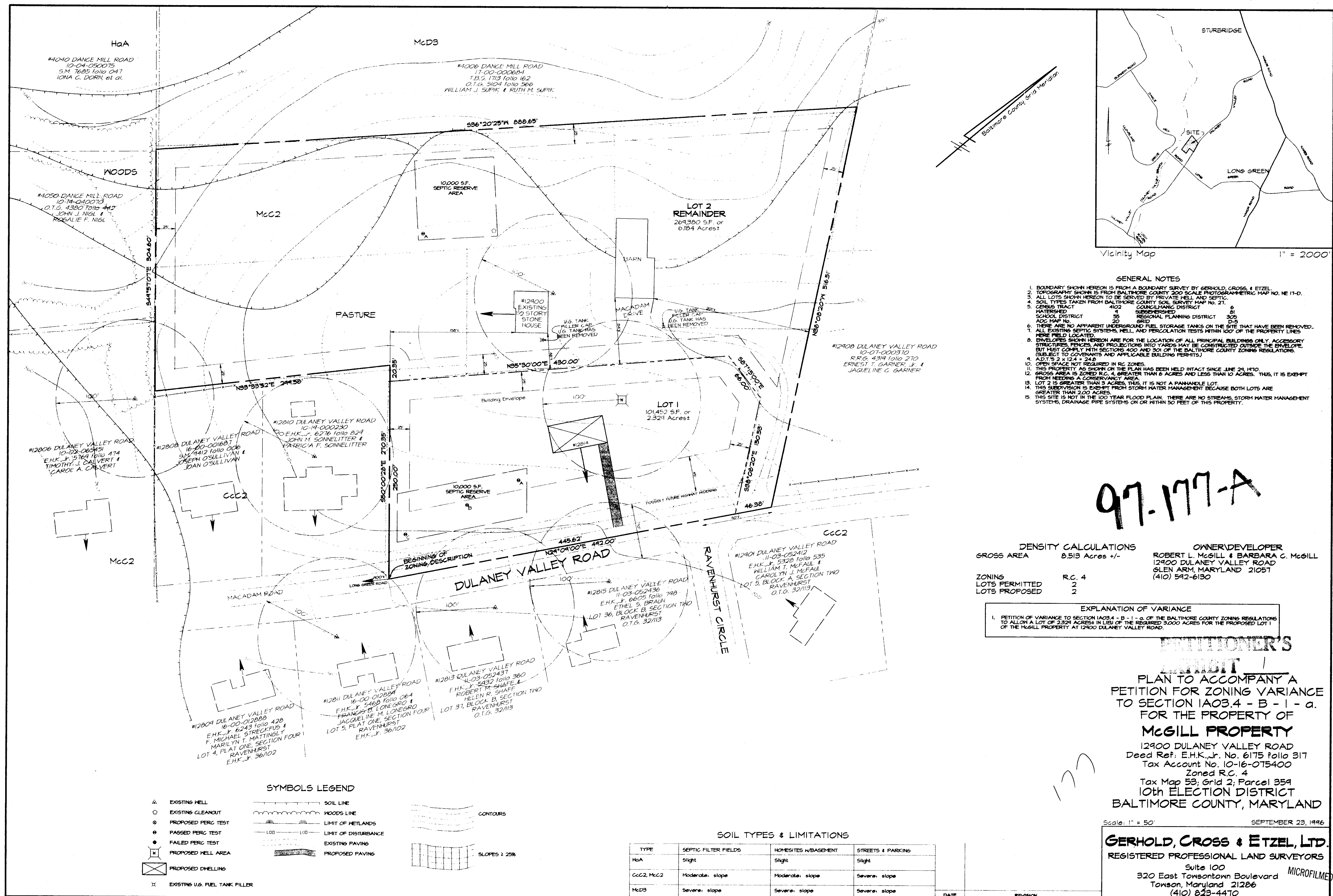
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 282-92, 283-92, 284-92, 285-92, 286-92, 287-92, 288-92, 289-92

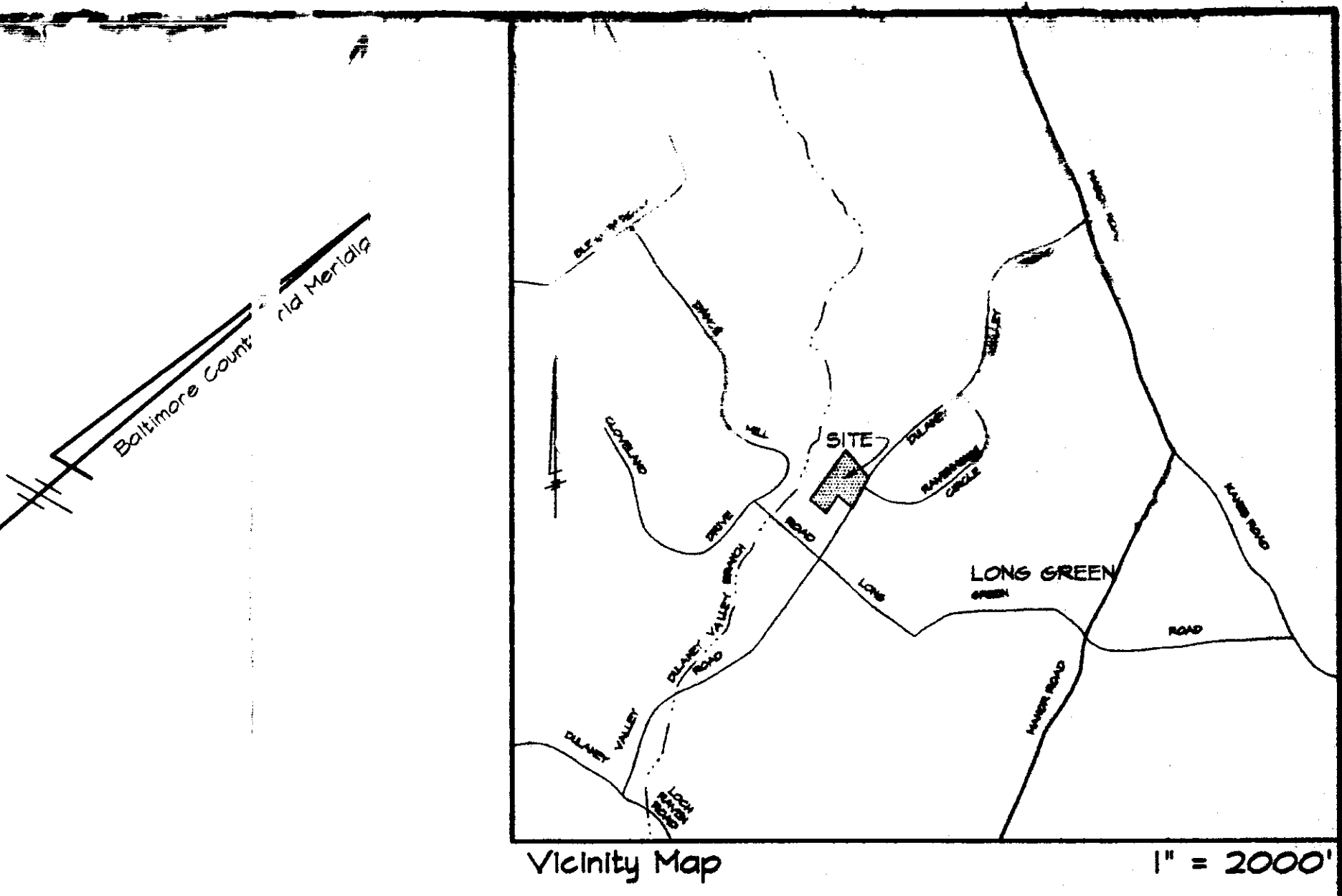
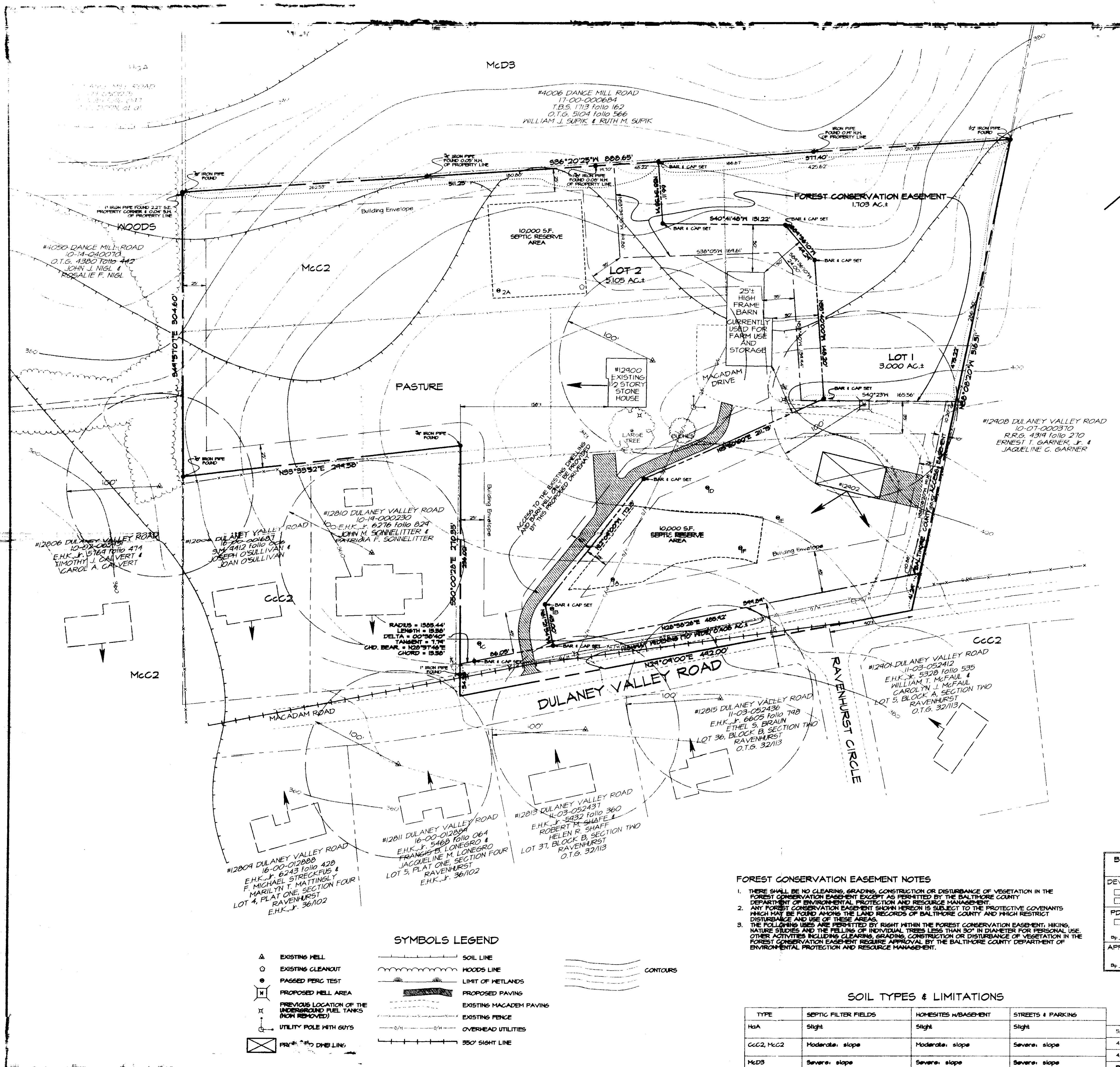
William J. Thurnher
Chairman, County Council

SCALE 1" = 200'	LOCATION DULANEY VALLEY AND DANCE MILL ROADS
DATE OF PHOTOGRAPHY JANUARY 1986	SHEET N E D

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

MICROFILMED





- [illegible]

DENSITY CALCULATIONS

GROSS AREA	8.513 Acres +/-
HIGHWAY WIDENINGS	0.400 Acres +/-
NET AREA	→ 8.108 Acres +/-
ZONING	R.C. 4
LOTS PERMITTED	6 Ac. to 10 Ac. = 2
LOTS PROPOSED	2

OWNER/DEVELOPER
ROBERT L. MCGILL & BARBARA C. MCGILL
12900 DULANEY VALLEY ROAD
GLEN ARM, MARYLAND 21057
(410) 592-6130

97-019-M
MINOR SUBDIVISION
OF THE

MCGILL PROPERTY
12900 DULANEY VALLEY ROAD
Deed Ref: E.H.K., Jr. No. 6173 folio 317
Tax Account No. 10-16-075400
Zoned R.C. 4
Tax Map 58, Grid 2; Parcel 359
10th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 50' FEBRUARY 07, 1997

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsendton Boulevard
Towson, Maryland 21286
(410) 835-4470

PETITIONER: EXHIBIT #3

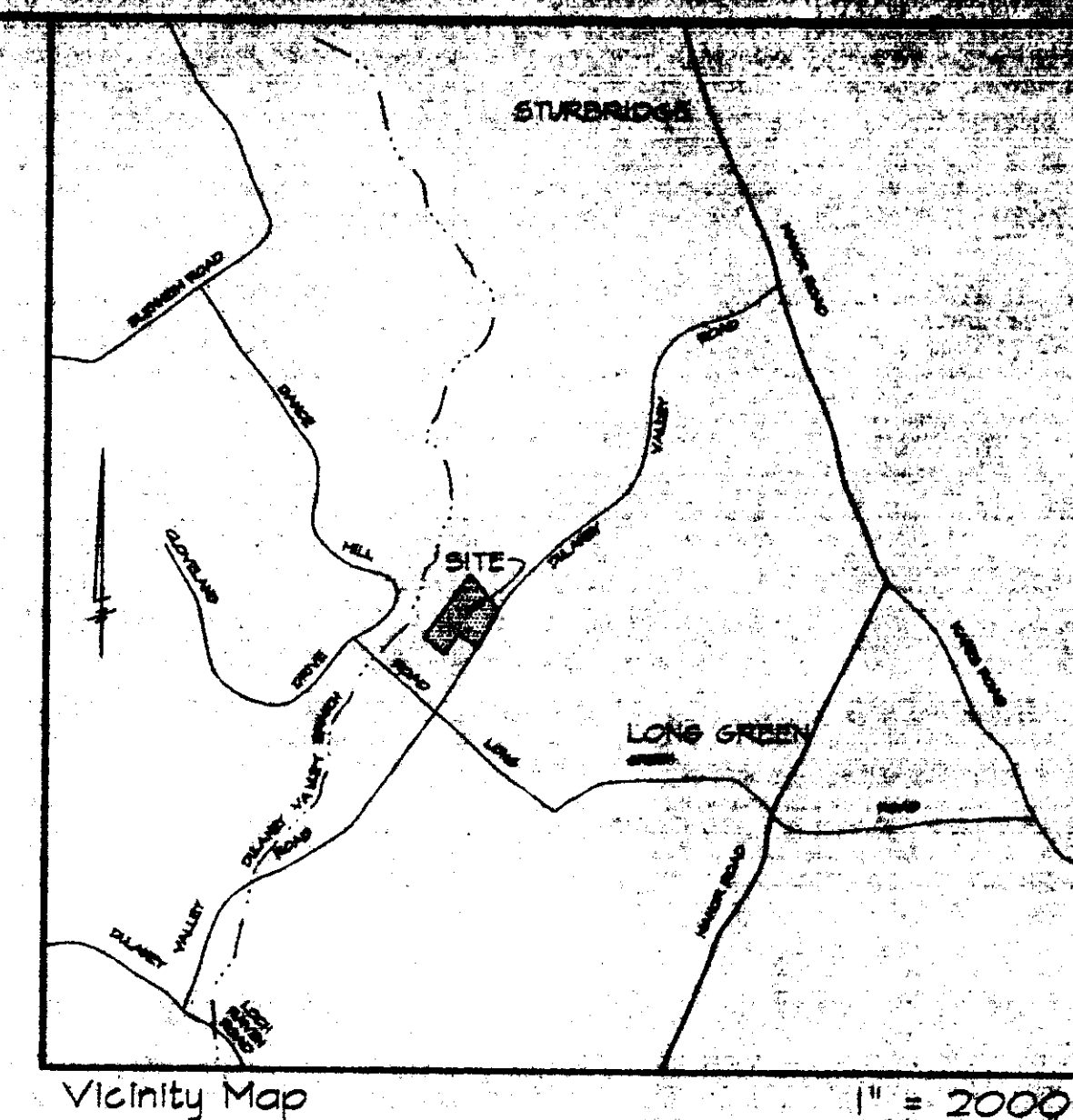
BALTIMORE COUNTY MINOR SUBDIVISION	
Project No. _____	
DEVELOPMENT REGULATIONS	
☐	Exempt from Division 2
☐	Parhandle, exempt from Sections 26-202 & 26-206
PDM CERTIFICATION	
☐	Approved
☐	Disapproved
By: _____	Date: _____
APPROVED, DEPRM	
By: _____	Date: _____

FOREST CONSERVATION EASEMENT NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS AND RESTRICTIONS OF THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND USE OF THESE AREAS.
3. THERE SHALL BE NO CONSTRUCTION OF ANY STRUCTURE OR RIGHT WITHIN THE FOREST CONSERVATION EASEMENT, INCLUDING DISTURBANCE STUDIES AND THE FELLING OF INDIVIDUAL TREES LESS THAN 30" IN DIAMETER FOR PERSONAL USE, UNLESS THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT APPROVES THE FOREST CONSERVATION EASEMENT REQUIRE APPROVAL BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/ BASEMENT	STREETS & PARKING
HA-A	Slight	Slight	Slight
CC-C2, MC-C2	Moderate: slope	Moderate: slope	Severe: slope
MC-D3	Severe: slope	Severe: slope	Severe: slope

5/23/97	F.C.E. PER THE F.C.P. PROVIDED BY OTHERS
4/28/97	PER LOT STAKEOUT
4/03/97	PER 1st REVIEW COMMENTS
DATE	REVISION



GENERAL NOTES

1. BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GEORGE L. CRUSE, JR., ET AL.
2. TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY SOIL MAP PHOTOAERIAL MAPPING MAP NO. 1E-170.
3. ALL LOTS SHOWN ARE SUBJECT TO THE BALTIMORE COUNTY ZONING ORDINANCE.
4. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 27.
5. CONSERVATION TRACT #402 COUCHMAN'S HILLS
6. MAINTENANCE DISTRICT #8 REGIONAL PLANNING DISTRICT #5
7. SCHOOL DISTRICT #9
8. THERE ARE NO APPARENT RECORDING OF ANY EASES OR RIGHTS IN THE SITE THAT HAVE BEEN RECORDED.
9. ALL STREETS SEPTIC SYSTEMS, WELL AND REMEDIATION NOTICES INTERFERED ON THE PROPERTY LIES
10. DIVISION OF PUBLIC WORKS AS FOR THE LOCATION OF ALL PUBLIC WATER MAINS OR ANY ACCESSORY
11. ENGINEERING DESIGNERS AND ARCHITECTS SHALL BE ADVISED THAT THIS INFORMATION IS FOR REFERENCE ONLY BUT MUST COMPLY WITH ALL CITY CODES AND REGULATIONS AND THE BALTIMORE COUNTY ZONING ORDINANCE.
12. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)
13. OPEN SPACE NOT REQUIRED IN RC-ZONE
14. ILLUSTRATION OF THE LOT HAS BEEN OBTAINED FROM DETROIT SOURCE, SOME 10' TO 15'
15. DRAINAGE AREA OF THE LOT IS APPROXIMATELY 1.5 ACRES. THIS IS BASED UPON
16. FROM MEASURED CATCHMENT AREA. IT IS NOT A PARMANABLE LOT BECAUSE BOTH LOTS ARE
17. THIS SUBDIVISION IS SUB-DIV FROM STORM WATER MANAGEMENT BECAUSE BOTH LOTS ARE
18. GREATER THAN 2.00 ACRES.
19. THIS SITE IS NOT SUITABLE FOR FLOOD PLAIN, THERE ARE NO STREAMS, STORM WATER MANAGEMENT
20. SYSTEMS, DRAINAGE PIPE SYSTEMS OR ON METRIC 30 FEET OF THE PROPERTY.

DENSITY CALCULATIONS

GROSS AREA 8.513 Acres +/-

ZONING R.C. 4

LOTS PERMITTED 2

LOTS PROPOSED 2

EXPLANATION OF VARIANCE

1. PETITION OF VARIANCE TO SECTION 1402.4 - B - 1 - c. OF THE BALTIMORE COUNTY ZONING ORDINANCE TO ALLOW A LOT OF 2.329 ACRES IN LOT OF THE REMAINDER 8.000 ACRES FOR THE PROPOSED LOT 1 OF THE MCGILL PROPERTY AT 12400 DULANEY VALLEY ROAD.

PLAN TO ACCOMPANY A
PETITION FOR ZONING VARIANCE
TO SECTION 1A03.4 - B - 1 - d.
FOR THE PROPERTY OF

McGILL PROPERTY
12900 DULANEY VALLEY ROAD
Deed Ref. E.M.K. 1/14/61 151-101-101
Tax Account No. 101-101-101
Zoned R.C.
Tax Map 20-01-01-101-101-101
10th ELECTION DISTRICT

BALTIMORE

Scale: 1" = 50'

GERHOLD, CROSS & FETTER, LTD.

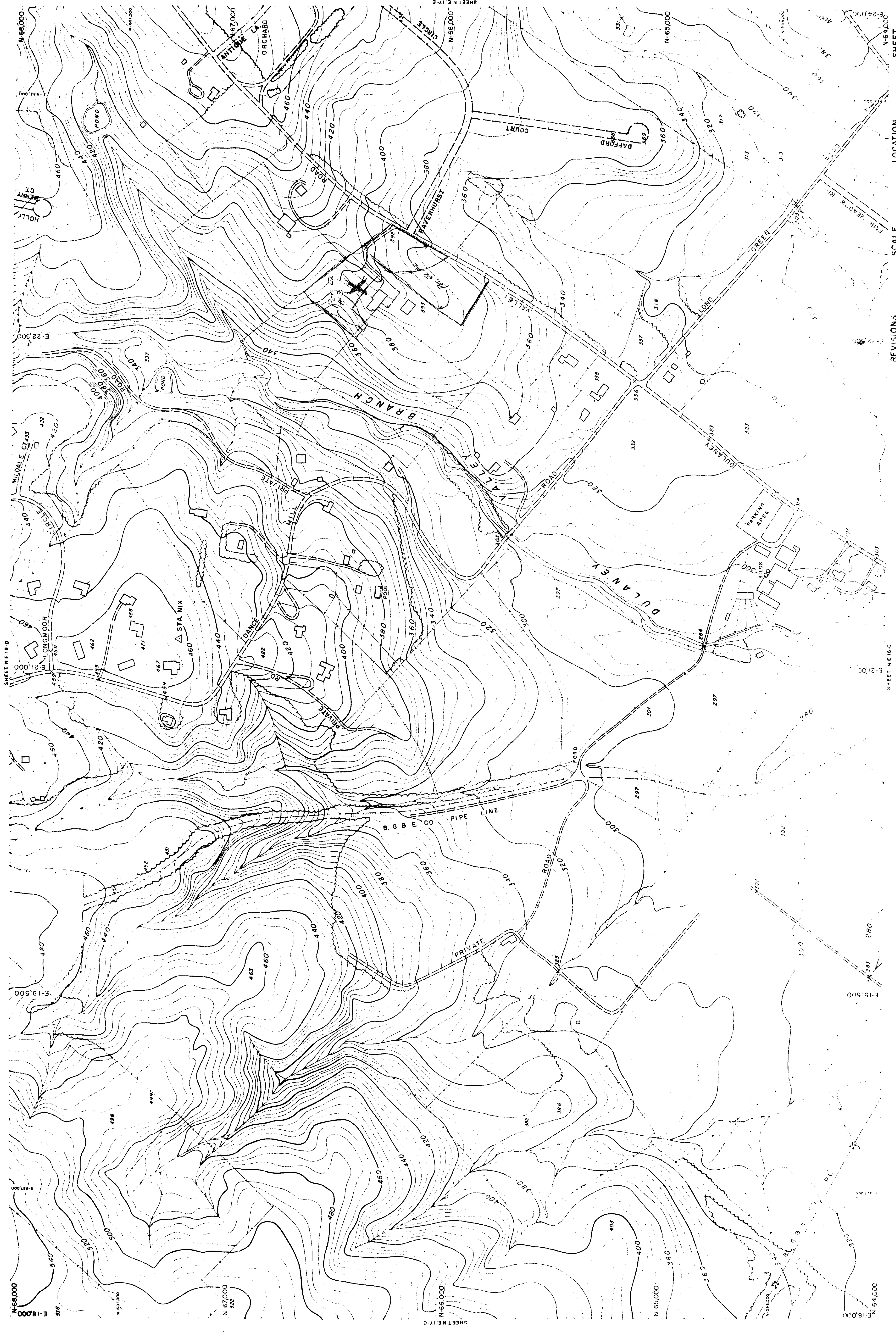
REGISTERED PROFESSIONAL LAND SURVEYORS
3054 172ND AVE. NW
320 East Thompson Way, Suite 200
Tonawanda, New York 14224

PENTAGON : [REDACTED]



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

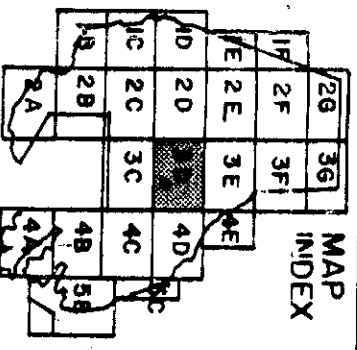
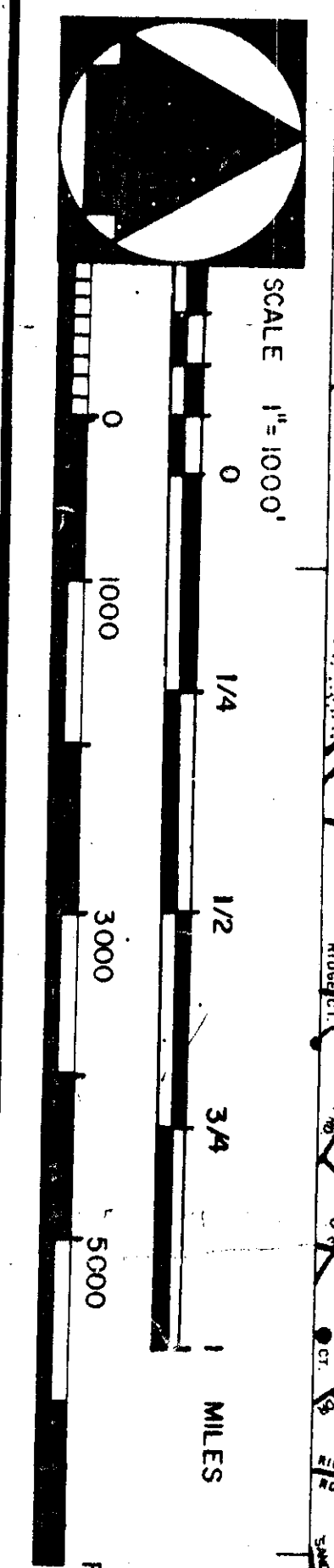
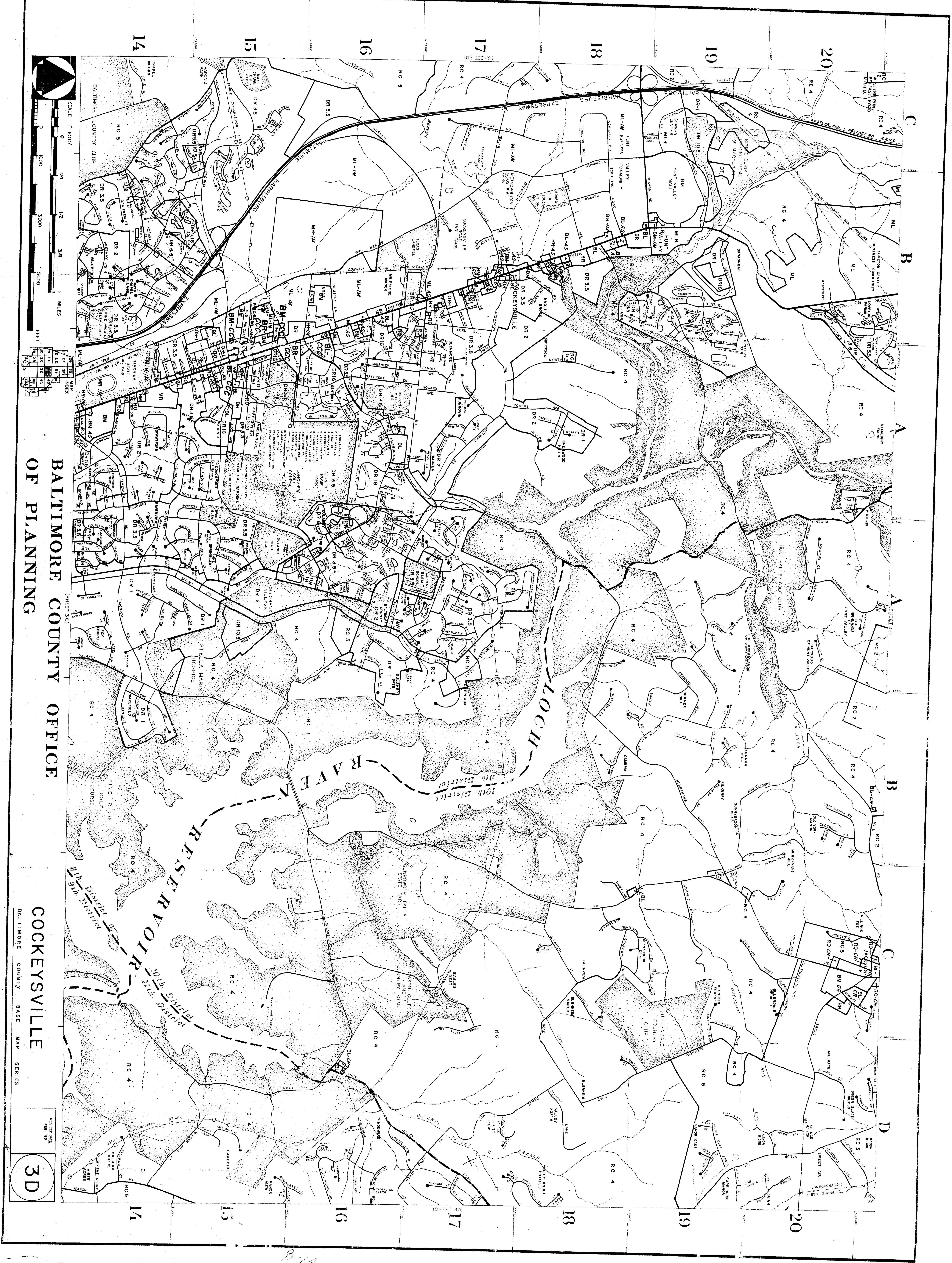
SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986		DULANEY VALLEY AND DANCE MILL ROADS	N.E. 17-D MICROFILMED



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

REVISIONS
DATE
SCALE 1" = 200'
LOCATION
SHEET
DULANEY VALLEY AND
DANCE MILL ROADS
17-D
N.E.
MICROFILMED

Topography Corp. 347 Photogrammetric Methods
Maple, N.C. 27550, U.S. Army, 22, MARYLAND



BALTIMORE COUNTY OFFICE
OF PLANNING

COCKEYSVILLE

BALTIMORE COUNTY BASE MAP SERIES

RECEIVED DATE
FEB 95
3D

B-1A
R-2

MICROFILMED

