

IN RE: DEV. PLAN HEARING & PETITIONS	*	BEFORE THE
FOR SPECIAL HEARING & VARIANCE		
N of Weisburg Road, E & W/S of	*	HEARING OFFICER/ZONING
Graystone Road		
(Graystone Farms Estate)	*	COMMISSIONER
7th Election District		
3rd Councilmanic District	*	FOR BALTIMORE COUNTY
C.H. Acquisition, LLC, Property Owner,		
Developer/Petitioner	*	Case Nos.VII-321 & 97-218-SPHA
* * * * *		* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined hearing, pursuant to Section 26-206.1 of the Baltimore County Code. This case was scheduled for public hearing to consider the development plan proposed for the project known as Graystone Farms Estate, a development of 34 single family dwellings located in northern Baltimore County. In addition to development plan approval, which is sought pursuant to the development regulations codified in Title 26, Article V of the Baltimore County Code, the Developer/Petitioner also seeks zoning relief. Specifically, a Petition for Special Hearing and Petition for Variance was filed. The Petition for Special Hearing seeks relief to allow a conservancy area comprised of two noncontiguous, conservancy tracts and separate ownership separated by a road, including a building lot in a conservancy parcel as permitted by Section 1A03.4.B.1.b.(1), 1A03.5.C.2, and 1A03.5.A.1 of the Baltimore County Zoning Regulations (BCZR). Zoning variance relief is requested to approve a community identification sign of 46 sq. ft. in lieu of the permitted 15 sq. ft. in Section 413.1.E. of the BCZR. A second variance, from Sections 101, 400.1 and 400.3 of the BCZR is also requested to allow former farm buildings to remain as accessory structures larger in area than a dwelling, located in the front and side of the lot, and with a height of 35 ft.; in lieu of the requirements that same be subordinate structures, located in the rear yard and be not more

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By Mr. [Signature]

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than 15 ft. in height, respectively. All of the subject property and requested relief is more particularly shown on Petitioner's Exhibits No. 1A and 1B, the two page development plan.

As to the history of the project through the Development Review Process, an original Concept Plan was submitted on August 19, 1996. Thereafter, on September 10, 1996, a Community Input Meeting was conducted at the Weisburg United Methodist Church in White Hall. Due to the complexity of the project, a second Community Input Meeting was conducted on September 24, 1996 at the same location. Ultimately, on December 18, 1996, the development plan was submitted. Originally, the matter was scheduled for public hearing on January 10, 1997. However, that hearing date was postponed and the matter was rescheduled for February 20, 1997. At that time, the Developer advised that negotiations were ongoing with a number of residents of the community. In an effort to allow a reasonable period of time for these negotiations to be successfully completed, the matter was, again, postponed. The actual hearing on the case began on March 12, 1997. Testimony and evidence was taken over several hearing days and counsel were given an opportunity to submit a memorandum, due on or before April 4, 1997. Memoranda were received on that date and the record of the case closed at that time.

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J. B. Gontrum
Appearing at all or parts of the hearing conducted for this case were Armando Cignarale, Tom Faust, and Joseph Maranto, on behalf of C.H. Acquisition, L.L.C., property owner/Developer. Appearing in support of the Petition and as preparers of the plan were Alan Scoll and David Thaler, from D.S. Thaler and Associates, Inc., the engineers, landscape architects and consultants retained by the Developer/Petitioner in this case. Ernest Shepp, a storm management expert also appeared from that firm. The Developer/Petitioner was represented by John B. Gontrum, Esquire. A group of

neighbors in the community were represented by J. Carroll Holzer, Esquire. These included Allen Moore and Ray Bourland, both of whom appeared on several of the hearing dates. Ultimately, one of the neighbors, W. Clay Peterson, who resides immediately next door, retained his own counsel, Kathleen S. Skullney, Esquire, and C. Victoria Woodward, Esquire of Woodward and Skullney, Attorneys at Law. Mr. Peterson frequently attended the hearings and also participated.

Also appearing at the hearing were representatives of the various Baltimore County agencies which evaluated the project. Among those testifying included Timothy Fitts, the Project Manager, John Lewis, from the Dept. of Permits and Development Management, Bob Bowling, Development Plans Review, from the Office of Permits and Development Management (PDM), Eric Rockel and Ron Goodwin from the Bureau of Land Acquisition, R. Bruce Seeley, Edward Schmaus and Wallace Lippincott, from the Department of Environmental Protection and Resource Management (DEPRM), and Lynn Lanham, from the Office of Planning.

A general overview of the subject property and proposal is appropriate. The site is 173.5 acres, entirely zoned R.C.4. The property is located in the rural community known as White Hall, in northern Baltimore County. The property is transected by Graystone Road which divides the tract into two pieces, one on the north side of that road and the other on the south side. Presently, the property is largely unimproved. At one time, a portion of the property was in active agricultural use. A significant portion of the property contains steep slopes and is wooded.

As noted above, the property is zoned R.C.4.; a resource conservation zoning classification designed to protect the water resources of Baltimore County. The R.C.4 zoning regulations require a cluster of development on any particular tract and the retention of a conservancy area. The conser-

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By J. M. Morale

vancy area is to be a minimum of 70% of the tract's acreage and is to be left undeveloped. It is the intent of the R.C.4 zoning regulations to cluster any development within a particular portion of the site, while leaving large environmentally sensitive parts of the parcel undisturbed.

The subject plan, in fact, calls for a clustering of development. The total project will include 34 single family dwellings. Twenty-nine of those dwellings will be located on the north side of Graystone Road and are laid out in an area adjacent to that roadway, as more particularly shown on the development plan. There are five lots located on the south of Graystone Road. Moreover, the plan does show a conservancy area which equals 70% of the acreage. This conservancy area totals 121.5 acres. It is primarily comprised of a large contiguous area which is 71.8 acres located on the northwest side of the property. There is also a second large area, comprised of 44.2 acres, located on the south side of the tract. The balance of the conservancy area is made up of three homeowners association maintenance areas which are located within that portion of the property which will be developed. The above description is but a synopsis of the proposed plan.

As noted above, this plan and hearing was the subject of significant community participation. In this regard, a number of the neighbors in the surrounding locale, and represented by Mr. Holzer, negotiated an agreement with the Developer/Petitioner which these parties wish to be included in any approval/Order issued by this Hearing Office/Zoning Commissioner.

That agreement (Joint Exhibit No. 1) relates to a number of the issues of concern to this group of neighbors within the community. Generally, these neighbors are interested in reducing the impact of the project on adjacent properties and the rural character of the vicinity. If the terms of that

agreement are adopted, these neighbors conditionally support the proposal. Mr. Peterson, however, is not a party thereto and opposes the project.

The primary issue raised by Mr. Peterson is the impact of Section 26-167(b) of the Baltimore County Code on the plan. In fact, this section was the primary focus of both Mr. Peterson's and the Petitioner's memorandums which were submitted subsequent to the hearing.

The development regulations for Baltimore County are codified in Article V of Title 26 of the Baltimore County Code. Those development regulations are contained within Sections 26-166 thru 26-305 of the Code.

Section 26-166 of the Code contains the development policies for Article V. It sets forth the vision of the regulations. Section 26-167 of the Code is similar in nature; in that it sets forth the purposes of the regulations. Section 26-167(b) states, "Compliance with the development regulations hereinafter set forth and the comprehensive manual of development policies shall be deemed the fulfillment of the development policies set forth in Section 26-166 and purposes set forth in Section 26-167." (emphasis added)

Mr. Peterson, as set forth in his memorandum, contends that Section 167(b) constitutes a rebuttable statutory presumption. Moreover, the he claims that he has produced testimony and evidence which successfully rebuts this presumption. The Developer/Petitioner, on the other hand, contends that the language of Section 26-167(b) connotes a mandatory finding and/or that the Developer has more than overcome any burden raised by the Protestants' offers of proof.

It is the cardinal rule of statutory interpretation that the words used in any legislation are to be given their natural and usual meaning, considered with reference to the aim and objective of the statute. See Chesapeake Industrial Leasing Co. v. Comptroller, 331 Md. 428 (1993). A

statute must be interpreted reasonably and with reference to the legislative purpose, aim or policy as reflected in that statute. Department of Economic and Employment Development v. Lilley, 106 Md. App.744 (1995). Moreover, in order to ascertain and effectuate legislative intention, an examination of the language of statute, itself, is the primary tool used. Klingenberg v. Klingenberg, 342 Md. 316 (1996).

The language employed in Sections 26-166 and 26-167 sets forth the goals and aims of the development regulations. By their very nature, these goals and aims must be broadly and generally stated. Although each goal considered individually is laudable, the application of these policies and purposes to a particular project can result in obvious contradictions. For example, Section 26-166(b)(1) states as a policy, "Promotion and encouragement of economic development to . . . house the citizens of Baltimore County." The Developer, in the instant case, would no doubt claim that this policy is being fulfilled by the proposed Graystone Farms Estate residential project. On the other hand, the language set forth in Section 26-166(b)(7) identifies the, "Preservation of agricultural lands . . . " as a policy. The Protestants, obviously, contend that this policy is not being met here. These contradictions demonstrate that a strict application of the policies and purposes set forth in Sections 26-166 and 26-167 is difficult on a case by case basis, due to the inherent conflicts in these expressed policies and purposes.

It was no doubt because of this fact that the County Council enacted Section 26-167(b). In my judgment, this section was created to express the clear mandate that if the development regulations and provisions of the CNDP were satisfied in a development plan, the purposes and policies were, likewise, met by that plan.

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M. J. [Signature]

I base this conclusion upon several factors. The Council's choice of words (e.g. "shall be deemed") is significant. Ordinarily, when used in the language of a statute, the word "shall" is regarded as being a direct indication that the legislature mandates that certain conduct is required. Prince Georges County v. Vieira, 340 Md. 651 (1995). Ordinarily, the word "shall" is mandatory when used in a statute, and thus denotes an imperative obligation inconsistent with the idea of discretion. Turkey Point Property Owners Association, Inc., v Anderson, 106 Md. App 710.

There is little case law on the meaning of the word "deem". Both parties, within their memorandum, cited the definition of that word in various dictionaries. Webster's Third New International Dictionary of the English Language, Unabridged, defines the word as "to come to view, judge, or classify after some reflection or to form or have an opinion." Black's Law Dictionary states that the word means "To hold, consider, adjudge, condemn, determine, treat as if or construe."

In considering these definitions, I hereby conclude that the phrase "shall be deemed" as used in Section 26-167(b) means that if a Developer complies with the development regulations and comprehensive manual of development policies, such compliance must be considered or is required to be held, as the fulfillment of the development policies and purposes set forth in Sections 26-166 and 26-167.

Such a conclusion is entirely consistent with the use of the phrase "shall be deemed" elsewhere in the development regulations. As the Developer points out, Section 26-181 also uses that phrase and the context therein connotes a mandatory direction. The phrase is also used in Section 26-206(i) and is clearly mandatory there. It defies logic that the Council would intend the phrase as expressing one meaning in one part of the development regulations and a different meaning in another part.

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Finally, I note Mr. Peterson's contention that the subject plan is inconsistent with the development policy set forth in Section 26-166 in that same allegedly fails to conform to the Baltimore County Master Plan, 1989-2000. He specifically cites the first sentence in Section 26-166(a), which states "All development of land must conform to the Master Plan including adoptive community plans and these regulations." He alleges that the subject plan is not in conformance and must, therefore, be denied in its present form. I disagree.

The Master Plan is defined in Section 26-1 of the County Code as, ". . . a composite of the mapped and written proposals of the systematic physical development of the County. . . ". The Master Plan is comprehensively discussed in Division 2 of Article III of the Code, Sections 26-81 through 26-85. Section 26-81 requires for the adoption of a Master Plan "which generally shall comprise land use . . . ". (emphasis added) Section 26-84 states that "The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County . . . ". These statements make it clear that the Master Plan is a general compilation of material which shall set the overall direction for development in the County. As has been frequently stated, the Master Plan is but a guide. (See pg. 7- Role of the Master Plan-Master Plan, Baltimore County, 1989-2000). I do not find this plan inconsistent therewith.

Finally, reference to Section 26-207 of the Code is appropriate. That section of the development regulations mandates that the Hearing Officer refer to the Planning Board any proposed plan which conflicts with the Master Plan. There have, previously, been cases which struggle to define what constitutes a conflict, versus an inconsistency or nonconformance. Nonetheless, it is worth noting that there has been no request by

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any party in the instant case; including Mr. Peterson, Office of Planning, etc., that this plan should be referred to the Planning Board pursuant to that section.

For all of these reasons, I conclude that Section 26-167(b) mandates a finding that compliance with the development regulations set forth within the Code and CMDP equals a fulfillment of the development policies and purposes set forth in Sections 26-166 and 26-167. Moreover, I find no inherent nonconformance of the development plan before me with the Baltimore County Master Plan. The key test, in my judgment, is exploring and determining whether the plan indeed complies with all development regulations.

A number of the issues which must be considered in order to determine whether the plan complies with the development regulations must also be reviewed in context with the agreement between many of the neighbors and the Developer (Joint Exhibit No. 1). To the extent that it does not conflict with my findings herein, I hereby adopt and incorporate that Agreement. The Developer and many of these neighbors, in an effort to reduce the perceived impact of the project on the surrounding vicinity, have proposed revisions to the plan which, in certain cases, are not acceptable to the reviewing agencies of Baltimore County. Thus, an examination of these issues by the Hearing Officer is necessary, to determine if the plan need be amended in accordance with Section 26-206(o) of the Code. That section allows the Hearing Officer, in approving the plan, to impose such conditions as may be deemed necessary or revisable for the protection of surrounding and neighboring properties. In my judgment, the broad discretion provided by this section empowers the Hearing Officer to order such revisions, even if same are not supported by the County agencies.

One such issue relates to the width and curb for internal roads to be constructed within the site. As shown on the plan, vehicular access to the proposed lots on the north side will be by way of a road which leads to the interior of the property from Graystone Road. The road terminates at a cul-de-sac and also features a court upon which there is lot frontage.

The neighbors desire a minimal road width, in order to reduce impermeable surface and to mimic the narrow country roads which are typical in this area. Normally, Baltimore County would require wider roads to assure appropriate access for both residents, visitors and emergency vehicles.

During the hearing, general consensus seemed to be reached that the internal road should be constructed at a width of 18 ft., with a mountable grey concrete curb. This width is narrower than normally required, thereby pleasing to the community. Nonetheless, it is wide enough so as to be functional, particularly with the concrete mountable curb. This will assure access, particularly for emergency vehicles. Thus, I will incorporate, as a condition to the approval of this plan, that the internal roads be a width of 18 ft., with grey concrete mountable curb.

The second issue relates to street lights. I am appreciative of the neighbors' concerns to keep the area rural in character. The absence of street lighting arguably supports this goal. Nonetheless, the need to assure public safety must take precedence. This development will feature 34 single family dwellings which will generate an estimated 250 daily trips to and from the property. Not all of these trips will be by residents, there will be deliveries and visitors. For the convenience and safety of these individuals, some lighting is warranted. Therefore, I will approve the plan so as to provide a single street light at the intersection of the proposed Road A with Graystone Road, a second light at Court B; a third light at Road A and the driveway which leads to lots 18

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BY J. G. Gook

and 19 and a fourth light at the cul-de-sac where Road A terminates. In my judgment, the installation of these four lights will not adversely impact the community to a significant degree while nonetheless meeting the public safety needs. It is of note that three of the lights will be within the interior of the site and their visibility from adjacent properties is questionable.

The third issue relates to the proposed storm water management facility. The Developer, community and DEPRM have apparently reached consensus as to the requirements to control the quality of storm water runoff. However, the County and Developer/Community disagree over the need for storm water quantity controls. As shown on the development plan, the Developer has proposed a storm water management pond to be located immediately adjacent to the intersection of the new access road and Graystone Road. The storm water management pond will be located in an area which is at the lowest grade of the site. Voluminous testimony was offered about this pond by both the Developer/Petitioner (David Thaler and Ernest Shepp) as well as Edward Schmaus, an employee of DEPRM. Mr. Schmaus was responsible for reviewing the plan to ensure compliance with the County's storm water management regulations contained in Section 14-151, et seq. of the Baltimore County Code. Additionally, testimony was received from Allen Moore, an adjacent property owner, and other residents of the area.

The testimony offered in this regard was detailed and will not be repeated in depth herein. However, it is worth noting that the substance of Mr. Schmaus' testimony was that the proposed pond is necessary to control the amount of storm water runoff. As a basis for his opinion, he relied upon the computations submitted by the Developer comparing present storm water run off versus anticipated storm water flows, as well as the

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regulations contained in Section 14-151, et seq of the Baltimore County Code.

Messrs Thaler and Shepp both testified that storm water management quantity control was not necessary. The thrust of their testimony was that the appropriateness of storm water management is determined by a comparison of existing conditions versus anticipated conditions. They argued that this comparison is subjective. Specifically, if the property were considered to be in row crops, which was a use of the site in years past, the difference between run off from land in that use and anticipated run off after development would be minimal. However, if the land was considered pasture land, as is the current use, the difference in run off would be greater. In the Developer's view, these subjective comparisons do not warrant the construction of a storm water management pond. Messrs. Thaler and Shepp also testified that the stream which will accept storm water outfall from this site has already eroded to bed rock and has stabilized. For these reasons, these experts testified that storm water management is not necessary. For their part, the neighbors do not want a storm water management pond, largely due to aesthetic considerations. Additionally, Mr. Moore, arguably the most impacted neighbor, is willing to risk increased run off to his property if the pond is not built. He believes that the appearance of the pond will detract from the neighborhood.

This is a difficult issue. I must give great deference to the expertise of DEPRM. That agency is the division of Baltimore County government which is responsible for the administration of the storm water management regulations. Nonetheless, it appears, in this case, that DEPRM is going strictly "by the book", when a relaxed standard, based upon the site specifications, might be more reasonable and appropriate. The existing condition of the stream to which outfall will be directed, the rural

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character of the neighborhood, the impact of the run off on the area at large, the present use of the site versus its historic use, and the fact that the site will be "over managed" from a storm water management standpoint, are all factors which support the argument that a storm water management pond is not necessary.

Nonetheless, it is not my role as Hearing Officer to administer the storm water management regulations. The Code is quite clear that the Hearing Officer cannot grant waivers from the development regulations unless a department director has requested same. (See Section 26-172) There has been no waiver request in this case. Thus, the only manner in which the pond can be eliminated is pursuant to Section 26-206(o). That section allows the Hearing Officer to impose such conditions based upon such factual findings as may be supported by evidence for the protection of surrounding and neighboring properties. Moreover, a condition can be imposed only if there would be an adverse impact on the health, safety or welfare of the community.

This is a high standard. The only alleged real negative impact of the pond asserted by the neighbors and developer is that the pond will be unsightly and inconsistent with the rural character of the neighborhood. Although this is undoubtedly an impact, it certainly does not impact the health or safety of the community. For this reason, I reluctantly decline to impose a condition which requires the elimination of the pond. I sincerely hope that DEPRM will re-visit this issue as further engineering studies are done while this plan moves through the process. However, I do not believe that the arguments made to eliminate the pond reach the level necessary as set forth in Section 26-206(o). I simply cannot find a basis to order the elimination of the pond in order to protect the neighborhood.

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The fourth area raised for consideration relates to the conservancy area. As stated above, development in the R.C.4 zone must comply with the requirements contained in Section 1A03 of the BCZR. Specifically, Section 1A03.4 requires that 70% of the gross area of the tract to be developed shall be designated as the conservancy area. Additionally, that section provides that the maximum gross density of the tract to be developed with a gross area of more than 10 acres is .2 lots per acre. The performance standards for rural cluster development in an R.C.4 zone are set forth in Section 1A03.5 of the BCZR.

Testimony offered by the Developer/Petitioner (Messrs. Thaler and Scoll) as well as those offered by the County (Mr. Lippincott) was that the Developer/Petitioner satisfies the conservancy area requirements from an acreage standpoint. As noted above, the conservancy area is essentially divided into five separate parts within the entire tract. A large contiguous area on the north side of the site of 71.8 acres composes the most significant portion of the conservancy tract. A second conservancy area on the south side of Graystone Road of 44.2 acres is also shown.

There are also three areas designated as portions of the conservancy lot within the developed portion of the property. Specifically, there is a 5.2 acre homeowners association maintenance area provided, located immediately adjacent to the intersection of Graystone Road and the access road, as well as two small areas, .2 acres and .1 acre, respectively, at the cul-de-sacs to be built within the site. These areas cumulatively total 121.5 acres, meeting the 70% requirement.

However, an issue was raised that the plan cannot be approved based on the conservancy requirements because there are two proposed residentially improved lots in separate ownership (Nos. 13 and 34) as part of the conservancy area. The Petition for Special Hearing specifically requests

approval of a conservancy area comprised of two noncontiguous conservancy tracts in separate ownership. Lot 13 is a residential lot shown as part of the 71.8 acre tract to the north and the house on lot 34 shown as part of the 44.2 acre parcel on the south side of Graystone Road.

The development plan comment from the Office of Planning opines that, "The request for a conservancy area to be held in two separate ownerships should be denied." Sections 1A03.5.C.1 and C.2 of the BCZR states that conservancy area shall be held in unified ownership and control. Acknowledging that the conservancy area can properly be divided by Graystone Road, the Office of Planning's comment is that the conservancy area must nonetheless be in single ownership. A similar comment was received from John Lewis from the Office of Permits and Development Management (PDM). Mr. Lewis commented that, "The special hearing to permit a conservancy area comprised of two noncontiguous tracts and separate ownership appears to be in conflict in Section 1A06.3 (BCZR), which regulates optional development." As Mr. Lewis concludes, placing the conservancy in separate ownership can be permitted under the BCZR in certain circumstances. However, those certain circumstances are for developments which utilize density at only .1 units per acre, one-half the amount under the cluster regulations. In that the proposed development utilizes a density rate of .2 lots per acre, Mr. Lewis agrees with the Office of Planning that a split ownership of the conservancy area is not permitted.

Extensive testimony was also offered by Mr. Lippincott during the hearing about this issue. He cited the sections referenced above in the development plan comments and he also offered written comments about this issue.

The Developer/Petitioner, perhaps recognizing the weight of authority in those sections of the BCZR cited above, indicated near the conclusion

of the hearing that the plan could be modified to remove the dwelling on lot No. 34 from the conservancy area. I agree that this is necessary. In my opinion, the regulations are clear. As stated above, when discussing the rebuttable presumption issue, any statute must be in accordance with the clear meaning of the words used. The R.C.4 regulations, when considered in conjunction with one another, are clear. In my judgment, the regulations mandate that the conservancy lots cannot be in separate ownership. Thus, although this plan depicts an appropriate area totalling 70% of the gross tract acreage, it must be modified to eliminate one of the dwellings from the conservancy area and provide that the area be held in unified ownership. Thus, the Petition for Special Hearing must be denied and a revised plan submitted; to be approved by the Office of Planning, DEPRM (Mr. Lippincott), and Permits and Development Management (Mr. Lewis) in accordance with the comments herein. The revised plan needs to address the location and ownership of the dwellings on lot 13 and lot 34. Based upon my conclusions set forth above, these lots cannot both exist, as shown on the plan. One of the lots may have to be removed or, at the least, the plan adjusted. I will not dictate the precise amendment to be made, but will require a revision to the plan in accordance with the comments herein. If the parties (Developer, Baltimore County and interested citizens) cannot reach an agreement, then the Hearing Officer's hearing can be reconvened on this issue.

The fifth issue raised for consideration was identified by Mr. Peterson. In general terms, it relates to the co-existence of the subject development and Mr. Peterson's active agricultural use on his adjacent property. This issue raises fundamental questions about the compatibility of land uses and the appropriate buffer which should be maintained between those uses.

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Mr. Peterson testified that he operates an active cattle farm on his property. I was impressed by his candor and conviction, however, believe that some of his fears are exaggerated. He testified that he has lived on his property for approximately 17 years. He described the operation in detail, as well as the size, acreage and characteristics of his property. He is concerned about the impact of the farm on the residential community and vice versa. He fears the traffic which will be generated, the potential lights and noise which will result, as well as all of the impacts which arise when 34 families occupy what was previously virgin land. He also acknowledged the impacts that his farm would result on those residents. He candidly admitted that his farm produces smells, sounds and sights which might be unpleasant to others. Moreover, he fears the attractive nuisance which his operation could bring to the children in the new community. Mr. Peterson also stated that he has made a substantial investment in his property, that same is in the agricultural easement program and that he moved to this vicinity originally to escape encroaching development and urbanization.

Counsel for Mr. Peterson also offered a number of witnesses to testify about these impacts. These included Thomas L. Daniels, the Director of Agricultural Preservation Board for the County of Lancaster, Pennsylvania, Jeremy Cross, a former County employee presently involved in agricultural services in Montgomery County, Paul Solomon, a land planner, and Wayne McGinnis, a farmer. Their testimony will not be repeated herein but is contained within the record of this case. Needless to say, all of their testimony endorsed Mr. Peterson's comments and concerns.

The issues raised by Mr. Peterson represent a classic confrontation between the impacts of suburban development versus the preservation of the existing agricultural community. Baltimore County, by virtue of its

unique history and development patterns, perhaps is more susceptible to this confrontation than other jurisdictions.

It is not the role of the Zoning Commissioner/Hearing Officer to formulate legislation or develop the Master Plan for the twenty-first century. Rather, I must take the regulations and laws as I find them; as they have been developed by expert staff and through the legislative process, and apply to the facts presented in each case before me.

As stated hereinabove, the policies and purposes of the development regulations are often contradictory when applied to a given project. The zoning regulations are also often contradictory in their application. An examination of the uses permitted by right in the R.C.4 zone shows that dwellings, farms, schools and certain professional offices are all permitted uses, by right. Can there be serious doubt that often these uses, when placed in close proximity to one another, are inherently incompatible? Moreover, the preferences of individual property owners create conflict. Mr. Peterson has chosen to farm his property and testified that he intends on continuing this use. He has committed his property to participation in the agricultural easement program, for which he was appropriately compensated. The property owner of the subject parcel, however, has chosen a different, but just as proper, use for its land. The property owner of the subject parcel has decided that development of his parcel with single family dwellings is appropriate and has submitted a plan which complies with the zoning and development regulations from a use standpoint. The plan meets with the density requirements in terms of the number of dwellings proposed and adheres to the 70% conservancy area requirement. Obviously, neither of these property owners (Mr. Peterson or the Developer) is proposing anything illegal or improper, both utilizing their lands in a lawful manner which they deem appropriate.

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Just as the Developer's property rights end at its property line, Mr. Peterson's property rights end at his property's border. There is no requirement that the Developer use a portion of the tract to buffer the effects of the Peterson's property. If such a buffer is mandated, then why should not Mr. Peterson be required to setback his operation from his property line. I also place significant reliance on the fact that these properties are zoned R.C.4. The properties are not zoned R.C.2, the primary purpose of which is agricultural protection. The R.C.4 classification deems watershed protection as its highest priority. Moreover, all setbacks shown on the plan meet the applicable requirements.

Nonetheless, the realities of the situation are that certain inevitable conflicts will result. Mr. Peterson's farm exists and can be expected to remain for some time, particularly in view of his participation in the agricultural easement program. In recognition of these factors, the Developer has amended its plan from earlier versions submitted. Particularly, the plan now under consideration shows the enlargement of a portion of the conservancy area so as to create a buffer between the Peterson tract and the proposed residences. Mr. Peterson and his witnesses want more buffer, and the Developer believes that what is provided on the plan is appropriate.

This issue highlights the inflexibility of the zoning regulations. In reviewing the standards for the rural cluster development, as contained within the BCZR, one is struck by the fact that they are written with the purpose of protecting and preserving the 70% acreage within the subject site which will be dedicated as the conservancy area. The regulations are regrettably inflexible in failing to recognize surrounding land uses. That is, it could be argued that this plan should be modified to create greater buffers from surrounding uses, even if such modifications involved

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After all is said and done, and upon due consideration of the plan proposed, I will not require any further modification to the buffer shown. I might endorse a modified plan which contained a larger buffer next to the Peterson farm in exchange for further development in other portions of the subject tract. However, I decline to order such a change when the result on the subject property and other neighbors is unknown. There was no persuasive testimony or evidence offered that relocation of the lot or lots closest to the Peterson property could be accomplished without detriment to environmentally sensitive portions of the subject parcel or neighboring properties. Thus, such an alternative is not before me, nor will I require it. In my judgment, the plan complies with the spirit, intent and letter of the BCZR and the development regulations. A modification of the buffer area will, therefore, not be required.

DATE: 07/09/2010

the zoning plan submitted in support of those variances is identical to the development plan. Mr. Seeley, from DEPRM, indicated that the well and septic system designs need be approved by DEPRM and that the plan should be amended to reflect this requirement. The Developer agreed with this comment too.

Testimony was also offered regarding landscaping. This was a subject of the negotiations between the Developer and those neighbors represented by Mr. Holzer. Moreover, Mr. Bowling, on behalf of Public Works, commented on this issue. A consensus was ultimately reached that landscaping would be in accordance with that shown on the preliminary landscape plan submitted, as agreed to within the agreement between the neighbors and Developer (Joint Exhibit No. 1); subject to the ultimate approval of the Department of Public Works. Obviously, that department is concerned about potential interference from the landscaping on lines of sight along Graystone Road. However, these impacts must be weighed against the rural nature of the vicinity and the expressed agreement of all sides to preserve that character. Landscaping of the property shall be in substantial accordance with the preliminary plan, subject to review by Department of Public works.

Finally, attention need be turned towards the variances which are requested. Variances are sought for both the proposed sign and for several structures which are presently on the property. As to the sign variance, same will be granted. Again, this is in accordance with the agreement reached between Mr. Holzer's clients and the Developer. Likewise, I shall approve the variances for the accessory structures. In my judgment, the structures are appropriate and preserve the rural character of the property and vicinity. Strict adherence to the zoning regulations would

be without logic and inappropriate. Thus, the variance relief shall be granted.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order; and the Petition for Special Hearing shall be denied; and the Petition for Zoning Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April, 1997 that the development plan submitted in the within case as Developer/Petitioner's Exhibit Nos. 1A & 1B, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to allow a conservancy area comprised of two noncontiguous conservancy tracts and separate ownership separated by a road, including a building lot and a conservancy parcel as permitted by Section 1A03.4.B.1.b.(1), 1A03.5.C.2, and 1A03.5.A.1 of the BCZR, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to approve a community identification sign of 46 sq. ft., in lieu of the permitted 15 sq. ft., in Section 413.1.E. of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 101, 400.1 and 400.3 of the BCZR is also requested to allow former farm buildings to remain as accessory structures larger in area than a dwelling, located in the front and side of the lot, and with a height of 35 ft., in lieu of the requirements that same be subordinate structures, located in the rear yard

ORDER RECEIVED FOR FILING

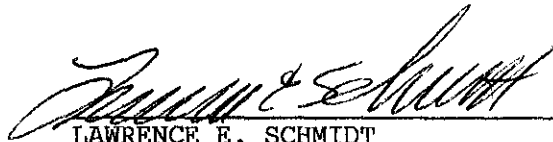
Date

By

and be not more than 15 ft. in height, respectively, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within thirty (30) days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

4/21/97

By





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 21, 1997

John Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

Kathleen S. Skullney, Esquire
C. Victoria Woodward, Esquire
403 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. VII-321 and 97-218-SPHA
Development Plan Order & Petitions for Spec. Hearing & Variance
Project: Graystone Farms Estate
C.H. Acquisition, LLC, Applicant/Developer

Dear Counsel:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Order and Petition for Variance have been approved. The Petition for Special Hearing has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

- c: Messrs. Joseph Maranto, Armando Cignarale and Tom Faust, C.H. Acquisition, LLC, 2401 York Road, Timonium, Maryland 21093
- c: Messrs. David Thaler, Alan Scoll and Ernest Shepp
D.S. Thaler and Associates, 715 Ambassador Avenue
Baltimore, Maryland 21207
- c: Mr. W. Clay Peterson, 18720 Graystone Rd., White Hall, Md. 21161
- c: Mr. Allen Moore, 18619 Graystone Road, White Hall, Md. 21161
- c: Mr. O. R. Bourland, 18335 Peters Avenue, White Hall, Md. 21161
- c: Timothy Fitts, Project Manager, Office of Permits and Dev. Mge.
- c: Other County agencies

PAID BY THE COUNTY





Petition for Special Hearing

97-218-SPH A

to the Zoning Commissioner of Baltimore County

for the property located at east and west side of Graystone Road 150'
north of Weisburg Road. which is presently zoned RC 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A conservancy area comprised of two non-contiguous, conservancy tracts in separate ownership separated by a road including a building lot and a conservancy parcel as permitted by Sections 1A03.4B.1.b.(1), 1A03.5C.2, and 1A03.5A.1.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Legal Owner(s):

G.H. Acquisition, LLC *ARMANDO CIGARRAS*
(Type or Print Name)

X Signature

(Type or Print Name)

Signature

2401 York Road (410) 560-1182
Address Phone No.

Timonium Md 21093
City State Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

MICROFILMED

DROP OFF
NO REVIEW
11/15/96 ucr

OCT-02-'92 FRI 11:25



Petition for Variance

97-218-SPH A

to the Zoning Commissioner of Baltimore County

for the property located at east and west side of Graystone Road 150' north
of Weisburg Road. which is presently zoned RC 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)

"See Attached"

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

"See Attached"

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Contrum, Esquire

(Type or Print Name)

Signature

814 Eastern Blvd.

Address

(410) 686-8274

Phone No.

Baltimore,

City

Md

State

21221

Zipcode

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

Legal Owner(s):

C.H. Acquisition LLC

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2401 York Road

Address

(410) 560-1182

Phone No

Timonium

City

Md

State

21093

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP OFF
NO REVIEW
11/15/96
WCR



MICROFILMED

VARIANCES REQUESTED:

97-218-SPHA

From Section 413.1E to permit a community identification sign of 46 s.f. in lieu of permitted 15 s.f.;

From Sections 101, 400.1 and 400.3 to allow former farm buildings to remain as accessory structures larger in area than dwelling, located in the front and side of lot, and of a height of 35' in lieu of required subordinate structures, located to the rear of a dwelling and not more than 15' in height.

Practical Difficulty:

The identification sign for community includes not only wording but also stone facade and supports that blends in with rural character and is the bulk of the area of the sign.

The accessory barn structures for which the accessory variances are sought have existed on the property for well over 100 years, and to comply with the zoning requirements on this unique property would require the removal of structures of community significance that accommodate the historic residence remaining on the site, and this would create a practical difficulty detracting from the property.

MICROFILMED

October 11, 1996

GRAYSTONE FARMS ESTATES
(for Zoning Purposes Only)

97-218-SPHA

Beginning at a point located on the west side of Graystone Road, approximately 150 feet, more or less, northerly from the intersection of Weisburg Road and Graystone Road, thence, running the following 53 courses and distances:

1. North 19°53'10" East 494 feet, more or less, to a point;
thence,
2. North 09°08'00" West 487 feet, more or less, to a point;
thence,
3. North 51°08'00" West 231 feet, more or less, to a point;
thence,
4. North 04°59'20" West 31 feet, more or less, to a point;
thence,
5. North 33°00'20" West 135 feet, more or less, to a point;
thence,
6. North 25°59'40" East 95 feet, more or less, to a point;
thence,
7. South 77°30'40" West 242 feet, more or less, to a point;
thence,
8. North 47°32'40" East 102 feet, more or less, to a point;
thence,
9. North 60°06'20" West 127 feet, more or less, to a point;
thence,
10. North 12°38'40" East 108 feet, more or less, to a point;
thence,

11. North 06°48'40" East 75 feet, more or less, to a point;
thence,
12. North 74°09'20" West 105 feet, more or less, to a point;
thence,
13. North 16°12'40" East 51 feet, more or less, to a point;
thence,
14. North 73°51'20" West 294 feet, more or less, to a point;
thence,
15. North 09°50'40" West 137 feet, more or less, to a point;
thence,
16. North 80°07'20" West 180 feet, more or less, to a point;
thence,
17. South 00°50'20" East 215 feet, more or less, to a point;
thence,
18. South 16°36'50" West 314 feet, more or less, to a point;
thence,
19. South 63°12'45" East 276 feet, more or less, to a point;
thence,
20. South 26°36'40" West 71 feet, more or less, to a point;
thence,
21. North 62°36'48" West 611 feet, more or less, to a point;
thence,
22. North 55°31'15" West 73 feet, more or less, to a point;
thence,
23. North 00°56'10" West 314 feet, more or less, to a point;
thence,

97-218-SPHA

MICROFILMED

24. South $63^{\circ}33'50''$ West 25 feet, more or less, to a point;
thence,
25. North $47^{\circ}26'10''$ West 132 feet, more or less, to a point;
thence,
26. North $19^{\circ}26'10''$ West 198 feet, more or less, to a point;
thence,
27. North $48^{\circ}26'10''$ West 76 feet, more or less, to a point;
thence,
28. North $24^{\circ}26'10''$ West 355 feet, more or less, to a point;
thence,
29. North $46^{\circ}15'25''$ East 924 feet, more or less, to a point;
thence,
30. North $36^{\circ}16'45''$ West 1,089 feet, more or less, to a point;
thence,
31. North $74^{\circ}16'30''$ East 866 feet, more or less, to a point;
thence,
32. North $54^{\circ}01'30''$ East 544 feet, more or less, to a point;
thence,
33. South $70^{\circ}43'30''$ East 180 feet, more or less, to a point;
thence,
34. South $49^{\circ}43'30''$ East 195 feet, more or less, to a point;
thence,
35. South $59^{\circ}43'30''$ East 759 feet, more or less, to a point;
thence,
36. South $43^{\circ}13'30''$ East 326 feet, more or less, to a point;
thence,

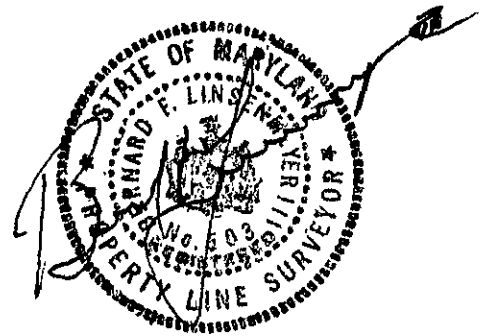
97-218-SPHA

37. South $51^{\circ}35'33''$ East 441 feet, more or less, to a point;
thence,
38. South $46^{\circ}45'36''$ West 446 feet, more or less, to a point;
thence,
39. South $20^{\circ}20'36''$ West 429 feet, more or less, to a point;
thence,
40. South $82^{\circ}09'24''$ East 523 feet, more or less, to a point;
thence,
41. South $27^{\circ}54'24''$ East 271 feet, more or less, to a point;
thence,
42. South $85^{\circ}24'24''$ East 148 feet, more or less, to a point;
thence,
43. South $37^{\circ}07'19''$ East 396 feet, more or less, to a point;
thence,
44. North $50^{\circ}07'41''$ East 41 feet, more or less, to a point;
thence,
45. South $39^{\circ}22'19''$ East 198 feet, more or less, to a point;
thence,
46. South $20^{\circ}52'41''$ West 205 feet, more or less, to a point;
thence,
47. South $57^{\circ}52'41''$ West 327 feet, more or less, to a point;
thence,
48. South $88^{\circ}52'41''$ West 271 feet, more or less, to a point;
thence,
49. South $54^{\circ}22'41''$ West 419 feet, more or less, to a point;
thence,

97-218-SPHA

MICROFILMED

50. South $06^{\circ}07'19''$ East 317 feet, more or less, to a point;
thence,
51. South $15^{\circ}56'36''$ East 376 feet, more or less, to a point;
thence,
52. South $79^{\circ}21'50''$ West 62 feet, more or less, to a point;
thence,
53. South $52^{\circ}22'13''$ West 1,150 feet, more or less, to the point of
beginning.
- Containing approximately 174.51 acres of land, more or less.



97-218-SPHA

BALTIMORE COUNTY, MARYLAND

OFFICE OF VANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

N-

028507

DROP-OFF NO REVIEW

ITEM #218

CASE 97-218-SPHA

DATE 11/15/98

ACCOUNT 9 001-6150

97-218-SPHA

AMOUNT \$ 500.00 (WCR)

RECEIVED Chapel Homes Inc

FROM:

#020 - VARIANCE

#040 - SPECIAL HEARING
Graystone Road

FOR:

07A9180105MICHRE

\$500.00

BA 0009721AM11-18-98

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

BALTIMORE COUNTY, MARYLAND

ICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

No.

011 100

DATE

4/22/97

ACCOUNT

R-001-6150

AMOUNT \$

12 00

RECEIVED

FROM:

Kenneth Bosley

FOR:

12 photographs

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1996.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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: #97-218-SPHA
(Item 218)

NW & 86th Grosvenor Road,
150' N of Westport Road
7th Election District
6th Councilmanic

Legal Owner(s):
C.H. Acquisition, LLC

Special Hearing: to approve a conservancy area comprised of two non-contiguous conservancy tracts in separate ownership separated by a road. Variance: to permit a community identification sign of 46 square feet in lieu of the permitted 15 square feet and to allow former farm buildings to remain as accessory structures larger in area than dwelling.

Hearing: Friday, January 10, 1997 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or hearing, Please Call 887-3391.

11/29/96 Nov. 28 C102832

UNRECORDED

CERTIFICATE OF POSTING

m-VII-321

Development Plan Hearing

RE: Case No.: 97-218-SPHA

Petitioner/Developer: C.H.

Acquisition LLC.

Date of Hearing/Closing: Jan 10, 1997
9:00 AM

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 18404 Graystone

Road, White Hall, MD 21161
(East side of road)

The sign(s) were posted on Dec 7, 1996
(Month, Day, Year)

Sincerely,

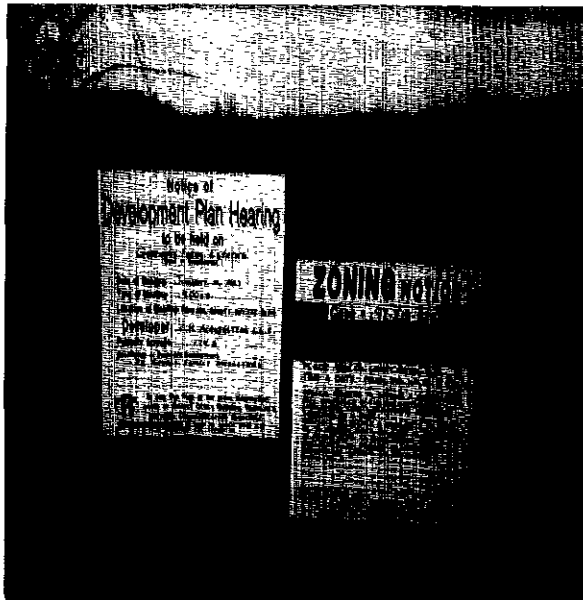
Sue W. McKenzie 12/7/96
(Signature of Sign Poster and Date)

Sue W. McKenzie
(Printed Name)

6 Topwood Ct
(Address)

Baltimore, MD 21234
(City, State, Zip Code)

(410) 668-8576
(Telephone Number)



GRAYSTONE FARMS ESTATES
EAST SIDE OF ROAD

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:

ITEM 218

ZONING NOTICE

Case No.: 97-218-SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE A
CONSERVANCY AREA COMPRISED OF TWO
NON-CONTIGUOUS, CONSERVANCY TRACTS IN
SEPARATE OWNERSHIP SEPARATED BY A
ROAD.

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

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:

ITEM 218

ZONING NOTICE

Case No.: 97-218-SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO PERMIT A COMMUNITY ID
SIGN OF 40 SQUARE FEET IN LIEU OF PERMITTED
15 SQUARE FEET; TO ALLOW FORMER FARM
BUILDINGS TO REMAIN AS ACCESSORY STRUCTURES
LARGER IN AREA THAN DWELLING.

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

TO: PUTUXENT PUBLISHING COMPANY
November 28, 1996 Issue - Jeffersonian

Please forward billing to:

John Gontrum, Esq.
814 Eastern Boulevard
Baltimore, MD 21221
686-8274

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: 97-218-SPHA (Item 218)
NW & SE/S Graystone Road, 150' N of Weisburg Road
(Graystone Farms Estates)
7th Election District - 6th Councilmanic
Legal Owner(s): C.H. Acquisition, LLC

Special Hearing to approve a conservancy area comprised of two non-contiguous, conservancy tracts in separate ownership separated by a road.

Variance to permit a community identification sign of 46 square feet in lieu of the permitted 15 square feet and to allow former farm buildings to remain as accessory structures larger in arear than dwelling.

HEARING: FRIDAY, JANUARY 10, 1997 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

November 21, 1996

COPY

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:

DEVELOPMENT PLAN HEARING
PROJECT NUMBER: VII-321
PROJECT NAME: Graystone Farms Estate
LOCATION: N of Weisburg Road, E & W/S of Graystone Road
ACRES: 174.5
DEVELOPER: C. H. Acquisition, LLC
PROPOSAL: 34 single family dwellings

and

CASE NUMBER: 97-218-SPHA (Item 218)
NW & SE/S Graystone Road, 150' N of Weisburg Road
(Graystone Farms Estates)
7th Election District - 6th Councilmanic
Legal Owner(s): C.H. Acquisition, LLC

Special Hearing to approve a conservancy area comprised of two non-contiguous, conservancy tracts in separate ownership separated by a road.

Variance to permit a community identification sign of 46 square feet in lieu of the permitted 15 square feet and to allow former farm buildings to remain as accessory structures larger in area than dwelling.

HEARING: FRIDAY, JANUARY 10, 1997 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: C. H. Acquisition, LLC
John B. Gontrum, Esq.

MICROFILMED

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 10, 1996.
(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.





Baltimore County
Department of Permits and
Development Management

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

January 6, 1997

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

RE: Item No.: 218
Case No.: 97-218-SPHA
Petitioner: C.H. Acquisition, LLC

Dear Mr. Gontrum:

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 November 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name.

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
December 12, 1996

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

SUBJECT: Zoning Item #218 - Greystone Farms Estates
C. H. Acquisition
Zoning Advisory Committee Meeting of November 25, 1996

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

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

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

It is in the best interest of the resources on site that the conservancy be held in one ownership. The RC-4 Regulations specifically state that.

Agriculture Preservation

Please see attached.

RBS:DL:WL:sp

GREYST/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
Inter-office Correspondence
887-2904 Fax 887-4804

To: Development Coordination Date: December 11, 1996
From: Wally Lippincott, Jr.
Subject: Graystone Farms Special Hearing

This Department does not support the Special Hearing request for two ownerships for the Conservancy Area. This is not permitted in the regulations. Bill 113-92 states that the Conservancy Area shall be in one ownership. To provide for situations where landowners desire to divide the Conservancy Area into multiple ownerships, the County Council amended Bill 113-92 and passed Bill 107-94 which provides for the ability to split the Conservancy Area into multiple ownerships.

There is nothing unusual about this property to warrant the request. Large properties in the rural area are often split by roads, right-of-ways, and easements. Farmers and other landowners often manage properties on both sides of a road. They also often manage land which is remote from where they reside.

There is also nothing unusual about the characteristics of this site. There have been other RC 4 cluster plans with noncontiguous Conservancy Areas and with Conservancy Areas separated by a road.

MICROFILMED

✓ Attach original petition

Due Date 12-2-96

To: Arnold L. Jablon

From: J. Lawrence Pilson

Subject: Zoning Item # 218

CU Acquisition Gruystone Farms Estates

Zoning Advisory Committee Meeting of 11-25-96

 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

✓ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

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

 Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

✓ It is in the best interest of the Resource
on site that the conservancy be held in
one ownership. The RC-4 Regulations
specifically state that.



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 11-20-96
Item No. 218 (WCR)

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

11/20/96



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Mr Donald Rascoe
Development Manager
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson MD 21204
Attn: Ms. Constance Odiase

RE: Baltimore County 2-17-97

GRAYSTONE FARMS ESTATE
07-321

N. of WEISBURG RD., E & W/S
Graystone Rd.

Dear Mr. Rascoe:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this plan.

Very truly yours,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

RECEIVED
JAN 23 1997

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/26/96

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 NOV. 25, 1996.

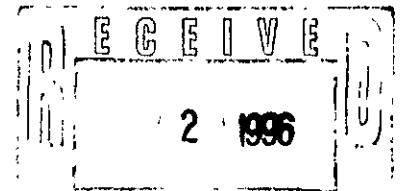
Item No.: SEE BELOW

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: 213, 214, 215, 216, 217,
218 and 219.



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

cc: File

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 5, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for December 2, 1996
Item Nos. 212, 213, 214, 215, 216,
217, 218

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

RWB:HJO:jrb

cc: File



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

January 15, 1997

John Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
and Development Plan - Graystone Farms Estate
Case Nos. VII-321 and 97-218-SPHA

Gentlemen:

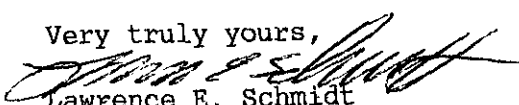
I am writing to confirm the status of the above matter which was called for public hearing on the development plan and related zoning Petitions on January 10, 1997. On that date, the informal stage of the hearing was conducted, wherein the unresolved issues and open agency comments were identified. It was also indicated at that time that the Developer, represented by Mr. Gontrum, and the community, represented by Mr. Holzer, were working towards an agreement to resolve their clients' differences. Since the agreement was not finalized, the public hearing was recessed and the hearing suspended.

In that the hearing had been open and issues identified, I, as Hearing Officer, retain jurisdiction over the case. Moreover, its status is in recess and additional testimony and evidence need be presented. The deadlines and time constraints set forth in the development review process are hereby suspended.

As I indicated at the hearing, counsel should contact Mr. Fitts when the agreement between their respective clients is finalized, or it is determined that an agreement cannot be reached. When those negotiations are completed, and Mr. Fitts is contacted, he will call me about scheduling a new date for the continued public hearing. That date will be set far enough in advance to allow all reviewing County agencies an opportunity to examine any changes to the plan.

Please contact me immediately should your understanding of the status of this matter be any different than as set forth above, and I look forward to hearing from you promptly as to your negotiations.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

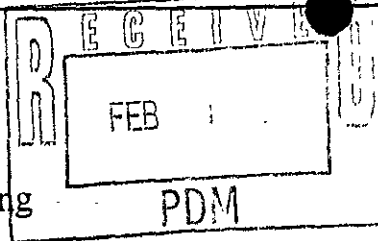
MICROFILMED

LES:mmn

c: Timothy Fitts, Project Manager



Baltimore County
Zoning Commissioner
Office of Planning and Zoning



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

February 10, 1997

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Development Plan - VII-321
Graystone Farms Estate
Petitions for Special Hearing & Variance
Case No. 97-218-SPHA

Gentlemen:

This letter will serve to confirm, by agreement of counsel, that the above captioned case will be heard on Thursday, February 20, 1997 at 2:00 P.M. in Room 118 of the Old Courthouse.

By a copy of this letter, I have notified the Project Manager, Timothy Fitts, and he, in turn, will notify the necessary agencies that have input in this case, along with a follow-up of the necessary posting, etc. with the Developer's attorney.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Timothy Fitts, Project Manager, Office of Permits & Dev. Mge. ✓
Gwen Stephens- Docket Clerk

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

2/24/97
c8

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

February 21, 1997

John Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

J. Carroll Holzer, Esquire
305 Washington Ave, Suite 502
Towson, Maryland 21205

Kathleen S. Skullney, Esquire
C. Victoria Woodward, Esquire
Woodward and Skullney
403 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
and Development Plan - Graystone Farms Estate
Case Nos. VII-321 and 97-218-SPHA

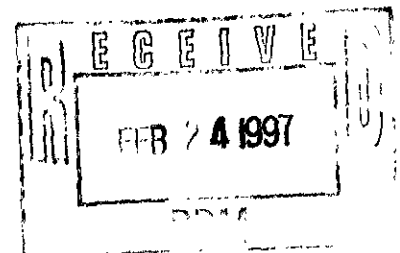
Dear Counsel:

I am writing to confirm the ruling made by me in an open hearing on the above case on February 20, 1997 and to confirm comments made at that time.

Since the Hearing Officer's hearing for this project was continued on January 10, 1997, an entry of appearance has been received by Kathleen S. Skullney, Esquire and C. Victoria Woodward, Esquire on behalf of W. Clyde Peterson. Correspondence from this counsel was received, dated February 11, 1997, requesting a continuance of a hearing set for February 20, 1997. As a reason for this request, it was noted that counsel had not had the opportunity to adequately prepare for the hearing. Moreover, I have been advised that negotiations between Mr. Gontrum, representing the Developer, and Mr. Holzer, representing a number of residents in the area, are ongoing. Although progress has been made, a final agreement between these parties has not been consummated.

Based upon the above, I continued the hearing which had been set for February 20, 1997. The matter has been rescheduled to commence on Wednesday, March 12, 1997 at 1:00 P.M. in Room 118 of the Old Court House. If necessary, a second day has been assigned, namely, Friday, March 14, 1997 at 1:00 P.M. in Room 118.

MICROFILMED



John Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

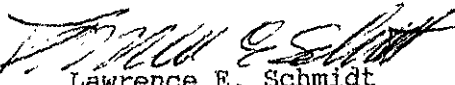
J. Carroll Holzer, Esquire
305 Washington Ave, Suite 502
Towson, Maryland 21205

Kathleen S. Skullney, Esquire
C. Victoria Woodward, Esquire
Woodward and Skullney
403 Allegheny Avenue
Towson, Maryland 21204
page 2.....

I urge that counsel utilize the additional time which has been provided for negotiations by this postponement. It is my intent to proceed with the merits when this case reconvenes on March 12. By that time, counsel should be able to resolve their respective differences or respectfully agree to disagree. Moreover, sufficient time should be provided to the reviewing County agencies for them to examine and formulate comments on any changes to the plan.

Please contact me immediately if the above comments are not in accordance with your understanding of the posture of this case.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Timothy Fitts, Project Manager
Gwen Stephens, Docket Clerk, Office of Permits and Dev. Mge.

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Baltimore County
Department of Permits and
Development Management

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

December 20, 1996

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

RE: Drop-Off Petition Review (Item #218)
7th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The variance request should indicate the lot numbers that need zoning relief.

Need printed or typed title of person signing for the legal owner and authorization to do so.

The plan should make mention or be labeled as "Plan to Accompany Petition for Special Hearing and Variance" within the title block.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Kellman".
Mitchell J. Kellman
Planner II, Zoning Review

MJK:scj

c: Zoning Commissioner



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
NW & SE/S Graystone Road, 150' N of	*	ZONING COMMISSIONER
Weisburg Road (Graystone Farms Estates)		
7th Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): C.H. Acquisition, LLC	*	CASE NO. 97-218-SPHA
Petitioner		
* * * * *		

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 16th day of January, 1997, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Noted



Baltimore County
Department of Permits and
Development Management

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

November 15, 1996

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

97-218-SPHA

RE: Drop-Off Petition (Item #218)
C.H. Acquisition LLC
7th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

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Graystone Farms
January 30, 1997
Page 2.

I hope that the Board's comments are helpful to you in your consideration of this development proposal. If I can be of any further assistance, you may contact me at 576-4832.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Daneker". The signature is fluid and cursive, with the last name "Daneker" being more prominent.

Mark Daneker, Chairman
Baltimore County Agricultural Land
Preservation Advisory Board

c. Clay Peterson
John Gontrum
George G. Perdikakis

218

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

ELIZABETH A. VANNI
JILL D. LOPER

* Also Admitted In the District of Columbia

November 14, 1996

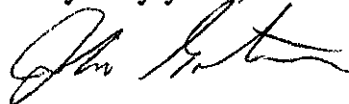
Office of Zoning Administration and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Graystone Farms Estates

Attached hereto are Petitions for Special Hearing and for Zoning Variance for Graystone Farms Estates. There are no zoning violations pending. There has been no review of the site plans or petitions.

Additionally pursuant to Section 26-203(f) and 26-206.1 a combined hearing is requested on the zoning issues and on the development plan.

Very truly yours,



John B. Gontrum

OK
WCR
11/15/96

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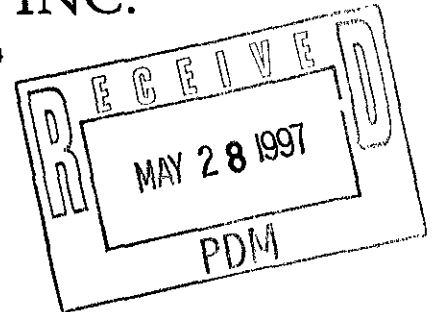
D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

May 22, 1997

5/28/97

CF
WCR
File

Mr. Lawrence E. Schmidt, Zoning Commissioner
Baltimore County, Maryland
400 Washington Avenue
Towson, MD 21204

RE: Case Nos. VII-321 & 97-218-SPHA
Development Plan Hearing & Petitions
for Special Hearing and Variance
North of Weisburg Road
East & West side of Graystone Road
Graystone Farms Estates

Dear Mr. Commissioner:

As you know, your Order of April 21, 1997, required that an amended plan be submitted to the Department of Permits and Development Management, that "reflects and incorporates the terms, conditions, and restrictions, if any, of this Opinion and Order and/or the Development Plan comments." We are submitting a plan which incorporates the below listed changes. Would you please confirm that these changes are consistent with your Order:

1. We have removed Lot No. 34 from the conservancy area and adjusted the dimensions and areas of Lot Nos. 30-33 and the south side conservancy area.
2. We have made the conservancy area adjacent to the Peterson & Ensor properties slightly wider and adjusted the dimensions and areas of Lot Nos. 24 and 25.
3. We have shown four street lights.
4. We have indicated an 18-foot paving section with gray concrete mountable curb and gutter.

Page 2

Mr. Lawrence E. Schmidt, Zoning Commissioner

May 22, 1997

5. We have recently surveyed the property and found that the acreage has increased somewhat. We have adjusted the areas of the conservancy and buildable areas, accordingly.
6. We have referenced the "Special Landscape Exhibit to Accompany Agreement" dated February 14, 1997 on the Schematic Plan legend.
- 7 a. We have shown the south side conservancy area (Area "A") to be owned by a homeowner's association.
- b. We have shown the north side conservancy area (Area "B") to be owned by the owner of Lot No. 13; however, it is the intention that control of this conservancy shall be subject to a Homeowners Association through covenants.

Pursuant to your Order, we understand that the above arrangement is permitted by Sections 1-B03.5.C.1 and .2. Subsection C.1 requires a conservancy area to be held in unified ownership and control, but Subsection C.2 provides an exception to the unified ownership requirement and states "the conservancy area shall be held in a single ownership unless a dwelling lot, as permitted by Section 1A03.4B.1.b.(1), is located in the conservancy area." (Emphasis added.)

Would you be kind enough to confirm that these changes correctly interpret your Order.

We are enclosing a copy of the plan with the changes highlighted for your convenience.

Thank you for your cooperation.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.



David S. Thaler, P.E., L.S.
President

Enclosure

cc: John Gontrum, Esquire
Joe Maranto

Department of Permits and Development Management
DST/gfl/Schmidt/Graystone/May 22, 1997

MICROFILMED



Baltimore County
Department of Environmental Protection
and Resource Management

BUREAU OF RESOURCE MANAGEMENT
AND ENGINEERING SERVICES
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-3768
Fax: (410) 887-4804

March 6, 1997

Mr. Ernest I. Sheppe, III, P.E.
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21224

*zoning
COMMISS
EX NO 1*

RE: GRAYSTONE FARMS ESTATES, Storm Water
Management Variance Request

Dear Mr. Sheppe

This office has reviewed the variance request in conjunction with the revised storm water management computations submitted in January, 1997. The information supplied shows that the 23 acre drainage area to the existing 36" diameter pipe under Graystone Road has a 2 year peak discharge rate of 5.6 c.f.s. The proposed development will increase the 2 year peak discharge rate to 20 c.f.s. This increase in 2 year peak discharge will adversely affect the receiving stream. The storm water management regulations allow a variance to be granted if there are exceptional circumstances such that strict adherence to these regulations would result in unreasonable hardship or practical difficulty and not fulfill the intent of these regulations. It has not been demonstrated that there are exceptional circumstances that would warrant the granting of a storm water management variance.

In order to remove the storm water management facility from this project it may be possible to reconfigure the project so that a waiver of storm water management can be granted. If the project can be changed so that the increase in 2 year peak discharge is limited to 10% or less, a waiver of storm water management quantity control may be granted

If there are any questions, please contact Ed Schmaus at 887-3768.

Very truly yours,

G.A. Vidmar for

Thomas L. Vidmar, P.E., Chief
Resource Management and Engineering Services

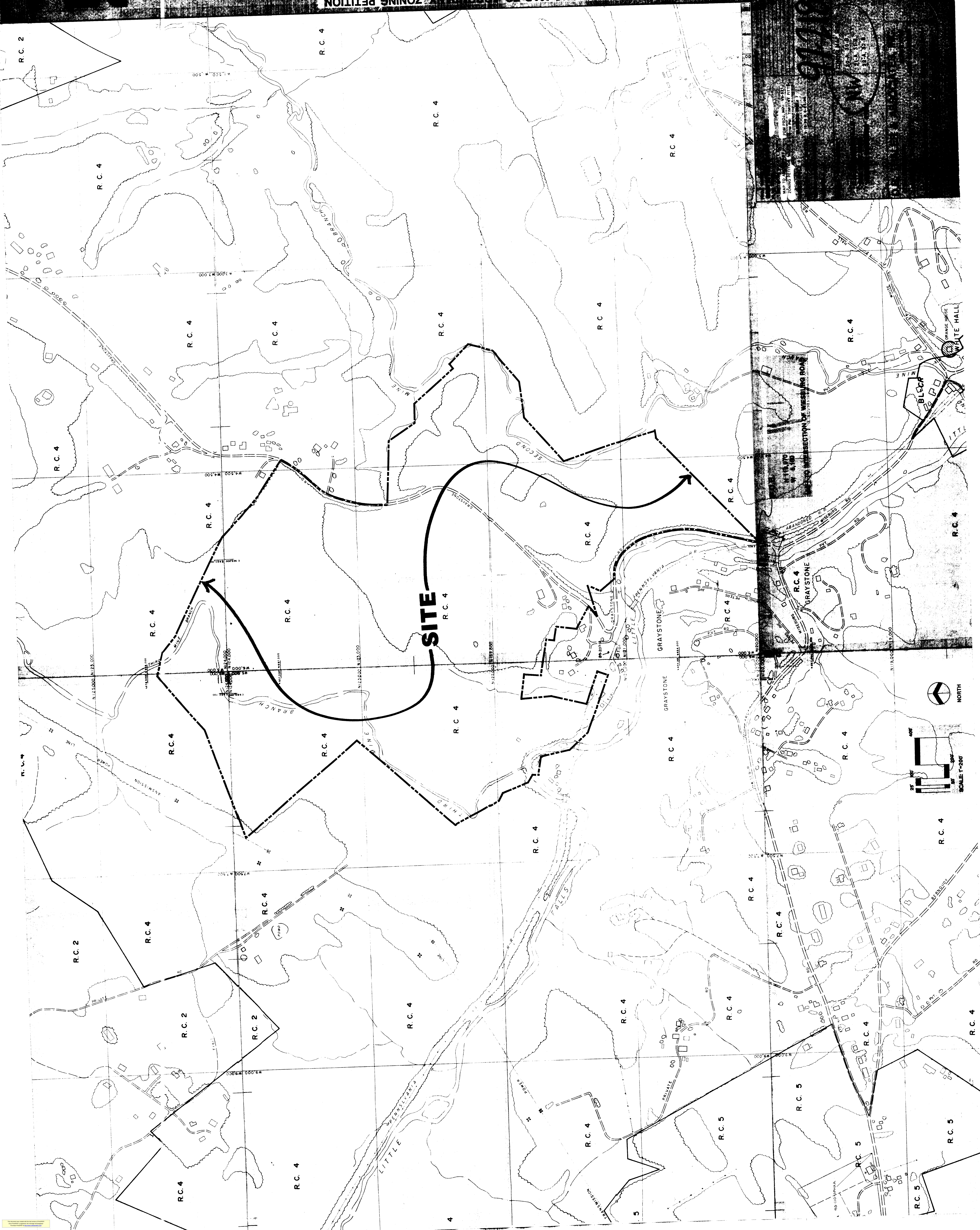
TLV:pms

c: Sheldon Epstein, Storm Drain Design
Environmental Impact Review

graystin.ltr

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MAP FROM 1984, REV. 11-11-84
ZONING DISTRICTS
DRAWN BY: [illegible]
DATE: 11-11-84

MAP TO ACCOMPANY ZONING PETITION

11-11-84

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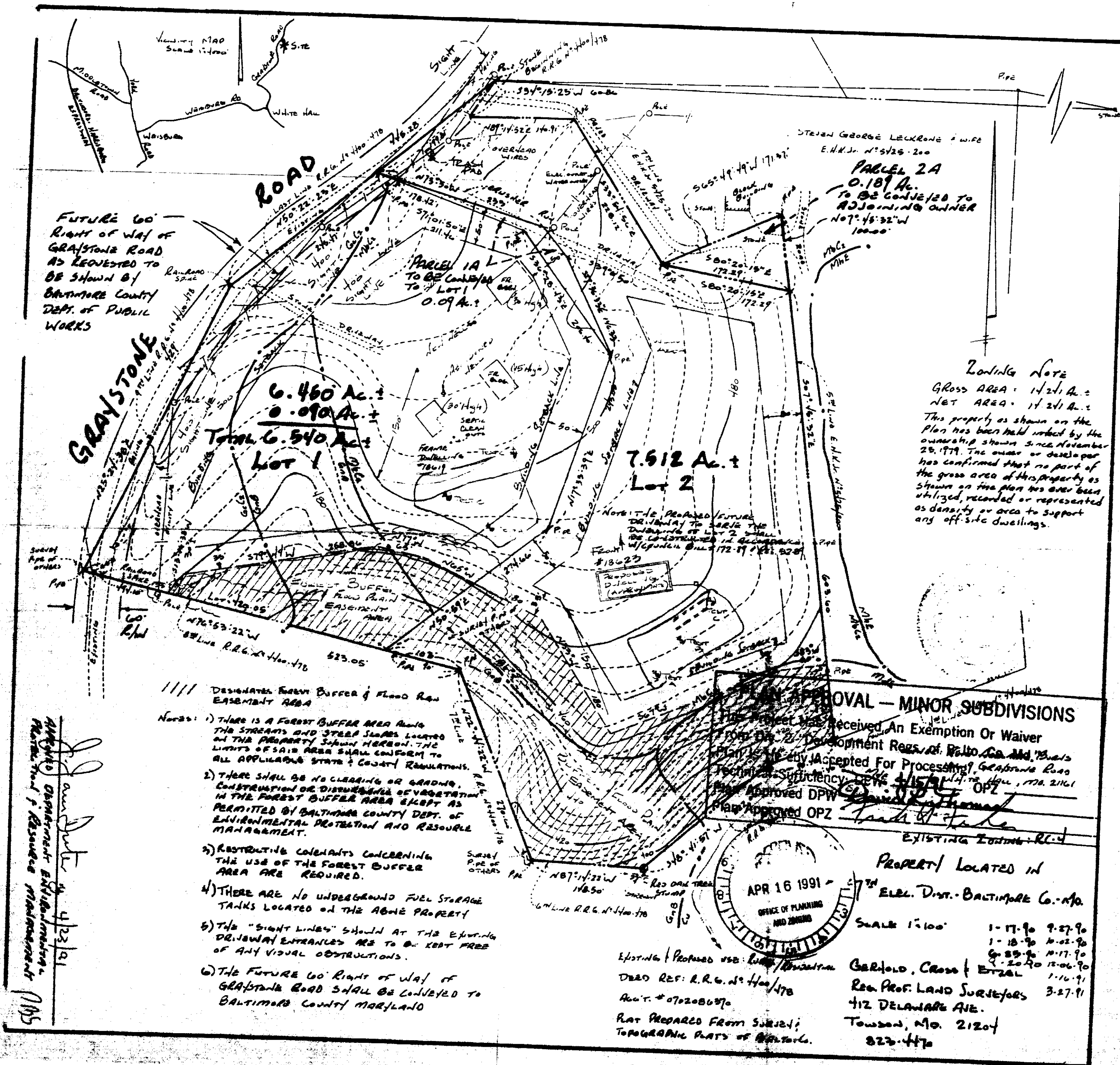
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11-11-84

11-11-84

GENIE+
Allen Moore
Director/Cinematographer
for film and video

18619 Graystone Road
White Hall, Maryland 21161
410/343-2769



MICROFILMED