

IN RE: PETITION FOR SPECIAL HEARING
NE/S Green Road & Mantua Mill Road
(14001-14111 Green Road)
8th Election District
3rd Councilmanic District

Harold C. Green, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-353-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Harold C. and Ann M. Green, through their attorney, Patricia A. Malone, Esquire. The Petitioners request a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Section 517.2 (510.2) of the Baltimore County Building Code, and Sections 26-276, 26-670, and 26-172(a)(3) of the Baltimore County Code (BCC) to permit the reconstruction and construction of an addition onto an existing barn located in a riverine floodplain. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of this request were Harold C. Green, property owner, Eric Hadaway, an environmental specialist with Daft-McCune-Walker, Inc., the engineering firm which prepared the site plan for this property, and Robert A. Hoffman, Esquire and David Karceski, Esquire, attorneys for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 184 acres, more or less, zoned R.C.2, and is located on the northeast side of the junction of Green Road and Mantua Mill Road in Glyndon. The property is improved with a two-story dwelling and a series of outbuildings devoted to the use of the property as a working horse farm.

ORDER RECEIVED FOR FILING

Date

By

Mr. & Mrs. Green have owned and resided on the property for the past two years and have continued to operate the property as a horse farm since their acquisition of the site.

At issue in the instant case is a barn structure which has existed on the property since the 1930s. As shown on the site plan, the property is bisected by Western Run, and a small portion of the barn is located within the 100-year floodplain generated by that stream. The Petitioners wish to rehabilitate the existing structure and propose reconstructing same with a small addition added thereto. The particulars of the proposed improvements are shown on Petitioner's Exhibit 2. The requested waiver is necessary in that a small part of the proposed addition is located within the floodplain, as is a part of the barn itself, which is to be rehabilitated.

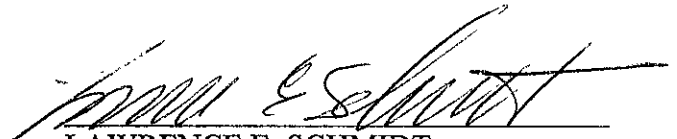
Testimony was offered by Mr. Hadaway of Daft-McCune-Walker, Inc. in support of the request. Additionally, a summary of his testimony as contained within a letter from him to the Baltimore County Department of Public Works, dated November 8, 1999, was submitted at the hearing. This letter fully sets out existing conditions on the property, the proposed improvements, and the justification for the requested relief. In response thereto, a recommendation of the waiver was received through a letter to Mr. Hadaway from Charles R. Olsen, Director of Public Works, dated November 19, 1999. Director Olsen's letter confirms that the activity on the site has no impact on the floodplain or adjacent properties; however, recommends that the barn continue to remain in non-residential use. Mr. Green indicated that such a restriction was acceptable.

Based upon the testimony and evidence presented, I am persuaded to grant the requested waiver. In my judgment, the Petitioners have satisfied the requirements set forth in Sections 26-670 and 26-172(a)(3) of the Baltimore County Code for a waiver to be granted. The historic use and location of the barn, as well as the proposed improvements and continued agricultural operation, are compelling factors. Thus, relief shall be granted as restricted by the conditions set out in Mr. Olsen's letter.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of April, 2000 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of Section 517.2 (510.2) of the Baltimore County Building Code, and Sections 26-276, 26-670, and 26-172(a)(3) of the Baltimore County Code (BCC) to permit the reconstruction and construction of an addition onto an existing barn located in a riverine floodplain, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The subject barn cannot be used for residential purposes.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/11/00
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 11, 2000

Patricia A. Malone, Esquire
Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Green Road and Mantua Mill Road
(14001-14111 Green Road)
8th Election District – 3rd Councilmanic District
Harold C. Green, et ux - Petitioners
Case No. 00-353-SPH

Dear Ms. Malone & Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Harold C. Green, 14111 Green Road, Glyndon, Md. 21071-5011
Mr. Eric Hadaway, Daft-McCune-Walker, 200 E. Pennsylvania Ave., Towson, Md. 21286
Mr. Dave Lykens, DEPRM; Mr. Charles Olsen, DPW; People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



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on Recycled Paper

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14001-14111 Green Road, Glyndon

which is presently zoned R.C.2

This Petition shall be filed with the Department of Permits and 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

Special Hearing for a waiver pursuant to Section 500.6, B.C.Z.R.;
Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670,
26-172(a)(3), B.C.C. to permit the reconstruction of, and construction of
an addition onto an existing barn in a riverine flood plain.

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

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

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Patricia Malone

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue (410)494-6262

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

Legal Owner(s):

Harold C. Green

Name - Type or Print

Signature

Ann M. Green

Name - Type or Print

Signature

14111 Green Road

(410)792-0099

Address

Telephone No.

Glyndon, Maryland 21071-5011

City

State

Zip Code

Representative to be Contacted:

Patricia Malone

Name

210 Allegheny Avenue (410)494-6262

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date

2-29-00

Case No. 00-353-SPH

ORDER RECEIVED FOR FILING

Date

9/15/98

Description
to Accompany
Petition for Special Hearing

183.81 Acre Parcel

Eighth Election District, Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the two following courses and distances, measured from the intersection of the centerline of Mantua Mill Road with the centerline of Green Road; (1) Southerly, 460 feet, more or less, and thence (2) Easterly, 15 feet, more or less, to the east side of Green Road, to the point of beginning, thence leaving said point of beginning and binding on the east side of Green Road, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System, NAD83 (1991), (1) North 09 degrees 51 minutes 04 seconds West 2119.68 feet, thence leaving Green Road and running the twenty-five following courses and distances, viz: (2) North 80 degrees 25 minutes 13 seconds East 1732.50 feet, thence (3) South 09 degrees 41 minutes 47 seconds East 641.87 feet, thence (4) North 67 degrees 36 minutes 53 seconds East 356.35 feet, thence (5) North 48 degrees 40 minutes 00 seconds East 24.09 feet, thence (6) South 63 degrees 15 minutes 00 seconds East 89.00 feet, thence (7) South 12 degrees 15 minutes 00 seconds East 150.00 feet, thence (8) South 58 degrees 45 minutes 00 seconds East 100.00 feet, thence (9) North 59 degrees 05 minutes 00 seconds East 191.00 feet, thence (10) North 46 degrees 20 minutes 00 seconds West 117.00 feet, thence (11) North 07 degrees 45 minutes 00 seconds East 81.00 feet, thence (12) North 61 degrees 20 minutes 00 seconds East 74.00 feet, thence (13)

North 07 degrees 01 minute 00 seconds East 74.00 feet, thence (14) North 36 degrees 35 minutes 00 seconds West 71.00 feet, thence (15) North 08 degrees 35 minutes 00 seconds East 60.00 feet, thence (16) North 79 degrees 10 minutes 00 seconds East 100.00 feet, thence (17) South 48 degrees 10 minutes 00 seconds East 198.00 feet, thence (18) South 46 degrees 17 minutes 50 seconds East 405.60 feet, thence (19) South 09 degrees 50 minutes 00 seconds East 165.00 feet, thence (20) North 74 degrees 35 minutes 26 seconds East 942.39 feet, thence (21) South 04 degrees 11 minutes 50 seconds East 1497.49 feet, thence (22) South 85 degrees 45 minutes 27 seconds West 983.00 feet, thence (23) South 74 degrees 54 minutes 53 seconds West 1098.20 feet, thence (24) South 09 degrees 45 minutes 08 seconds East 245.76 feet, thence (25) South 80 degrees 14 minutes 52 seconds West 53.33 feet, and thence (26) South 09 degrees 40 minutes 04 seconds East 602.59 feet to the north side of Mantua Mill Road, thence binding thereon, (27) North 69 degrees 42 minutes 49 seconds West 1362.47 feet, thence running for the three following courses and distances, viz: (28) North 02 degrees 15 minutes 37 seconds East 204.20 feet, thence (29) North 53 degrees 29 minutes 23 seconds West 125.03 feet, and thence (30) North 74 degrees 18 minutes 23 seconds West 408.63 feet to the point of beginning; containing 183.81 acres, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 28, 2000

Project No. 97100.J



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-353-SPH

14001-14111 Green Road

NE/S Mantua Mill Road, corner E/S Green Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Ann M. & Harold G. Green

Special Hearing: for a waiver pursuant to Section 500.8, BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit the reconstruction and construction of an addition onto an existing barn in a riverine floodplain.

Hearing: Friday, April 7, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/306 March 23

C378387

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/23/, 2000

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 3/23/, 2000.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

100-353-111
No. 076752

DATE 2-29-00 ACCOUNT R 201-6150

AMOUNT \$ 250.⁰⁰

RECEIVED FROM: Venable Kuntz & Howard

FOR: Special Hearing Fee
14001-24111 Branch Rd. (Gynder)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BANK OF AMERICA
2/29/2000 250.00 076752
Bk of Am
250.00
250.00
Baltimore County, Maryland

00-353-SPH
CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE Case No 00-353 SPH

Petitioner/Developer GREEN, ETAL

% BARB ORMORD

Date of Hearing Closing 4/7/00

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 #14001 - 14111

GREEN ROAD

The sign(s) were posted on

3/23/00

(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 3/25/00

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

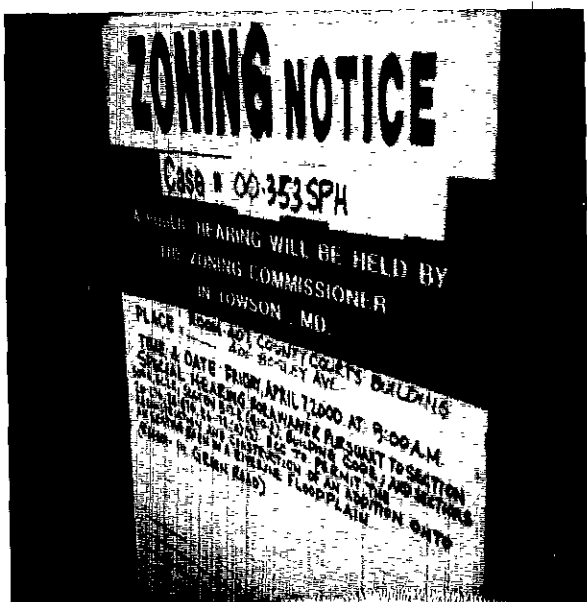
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 CELL 410-905-857

(Telephone Number)



00-353-SPH

4/7/00

RE: PETITION FOR SPECIAL HEARING
14001-14111 Green Road, Green Rd, c/l,
460' N of Mantua Mill Rd
8th Election District, 3rd Councilmanic

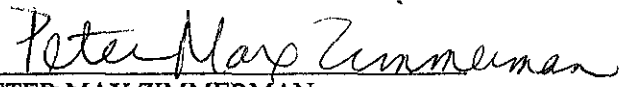
Legal Owner: Harold C. & Ann M. Green
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-353-SPH

* * * * *

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
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Patricia A. Malone, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 15, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-353-SPH
14001-14111 Green Road
NE/S Mantua Mill Road, corner E/S Green Road
8th Election District – 3rd Councilmanic District
Legal Owner: Ann M. & Harold C. Green

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit the reconstruction and construction of an addition onto an existing barn in a riverine floodplain.

HEARING: Friday, April 7, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "scj" written below it.

Arnold Jablon
Director

C: Patricia Malone, Esquire, 210 Allegheny Avenue, Towson 21204
Ann & Harold Green, 14111 Green Road, Glyndon 21071-5011

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 23, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 23, 2000 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormord, Legal Assistant 410-494-6201
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

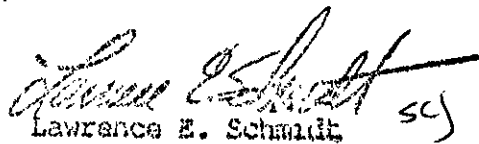
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14001-14111 Green Road
NE/S Mantua Mill Road, corner E/S Green Road
8th Election District – 3rd Councilmanic District
Legal Owner: Ann M. & Harold C. Green

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 517.2 (510.2), Building Code; and Sections 26-276, 26-670, 26-172(a)(3), BCC to permit the reconstruction and construction of an addition onto an existing barn in a riverine floodplain.

HEARING: Friday, April 7, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt scj

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-353-SPH

Petitioner: Harold C. & Ann M. Green

Address or Location: 14001-14111 Green Rd (Glyndon) Md.
21071

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA W. ORMORD, LEGAL ASSISTANT

Address: VENABLE, BAETJER & HOWARD, LLP
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Telephone Number: 410-494-6201



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 31, 2000

Attorney Patricia Malone
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson MD 21204

Dear Attorney Malone:

RE: Case Number 00-353-SPH , 14001-14111 Green Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 29, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 20, 2000
Item Nos.  353, 355, 356, 357, 359, 360
and 361

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC-3-20-2000-NO COMMENT ITEMS



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

March 21, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 13, 2000

Item No.: 353, 356, 357, 359, 360, AND 361

Dear Ms. Stephens:

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *AMS*

DATE: March 15, 2000

SUBJECT: Zoning Item #353
14001 - 14111 Green Road (Goose Green Farm)

Zoning Advisory Committee Meeting of March 13, 2000

- _____ 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.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ X 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 (Section 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).
- X This project requires a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Reviewer: Dave Likens

Date: March 14, 2000

4/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MAR 16

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

Date: March 16, 2000

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

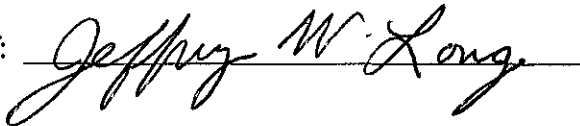
SUBJECT: Zoning Advisory Petitions

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

Item No(s): 353

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 3.13.00

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

RE: Baltimore County
Item No. 353

JJS

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman
Harold C. Green
Council Rep

210 Allegheny 21204
14111-01 GREEN ROAD
Lathrop, MD 20711

DAVID KARIESKI

210 ALLEGHENY 21204

ERIC HADAWAY

200 E. PENNA AVE 21286





Baltimore County
Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3300
Fax: 410-887-3406

November 19, 1999

Mr. Eric C. Hadaway
Daft McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

Reference: Goose Green Farm
Floodplain Waiver

Dear Mr. Hadaway:

We have reviewed your submission of November 8, 1999 concerning the expansion of the existing barn into the floodplain of Western Run.

We find that the activity proposed is acceptable since it has no impact to the floodplain or adjacent properties. We do however have one condition which must be accepted by the current and all future owners of the property.

The barn must remain in non-residential use. By this we mean the building can not be used as living quarters.

If you have any questions please feel free to call John Maple of our Bureau of Engineering and Construction at (410) 887-3711.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles R. Olsen".

Charles R. Olsen
Director

CRO:JDM

Cc: File



November 8, 1999

Mr. John D. Maple
Baltimore County Department of Public Works
111. W. Chesapeake Avenue
Towson, MD 21204

Re: Goose Green Farm
Flood Plain Waiver
Project No. 97100.J

Dear Mr. Maple:

Thank you for meeting with us recently to discuss issues relative to the proposed renovation of Mr. Harold Green's barn which is located partially within the 100-year floodplain of Western Run. This is to inform you of our decision to move forward with a request for a waiver to allow for the barn's renovation, and to seek a recommendation from your office to the Hearing Officer for approval of our waiver request. Renovations are necessary to repair and upgrade portions of the barn which have fallen into disrepair, and to accommodate a shift in the farm's agricultural operations from a cattle operation to a horse breeding, riding, and training facility. The barn is an integral part of the farm's operation, both in terms of aesthetic appearances and from a purely functional point of view. Reconstructing the barn outside of the floodplain is not a feasible option; therefore, we are requesting a favorable recommendation from your department to allow us to proceed with the renovation as proposed.

Existing Conditions

The Goose Green Farm is approximately 184 acres zoned R.C.2 located at 14111 Green Road in Glyndon, Maryland, west of Butler. The site is further identified as Parcel 173 of Grid 6 on Tax Map No. 40. Western Run enters the farm from the southwest property corner, flowing for approximately 5,800 feet in a generally northeast direction, exiting the property at the northeast property corner. The 100-year floodplain of Western Run encompasses significant portions of the site, as indicated by recent flood studies and shown on the attached site plan. The site is in use as a horse farm, a recent shift from the historic cattle operation which was run by the previous landowner. This shift has resulted in significant, measurable water quality benefits in Western Run, a public water supply stream.

The property is improved with a main residence and associated outbuildings which are located on a knoll in the northwest area overlooking a tenant house, barn, and the majority of the farm. The tenant house is located southeast of the main house at a lower elevation. The barn and attendant structures are located southeast of the tenant house at a still lower elevation. This arrangement provides an unobscured view of the majority of the property from the main house: an important feature for both safety and security on a horse farm. All structures are clearly visible from nearby county-owned roads.

The tenant house is listed on the National Register of Historic Places as the "McHenry Tenant House", and the entire farm is in an easement under provisions of the Maryland Environmental Trust. As well, the farm is located within the Worthington



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A Team of Land Planners,

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Engineers, Surveyors &

Environmental Professionals

Valley Historic District. The historic post frame barn, although not listed on any inventories, is significant because of its association with the documented historic structure, location in the landscape, and aesthetic appearance as it relates to the farm and the river valley which it overlooks. The centralized location of the barn also maximizes its efficiency for farming operations.

Proposed Conditions

Mr. Green proposes to refurbish the existing barn to accommodate the current horse operation. The majority of the proposed barn's footprint will coincide with that of the existing barn with the exception of a minor addition on the west end of the barn, and a squaring off of the odd shape of the existing footprint. The attached sketch shows the existing and proposed footprints relative to the 100-year water surface elevation.

Plans for the barn's renovation propose a highly efficient, aesthetically pleasing, self-contained equine facility which will provide for animal and human safety as the highest priority. The proposed facility has wide aisles, centralized feed, tack, hay, bedding, and wash stalls which are easily accessible to and from all stalls. The barn has been designed with large box stalls and interlocking rubber paver bricks in center and cross aisles for attendants and horse comfort. It has been designed so that motorized farm equipment would be operated entirely on the exterior of the barn, providing an added level of safety not incorporated in most equine facilities. The building will be open, well-lighted and ventilated. The hay loft for all stalls, new and retrofitted, is centrally located above the stalls, with sawdust bedding storage designed on the drive-in, upper level of the original barn. This area will be centrally located over the stall area and accessed through a hopper system feeding down through the lower level. Multiple feed rooms, wash stalls, tack rooms, and grooming areas have been strategically designed for easy access from all stalls. A drive-in lower level manure loading area has been designed for easy access from all stalls. This allows a tractor and manure spreader to be backed into the building so stalls can be cleaned by wheel barrow and dumped into the manure spreader without having to access it from a dangerous ramp.

Portions of the barn which are proposed to be located within the 100-year floodplain will be situated on and behind a retaining/foundation wall which will be designed to withstand the tractive forces associated with the less frequent, high magnitude storm events. This portion of the barn is located just within the floodplain in an area which appears to be an ineffective flow area, or area having significantly diminished tractive force. Grading adjacent to the wall will be designed to assist conveyance of flood waters around the wall. Utilities and other appurtenances will be elevated above the level of the 100-year floodplain as appropriate and required by the county building code; no portion of the proposed renovated barn will be used as residence or habitable living space.

We do not anticipate that the proposed barn improvements will exacerbate the existing flooding condition or have any negative effects on any up-, or down-stream property owners. The existing floodplain is several hundred feet wide in the vicinity of the barn, and stretches across a broad flat expanse with sufficient relief area in

many directions. The stream continues through the site for more than 3,000 feet before running onto the adjacent down-stream property. Because the barn and the proposed improvements are/will be located in what appears to be an ineffective flow area, we anticipate that any flood water displacement which may result from the structure will be able to dissipate on-site, and that it will not affect any neighboring properties.

Justification

From a functional perspective, the location of the existing barn is critical to the overall efficient operation of the farm. The barn is centrally located on the property, providing efficient access from all points on the property. Reconstructing a new barn at a different location would diminish the level of efficiency by making it less accessible and more remote from various locations on the property. It would also require a substantially greater investment by necessitating additional fencing, access roads, plumbing, electrical, and structural details.

The general type of construction of the barn, and its location in the topography (i.e.: "bank barn") currently allows for ground level access to both the lower and upper levels of the structure. The proposed barn design takes advantage of this arrangement so that the main access will be from the ground level on the north side of the building, and access for daily cleaning and manure disposal will be from an access at ground level on the south side of the barn. This design provides for efficiency by allowing gravity to do much of the work associated with feed, straw, and bedding storage and distribution, as well as for daily cleaning of stalls and removal of waste materials. Any barn built on level ground would not be able to take advantage of such an arrangement; ongoing labor and supply costs would increase exponentially under any other circumstances. This is the main reason that the original barn was constructed in this location and one of the reasons for our desire to keep the barn at this location.

Safety of the attendants who will be using the barn on a daily basis is also a major factor in our desire to maintain the barn in its current location. The efficient design described above allows for methods of materials storage and handling that will help reduce or eliminate the potential for work-related injury. The open air design will provide for efficient communication and visual contact between individuals in the barn, a factor that will also help reduce incidence of worker injury.

Care and safety of the horses is also a major concern. At present, the barn is readily visible from both the main house and tenant house. Neighboring landowners typically "look out" for each other as a matter of security. Relocation of the barn would likely result in an obscured view from nearby houses and roads, and would detract from the current, secure conditions enjoyed by the farm. This is also an important consideration for early detection of fire, such that in the event of an emergency, animals could be moved to safety in a hurry. Barn fires spread rapidly given the nature of the building and its inherent supply of fuel (i.e.: straw, bedding, etc.), and early detection is crucial if any of the stock is to be saved. The interior design of the barn, with wide central and cross aisles, is such that animals can be moved quickly in the event of an emergency. Reconstructing portions of the barn outside of the floodplain would eliminate the possibility of such a design and likely present hazards in an emergency situation.

The location of the barn is significant from an aesthetic viewpoint as well. As previously mentioned, the farm is located in a designated historic district and contains a documented historic dwelling. As well, the farm is subject to language contained in the easement to the Maryland Environmental Trust which establishes limitations on locations and types of structures proposed for the land. This easement recognizes the "scenic, natural, and aesthetic value" of the property, and seeks to preserve the character of the land and its current appearance. The location of the barn relative to the historic tenant house and main house is an integral feature of the property and its bucolic, pastoral setting. We believe that restoration and renovation of the barn in its current location is in keeping with the spirit and intent of the easement language, and that relocation of the barn, or allowing the barn to continue to deteriorate, would greatly detract from the property's intrinsic value.

Alternatives to the Proposed Project

Taking no action, and allowing the barn to continue to deteriorate would significantly detract from the scenic and aesthetic value of the property. This would require replacing the barn elsewhere on the site at a significantly greater cost, loss of efficiency, and decreased level of security and safety for both animals and personnel. Allowing the barn to continue to deteriorate and replacing the barn elsewhere is therefore, not an option.

Re-designing the barn renovation such that additions are located outside of the floodplain is not possible due to the location of existing support buildings located in close proximity on the north side of the barn. Insufficient space would remain and in these confines, accidents and injury would likely increase. Such a design would also eliminate our ability to take advantage of the efficient layout and use of gravity for materials handling. Any renovation which entails creation of additional structure outside of the floodplain is therefore not a feasible option.

Any alternatives to the proposed project would diminish the character of the land and its relationship to a documented historic structure. We believe that these alternatives would negatively impact the site and surrounding lands, and that there are no feasible alternatives to the proposed project.

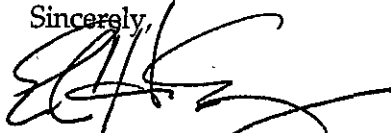
Summary

Restoring and renovating the barn in its current location as proposed will ensure that the farm will continue to be run in an efficient fashion, likely as envisioned by the original owners and operators who laid out the fields, houses, and constructed the barn. The project as proposed will ensure that the present high level of safety and security of personnel and animals is maintained. Renovation of the barn will enhance the existing scenic and aesthetic qualities of the farm and surrounding lands, as stipulated in the preservation easement language. No downstream property owners will be affected, and no increase in the 100-year water surface elevation is anticipated. The structure will incorporate flood-proofing designs so that it will withstand forces associated with major flood events. The proposed project will not result in any adverse impacts to adjacent resources, water quality, or wildlife habitat.

Mr. John D. Maple
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November 8, 1999

As such, we feel that our request for a waiver is minor and justified, and would appreciate your favorable recommendation to the Hearing Officer on our application.

Sincerely,

A handwritten signature in black ink, appearing to read 'ECH', with a large, stylized flourish extending from the end.

Eric C. Hadaway, PWS
Environmental Specialist

/ech

enclosures (4)

cc: Mr. Harold Green
Mr. Ed Haile
Rob Hoffman Esq.
Mr. Don Ploss

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00-353-SPH

Date Completed/Initials

3/15/00 SCJ

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

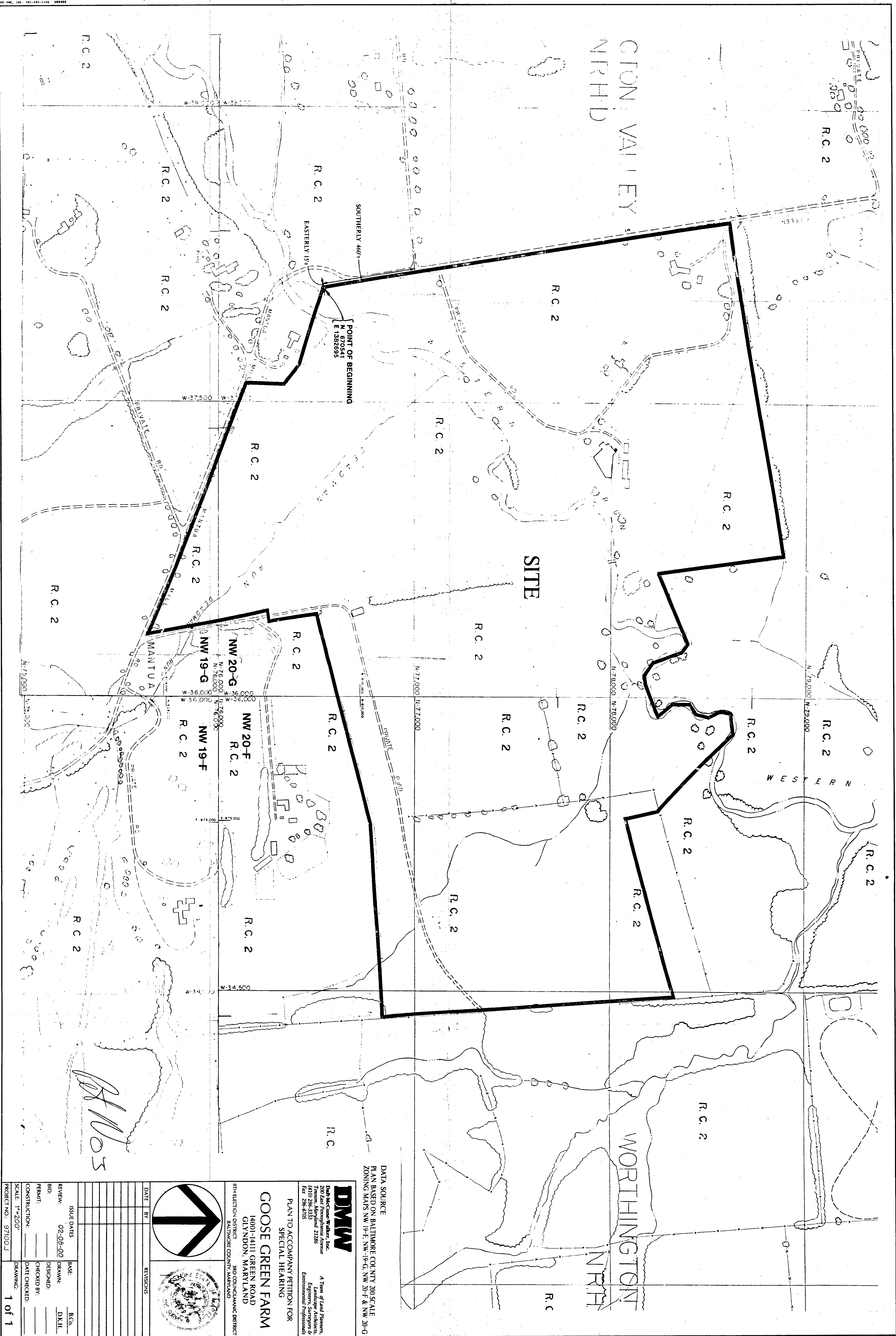
10/5/99



Looking downstream showing location of existing barn relative to the
100-year floodplain of Western Run



Looking upstream showing location of existing barn relative to the
100-year floodplain of Western Run

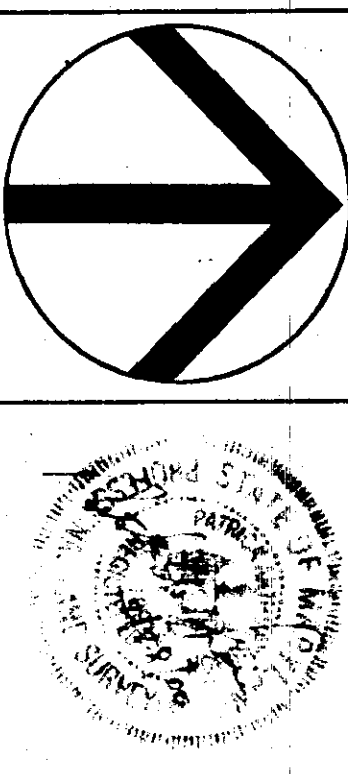


DATA SOURCE
PLAN BASED ON BALTIMORE COUNTY 200 SCALE
ZONING MAPS NW 19-F, NW 19-G, NW 20-F & NW 20-G

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PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING

GOOSE GREEN FARM
14001-14111 GREEN ROAD
GLYNDON, MARYLAND
BALTIMORE COUNTY, MARYLAND



DATE		BY	REVISIONS

ISSUE DATES		BASE	B.C.O.
REVIEW:	02-08-00	DRAWN:	DKH
BID:		DESIGNED:	
PERMIT:		CHECKED BY:	
CONSTRUCTION:		DATE CHECKED:	
SCALE: 1"=200'		DRAWING:	1 of 1
PROJECT NO.: 97100-J			