

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE – SE/Corner Baker *
School House Road & Gunpowder Road * ZONING COMMISSIONER
(3801 Baker School House Road) *
6th Election District * OF BALTIMORE COUNTY
3rd Council District *
Case No. 01-386-SPHA
Bruce E. Doak *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Bruce E. Doak. The Petitioner requests a special hearing to approve a non-buildable lot of 20.74 acres in an R.C.2 zone, pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a waiver of the requirements of Section 26-266(4) of the Baltimore County Code to permit a panhandle strip length in excess of the 1,000' maximum length allowed in an R.C. zone. In addition, the Petitioner requests a variance from Section 1A03.4.B.2.d of the B.C.Z.R. to permit a building face to be located 25 feet from the adjacent R.C.2 zone line in lieu of the required 100 feet. The subject property and requested relief 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 in support of the request was Bruce E. Doak, property owner. Mr. Doak is a Registered Property Line Surveyor and a principal in the firm of Gerhold, Cross and Etzel. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, located on the southeast corner of the intersection of Baker School House Road and Gunpowder Road in northern Baltimore County. The property contains a gross area of 48.6 acres, more or less, which is nearly equally split zoned R.C.2 (23.6 acres) and R.C.4 (25.0 acres). Presently, the property is largely unimproved but for a single family dwelling, known as 3801

ORDER RECEIVED FOR FILING

Date

By

7/30/01

By

Baker School House Road, which serves as the Petitioner's residence, and several sheds, barns and outbuildings which surround same. Access thereto is by way of a driveway leading from Baker School House Road. A large portion of the tract abutting the intersection of Gunpowder Road and Baker School House Road is in active agriculture use and is zoned R.C.2. Photographs submitted at the hearing show that portion of the property in crops and some pasture. In addition, the land to the south and rear of the Petitioner's home is more steeply sloped and contains woods and a stream known as Walker Run. Due to those environmental constraints, that part of the property is zoned R.C.4.

The Petitioner is desirous of subdividing his property for residential development. He indicated at the hearing that his subdivision plans had been comprehensively reviewed by a number of Baltimore County agencies, in view of the fact that the property is in active agricultural use and contains the environmental constraints as described above. Mr. Doak indicated that he has attempted to design a responsible subdivision, retaining as much active farmland as possible while respecting and protecting the fragile environmental resources.

The proposed subdivision will feature six (6) lots total, which is one less than that allowed under the applicable density regulations. Proposed Lot 1 will consist of 38.6 acres, more or less, and retain the existing dwelling and active agricultural fields. Lots 2 and 3 will be located immediately adjacent to Gunpowder Road, in the R.C.2 zoned portion of the property, and will contain approximately 1.5 acres each. No variance relief is needed for these two lots. Lots 4, 5 and 6 will be located in approximately the center of the overall tract on R.C.4 zoned land, and contain 3.20 acres, 2.50 acres, and 1.75 acres, respectively. These three lots will be separated from Lots 2 and 3 by the non-buildable portion of Lot 1 and accessed via a long panhandle driveway leading into the interior of the site from Gunpowder Road. It is these three lots for which the requested special hearing and variance relief is necessary, due to the close proximity of the proposed dwellings to the R.C.2/R.C.4 zone line, and the length of the panhandle driveway providing access thereto.

ORDER RECEIVED FOR FILING

Date

By

No one appeared in opposition to the requests; however, Zoning Advisory Committee (ZAC) comments were received from several Baltimore County reviewing agencies. The Office of Planning comment dated April 23, 2001, indicated their support for the special hearing and variance relief, provided that proposed Lots 4, 5 and 6 share a single use in the common driveway. Indeed, those lots will share that driveway. Mr. Doak testified that the Forest Conservation Division of the Department of Environmental Protection and Resource Management (DEPRM) similarly supports his request and indicated that he had situated the proposed houses closer than required to the R.C.2/R.C.4 zone line in order to mitigate impacts and clearing of woods. That is, locating the houses farther from the zone line and deeper into the R.C.4 zone would require additional clearing and grading.

DEPRM's comment, dated April 13, 2001, also addressed these issues. That comment indicates support for the special hearing relief for the non-buildable R.C.2 area and panhandle length; however, the Agricultural Preservation Division of DEPRM strongly opposes Mr. Doak's approach and apparently also the position of those individuals in the Forest Conservation Division. In this regard, the Agricultural Preservation Division desires that the proposed houses be located as far as possible from the agricultural use in order to insure that the farming operation remains viable. Additionally, certain standard comments were submitted regarding ground water management. Apparently, Mr. Doak accepts the recommendations as to the placement of the well and septic systems.

This is a classic case where viable and appropriate concerns are in direct conflict with one another. On the one hand, the continued viability of the farming operation is recognized and need be supported. On the other hand, location of the proposed dwellings farther from the active fields could degrade and cause detriment to the woods and wetlands areas. In an effort to resolve this issue, Mr. Doak offered to incorporate language in any deeds conveying Lots 4, 5 and 6 to advise potential purchasers of the active agricultural operations on Lot 1. Also, he indicated that certain landscaping could be installed to the front of those lots if desired by those homeowners to mitigate any impact of those fields.

Upon careful thought and consideration, I am persuaded to grant the relief requested and approve the plan as submitted. This is a difficult case; however, I believe that the proposed plan is the best alternative. Clearly, special hearing relief should be granted to allow a longer than allowed panhandle driveway length. Increased length is warranted in this case due to the unique factors and constraints associated with this property. Additionally, special hearing relief should also be granted to allow the non-buildable lot of 20.74 acres in an R.C.2 zone. This relief is appropriate and required to encourage the continued agricultural operations on Lot 1. Lastly, I do find that special circumstances exist which justify the variance to reduce setbacks from the houses on Lots 4, 5 and 6 to the R.C.2 zone line. In this regard, preservation of the woods coupled with the unusual topography and site constraints on the property, justify the location of the building envelopes as shown on the plan. However, in granting the relief, I will impose certain conditions. I will require compliance with the ground water management recommendations made by DEPRM. In addition, the Petitioner shall be required to insert language in the deeds for Lots 4, 5 and 6 advising potential purchasers of the active agricultural operations adjacent thereto. Landscaping will not be required in that it may infringe upon the R.C.2 zoned land. Individual purchasers of Lots 4, 5 and 6 may install landscaping, if they so desire.

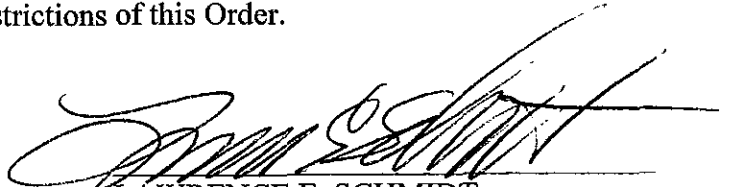
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 2001 that the Petition for Special Hearing seeking approval of a non-buildable lot of 20.74 acres in an R.C.2 zone, pursuant to Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and a waiver of the requirements of Section 26-266(4) of the Baltimore County Code to permit a panhandle length in excess of the 1,000' maximum allowed in an R.C. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.2.d of the B.C.Z.R. to permit a building face to be located 25 feet from the R.C.2/R.C.4

zone line in lieu of the required 100 feet, in accordance with Petitioner's Exhibit 1, 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) Compliance with the ZAC comments submitted by the Ground Water Management Division of DEPRM, dated February 21, 2001.
- 3) The Petitioner shall incorporate language in any deed for the sale and development of Lots 4, 5 and 6 advising any potential purchaser of the active agricultural operations adjacent thereto.
- 4) When applying for any permits, the site 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 7/30/01
By [Signature]



Baltimore County
Zoning Commissioner

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

July 27, 2001

Mr. Bruce E. Doak
Gerhold, Cross & Etzel
320 E. Towsontown Boulevard
Towson, Maryland 21286

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/Corner Baker School House Road & Gunpowder Road
(3801 Baker School House Road)
6th Election District – 3rd Council District
Bruce E. Doak - Petitioner
Case No. 01-386-SPHA

Dear Mr. Doak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Office of Planning; DEPRM; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3801 BAKER SCHOOLHOUSE ROAD
which is presently zoned RC2/RC4

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

*A NON-BUILDABLE LOT OF 20.74 ACRES IN AN RC2 ZONE AS
PER SECTION 1A01.3.B.1 OF THE BCZR*

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:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

BRUCE E. DOAK
Name - Type or Print _____

Bruce E Doak
Signature _____

Name - Type or Print _____

Signature _____

GERHOLD, CROSS & ETZEL
320 E. TOWSONTOWN BLVD 410-623-4470

Address _____ Telephone No. _____

TOWSON MO 21286

City _____ State _____ Zip Code _____

Representative to be Contacted:

SEE
Name _____

ABOVE
Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LM Date 3/28/01

Case No. 01-386-SP4A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3801 BAKER SCHOOLHOUSE ROAD
which is presently zoned RC2/RC4

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

A WAIVER OF THE REQUIREMENTS OF SECTION 26-266 (4)
OF BALTIMORE COUNTY CODE TO PERMIT A RANNAHOLE STRIP
IN EXCESS OF THE 1000' MAXIMUM LENGTH PERMITTED IN
AN RC ZONE

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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

GERALD CROSS F. EDEL
320 E. TOWSONTOWN RD. 410-823-4470

Address Telephone No.

TOWSON MD 21206

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTN Date 3/28/01

ORDER RECEIVED FOR FILING
2/31/01
220 9/15/98

Case No. 01-386-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3801 BAKER SCHOOLHOUSE ROAD
which is presently zoned RC2/RC4

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 Variance from Section(s) 1 A03.4.B.2.d (BCZR) to

PERMIT A BUILDING FACE TO HAVE A 25' SETBACK FROM
THE ADJACENT RC 2 ZONE LINE IN LIEU OF THE REQUIRED 100'

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

ENVIRONMENTAL CONSTRAINTS

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

I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 01-386-SPLA

Date 9/15/98

By

Legal Owner(s):

BRUCE E. DOAK
Name - Type or Print

Bruce E. Doak
Signature

Name - Type or Print

Signature

GERHOLD CROSS & ETERL

320 E TOWSONTOWN BLVD 410-823-4470

Address Telephone No.

TOWSON MD 21206

City State Zip Code

Representative to be Contacted:

SEE
Name

ABOVE
Address Telephone No.

City State Zip Code

OFFICE USE ONLY

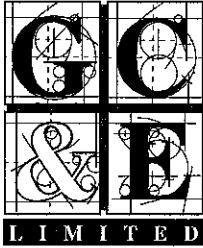
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 3/28/01

ORDER RECEIVED FOR FILING

Date



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

March 27, 2001

ZONING DESCRIPTION GUNPOWDER FARM

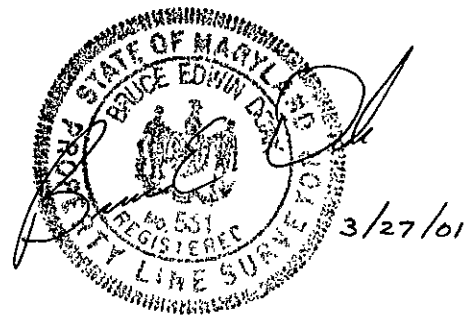
Beginning for the first at the intersection of the centerline of Baker Schoolhouse Road and the centerline of Gunpowder Road, thence running and binding on the centerline of Gunpowder Road, the two following courses and distances, viz: (1) South 12 degrees 47 minutes 36 seconds East 466.93 feet, and (2) South 16 degrees 54 minutes 42 seconds East 422.86 feet, thence leaving said road and running the five following courses and distances, viz: (3) South 80 degrees 47 minutes 55 seconds East 240.48 feet, (4) South 87 degrees 54 minutes 33 seconds East 1,157.75 feet, (5) North 49 degrees 32 minutes 38 seconds East 68.78 feet, (6) North 22 degrees 56 minutes 37 seconds East 1,019.00 feet, and (7) North 66 degrees 52 minutes 20 seconds West 183.36 feet to the centerline of Baker Schoolhouse Road, thence running and binding on the centerline of Baker Schoolhouse Road, the eleven following courses and distances, viz: (8) line curving to the left with a radius of 305.00 feet, a length of 86.82 feet (a chord of South 42 degrees 58 minutes 44 seconds West 86.52 feet), (9) South 34 degrees 49 minutes 28 seconds West 104.82 feet, (10) line curving to the right with a radius of 140.00 feet, a length of 202.77 feet (and a chord of South 76 degrees 18 minutes 57 seconds West 185.51 feet), (11) North 62 degrees 11 minutes 32 seconds West 214.69 feet, (12) line curving to the right with a radius of 550.00 feet, a length of 218.60 feet (and a chord of North 50 degrees 48 minutes 21 seconds West 217.16 feet), (13) North 39 degrees 25 minutes 09 seconds West 63.78 feet, (14) line curving to the left with a radius of 708.00 feet, a length of 130.95 feet, (and a chord of North 44 degrees 43 minutes 05 seconds West 130.76 feet), (15) North 50 degrees 01 minute 00 seconds West 204.19 feet, (16) North 46 degrees 59 minutes 18 seconds West 145.26 feet, (17) line curving to the left with a radius of 95.00 feet, a length of 26.98 feet (and a chord of North 55 degrees 07 minutes 27 seconds West 26.89 feet, (18) North 37 degrees 28 minutes 59 seconds West 27.33 feet, (19) South 75 degrees 13 minutes 25 seconds West 70.86 feet, (20) South 52 degrees 47 minutes 14 seconds West 520.00 feet, and (21) South 54 degrees 18 minutes 24 seconds West 403.76 feet to the point of beginning.

Containing 46.07 Acres of land, more or less.

386

Beginning for the second at a point distant measured, the five following courses and distances from the intersection of the centerline of Baker Schoolhouse Road and the centerline of Gunpowder Road, (1) South 12 degrees 47 minutes 36 seconds East 466.93 feet, (2) South 16 degrees 54 minutes 42 seconds East 422.86 feet, (3) South 80 degrees 47 minutes 55 seconds East 240.48 feet, (4) South 87 degrees 54 minutes 33 seconds East 378.00 feet, more or less, and (5) South 11 degrees 37 minutes 30 seconds East 107.00 feet, more or less, thence running (1) South 11 degrees 37 minutes 30 seconds East 488.96 feet, (2) North 36 degrees 36 minutes 08 seconds East 370.03 feet, (3) North 49 degrees 32 minutes 38 seconds East 251.77 feet, and (4) North 87 degrees 55 minutes 28 seconds West 511.07 feet to the point of beginning.

Containing 2.55 Acres of land, more or less.



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: #01-386-SPHA

3801 Baker School House Road

S/E Corner of Gunpowder Road and Baker School House Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): Bruce E. Dgak

Special Hearing: to approve a non-buildable lot of 20.74 acres in an R.C.2 zone as per Section 1A01.3.B.1 of the BCZR; Variance/Special Hearing to approve a waiver of the requirements of Section 26-266(A) of Baltimore County Code to permit a panhandle strip in excess of the 1000' maximum length permitted in an R.C. zone and **Variance:** to permit a building face to have 25 feet setback from the adjacent R.C. 2 zone line in lieu of the required 100 feet.
Hearing: Friday, May 11, 2001 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.

4/28/01 Apr. 26

C464668

CERTIFICATE OF PUBLICATION

4/26/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/26/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 93088

DATE 3/28/01 ACCOUNT RC001006 6150

AMOUNT \$ 350.00

RECEIVED FROM: BRUCE DOAY

FOR: SPH / VAR

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
3/28/2001 3/28/2001 09:48:21

REG MS01 CASHIER JRIC JWR DRAWER 1

RECEIPT # 030244 OFLN

Page 5 520 ZONING VERIFICATION

CR NO. 093088

Receipt Tot 350.00

350.00 EK .00 13

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 5/7/01

RE: Case Number 01-386-SPHA

Petitioner/Developer: BRUCE E. DOAK

Date of Hearing/Closing: FRIDAY MAY 11, 2001 9:00AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ① POINT 300' EAST & ② POINT 300' SOUTH OF INTERSECTION OF BAKER SCHOOLHOUSE ROAD AND GUNPOWDER ROAD

The sign(s) were posted on APRIL 25, 2001
(Month, Day, Year)



Bruce E. Doak
(Signature of Sign Poster)

BRUCE E. DOAK
(Printed Name of Sign Poster)

GERHOLD, CROSS & ETZEL, LTD
320 E. TOWSONTOWN BLVD. SUITE 100
(Street Address of Sign Poster)

TOWSON MO. 21286
(City, State, Zip Code of Sign Poster)

410-823-4470
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: 5/7/01

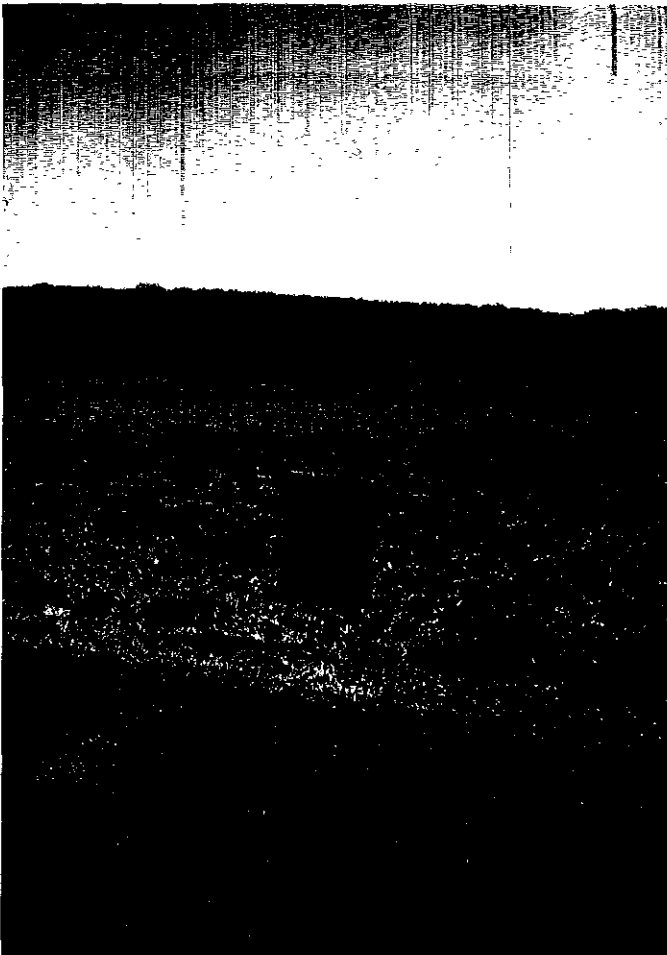
RE: Case Number 01-386-SPHA

Petitioner/Developer: BRUCE E. DOAK

Date of Hearing/Closing: FRIDAY MAY 11, 2001 9:00AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ① POINT 300' EAST ; ② POINT 300' SOUTH OF INTERSECTION OF BAKER SCHOOLHOUSE ROAD AND GUNPOWDER ROAD

The sign(s) were posted on APRIL 25, 2001
(Month, Day, Year)



Bruce E. Doak
(Signature of Sign Poster)

BRUCE E. DOAK
(Printed Name of Sign Poster)

GERHOLD, CROSS & ETZEL, LTD
320 E. TOWSONTOWN BLVD. SUITE 100
(Street Address of Sign Poster)

TOWSON MD. 21286
(City, State, Zip Code of Sign Poster)

410-823-4470
(Telephone Number of Sign Poster)

**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: 01-386-SPHA

Petitioner: BRUCE E. DOAK

Address or Location: 3801 BAKER SCHOOLHOUSE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Address: 3801 BAKER SCHOOLHOUSE ROAD

FREELAND MO 21053

Telephone Number: 410-239-3715

TO: PATUXENT PUBLISHING COMPANY
Thursday, 26, 2001 Issue – Jeffersonian

Please forward billing to:

Bruce E Doak
3801 Baker Schoolhouse Road
Freeland MD 21053

410 239-3715

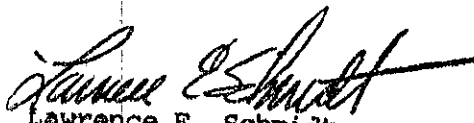
NOTICE OF ZONING HEARING

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: 01-386-SPHA
3801 Baker School House Road
SE Corner of Gunpowder Road and Baker School House Road
6th Election District – 3rd Councilmanic District
Legal Owner: Bruce E Doak

Special Hearing to approve a non-buildable lot of 20.74 acres in an R.C.2 zone as per Section 1A01.3.B.1 of the BCZR: Variance/Special Hearing to approve a waiver of the requirements of Section 26-266(A) of Baltimore County Code to permit a panhandle strip in excess of the 1000' maximum length permitted in an R.C. zone and Variance to permit a building face to have 25 feet setback from the adjacent R.C.2 zone line in lieu of the required 100 feet.

HEARING: Friday, May 11, 2001 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 672
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.



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

April 11, 2001

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: 01-386-SPHA
3801 Baker School House Road
SE Corner of Gunpowder Road and Baker School House Road
6th Election District – 3rd Councilmanic District
Legal Owner: Bruce E Doak

Special Hearing to approve a non-buildable lot of 20.74 acres in an R.C.2 zone as per Section 1A01.3.B.1 of the BCZR: Variance/Special Hearing to approve a waiver of the requirements of Section 26-266(A) of Baltimore County Code to permit a panhandle strip in excess of the 1000' maximum length permitted in an R.C. zone and Variance to permit a building face to have 25 feet setback from the adjacent R.C.2 zone line in lieu of the required 100 feet.

HEARING: Friday, May 11, 2001 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

Arnold Jablon G.D.Z.
Director

C: Bruce E Doak, Gerhold Cross & Eftzel, 320 E Towsontown Blvd, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 26, 2001.**
(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.





Baltimore County
Department of Permits and
Development Management

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

May 4, 2001

Bruce E Doak
Gerhold Cross & Etzel
320 E Towsontown Boulevard
Towson MD 21286

Dear Mr. Doak:

RE: Case Number: 01-386-SPHA, 3801 Baker School House Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2001.

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

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

Very truly yours,

W. Carl Richards, Jr.

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

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 23, 2001

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

SUBJECT: 3801 Baker School House Road

INFORMATION:

Item Number: 01-386

Petitioner: Bruce E. Doak

Zoning: RC 2 & RC 4

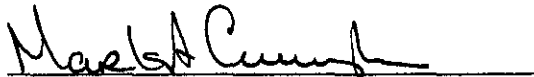
Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a panhandle strip in excess of the 1000' maximum length permitted in an RC zone provided that lots 4, 5, and 6 share a single use in common driveway as shown.

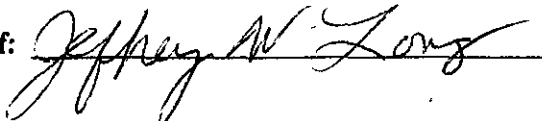
This office also supports the request to permit a 25' minimum building setback in lieu of the required 100' adjoining an RC 2 zone in that the RC 4 lots are clustered at the edge of the woods.

Prepared by:



Section Chief:

AFK:MAC:





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 12, 2001

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 APRIL 9, 2001

Item No.: See Below

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 IN REGARD TO THE
FOLLOWING ITEM #'S.**

380, 381, 382, 384, 386, 387, 389, 390, 391, 392, 393, 394,

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

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 21, 2001

TO: R. Bruce Seeley, Project Manager, Development Coordination
Department of Environmental Protection & Resource Management

FROM: Clare M. Brunner, R.S., Ground Water Management
Department of Environmental Protection & Resource Management

SUBJECT: Project Name: Gunpowder Farms
Plan Type: Concept Plan
Plan Date: September 20, 2000

Ground Water Management has the following comments on the above referenced plan: PLEASE NOTE: The complete file is not available for review prior to submittal of these comments.

Comments	Date Resolved	Reviewer
1. Move the well envelopes, for Lots 2 and 3, at least 10' from Gunpowder Road and 15' from future road widening.		
2. Adjust the septic reserve area on Lot 4 to be at least 30' wide along topographic contours.		
3. Adjust the septic reserve area on Lot 1 to be 20' from all buildings, out of the Glenville soils, and 25' from slopes in excess of 25%		
4. Submit the certification for the existing septic system area to Ground Water Management		
5. Submit the integrity test results for the existing underground storage tank to Ground Water Management		
6. A well siting agreement may be required for this subdivision.		

Note: Please include a revision date on all revised plans submitted.



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.3.01

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

RE: Baltimore County
Item No. 386 LTM

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *WBS*
DATE: April 13, 2001
SUBJECT: Zoning Item #386
3801 Baker School House Road

Zoning Advisory Committee Meeting of April 9, 2001

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

X Groundwater Management: See the attached memo submitted to Mr. R. Bruce Seeley from Ms. Clare Brunner on February 21, 2001.

X Agricultural Preservation: The variance requests for the non-buildable RC2 area and panhandle lengths are supported. However, Agricultural Preservation opposes and strongly recommends denial of the request for a variance to 1A03.4.B-2.d of the Baltimore County Zoning Regulations. The purpose of this standard is to provide a minimum 100 foot buffer between new houses and existing and proposed agricultural activities. The RC2 area is good farmland and the Developer proposes to continue the farming activity, but does not provide supporting rationale for the variance. On Lot 4, the house can be relocated behind the 100 foot line and in the woods. On Lot 5, the house can be shifted back 50 feet and not impact any resources. Lot 6 can also be shifted back and minor modifications made to the septic reserve area.

There does not appear to be any significant justification for allowing this variance. An alternate house location plan is attached.

ATTACHMENTS

Reviewer: Wally Lippincott
Reviewer: Sue Farinetti

Date: April 12, 2001
Date: April 13, 2001

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
3801 Baker Schoolhouse Road, SE cor Gunpowder Rd
and Baker Schoolhouse Rd
6th Election District, 3rd Councilmanic

Legal Owner: Bruce E. Doak
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-386-SPHA

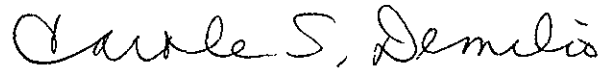
* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



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 10th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, Petitioner.



PETER MAX ZIMMERMAN

photograph

(16)

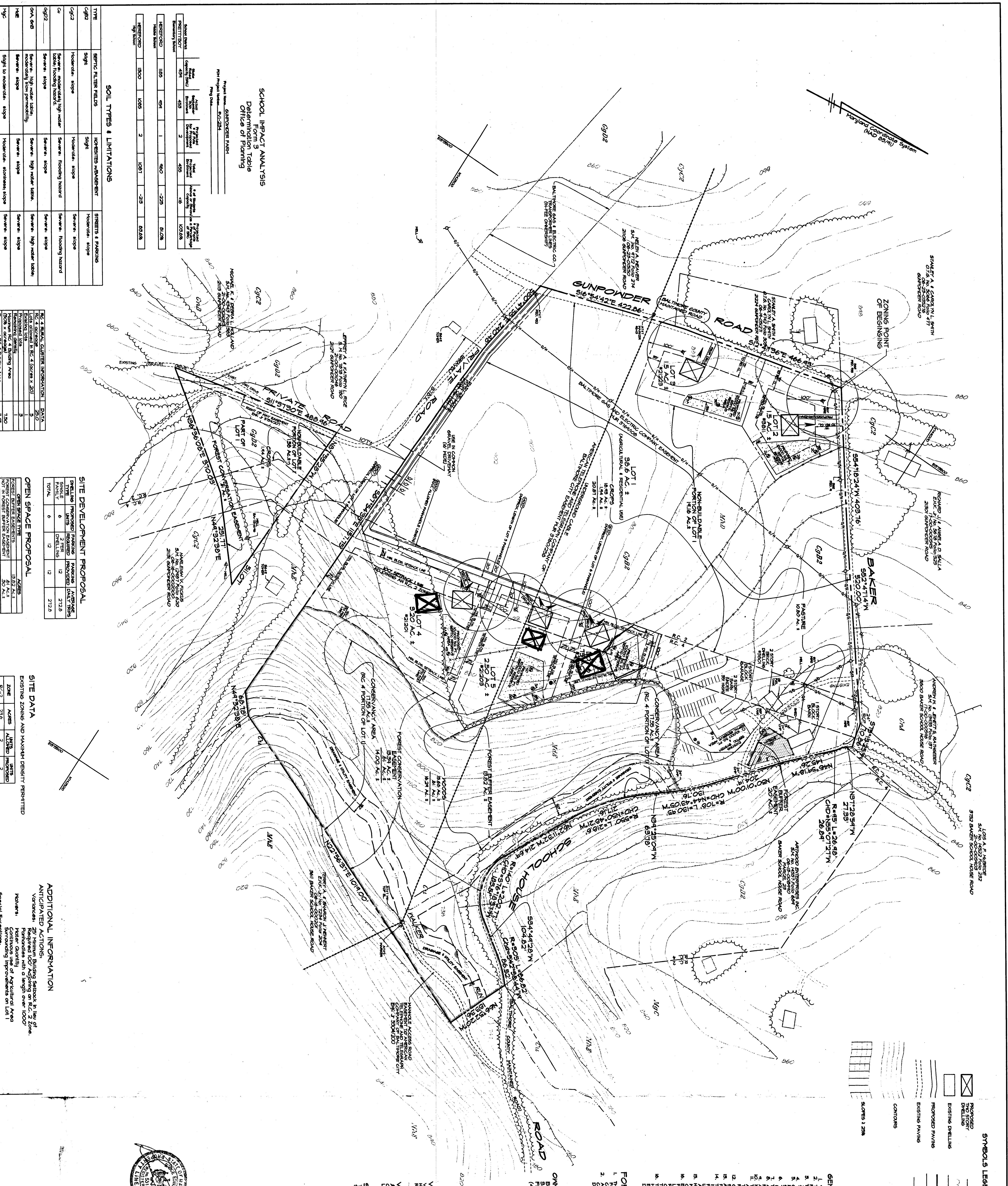
01-386-SPNA



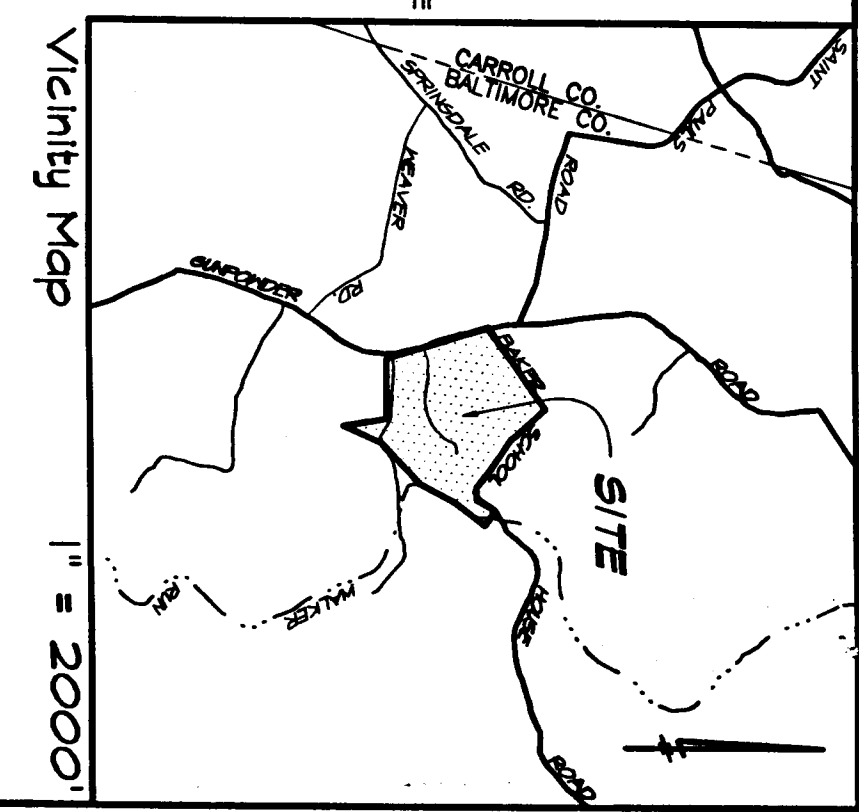
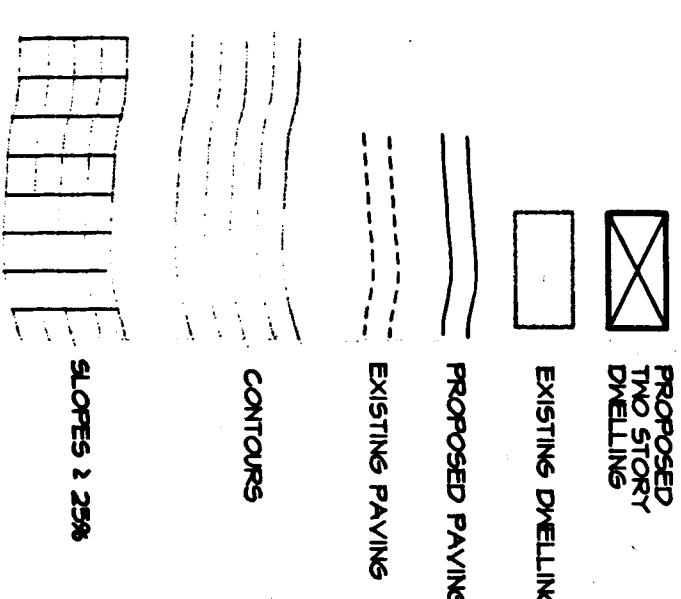








SYMBOLS LEGEND



GENERAL NOTES

- [illegible]

FOREST BUFFER/CONSERVATION EASEMENT NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BARRIER OR THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST BARRIER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

OWNER/DEVELOPER

BRUCE DOAN
3601 BAKERS SCHOOLHOUSE ROAD
FREETLAND, MD 21053-3303

VARIANCE REQUESTED

VARIANCE FROM SECTION 1A03.41B.2d (BCZR) TO PERMIT A BUILDING FACE TO HAVE A 25' SETBACK FROM THE ADJACENT R.C. 2 ZONE LINE IN LIEU OF THE REQUIRED 100'.

VARIANCE/SPECIAL HEARING REQUESTED

SPECIAL HEARING REQUESTED:
TO ALLOW A NON-BUILDABLE LOT OF 20.14 AC. IN AN R.C. 2 ZONE AS PER SECTION 160.03(1) OF THE BOZR.

SPECIAL HEARING REQUESTED

TO ALLOW A NON-BUILDABLE LOT
SECTION 1A01.3.B.1 OF THE BCZR

ALTERNATE HOUSE LOCATIONS
PROPOSED BY BALTIMORE COUNTY DEPT.
R. BAKE SEELEY FOR WILLIAMS S. C. IMPROVEMENT
4-30-01

PLAT TO ACCOMPANY A
PETITION FOR VARIANCES
AND A
SPECIAL HEARING

GUNPOWDER LAR

PDM FILE #V1-234

DER ROAD & BAKERS SCHOOLHOUSE ROAD
Deed Ref: S.M. No. 14881 Folio 460
Tax Account No.: 06-23-015411

Tax Account No.: 06-23-01

Zoned R.C. - 2 & R.C. - 4

Tax Map 5; Grid 3; Parcel

3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY, MARYLAND

Scale: 1" = 100' Date: September, 20, 2000

oate

GERHOLD, CROSS & ETZEL, LTD

700

320 East Tomsontown Boulevard



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

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

SCALE	DATE
1" = 200' ±	OF
	PHOTOGRAPHY
	JANUARY
	1986

LOCATION
SOUTHWEST
OF STILTZ

SHEET

N.W.

38-H

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *WMS*
DATE: April 13, 2001
SUBJECT: Zoning Item #386
3801 Baker School House Road

Zoning Advisory Committee Meeting of April 9, 2001

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

X Groundwater Management: See the attached memo submitted to Mr. R. Bruce Seeley from Ms. Clare Brunner on February 21, 2001.

X Agricultural Preservation: The variance requests for the non-buildable RC2 area and panhandle lengths are supported. However, Agricultural Preservation opposes and strongly recommends denial of the request for a variance to 1A03.4.B-2.d of the Baltimore County Zoning Regulations. The purpose of this standard is to provide a minimum 100 foot buffer between new houses and existing and proposed agricultural activities. The RC2 area is good farmland and the Developer proposes to continue the farming activity, but does not provide supporting rationale for the variance. On Lot 4, the house can be relocated behind the 100 foot line and in the woods. On Lot 5, the house can be shifted back 50 feet and not impact any resources. Lot 6 can also be shifted back and minor modifications made to the septic reserve area.

There does not appear to be any significant justification for allowing this variance. An alternate house location plan is attached.

ATTACHMENTS

Reviewer: Wally Lippincott
Reviewer: Sue Farinetti

Date: April 12, 2001
Date: April 13, 2001