

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
SE/S of Pleasant Grove Road, 700' NE
centerline of Old Hanover Road
4th Election District
3rd Councilmanic District
(4915 Pleasant Grove Road)

Jacqueline S. Campbell
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-560-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Jacqueline S. Campbell. The Petitioner is requesting variance relief for property located at 4915 Pleasant Grove Road, located in the northern area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 50 ft. to the centerline of Pleasant Grove Road in lieu of the minimum required 75 ft. and to permit a rear yard setback of 25 ft. in lieu of the minimum required 35 ft. In addition, special hearing relief is requested to approve an undersized lot for a single-family dwelling in accordance with Section 500.7 of the B.C.Z.R.

The property was posted with Notice of Hearing on July 3, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 8, 2003 to notify any interested persons of the scheduled hearing date.

Notice is taken that the property, which is the subject of these special hearing and variance requests, consists of 0.6007 acres, more or less, and is zoned R.C.2. The property is unimproved.

ORDER
Date 7/29/03
By R. G. [Signature]

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: NONE

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Geoffrey Schultz of McKee & Associates, Inc., a professional surveyor who prepared the site plan of the property. Jacqueline S. Campbell, owner of the property, appeared at the hearing but did not testify. The Petitioner was represented by Howard L. Alderman, Jr., Esquire.

People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case but did not participate in the hearing.

Property owners from adjacent and nearby residences appeared at the hearing and testified. They were Michael Sichel, Marilyn Nehls, Matthew Sichel, and Jermaine Lewis.

Testimony and Evidence

Variance Request

B.C.Z.R Section 1A01.3.B.3 requires that any structure or dwelling in an RC.2 Zone be situated at least 75 feet from the centerline of any street and 35 feet from the lot line. These setbacks would then occupy 110 feet of any lot in this zone. The Petitioner's expert witness, Geoffrey Schultz, a licensed professional surveyor, testified that the property was 134 feet wide on the western edge of the lot and 113 feet wide on the eastern edge. Applying the setbacks required would result in a band of buildable land 24 to 3 feet in width. His testimony and common sense indicated that such a band of land is not reasonable, practical or useful as a building lot.

Mr. Schultz testimony further indicated the request for a 50 foot setback from Pleasant Grove Road was based upon the fact that homes along Pleasant Grove Road were 50 feet from the street (rather than 75 feet) and so the building envelop for this lot should likewise be 50 feet. Finally, he noted that the rear yard setback of 25 feet in lieu of 35 feet would accommodate a reasonably sized home given a 50 foot setback from the street. The Protestants did not dispute the variance requests specifically. I agree that there are special circumstances or conditions existing on the premises that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County

ORDER
7/29/03
P. Zimmerman

would result in practical difficulty or unreasonable hardship. Consequently I will grant the requested variances.

Special Hearing

In addition, special hearing relief is requested to approve an undersized lot for a single-family dwelling in accordance with Section 500.7 of the Baltimore County Zoning Regulations. R.C.2 zoning regulations require any lot to be one acre in size. This lot is .60 acres in size. Unlike the variances, the neighbors expressed serious and heartfelt concerns that approving this undersized lot for a single family dwelling would jeopardize the use and enjoyment of their property. Their testimony and evidence focussed upon their concern that the new well and septic system would adversely affect their well and septic systems on which they are completely dependent. They were skeptical about the Department of Environmental Protection and Resource Management (DEPRM) approval of the septic reserve area for the new home, and revalidated perc test approval in light of the high water table and wetland areas to the south of the property. Of particular concern to Michael and Matthew Sichel was the effect of the area on the Sichel's 50 year old dry well septic system with a new home next door utilizing its septic reserve area which is located near the Sichel property line. Ms. Nehl expressed similar concerns about her septic system while Mr. Lewis saw the possible new home as potentially interfering with his right of way in and out of his property.

The Petitioner's expert, Mr. Schultz, pointed out the this was not a new lot but rather had been created in 1959 long before the R.C.2 zone existed. He testified that the lot met the standards of 1959 and the fact the lot is now undersize should not be a detriment to use as a single family dwelling. He also testified that the septic reserve area was reviewed and specifically approved by DEPRM. He felt comfortable that it was adequate to the task as the

7/29/03
R. J. J. J.

minimum size reserve area is 5000 sq. ft. and the proposed area is 6400 sq. ft. He further explained that the rule requiring one acre lots for homes using well and septic began in 1972, again long after this lot was created. He pointed out that the existing well on the property would have to be properly capped off after being back filled and the new well drilled in the area shown on Petitioner's Exhibit No. 1. Finally he related that the actual design of the septic system was yet to happen as the design varied with the number of bedrooms of the home actually to be built on the property. That septic well design is to be reviewed by DEPRM at that time and, if it does not meet the County requirements, taking into account the effect on existing wells and septic systems for the surrounding properties, they will not receive a permit. In summary, we have then the genuine concerns of the neighbors to be weighed against the promise that the County will not approve a well/septic system that would adversely affect the neighbors' systems.

There is a fairness factor that the neighborhood has many undersized lots with less acreage than the Petitioner and yet they all have single family homes on them. For example, the Sichel lot is .44 Acres and is therefore considerably smaller than the Petitioner's lot. As important, the neighbors did not present evidence that they were having trouble with their well and septic systems because they had undersized lots. The absence of this information leads to the conclusion that their well and septic systems were working even though they had smaller lots than the Petitioner. Had evidence of the difficulties of neighboring well and septic systems been presented, it then would have been a question of whether there was evidence to distinguish between this subject lot and the neighboring lots - a far more difficult decision.

As evidence of failure of the neighboring well and septic system on undersized lots was not presented, I am convinced that the use of this lot for a single family dwelling is appropriate albeit that once the actual building is selected, the County will review the actual design to assure that

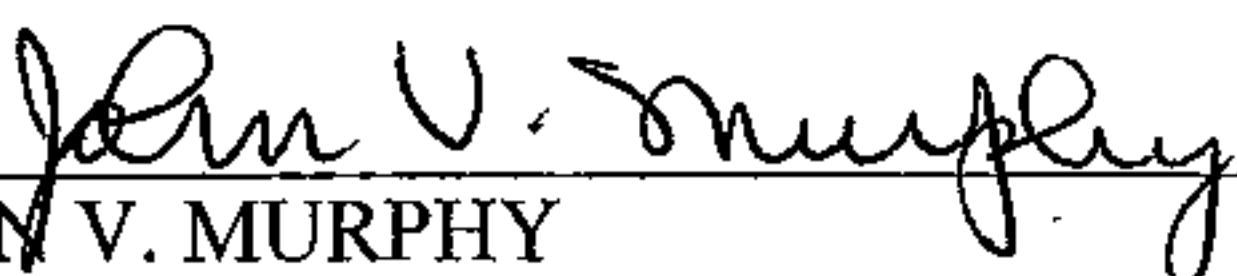
7/29/03
J. R. [Signature]

the new system will not harm the surrounding properties. Therefore I will grant the use of this undersized lot for building purposes of a single family dwelling.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29 day of July, 2003, that the Petitioner's request for a variance from Section 1A01.3.B.3 of the B.C.Z.R., to permit a front yard setback of 50 ft. to the centerline of Pleasant Grove Road in lieu of the minimum required 75 ft. and to permit a rear yard setback of 25 ft. in lieu of the minimum required 35 ft., be and is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with any recommendations made by DEPRM pertaining to the septic/well design on this property, taking into account the neighbors' system.

IT IS FURTHER ORDERED, that the special hearing relief requested from Section 500.7 of the B.C.Z.R., to approve an undersized lot for a single-family dwelling, be and is are hereby GRANTED.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj



Baltimore County
Zoning Commissioner

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

July 29, 2003

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance
Case No. 03-560-SPHA
Property: 4915 Pleasant Grove Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "John V. Murphy". The signature is written in a cursive, flowing style.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



Copies to:

Jackie Campbell
3 Dorchester Drive
Southampton, NJ 08088

Geoffrey C. Schultz
McKee & Associates, Inc.
Five Shawan Place, Suite 100
Hunt Valley, MD 21030

Michael Sichel
Matthew Sichel
4923 Pleasant Grove Road
Reisterstown, MD 21136

Marilyn Nehls
4914 Pleasant Grove Road
Reisterstown, MD 21136

Jermaine Lewis
4919 Pleasant Grove Road
Reisterstown, MD 21136



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4915 Pleasant Grove Road
which is presently zoned RC-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

The use of the property for building purposes as an undersized lot.

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:

Howard L. Alderman, Jr.
Name - Type or Print _____ City _____
Signature _____
Levin and Gann, P.A.
Company Nottingham Centre, 8th Floor
502 Washington Avenue (410) 321-0600
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Jacqueline S. Campbell
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
539 Bonita Drive 1-352-750-6846
Address _____ Telephone No. _____
Lady Lake, Florida 32159
State _____ Zip Code _____

Representative to be Contacted:

Geoffrey C. Schultz
Name _____
McKee and Associates, Inc.
Name _____
5 Shaven Road, Suite 1 (410) 527-1555
Address _____ Telephone No. _____
Cockeysville, MD 21030
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING 7/28/03 - 8/1/03

Reviewed By D. THOMPSON Date 5/29/03

Case No. 03-560-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Pleasant Grove Road (4915)
which is presently zoned RC-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 Variance from Section(s) 1A01.3B.3 to permit a front yard setback of 50 feet to the centerline of Pleasant Grove Road in-lieu-of the minimum required 75 feet and to permit a rear yard setback of 25 feet in-lieu-of the minimum required 35 feet.

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

The narrowness of the existing lot prohibits the building of a dwelling without the requested relief.

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:

Howard L. Alderman, Jr.
Name - Type or Print _____ City _____
Signature _____
Levin and Gann, P.A.
Company Nottingham Centre, 8th Floor
502 Washington Avenue (410) 321-0600
Address _____ Telephone No. _____
Towson, MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Jacqueline S. Campbell
Name - Type or Print _____
Signature Jacqueline S. Campbell
Name - Type or Print _____
Signature _____
539 Bonita Drive 1-352-750-6846
Address _____ Telephone No. _____
Lady Lake, Florida 32159
State _____ Zip Code _____

Representative to be Contacted:

Geoffrey C. Schultz
McKee and Associates, Inc.
Name _____
5 Shawan Road, Suite 1 (410) 527-1555
Address _____ Telephone No. _____
Cockeysville, MD 21030
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING 7/28/03 - 8/1/03

Reviewed By DTHOMPSON Date 5/29/03

Case No. 03-560-SPHA

REV 01/15/98

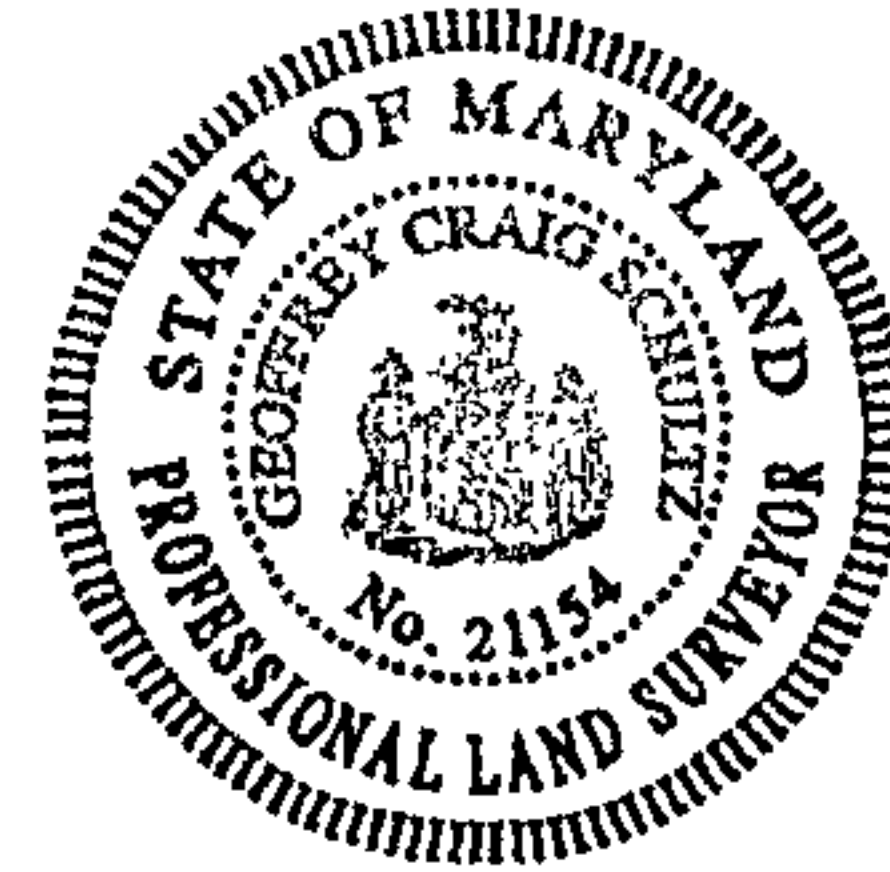
3/29/03
[Signature]

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

May 27, 2003

**ZONING DESCRIPTION OF
CAMPBELL PROPERTY
PLEASANT GROVE ROAD
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**



BEGINNING at a point in Pleasant Grove Road, said point being 700 feet, more or less northeast of the center of Old Hanover Road; thence running 1) South 34 degrees 17 minutes 50 seconds East, 134.21 feet, 2) North 40 degrees 16 minutes 10 seconds East, 221.20 feet, 3) North 37 degrees 39 minutes 50 seconds West, 113.57 feet, and 4) South 45 degrees 15 minutes 40 seconds West, 209.95 feet to the place of beginning.

CONTAINING 26,166 square feet or 0.6007 acres of land, more or less as recorded in Deed Liber 7022, folio 441.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **22223**

DATE 5/29/03 ACCOUNT 0010066150
AMOUNT \$ 130.00

RECEIVED FROM: W. KEE - ASSOC.

FOR: ITEM #560 05-560-SPHA

4915 PLEASANT GROVE RD. BN D THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED
PAID RECEIPT
BUSINESS OFFICE TIME
5/29/03 5:20 PM 11:30 AM
REG. 1054 WALKIN ODD AND
RECEIPT # 22962 5/30/2003
DEPT 5 528 ZONING VERIFICATION
OR NO. 022293
RECEIPT 101 \$130.00
101.00 OK 24 OK
BALANCE 10000 BALANCE

Chk # 836
835

Campbell
CASHIER'S VALIDATION

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: #03-560-SPHA

4915 Pleasant Grove Road

· S/east side of Pleasant Grove Road, 700 feet northeast of the centerline of Old Hanover Road

· 4th Election District - 3rd Councilmanic District

Legal Owner(s): Jacqueline S. Campbell

Special Hearing: to permit the use of the property for building purposes as undersize lot **Variance:** to permit a front yard setback of 50 feet to the centerline of Pleasant Grove Road in lieu of the minimum required 75 feet and to permit a rear yard setback of 25 feet in lieu of the minimum required 35 feet.

Hearing: Wednesday, July 23, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bayley 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.

JT/7/6/1 July 8

C614039

CERTIFICATE OF PUBLICATION

7/10/, 2003

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 7/8/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 7/3/2003

RE: Case Number 03-560 SPHA

Petitioner/Developer: Jacqueline S. Campbell

Date of Hearing/Closing: Wednesday, July 23, 2003

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 4915 Pleasant Grove Road

700 feet NE of the centerline of Old Hanover Road

The sign(s) were posted on July 3, 2003

(Month, Day, Year)

Lawrence Pilson
(Signature of Sign Poster)

J. Lawrence Pilson

(Printed Name of Sign Poster)

5 Shawen Road, Suite 1

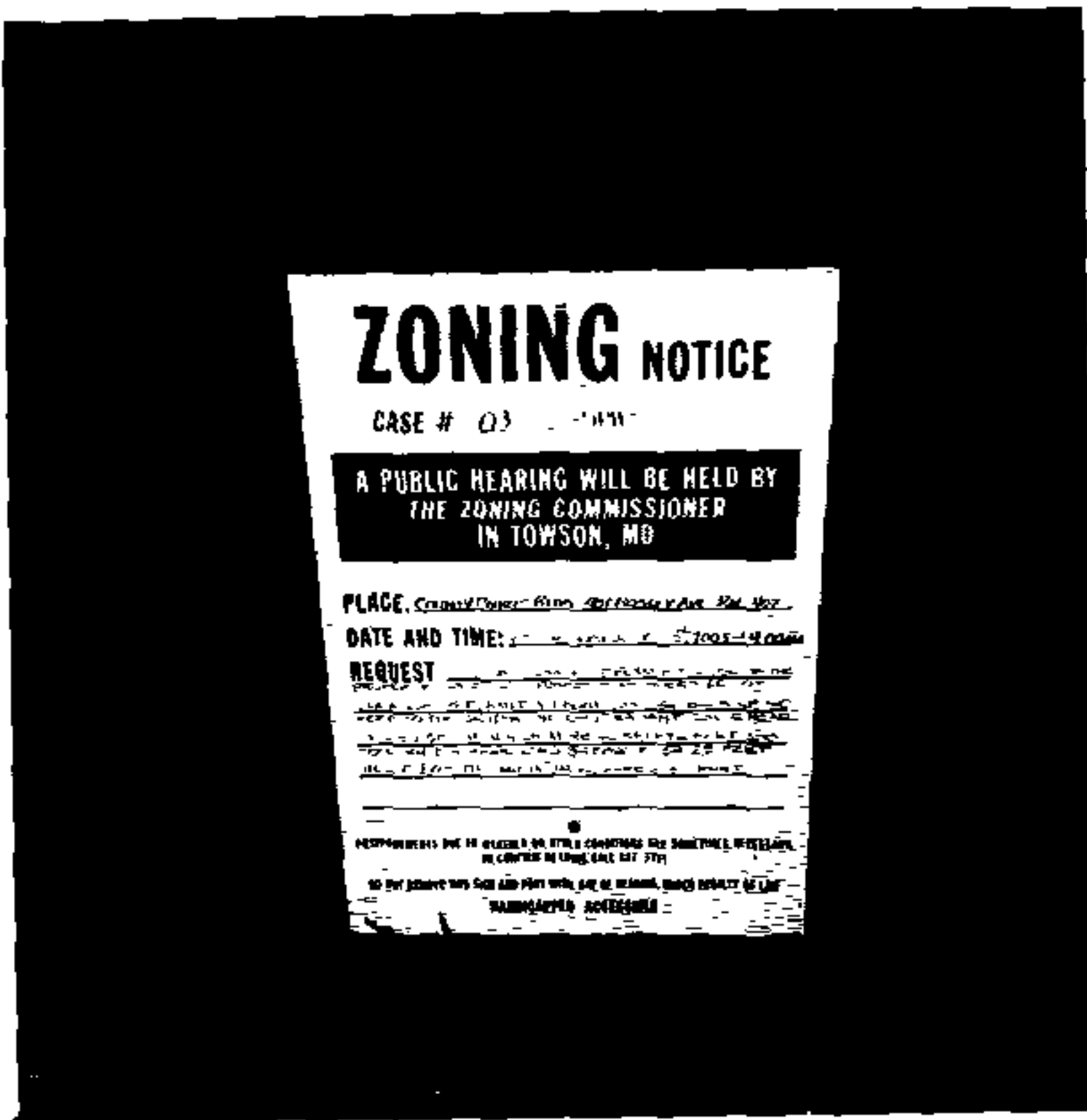
(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)





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

June 26, 2003

CORRECTION 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: 03-560-SPHA

4915 Pleasant Grove Road

S/east side of Pleasant Grove Road, 700 feet northeast of the centerline of Old Hanover Road

4th Election District – 3rd Councilmanic District

Legal Owner: Jacqueline S. Campbell

Special Hearing to permit the use of the property for building purposes as undersize lot.
Variance to permit a front yard setback of 50 feet to the centerline of Pleasant Grove Road in lieu of the minimum required 75 feet and to permit a rear yard setback of 25 feet in lieu of the minimum required 35 feet.

Hearings: Wednesday, July 23, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:rlh

C: Howard Alderman, Jr., Levin & Gann, Nottingham Centre, 8th Fl., 502 Washington Ave., Towson 21204
Jacqueline Campbell, 539 Bonita Drive, Lady Lake, Florida 32159
Geoffrey Schultz, McKee & Associates, 5 Shawan Rd., Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 8, 2003.**
(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.

Post-it® Fax Note	7671	Date	7/15/03	# of pages	1
To	Betty	From	Kulien		
Co /Dept		Co.			
Phone #		Phone #			
Fax #	3468	Fax #			

TO: PATUXENT PUBLISHING COMPANY
Tuesday, 8, 2003 Issue - Jeffersonian

Please forward billing to:

Jacqueline S. Campbell
539 Bonita Drive
Lady Lake, Florida 32159

1-352-750-6846

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: 03-560-SPHA

4915 Pleasant Grove Road

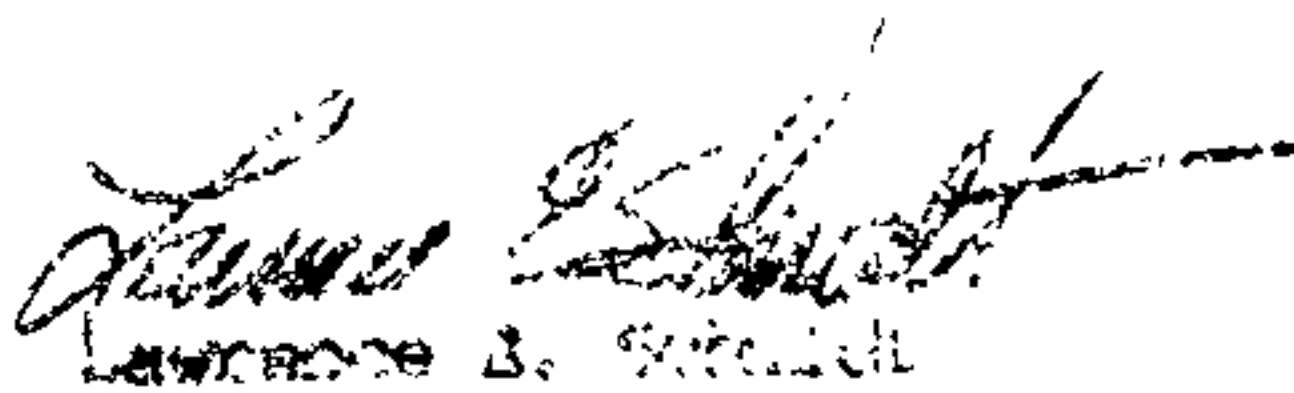
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4th Election District – 3rd Councilmanic District

Legal Owner: Jacqueline S. Campbell

Special Hearing to permit the use of the property for building purposes as undersize lot.
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Hearings: Wednesday, July 23, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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.



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

June 10, 2003

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: 03-560-SPHA

4915 Pleasant Grove Road

S/east side of Pleasant Grove Road, 700 feet northeast of the centerline of Old Hanover Road

4th Election District – 3rd Councilmanic District

Legal Owner: Jacqueline S. Campbell

Special Hearing to permit the use of the property for building purposes as undersize lot.
Variance to permit a front yard setback of 50 feet to the centerline of Pleasant Grove Road in lieu of the minimum required 75 feet and to permit a rear yard setback of 25 feet in lieu of the minimum required 35 feet.

Hearings: Tuesday, August 5, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., Levin & Gann, Nottingham Centre, 8th Fl., 502 Washington Ave., Towson 21204
Jacqueline Campbell, 539 Bonita Drive, Lady Lake, Florida 32159
Geoffrey Schultz, McKee & Associates, 5 Shawan Rd., Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 21, 2003.**
(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, July 17, 2003 Issue - Jeffersonian

Please forward billing to:
Jacqueline S. Campbell
539 Bonita Drive
Lady Lake, Florida 32159

1-352-750-6846

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: 03-560-SPHA

4915 Pleasant Grove Road

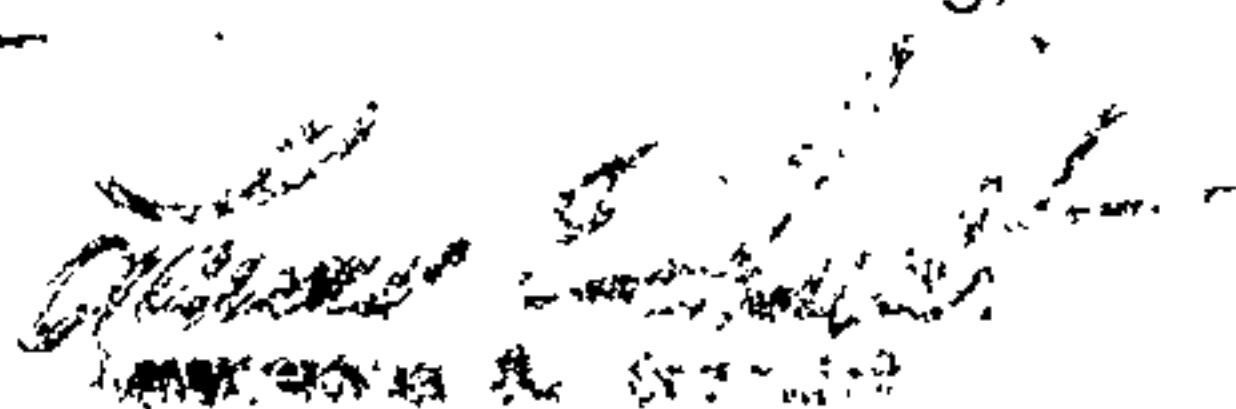
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4th Election District – 3rd Councilmanic District

Legal Owner: Jacqueline S. Campbell

Special Hearing to permit the use of the property for building purposes as undersize lot.
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Hearings: Tuesday, August 5, 2003 at 11:00 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 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: 03-560-SPHA

Petitioner: Jacqueline S. Campbell

Address or Location: Pleasant Grove Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jacqueline S. Campbell

Address: 539 Bonita Drive

Lady Lake, Florida 32159

Telephone Number: 1-352-750-6846



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

July 18, 2003

Howard Alderman, Jr.
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-560-SPHA, Pleasant Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 29, 2003.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Jacqueline Campbell, 539 Bonita Drive, Lady Lake, Florida 32159
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Rd., Ste. 1, Cockeysville 21030

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



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on Recycled Paper



**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 9, 2003

Item No.: 558, 560-569

Dear Ms. Hart:

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

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Acting Administrator

DEPARTMENT OF TRANSPORTATION

Date: 6.6.03

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

RE: Baltimore County
Item No. 560 DT

Dear Ms. Hart:

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,

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

My telephone number toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *res 1765*

DATE: August 6, 2003

SUBJECT: Zoning Item 560
Address Pleasant Grove Road

Zoning Advisory Committee Meeting of:

If this house was reduced to a 50 foot setback there would be no need for a variance. There is concern regarding the overbuilding of the site. The recommendation is to oppose the variance.

Reviewer: Wally Lippincott

Date: August 6, 2003

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 23, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2003
Item Nos. 559, 560, 561, 562, 563,
564, 565, 566, 567, 568, and 569

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
4915 Pleasant Grove Rd; SE/side Pleasant	*	ZONING COMMISSIONER
Grove, 700' NE c/line Old Hanover Rd		
4 th Election & 3 rd Councilmanic Districts	*	FOR
Legal Owner(s): Jacqueline S. Campbell		
Petitioner(s)	*	BALTIMORE COUNTY
	*	03-560-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 17th day of June, 2003, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee and Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and to Howard Alderman, Esquire, Levin & Gann, PA, 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JUN 17 2003
Per...bh.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMO TO FILE FOR **03-560-SPHA**

PLEASE DO NOT SCHEDULE HEARINGS FOR
7/28/03 THRU 8/1/03

MEMORANDUM

TO: Ms. Becky Hart
FROM: Howard Alderman
DATE: June 25, 2003
RE: Rescheduling of Jackie Campbell - 4915 Pleasant Grove Road
Case No. 03-560-SPHA

Becky:

I received your voice mail message yesterday but was unable to return your call until after business hours. I have no idea who gave you the "blackout" dates regarding a hearing on this case. However, in addition to those dates, the following are the dates that I am NOT available as of June 25th:

August 3 through and including August 11

August 14th

August 22nd

Sorry for the confusion. If you need to speak with me to reschedule this hearing and I am not in the office when you call, you can generally reach me on my cell phone which is **410-456-8501**.

Thanks.

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

June 20, 2003

*To Becky;
Postponement granted.
Call Mr. Alderman to
reschedule.
JMK*

VIA HAND DELIVERY

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

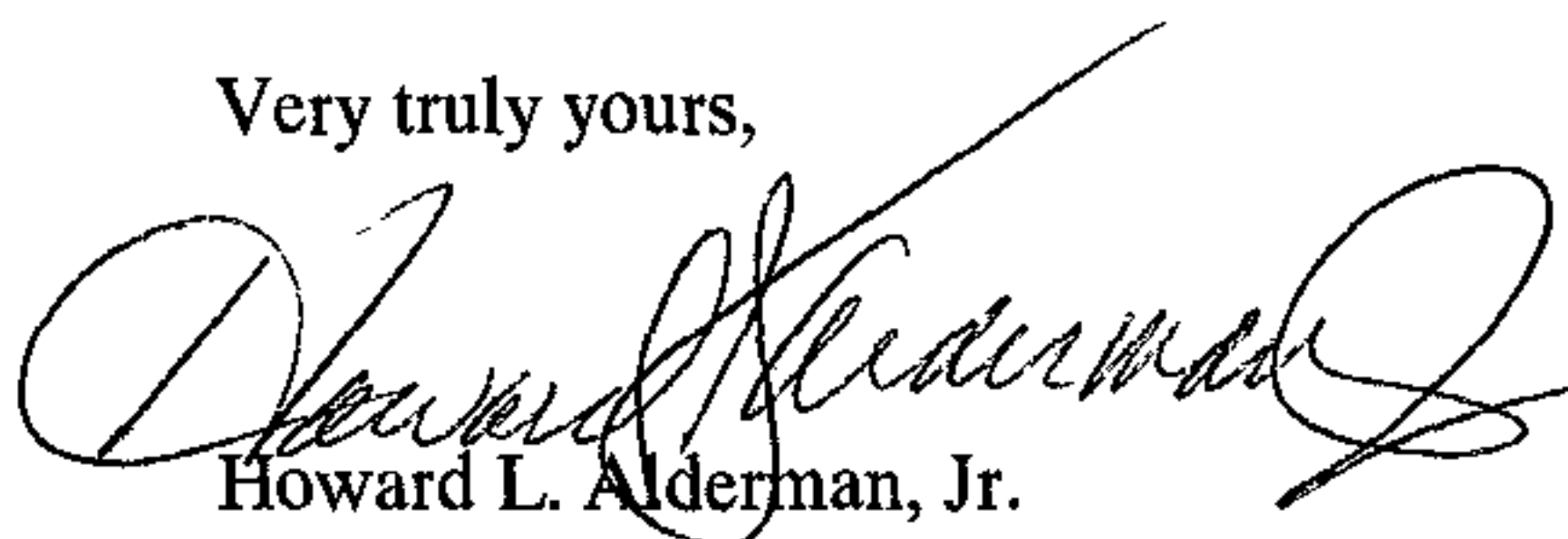
RE: 4915 Pleasant Grove Road
Case No. **03-560-SPHA**
Request for Postponement and Immediate Rescheduling

Dear Mr. Kotroco:

I have just received the Notice of Hearing in the above-referenced case indicating that this case is scheduled for hearing on August 5, 2003 at 11:00 a.m. I will be out of the State from August 2nd through and including August 11th, returning to the office on August 12, 2003. Therefore, on behalf of my client, Ms. Jackie Campbell, I respectfully request that the hearing on the above-referenced case be **postponed** and that it be **rescheduled as soon as possible**. **If Ms. Becky Hart will contact me before rescheduling the hearing I will ensure that the date is clear with all concerned.**

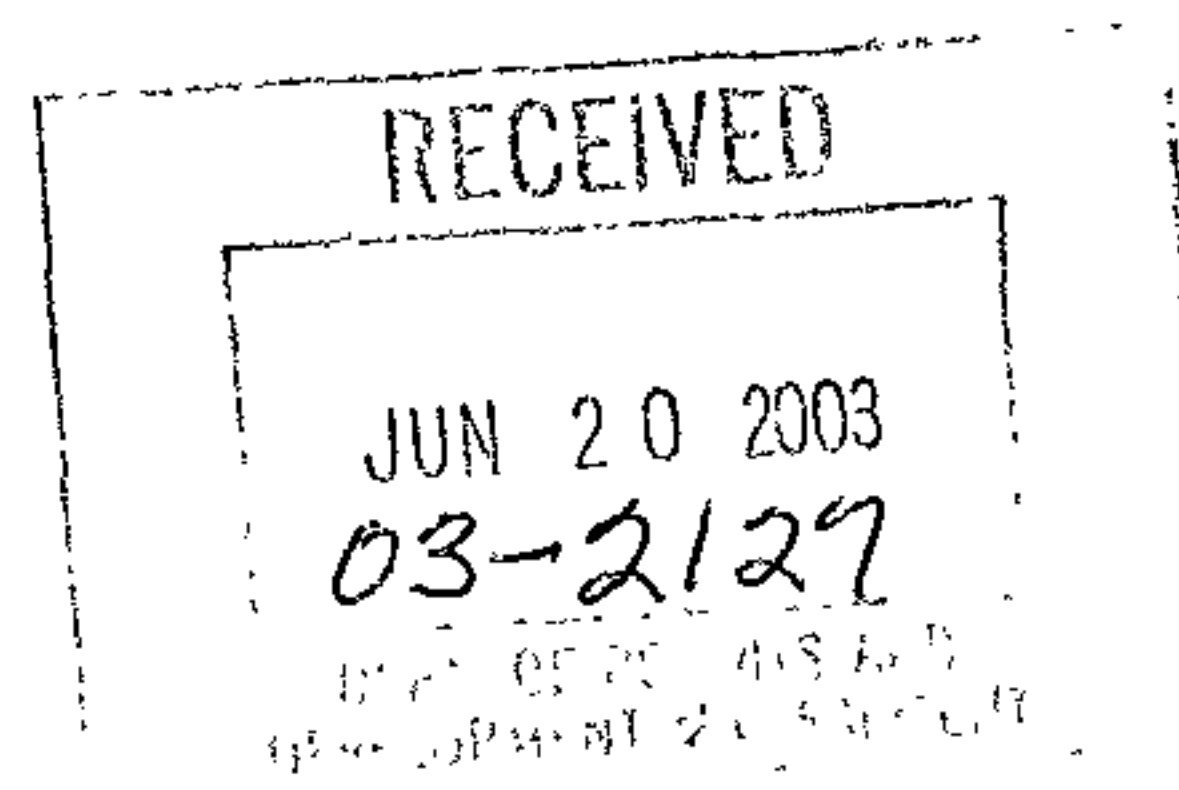
Thank you and please contact me if there is any problem with this request.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Ms. Jackie Campbell
Geoffrey Schultz, PLS
Ms. Becky Hart



CAMPBELL PROPERTY

CASE NUMBER 03-560-SPHA

DATE 23 July 03

ZONING ONLY

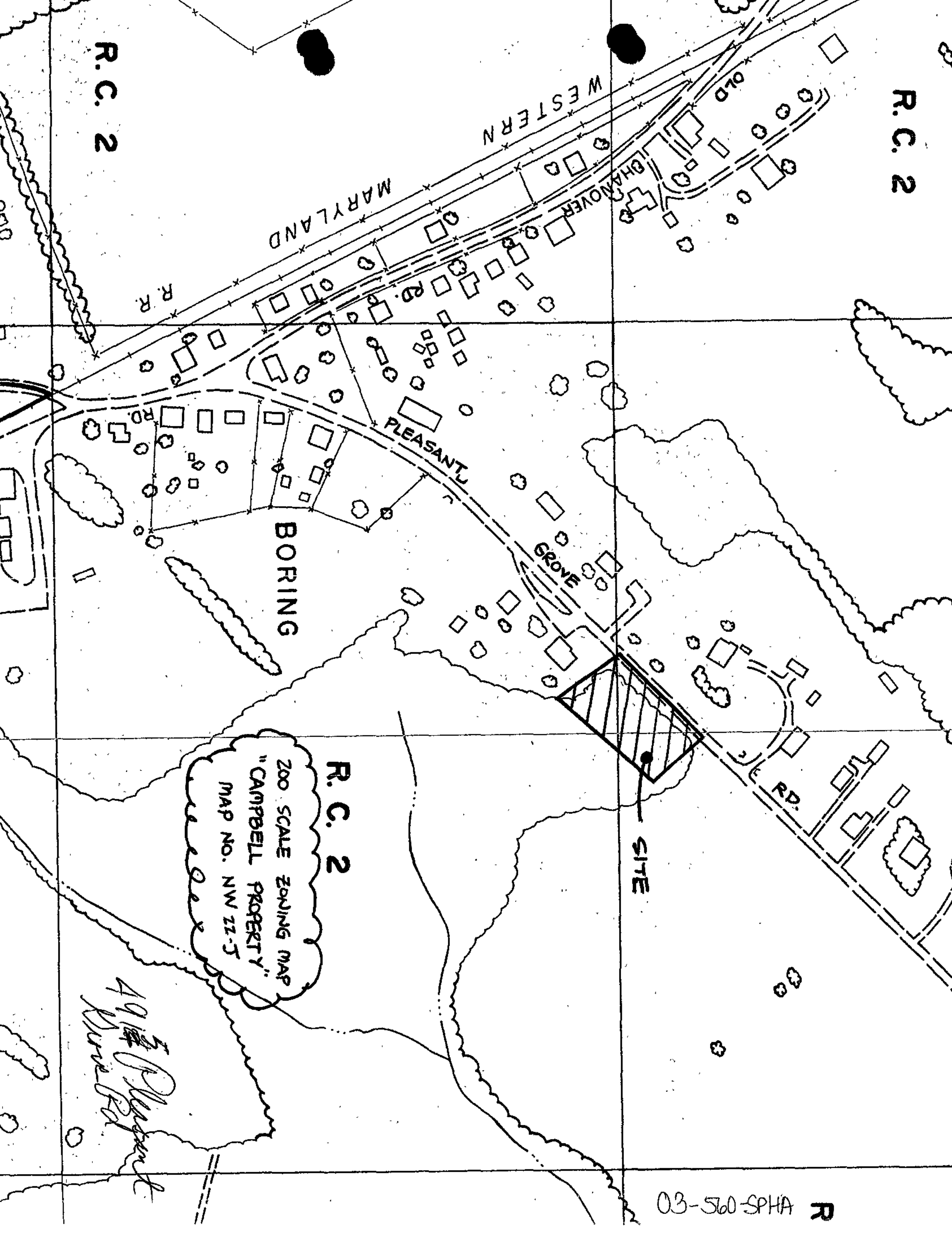
[illegible]

CASE NAME Campden Property
CASE NUMBER 03-520-SPHA
DATE 23 July 03

[illegible]

R.C. 2

R.C. 2



R.C. 2

200 SCALE ZONING MAP
"CAMPBELL PROPERTY"
MAP NO. NW 22-5

SITE

03-560-SPHA R

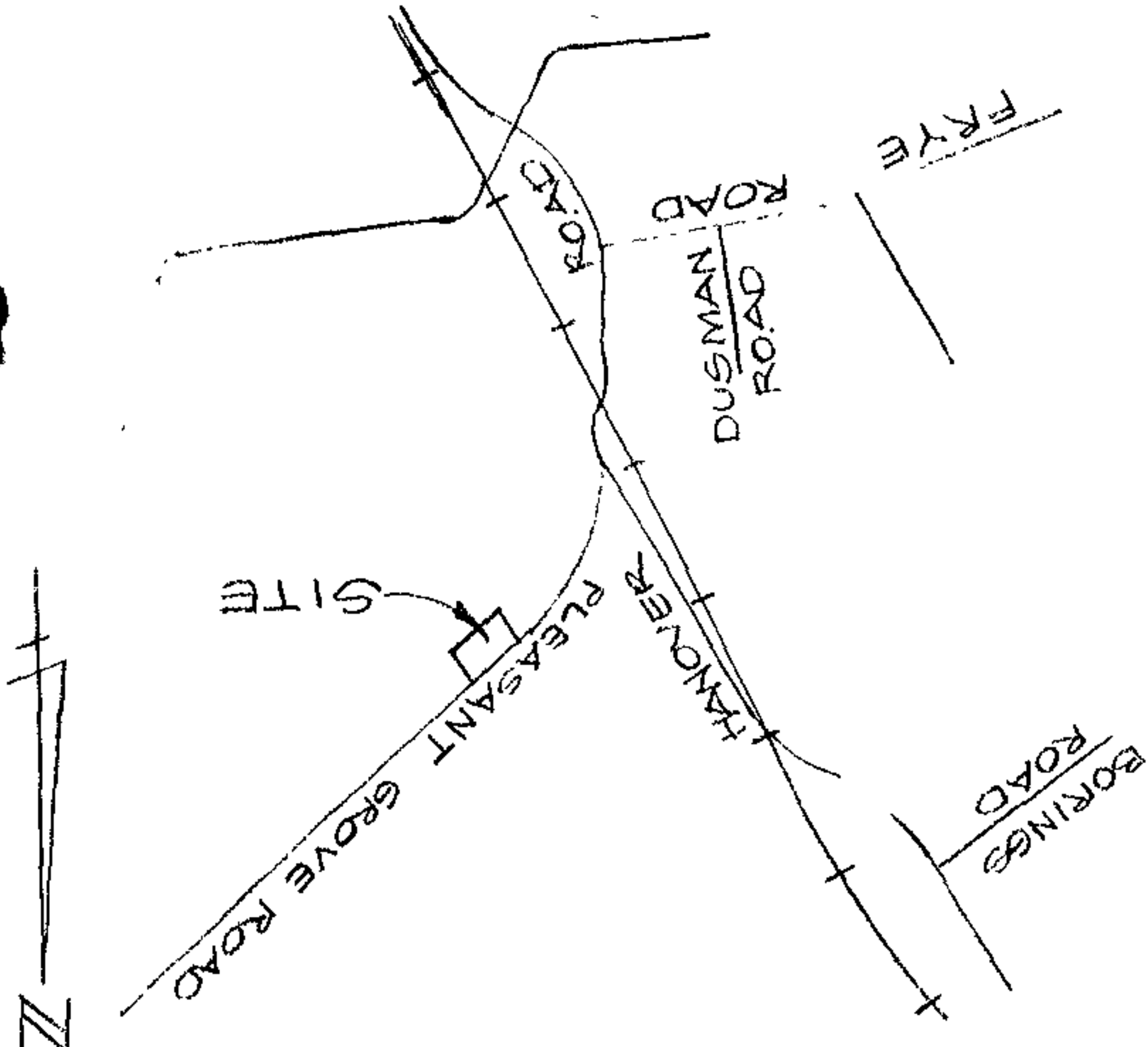
4914 Pleasant
Rural Rd

GENERAL NOTES

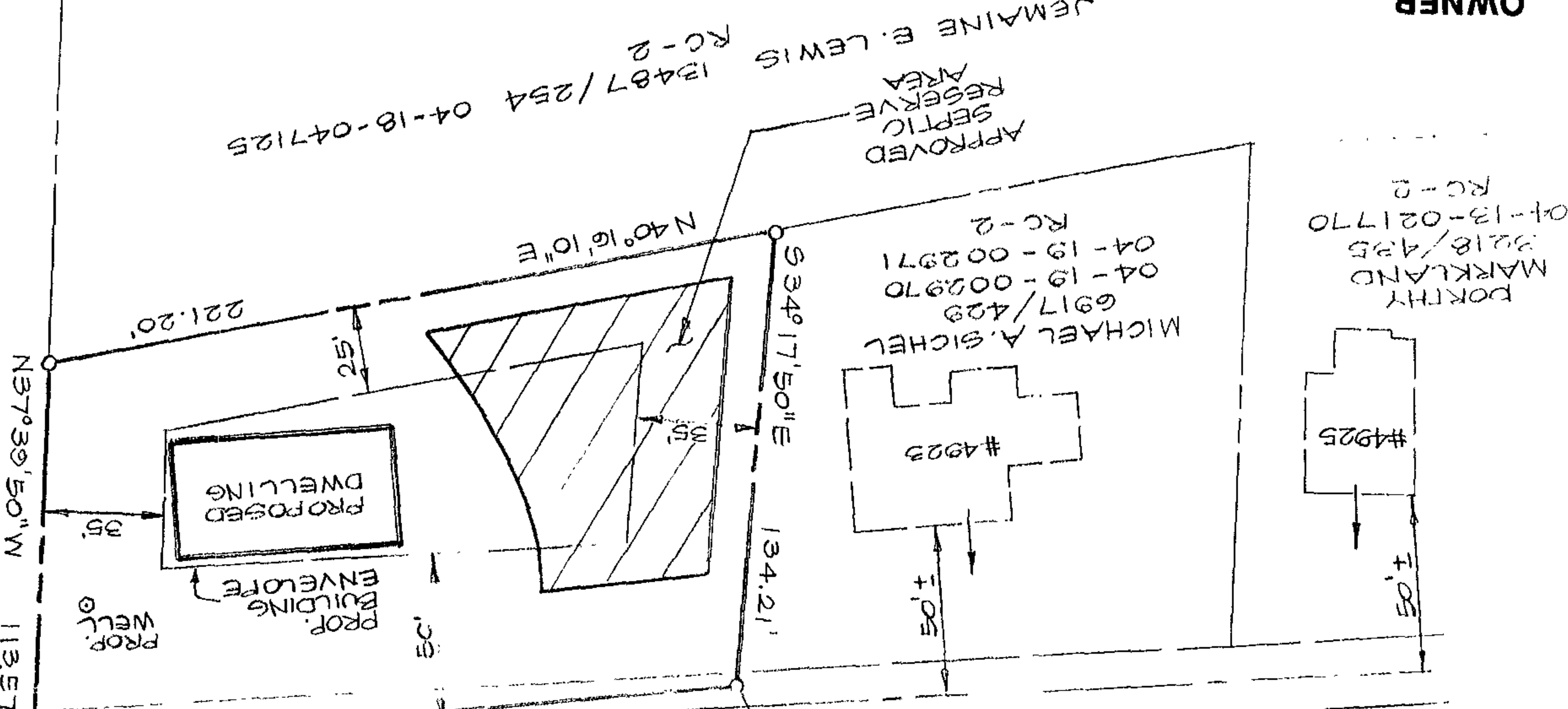
1. EXISTING ZONING - RC-2.
2. GROSS AREA 26,166 S.F. = 0.6007 AC. +/-.
3. NET AREA 19,896 S.F. = 0.4567 AC. +/-.
4. COUNCILMANIC DISTRICT - 3RD.
5. 200 SCALE ZONING MAP NO. NW 22-J.
6. THE PROPERTY AS SHOWN HEREON WAS CREATED ON MAY 19, 1959 BY DEED 3530/049.
7. EXISTING DWELLINGS SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY TOPOGRAPHIC TILE NO. 31C2.
8. THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS PROPERTY.
9. PROPOSED LOT SHALL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS. BALTIMORE COUNTY DEPRM HAS APPROVED THE SEPTIC RESERVE AREA BY LETTER DATED MAY 6, 2003.
10. THERE ARE NO STREAMS, STORMWATER MANAGEMENT SYSTEMS, DRAINAGE AND PIPE SYSTEMS, OR 100-YEAR FLOOD PLAINS ON OR WITHIN 100 FEET OF THE SUBJECT SITE.
11. SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
12. SITE IS NOT HISTORIC.
13. SITE IS WOODED.

VICINITY MAP

SCALE : 1" = 1000'



PLEASANT GROVE ROAD



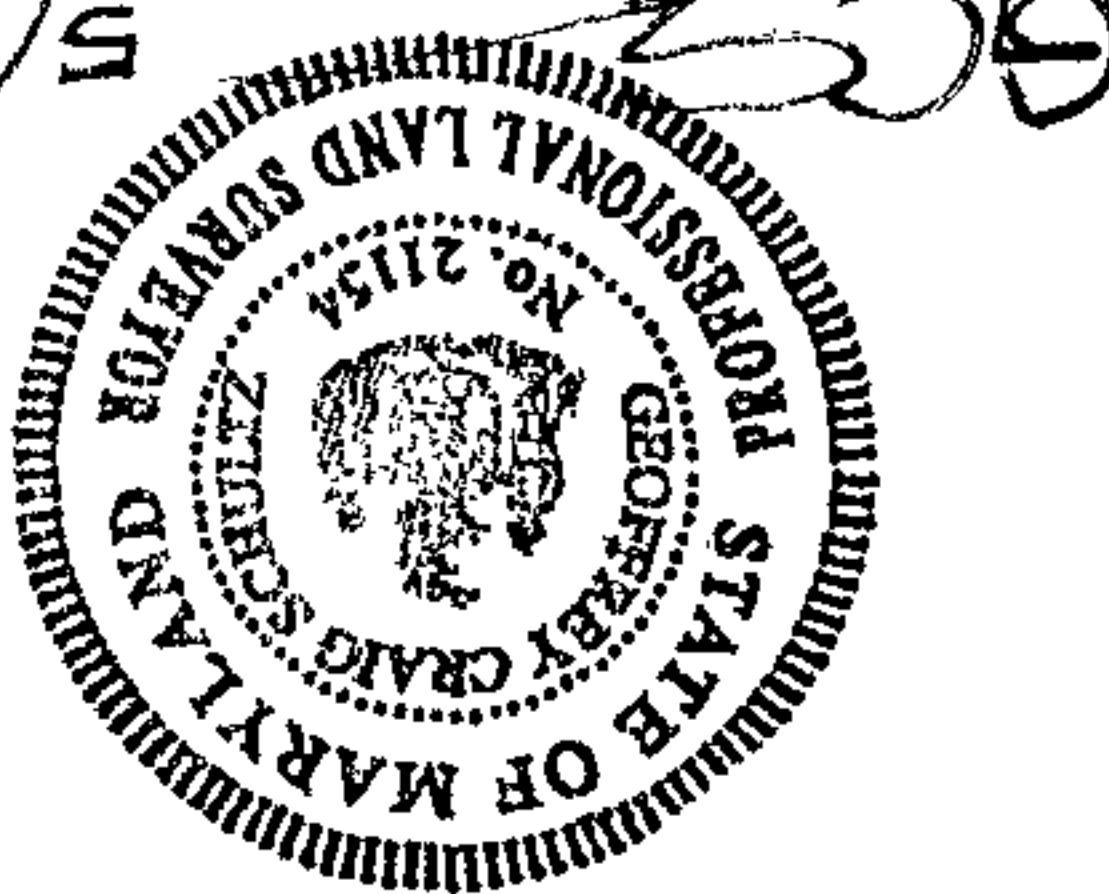
OWNER

JACQUELINE S. CAMPBELL

7022/441

04-05-061360

TAX MAP 31 PARCEL 43



DATE

5/23/03

McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE & SHAWAN ROAD
COCKEYSVILLE, MD 21030
PHONE - (410) 627-1665

"CAMPBELL PROPERTY"
PLEASANT GROVE ROAD

ZONING VARIANCE & SPECIAL HEARING

PLAT TO ACCOMPANY PETITIONS FOR

SCALE : 1" = 50'

DATE : MAY 23, 2003

4TH ELECTION DISTRICT BALTO. COUNTY, MD

03-560-544A

4908 Pleasant Grove Road
Reisterstown, MD 21136

July 16, 2003

Zoning Commissioner for Baltimore County
HAND DELIVERED

RE: Case No. 03-560-SPHA

Dear Sir:

The undersigned are owners of property adjoining the property which is the subject of the above-referenced Special Hearing. We are unable to attend this hearing and are asking that you allow Mr. Michael Sickle to speak on our behalf.

We live at 4908 Pleasant Grove Road, and also own the 7+ acres across the road from our home, which is adjacent to the lot in question.

At the present time, our 7+ acre parcel is being farmed, as it has been for many years. It is not our intention to use the property for any other purpose at this time, however, we feel that should circumstances warrant that it would serve a better use in the future, we want to have that option available to us.

As a Petition for Special Hearing has been filed requesting a variance from the front and rear yard setbacks, we assume a prospective intends to build a dwelling on the subject property. This would incur the need for a new well for a water supply, along with a septic system with appropriate drainage. Since the lot in question is so very small, we have to question where the water supply and the drainage system for the septic will be located. As this hearing deals with the request for a reduction in both the front and rear yard setbacks, we assume the residence it is contemplated to be built on the lot would be of a size which would require use of adjoining properties for the septic drain field. Our concern is that the septic will be positioned in such a place that our property would, inadvertently or otherwise, be used to serve as the drainage field. This could very likely interfere with future use of our property, should we desire to erect dwellings on it. The extreme slope of the subject lot would seem to suggest that it is not conducive to building a home of this size, much less with adequate drainage on-site.

Print #1

Our second concern is that any new owners may assume they are entitled to use the driveway which is located on our property and is shared with the Lewis family, who had no other access to their land. The lot in question is not "landlocked"; it has road frontage and could provide access to the highway. In addition, the right of ingress and egress as set forth in our Deed was to run with the "Nelson" property, of which the Lewis property was a part, and it is our belief that the subject lot was not a portion of the Nelson property and, therefore, not entitled to the use of our property for access to the roadway.

Our final concern has to do with the real estate company, whose name we do not know. When photographs of the property for sale were taken and placed with the listing on-line, the photographs were taken from the subject property and focused on our field property, instead of the wooded lot. This has caused many prospective buyers to assume our field is the property for sale and it has been inconvenient at times for us to walk to the field and explain the error. More care should be taken by realtors to be sure photos of property for sale are accurate and not misleading to prospective buyers.

We thank you for your consideration in this matter.

Very truly yours,

Donald O. King

Donald O. King

Violet L. King

Violet L. King

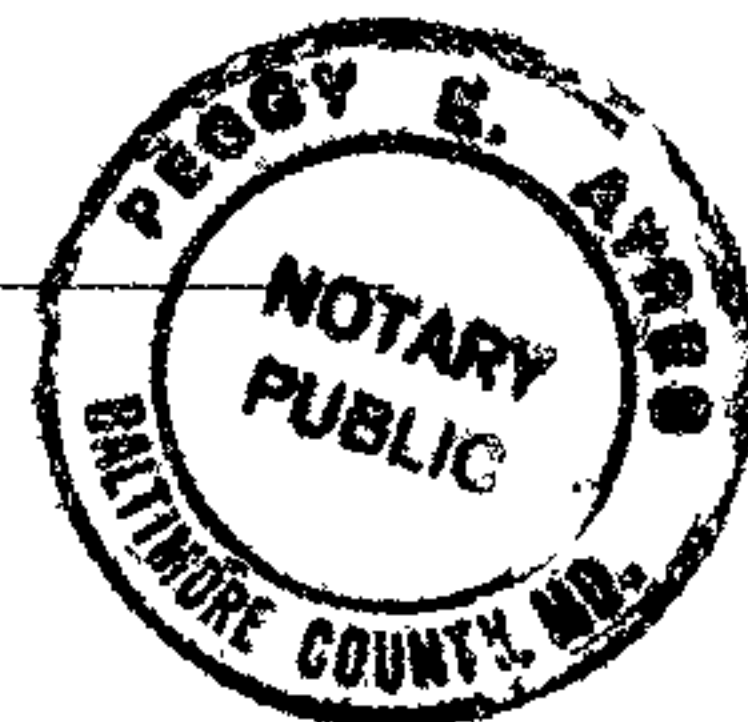
STATE OF MARYLAND, COUNTY OF BALTIMORE, To Wit:

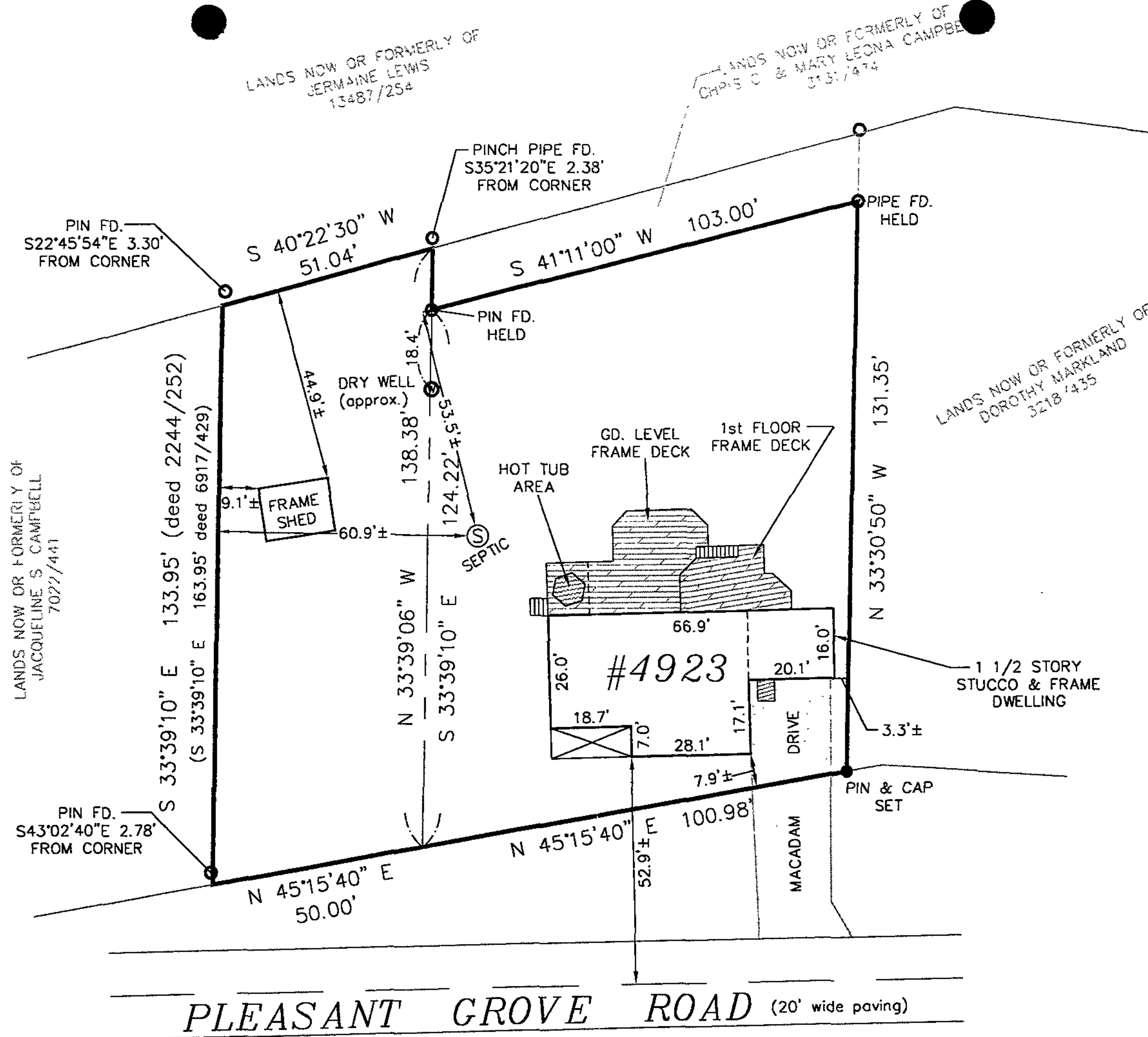
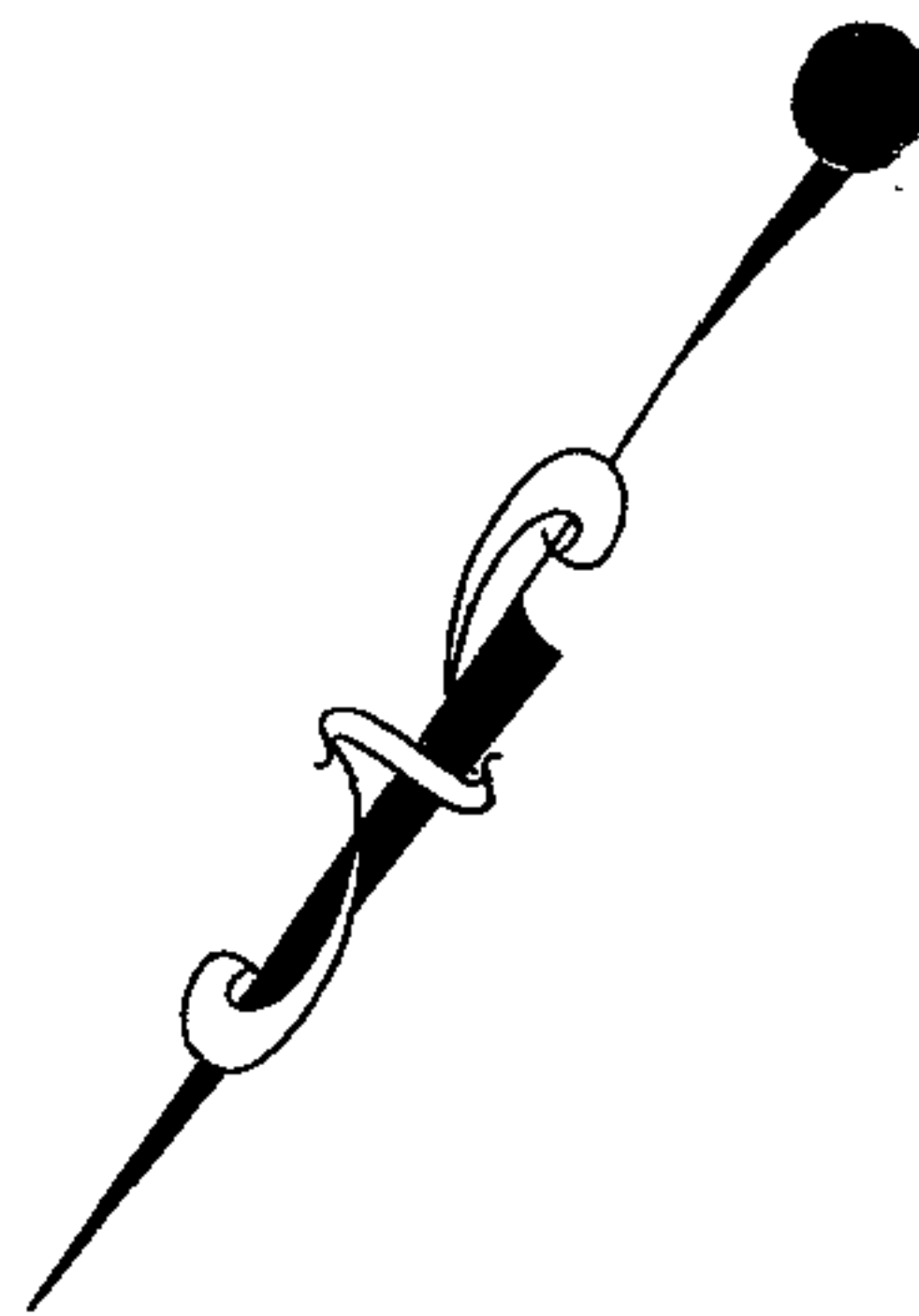
I HEREBY CERTIFY, that on this 16 day of July, 2003, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Donald O. King and Violet L. King, personally known (or satisfactorily proven) to be the persons whose names are subscribed above, and executed this letter in my presence for the purposes therein contained.

AS WITNESS My Hand and Notarial Seal.

My comm. expires: 9/1/03

Peggy E. Ayres
Notary Public





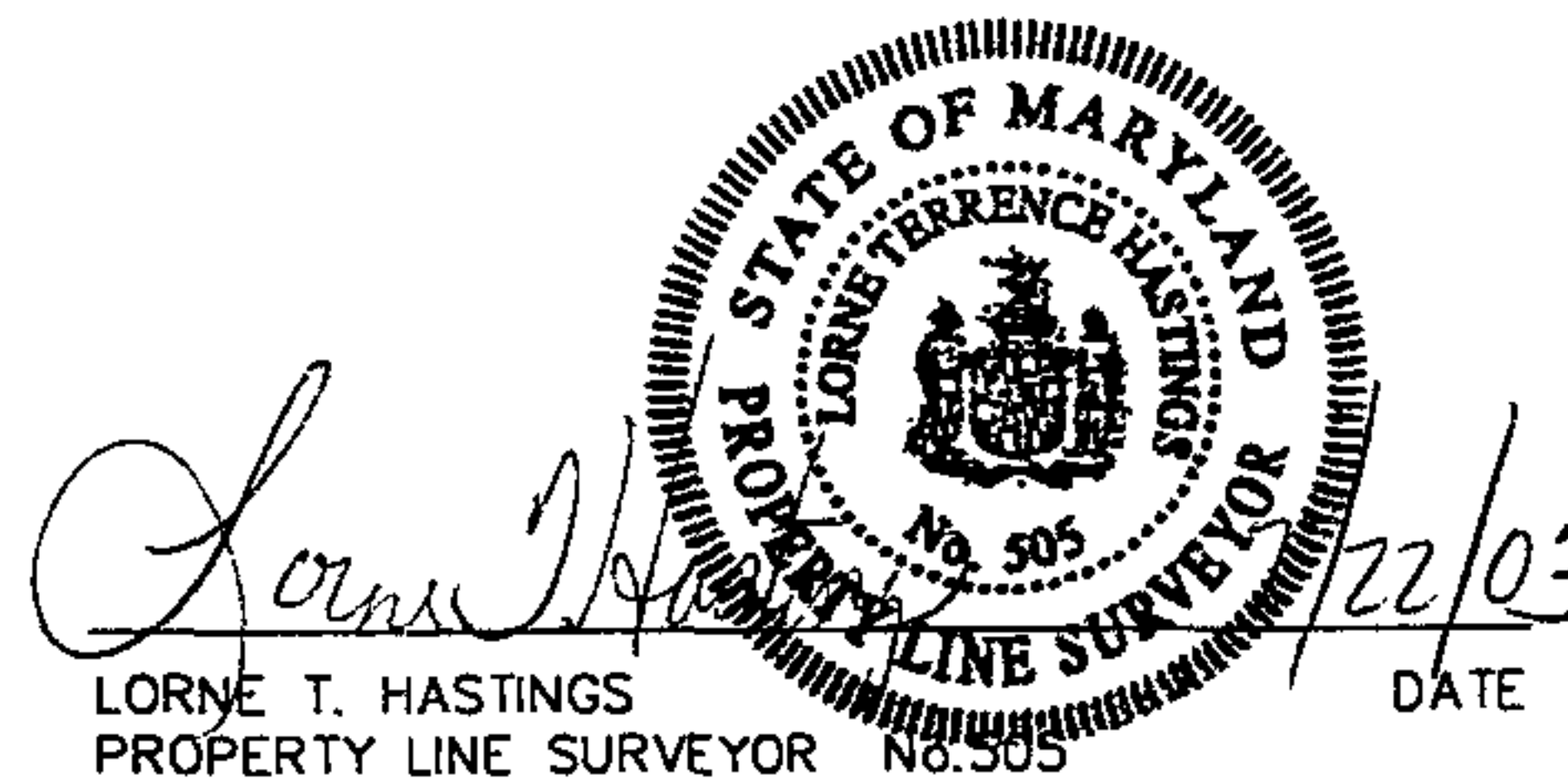
NOTE:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS" AS ADOPTED BY STATE OF MARYLAND.



ENGINEERS AND PLANNERS
10 NORTH PARK DRIVE
HUNT VALLEY, MD. 21030-1888
(410) 316-7800



BOUNDARY SURVEY
of
#4923 PLEASANT GROVE ROAD
REISTERSTOWN, MARYLAND 21136
SCALE: 1"=30' DATE: 21 JULY 2003

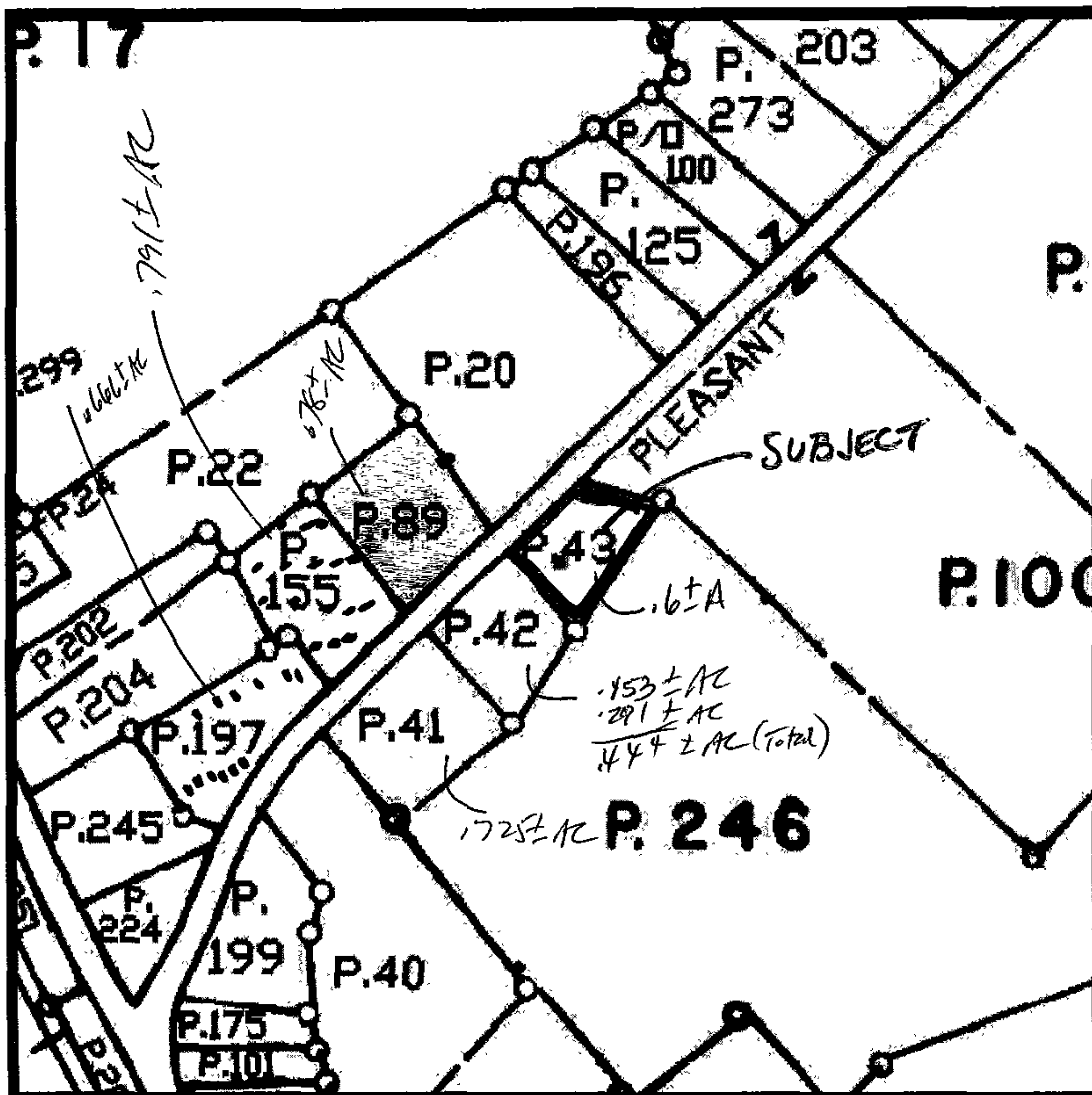
Done



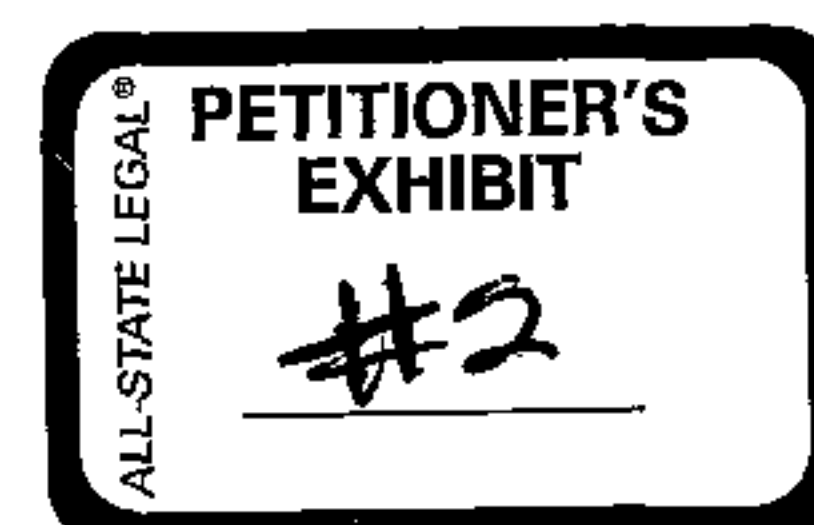
Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 04 Account Number - 0405061360



Property maps provided courtesy of the Maryland Department of Planning ©2001.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html



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BALTIMORE COUNTY
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Account Identifier: District - 04 Account Number - 0405061360

Owner Information

Owner Name: CAMPBELL JACQUELINE S Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 539 BONITA DR Deed Reference: 1) / 7022/ 441
LADY LAKE FL 32159-2403 2)

Location & Structure Information

Premises Address Zoning Legal Description
PLEASANT GROVE RD
.6007 AC SS
PLEASANT GROVE RD
900 E OLD HANOVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
31	11	43						80		

Special Tax Areas Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		26,166.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	35,540	35,540		
Improvements:	0	0		
Total:	35,540	35,540	35,540	35,540
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
ENSOR NANCY E	10/15/1985	\$0
Type: NOT ARMS-LENGTH	Deed1: / 7022/ 441	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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Account Identifier: District - 04 Account Number - 0419002971

Owner Information

Owner Name: SICHEL MICHAEL A
SICHEL SUZANNE M Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 4923 PLEASANT GROVE RD
REISTERSTOWN MD 21136 Deed Reference: 1) / 6917/ 429
2)

Location & Structure Information

Premises Address 4923 PLEASANT GROVE RD Zoning Legal Description
LT SES PLEASANT GR R
.153 AC
600 NE OLD HANOVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
31	11	42						80	Plat Ref:

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		6,664.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	1,660	1,660		
Improvements:	0	0		
Total:	1,660	1,660	1,660	1,660
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
SAWYER CHARLES L	05/16/1985	\$0
Type: NOT ARMS-LENGTH	Deed1: / 6917/ 429	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

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BALTIMORE COUNTY
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Account Identifier: District - 04 Account Number - 0419002970

Owner Information

Owner Name: SICHEL MICHAEL A Use: RESIDENTIAL
SICHEL SUZANNE M
Principal Residence: YES
Mailing Address: 4923 PLEASANT GROVE RD Deed Reference: 1) / 6917/ 429
REISTERSTOWN MD 21136 2)

Location & Structure Information

Premises Address Zoning Legal Description
4923 PLEASANT GROVE RD
SES PLEASANT GROVE R
.291 AC
BORING

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
31	11	42						80	Plat Ref:

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1954	2,017 SF	12,675.00 SF	04
Stories 1 1/2	Basement YES	Type STANDARD UNIT	Exterior FRAME

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	37,940	37,940		
Improvements:	97,100	105,460		
Total:	135,040	143,400	140,612	143,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: SAWYER CHARLES L	Date: 05/16/1985	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6917/ 429	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY
Real Property Data Search

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Account Identifier: District - 04 Account Number - 0413021770

Owner Information

Owner Name: MARKLAND DOROTHY Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4925 PLEASANT GROVE RD Deed Reference: 1) / 3218/ 435
REISTERSTOWN MD 21136 2)

Location & Structure Information

Premises Address
4925 PLEASANT GROVE RD

Zoning

Legal Description

.725 AC SS
PLEASANT GROVE RD
COR 30 FT RIGHT O

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
31	11	41						80	Plat Ref:

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1904	1,288 SF	31,581.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	46,890	46,890		
Improvements:	55,050	59,090		
Total:	101,940	105,980	104,632	105,980
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)

Account Identifier: District - 04 Account Number - 0408055660

Owner Information

Owner Name: MACFARLANE WALTER NORMAN
MACFARLANE SHELBY
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4922 PLEASANT GROVE RD
REISTERSTOWN MD 21136
Deed Reference: 1) / 9326/ 189
2)

Location & Structure Information

Premises Address: 4922 PLEASANT GROVE RD
Zoning:
Legal Description: .78 AC NS
OLD PLEASANT GROVE RD
AND BORING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
31	11	89						80	Plat Ref:

Special Tax Areas: Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,328 SF	33,976.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	47,490	47,490		
Improvements:	94,870	94,870		
Total:	142,360	142,360	142,360	142,360
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
HICKLE WILLIAM J	08/18/1992	\$125,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 9326/ 189	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY
Real Property Data Search

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Account Identifier: District - 04 Account Number - 0413056830

Owner Information

Owner Name: SOUTHARD MARK S
SOUTHARD NANCY G Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4924 PLEASANT GROVE RD
REISTERSTOWN MD 21136 Deed Reference: 1) / 6718/ 322
2)

Location & Structure Information

Premises Address
4924 PLEASANT GROVE RD

Zoning

Legal Description
NWS PLEASANT GR RD
.791 AC
510 E OLD HANOVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
31	11	155						80		

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1966	2,806 SF	34,455.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	47,610	47,610		
Improvements:	180,320	195,470		
Total:	227,930	243,080	238,030	243,080
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
CARVER TERRI J	05/24/1984	\$63,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6718/ 322	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)

Account Identifier: District - 04 Account Number - 0404020750

Owner Information

Owner Name: DEVILBISS WALTER M,TR
DEVILBISS VIRGINIA W,TR
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4932 PLEASANT GROVE RD
REISTERSTOWN MD 21136-3913
Deed Reference: 1) /12374/ 195
2)

Location & Structure Information

Premises Address: 4932 PLEASANT GROVE RD
Zoning:
Legal Description: 0.666 AC NW
4932 PLEASANT GROVE RD
250 NE OLD HANOVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
31	11	197						80		

Special Tax Areas:
Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,484 SF	29,010.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	Phase-in Assessments As Of 07/01/2003
Land:	46,250	46,250		
Improvements:	92,600	96,750		
Total:	138,850	143,000	141,616	143,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: DEVILBISS WALTER M	Date: 09/09/1997	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12374/ 195	Deed2:
Seller: DEVILBISS JOHN M	Date: 10/24/1955	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 2803/ 221	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

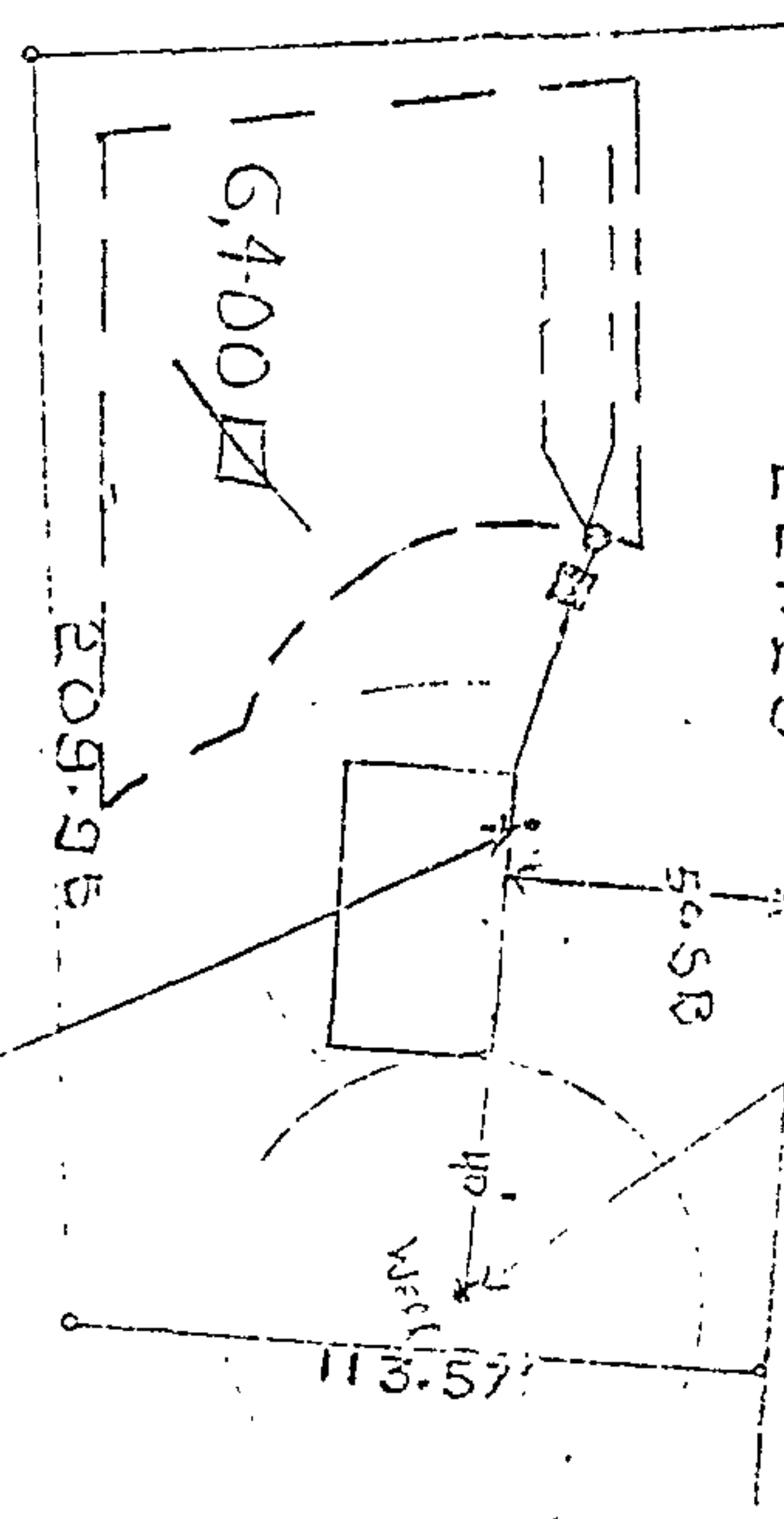
Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Present Garage Rd
221.20



1500 Gal Deplic. Tank 1 dist.
box and 2 1/2' wide 8' deep 150 long
Aluminum Zener 300' Zener
batter
1" 40'

backfilled w/
concrete piers
in 100' of
dependant
20' x 10' area

7/11/78

Building Appl.

Applic

underground di

Council Bill N

TYPE OF BUILD

If residential

Owner's name

Location of pr

Sub-Division

Size of Lot

A fee of \$10.00

to Baltimore

700(2)

Four(4) plot

Fee paid: Dat

COMMENTS: OK

6.5

Water and Sewer Service in Rural Baltimore County, Maryland

by

Jeanne E. Bilanin
and
Victor K. Tervala

C-60

Institute for Governmental Service
Center for Applied Policy Studies
University of Maryland, College Park

September 1999



A report of the Maryland Coastal Zone Management Division, Department of Natural Resources pursuant to National Oceanic and Atmospheric Administration Award No. NA87OZ0236

*pet not accepted
#3*

Preface

Over the last several years, Baltimore County officials have been increasingly concerned about failing septic systems and contaminated wells in rural Baltimore County. The boundaries of the Metropolitan District, the entity that serves the water and sewer needs of county residents, does not extend much beyond urban areas. If public water and sewer services are needed in rural Baltimore County, who can deliver services and how can they do so?

This service question alone is significant but also affects the county's comprehensive plan. Two concepts included in the proposed plan--rural commercial centers and rural villages--probably cannot be implemented unless community water and sewer systems are available in areas beyond the Metropolitan District.

While these concerns were being raised among local officials, state officials began debating the need for tighter restrictions on individually owned septic systems. Among other things, state officials were considering whether to require septic systems to be inspected periodically to protect water resources. Most of these septic systems in Baltimore County lie outside the boundaries of the Metropolitan District. Consequently, if the county were made responsible for an inspection program, how could it be conducted?

To study these questions, the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) received a grant from the Maryland Department of Natural Resources' Coastal Zone Management Program. DEPRM contracted with the Institute for

Governmental Service (IGS) at the University of Maryland to do the work. Specifically, the study was to focus on how water and sewer services might be brought to rural Baltimore County; on how the county might implement an inspection program for septic systems, if the state required it; and on whether a sanitary district should be established for rural Baltimore County.

IGS started work in September 1998.

Executive Summary

This study focuses on three questions. First, how can Baltimore County bring water and sewer capacity to areas that lie beyond the Metropolitan District and in so doing, allow two concepts in the county's proposed master plan--rural commercial centers and rural villages--to be implemented? Second, how can the county perform inspections of on-site sewage disposal systems (OSDS) should the state require it? Third, is a sanitary district necessary to perform these services?

The study shows that a sanitary district is unnecessary for fielding an inspection program. An OSDS inspection program may be required if proposed state regulations should be adopted. In this event, the study suggests that the new program operate as follows: the county government would require OSDS owners to obtain a permit from the county that allows owners to operate an OSDS for a period of three to five years; the permit would be issued only after the owner contracted with a private business to perform the inspection and only after the inspection showed that the OSDS operated properly and in accordance with state standards; the Department of Environmental Protection and Resource Management (DEPRM) and the Department of Permits and Development Management would create and oversee the program; and any existing permit would expire after three (or five) years, but could be renewed if an inspection showed the OSDS was operating properly.

The study shows that a sanitary district is unnecessary to bring community-based water and sewer services to rural Baltimore County. According to DEPRM, septic systems are failing

in certain geographic pockets in rural Baltimore County and some wells are plagued by contamination. Because of environmental constraints, these pockets will need community-based water and sewer systems in which multiple households or businesses are grouped in a system for disposing of wastewater or for receiving water from a centralized source. The study estimates that capital costs for installing these systems is less than \$12 million.

The problem arises in the fact that these geographical pockets lie, for the most part, outside the boundaries of the Metropolitan District. However, bringing community-based services to rural Baltimore County does not require a sanitary district. Several other alternatives, such as creating a water and sewer authority or even contracting with the Maryland Environmental Service to install, operate and maintain these small systems, are as appealing in their way as the creation of a rural sanitary district. Yet, implementing any of these alternatives does not appear as attractive as simply relying on the Department of Public Works (DPW) to do the job. DPW already provides water and sewer services in Baltimore County through the Metropolitan District.

Beyond the question as to which entity should deliver rural water and sewer services is the question of paying for these systems. When capital and operating costs of community systems are added together, additional costs to homeowners might run \$300 per month. The study finds that the county should, to the extent possible, rely on private developers for installing community systems in new developments. Nonetheless, for systems installed in existing

communities, costs can outstrip the ability of some homeowners to pay for them. In such cases, the county government may be forced to use tax dollars to pay a portion of the capital and/or operating costs.

Introduction

For most of this century the Baltimore County Metropolitan District, an entity over which Baltimore County and Baltimore City share responsibility and governance, has been providing county residents centralized water and sewer services. Nearly 87 percent of county households (11 out of 12 county residents) today receive water and sewer service from the Metropolitan District.¹ Yet 13 percent of the households do not receive the services. Almost 93 thousand county residents get water from their own private wells and dispose of sewage through their own private septic systems. Some of these households lie within the Metropolitan District in "no planned service areas," but most are located outside the district boundaries. (See Figure 1.) In terms of wastewater alone, these systems account for approximately 10 million gallons per day, or 3.5 billion gallons per year² of wastewater flow into the subsurface of Baltimore County. As long as these private systems work well, as long as the soils can absorb the wastewater, the steady flow presents no real concern. Yet we know these systems do not always work well.

The federal government estimates that on average 10 percent of private septic systems fail

at least once during the year.³ The term *failure* here means an overflow of sewage to the surface or direct discharge into a stream or storm drain. If Baltimore County is similar to the national average, then the county should expect roughly 3,800 septic systems to fail at least once this year. The failures will cause nearly one million gallons of sewage to flow freely in the county.

Furthermore, the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) estimates 750 systems fail chronically. The chronic failures collectively pump another 187,000 gallons of sewage periodically onto county land and into county streams. This number, incidently, excludes the 1,200 homes on failing systems on the county's lower east side (Bowleys Quarters and Back River Neck peninsulas) that are being brought onto public water and sewer service.

The problem, of course, represents an environmental threat and a serious health concern. Waterborne disease outbreaks in the U.S. often are attributed to bacteria and viruses present in domestic sewage, according to the United States Environmental Protection Agency. Septic system failures are the most frequently reported source of contamination in these outbreaks. Septic system failures also cause increased levels of nitrates, heavy metals and synthetic organic chemicals in ground water. All of these things devastate water resources, degrade property values and erode human health.

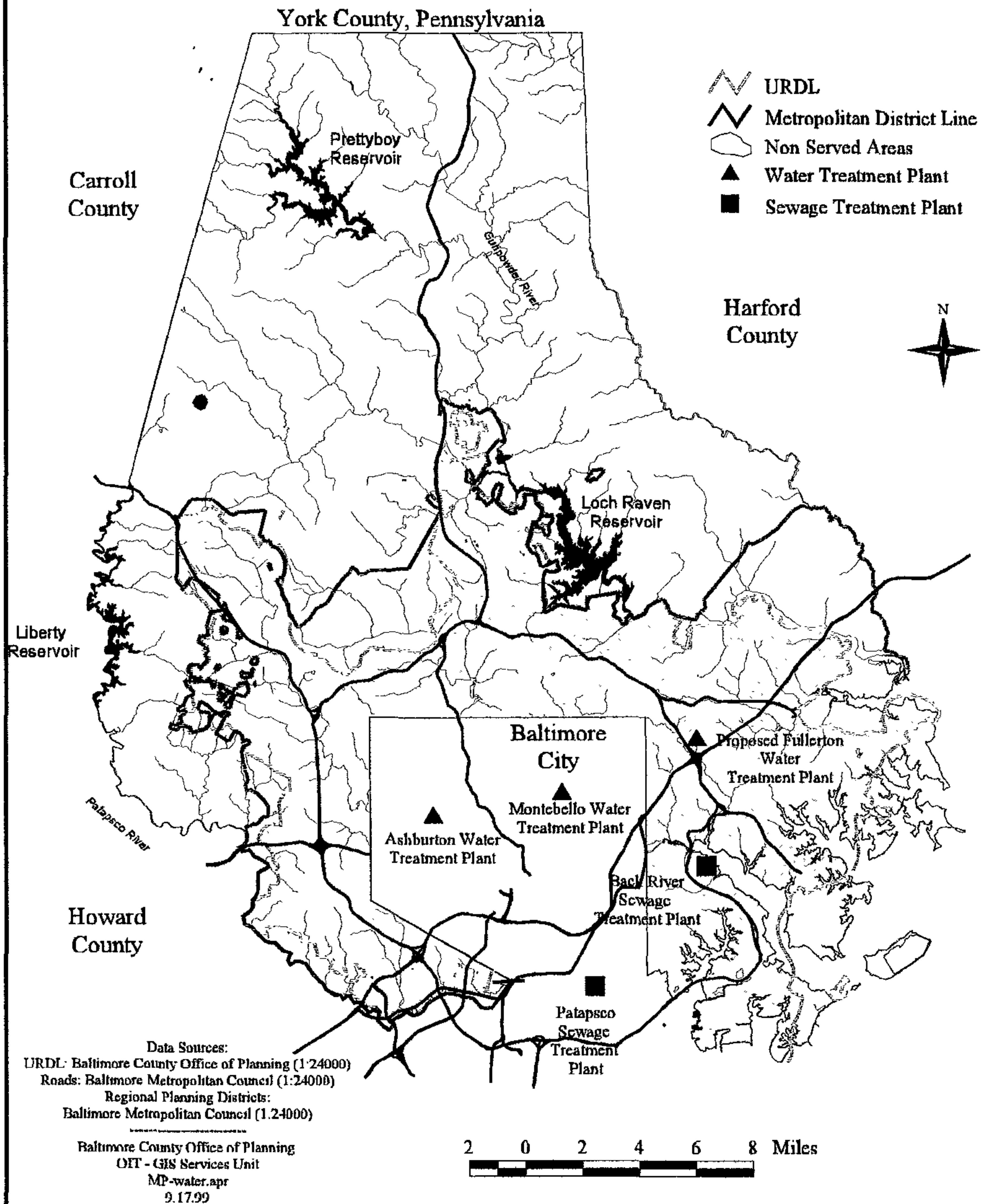
1 Data provided by the Baltimore County Department of Environmental Protection and Resource Management, using Year 2000 estimates.

2 Estimate based on an average discharge of 250 gallons per day per household. Data from *Problem Areas for On-Site Sewage Disposal Systems in Baltimore County*, Baltimore County Department of Environmental Protection and Resource Management (1998).

3 *Septic Stats, An Overview*, National On-site Demonstration Project, Small Flows Clearinghouse, West Virginia University (1998).

Figure 1

**Water Supply and Sewerage System
Baltimore County, Md.**



On-site water and sewer systems are privately owned and maintained. Yet because of health and environmental issues, they present a public concern. Recognizing this fact, the Baltimore County government has become involved. The county government prohibits the discharge of sewage, except with a permit, into any waters of the county or onto the ground surface, streets or roads.⁴ The county actively enforces the ordinance along with another county ordinance that requires abandoned well and septic systems to be left in such a way as not to injuriously affect the public health.⁵ The county also issues building permits for drilling wells and installing septic systems, and county personnel are engaged in site and design issues. Furthermore, the state requires county involvement when nonconventional septic systems are at issue.⁶ Specifically, state agencies and DEPRM receive proposals for the installation of nonconventional septic systems, along with other related reports required by the state. Along with state officials, the county must approve the design and site of the installations. Local authorities also are required by the state regulation to monitor the nonconventional systems for several years.

Yet, this involvement to date may not be enough. The problems caused by failing septic systems persist and federal and state governments are calling for more and more effort. Specifically, several years ago the federal government established management measures requiring state governments to manage the siting, design, installation, and operation of on-site

sewage disposal systems (OSDS).⁷ Those measures require the following:

- Development of setback guidelines and official maps showing where conditions are suitable for conventional septic OSDS installations;
- Siting, design, and construction that provides sufficient separation between the soil absorption field and the seasonal high water tables;
- Assessment of site suitability prior to issuing OSDS permits;
- Minimal densities of development in areas that require the use of denitrification systems;
- Local plumbing codes that require practices that are compatible with OSDS use;
- Siting, design and construction that are appropriate for protecting surface water and ground water;
- Site designs that provide for a possible backup soil absorption field in case of failure of the first field;
- Soils that are not compacted in the primary or backup soil absorption field area;
- Post-construction inspections of OSDS.

4 Baltimore County Code, Section 35-74.

5 Id. Section 35-176.

6 See COMAR, 26.04.02.06.

7 See Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Water, Environmental Protection Agency, Office of Water, issued under the authority of Section 6217(g) of the Coastal Zone Act Authorization Amendments of 1990.

Through state regulations, Maryland has adopted many of the federal management guidelines.⁸ The regulations basically call for work at the state level, rather than at the local level. Nonetheless, other state regulations are being drafted that appear to require local effort. Specifically, a proposed set of regulations was circulated in the spring of 1999. They require, among other things, enforcing OSDS maintenance standards, tracking the frequency of maintenance, and certifying persons engaged in OSDS inspections. According to DEPRM, the proposed regulations, if approved, will require Baltimore County to hire more local staff to do the work.⁹

Yet aside from state and federal mandates and aside from persistent health and environmental threats from OSDS, another related issue reinforces the need for official action. According to DEPRM, conventional corrections of OSDS problems may be unavailable in some geographical pockets of the county.¹⁰ The problems arise from environmental constraints such as limited lot size, shallow water tables or impermeable soils. According to DEPRM, communities at risk today include Phoenix, Freeland, Baldwin, Monkton, Hereford, Jacksonville and Kingsville. Phoenix and Kingsville appear in immediate need of correction. The rest can wait, but not indefinitely.

8 See COMAR, 26.04.02 and proposed revisions.

9 Letter to James Dieter, Maryland Department of the Environment, re: Review of proposed changes to 26.04.02 and 26.04.03, dated 3/24/99.

10 Baltimore County Department of Environmental Protection and Resource Management. (1998). *Problem Areas for On-site Sewage Disposal Systems in Baltimore County*, Towson, MD.

Because these pockets are beyond the boundaries of the Metropolitan District or in "no planned service areas" within the Metropolitan District, no easy way exists to bring them water and sewer services.¹¹ OSDS failures in these areas will require alternative, often more expensive, systems than in other, more environmentally forgiving areas. The expense of these systems is an important issue. Whenever these alternative systems can be installed on-site of the property being served, the cost may be prohibitively high for some property owners. In the face of these costs, what can property owners do? An equally pressing concern, however, was raised in the recent DEPRM report on OSDS failures in Baltimore County.¹² The report concluded that community based-systems are the most appropriate alternative corrections in some areas of the county.

This conclusion opens up a range of issues for local policymakers. Community-based systems serve the sewage needs of multiple properties in a specific geographical area. Yet in rural Baltimore County, how could these systems be funded, installed, operated and maintained? No entity like the Metropolitan District exists to do the work. Should Metropolitan District boundaries be expanded to permit operation in these areas? If not, should the county government itself do the work? Perhaps the county would be better off setting up an entity like the Metropolitan District to provide water and sewer services in rural parts of the county. Or alternatively, perhaps self help is the answer.

11 Certain laws also prohibit the direct discharge into reservoir watersheds and degrading waterways. These prohibitions add to the difficulty of addressing septic failures in the area.

12 See Note 10.

Government's role could be confined merely to organizing a private response to the problem, with affected property owners in the end acquiring, running and maintaining their own community-based systems.

Whatever option ends up being chosen, the choice must be made with due consideration to a fourth issue: the need for community water and sewer systems to support the county's growth plans. Two concepts included in the Baltimore County master plan--rural commercial centers and rural villages--probably cannot be implemented unless community water and sewer systems are available.

The concept of rural commercial centers is presented in the proposed Master Plan 2010 as areas where retail and office service uses are concentrated. It is essentially the same as the rural center concept described in the *1989-2000 Master Plan* as "commercial areas which function or should develop to function as the commercial center for the surrounding resource residential area."¹³ The 1989 description continued, "Such a center should have a grocery store, restaurant, pharmacy, bank, gas station and other limited convenience retail and service establishments. These areas may also be appropriate for office and community services such as libraries and senior centers."

Hereford and Jacksonville were identified as rural centers in the 1989-2000 plan. They are identified as rural commercial centers in the proposed plan. Yet, the proposed Master Plan 2010 acknowledges that Hereford and Jacksonville are among the rural areas with

marginal soil conditions and small property sizes.¹⁴ The impact these environmental constraints will have on development is not explored in the proposed plan. Nonetheless, DEPRM identifies these environmental conditions as being problematic for installing OSDS corrections in the Hereford and Jacksonville areas, as noted above. Residents of Hereford, in fact, petitioned for annexation into the Metropolitan District to obtain centralized water and sewer services.¹⁵ To the extent the proposed plan touches on the issue of water and sewer services in these areas, it does so by stating that the county needs to "provide infrastructure support such as stormwater management."¹⁶ It further recommends evaluating a rural sanitary district as a mechanism for addressing rural water supply and sewage disposal problems.¹⁷

The concept of rural villages appears in the *1989-2000 Master Plan*. However, its meaning has changed in the proposed Master Plan 2010. In the earlier plan, rural villages were described as small rural crossroad commercial areas appropriate for a diversity of uses such as tack

¹³ Baltimore County. (1990). *Baltimore County 1989-2000 Master Plan*, Towson, MD, p. 142.

¹⁴ Baltimore County. (May 1999). *Master Plan 2010*: Towson, MD, pp. 169-70.

¹⁵ The remote area of Sunnybrook was annexed into the Metropolitan District in the 1960s. In the 1990s, a similar arrangement was proposed for a Phoenix neighborhood to solve a groundwater contamination problem. Baltimore City, which shares governance of the Metropolitan District, opposed the action, questioning the district's authority to annex noncontiguous areas. Consequently, the Hereford petition for annexation into the Metropolitan District has not been considered.

¹⁶ *Id.* at 160.

¹⁷ *Id.* at 150.

shops, garden centers and convenience stores but not intended to provide a complete range of services.¹⁸ Baldwin, Butler, Fork, Fowblesburg, Glen Arm, Kingsville, Maryland Line, Stevenson and White House were identified on the northern sector development policy plan map as rural villages.¹⁹ In the proposed Master Plan 2010, these communities (except Fowblesburg) are identified simply as villages.²⁰ Along with the two rural commercial centers, they are candidates for new nonresidential development. In contrast, the proposed plan presents rural villages as a concept for future residential development and a possible receiving area for a transfer of development rights (TDR).²¹

According to the proposed plan, the rural village concept "concentrates small pockets of development, with a consistent rural scale and appearance, in specific locations so that larger agricultural or environmentally sensitive areas can be preserved."²² A mix of housing types and lot sizes is provided with a maximum of 200-330 dwelling units." Preferred locations would minimize impact on agriculture and resource preservation and could include existing rural commercial centers, rural residential areas (Chestnut Ridge, Freeland, Hereford, Kingsville, Jacksonville and Patapsco) and certain fringe areas.

18 Baltimore County. (1990). *Baltimore County 1989-2000 Master Plan*, as adopted February 5, 1990, p. 142.

19 *Id.* at 130-31.

20 Baltimore County. (May 1999). *Master Plan 2010: Baltimore County, Maryland, Proposed*, p. 182.

21 *Id.* at 180.

22 *Id.*

The plan recognizes that the rural village concept may involve development that is too dense to rely on well water and septic systems. Among other action items regarding rural villages, the proposed master plan recommends determining the economic and environmental feasibility of providing water and sewage systems.

Master Plan 2010 comments that reliance on individual well and septic systems results in a development pattern that takes on a haphazard appearance and consumes large quantities of land.²³ The concepts of rural commercial centers and rural villages are presented as desirable alternatives. However, the land use patterns and development densities of rural commercial centers and rural villages are the same patterns and densities that have overtaxed OSDS in many of the county's existing rural communities. Alternatives to OSDS must be provided to implement the rural commercial center and rural village concepts. If OSDS is the only approach available, new development will continue to require large quantities of land.

Organizing a Response

The discussion thus far identifies four problems that today confront policymakers in Baltimore County:

(A) the proper maintenance and operation of OSDS, which have a critical impact on the health of county residents and the environment;

(B) the federal government's--but particularly the state's--more aggressive commitment to

23 *Id.* at 179.

- 500.6 In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.
- 500.7 The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.
- With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors. **[Bill No. 18-1976]**
- 500.8 He shall have the power to prescribe rules and regulations for the conduct of hearings before him, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order.¹¹
- 500.9 The Zoning Commissioner shall have the power to require the production of plats of developments or subdivisions of land, or of any land in connection with which application for building or use permits or petition for a special exception, a reclassification or a temporary use shall be made, such plats to show the location of streets or roads and of buildings or other structures proposed to be erected, repaired, altered or added to. All such plats shall be drawn to scale and shall clearly indicate the proposed location, size, front, side and rear setbacks from property lines and elevation plans of proposed buildings or other structures. Such details shall conform in all respects with the Zoning Regulations. No such plats or plans, showing the opening or laying out of roads or streets, shall be approved by the Zoning Commissioner unless such plats or plans shall have been previously approved by the Baltimore County Office of Planning and the Department of Public Works. **[Resolution, November 21, 1956]**

¹¹ Editor's Note: See Appendix G of this volume.

- f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures. **[Bill Nos. 178-1979; 51-1993]**
- g. Firewood operations. **[Bill No. 151-1992]**
- h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception. **[Bill No. 51-1993]**
- i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater. **[Bill No. 51-1993]**

1A01.3 Height and area regulations.

- A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.
- B. Area regulations. **[Bill No. 178-1979]**
 - 1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record, with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the county between November 27, 1979, and October 1, 1990, shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal. **[Bill No. 199-1990]**
 - 2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.
 - 3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.
 - 4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

1A01.4 Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with § 2-509 of the Agricultural