

IN RE: PETITION FOR VARIANCE
W/S Gerber Lane, 670' N of the c/l
Western Run Road
(1412 Gerber Lane)
8th Election District
3rd Council District

Ron Krauss, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-193-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Ron Krauss, and his wife, Heidi Krauss. The Petitioners request a variance from Section 1A01.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single-family dwelling with a height of 41 feet in lieu of the maximum allowed 35 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 Ron Krauss, property owner. Kenneth Bosley and David Riegel who live in the area, appeared in opposition to the request. Mr. Bosley has an interest in the historical nature and farmlands which primarily comprise this area. Mr. Riegel resides nearby on Tanyard Road and makes his living in the construction business. There were no other interested persons present.

At the onset of the hearing, Mr. Bosley raised a preliminary Motion that the hearing be postponed pending proper public notification of the instant hearing. In this regard, he noted that the Notice of Zoning Hearing that appeared in the Jeffersonian newspaper failed to accurately describe the location of the property or give the actual **day** of the hearing in December 2004. A copy of the Certificate of Publication was submitted into evidence and marked as Protestant's Exhibit 1. Mr. Bosley believes that the failure to identify the specific date was fatal to the Zoning Commissioner's jurisdiction to conduct the hearing in this matter. A Certification of Posting was

ORDER RECEIVED FOR FILING

Date

By

12/14/04

[Signature]

also entered into evidence as Protestant's Exhibit 2. That certificate indicates that property was posted with notice of the date, time and location of the hearing, as well as a description of the purpose of the hearing.

A review of the case file by the undersigned determined that sufficient public notice was given, in that the property duly posted, as required by law, with a sign giving notice of the public hearing on November 9, 2004. Since the hearing was scheduled for December 1, 2004, it appears that the property was posted for more than the required 15 days prior to the public hearing. The Court of Appeals decision in Cassidy v. County Board of Appeals of Baltimore County, 218 Md. 418 (1958) was cited for the proposition that the Notice of Zoning Hearing constituted sufficient compliance with the zoning regulations. Notwithstanding the fact that the numerical digit identifying the actual day of the hearing was missing, the publication called attention to the fact that a variance Petition had been filed and a hearing scheduled. Moreover, the posting of the property notified residents in the community that zoning relief was sought for the subject property. Mr. Bosley's Motion was denied and there being no further argument on this issue, the hearing continued on the merits of the request.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest side of Gerber Lane, just north of its intersection with Western Run Road in northern Baltimore County. The property is also known as Lot 2 of the Bryan Property, which was approved for minor subdivision under Case No. 02-066M on September 18, 2003. The property contains a gross area of 2.502 acres, more or less, zoned R.C.2, and is proposed for development with a single-family dwelling. Mr. Krauss testified that he is a builder and that the proposed structure will be his permanent residence. As depicted in building elevation drawings submitted into evidence as Petitioner's Exhibits 2A and 2B, the proposed dwelling will be a large, two-story structure of approximately 7,000 sq.ft. that will feature a central (main) building and two wings on either end. The architectural style and design of the proposed house appears similar to those built in the 18th century and will feature a combination of stone and siding with a metal roof. Mr. Krauss testified that due to the topography of the property and heavy

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Date

By

forest conservation associated therewith, the height of the basement would be raised above the ground several feet before the first course of natural veneer stone can be built at ground level. Mr. Krauss indicated that he wishes to have contrast between the main portion of the home and the two wings described above. Thus, the center of the home will have a 9-foot basement, a 10-foot first floor, a 9-foot second floor, and a roof pitch of 9 and 12, so as to be compatible with the east and west wings of the home. Variance relief is requested as set forth above so that the center portion of the home can be constructed at a height of 41 feet in lieu of the maximum allowed 35 feet. In this regard, testimony indicated that the home would be screened from Gerber Lane by the existing forest buffer.

As noted above, Messrs. Bosley and Riegel are opposed to the requested relief. In addition, they referred to the proposed dwelling as a "McMansion" and opined that the structure is not in keeping with the character of the surrounding neighborhood. Mr. Riegel, who is a builder himself and is an active member of the Valleys Planning Council, is opposed to any development in the area. He indicated that there have been six homes built in the area in the last two years. He is particularly opposed to the Krauss home dwarfing other homes in the area, which are in the 3,500 to 4,000 sq.ft. range.

Mr. Krauss indicated that he could fill in around the foundation of the home in order to meet the required height limitation; however, would prefer not to in order to preserve the architectural integrity and design features of the home. Mr. Bosley is opposed to using rural farm land for luxury homes and believes that a grant of the variance in this instance will turn the pristine area of Sparks into a "millionaire's neighborhood."

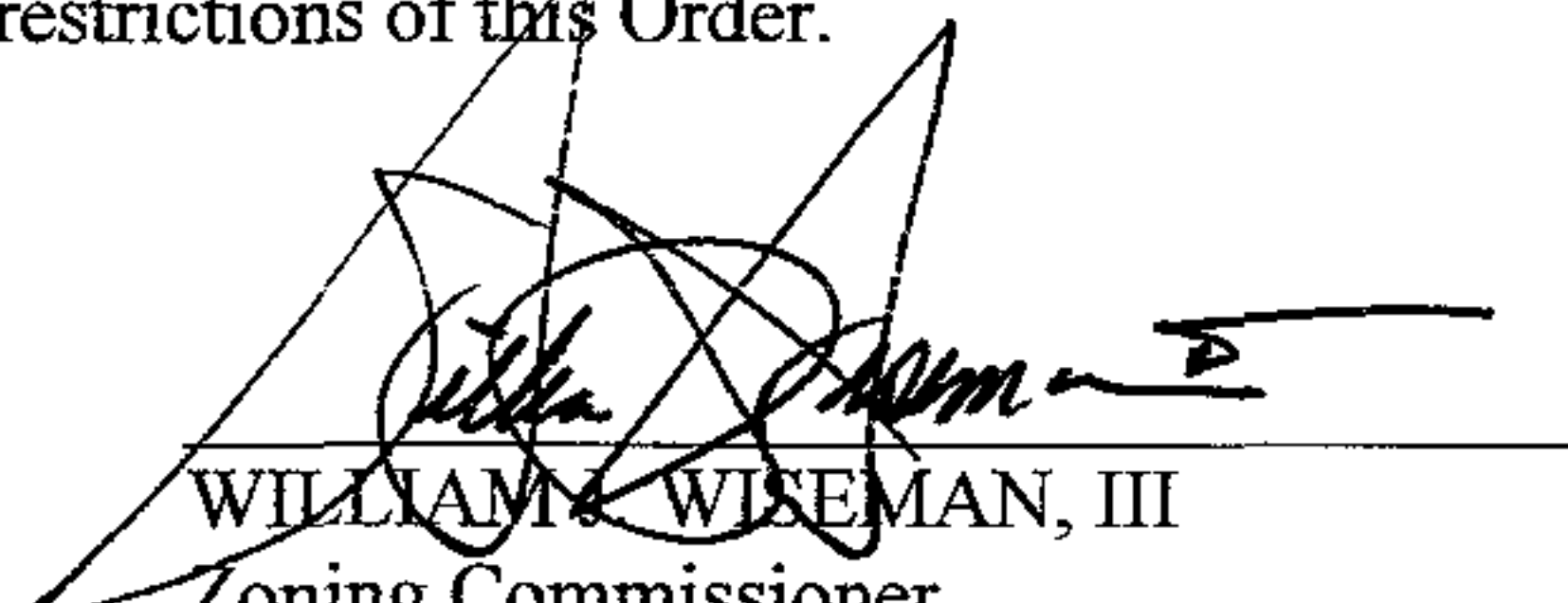
After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the variation in building heights is not only aesthetically pleasing, but is appropriate in this instance and will not be out of character with other homes in the area. Moreover, the height of the building will be screened from Gerber Lane by virtue of the existing forest buffer. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. There were no adverse comments submitted by

any County reviewing agency; however, the Department of Environmental Protection and Resource Management noted that the property is located in an agricultural preservation area and that an "Agricultural Nuisance Note" should be attached to all related plans as a condition of approval. Thus, as a condition of approval I will incorporate this comment as a restriction to insure compliance with the R.C.2 use regulations.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December 2004 that the Petition for Variance seeking relief from Section 1A01.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single-family dwelling with a height of 41 feet in lieu of the maximum allowed 35 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, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed development shall be in compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), a copy of which is attached hereto and made a part hereof. All plans relative to the proposed development shall include the Agricultural Nuisance Note referenced therein and attached hereto.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 12/14/04

By [Signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 14, 2004

Mr. & Mrs. Ron Krauss
24 Sagewood Court
Sparks, Maryland 21152

RE: PETITION FOR VARIANCE
NW/S Gerber Lane, 670' N of the c/l Western Run Road
(1412 Gerber Lane)
8th Election District – 3rd Council District
Ron Krauss, et ux - Petitioners
Case No. 05-193-A

Dear Mr. & Mrs. Krauss:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Kenneth Bosley
P.O. Box 334 Cockeysville, Md. 21030
Mr. David Riegel, 15018 Tanyard Road, Sparks, Md. 21152
DEPRM; Office of Planning; People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1412 GERBER LANE
which is presently zoned R.C.2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A01.3A. (BCZR)

TO PERMIT THE CONSTRUCTION OF A SINGLE FAMILY DWELLING
WITH A HEIGHT OF 41-FEET IN LIEU OF THE PERMITTED 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)

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.

State Zip Code

Legal-Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 10/14/04

Case No. 05-193-A

ORDER RECEIVED FOR FILING
Date 12/14/98
RECEIVED 9/15/98

Affidavit in Support of [REDACTED] Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

24 SARGENT CT
Address
STANES MD 21152
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

we are building our residence to resemble a historic farm building. Our main structure looks like an old stone farm house - w/one wing that looks like a Board + Batten Barn. & another wing that looks like a clapboard tenanthouse all connected by breezeways. If the main house was only 35 ft. the buildings would be too similar in height & could not have the same roof pitch as the wings which would not look good. We would like all the structures (1 main, 2 wings) to have a 9 & 12 roof pitch w/standing seam metal. We ask that the Main stone farm house be allowed to be 41 ft. - that extra 6 ft. would allow for a architecturally much more correct & visually pleasing home. This home is very private & would not effect the neighbor on either side.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Ron Krauss

Name - Type or Print

Signature

Heidi Krauss

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of OCTOBER, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ron Krauss & Heidi Krauss
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires OCTOBER 5, 2006

Zoning Description for **1412 GERBER LANE**

Beginning at a point on the west side of Gerber Lane
having a 50-foot right-of-way and 670-feet north of the centerline
of Western Run Road. Being Lot #1 in the Minor Subdivision
known as "Bryan Property" (02-066-M) as recorded in Liber #SM
No. 19578, Folio 251 containing 2.502 acres. Also known as 1412
Gerber Lane and located in the 8th Election District District, 3rd
Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 6

DATE 10/14/04 ACCOUNT 001006150

AMOUNT \$ 65.00

RECEIVED FROM RON KRAUSS

FOR ITEM # 198 05-193-A

1412 GERBER RD BY D THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

10/14/2004 10/19/2004 10/14/04
MIS 14304 WALTON DENI 1700
>> RECEIPT # 205330 10/19/2004 10/14/04
Dept 3 528 ZONING VERIFICATION
CR NO. 040999
Receipt Tot \$65.00
\$65.00
Baltimore County Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date *November 11, 2004*

RE: Case Number *05-193-A*

Petitioner/Developer *Ron Krause*

Date of (Hearing) Closing *December 1, 2004*

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 *1412 GERBER ROAD*

The sign(s) were posted on *November 9, 2004*

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Respondents 2

ZONING NOTICE

CASE # *05-193-A*

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

ROOM 106, COUNTY OFFICE BLDG.
11 WEST CHESAPEAKE AVENUE

DATE AND TIME: *WEDNESDAY DECEMBER 1, 2004*
AT 10:00 A.M.

REQUEST: *VARIANCE TO PERMIT THE CON-*
STRUCTION OF A SINGLE FAMILY

DWELLING WITH A HEIGHT OF 41 FEET
IN LIEU OF THE PERMITTED 35 FEET

1412 GERBER ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO COUNTY HEARING CALL 301-222-2222

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 16, 2004 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Ron Krauss
24 Sagewood Court
Sparks, MD 21152

410-935-8587

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: 05-193-A

1412 Gerber Road

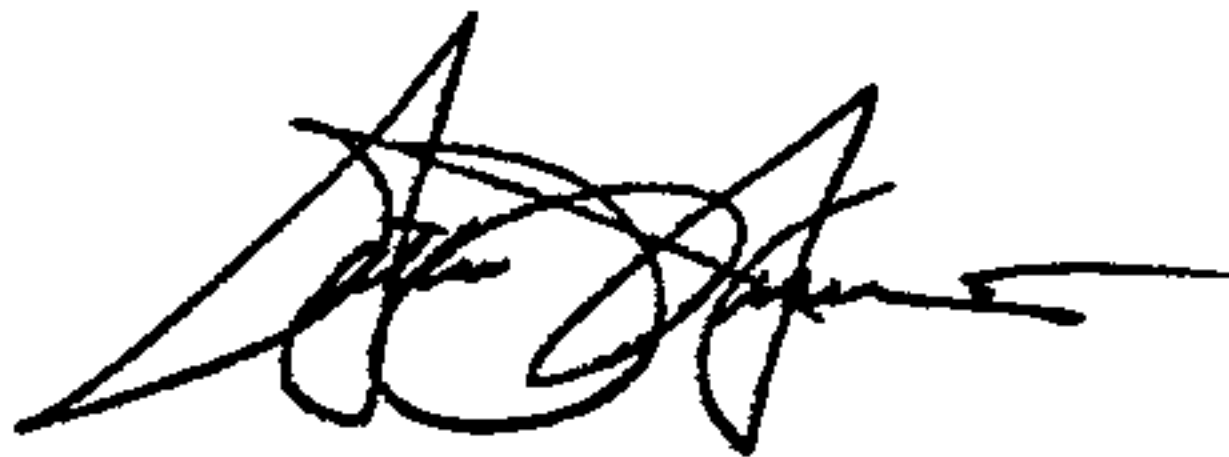
W/side of Gerber Road, 670 ft. north of centerline of Western Run Road

8th Election District – 3rd Councilmanic District

Legal Owners: Heidi & Ron Krauss

Variance to permit the construction of a single family dwelling with a height of 41 feet in lieu of the permitted 35 feet.

Hearing: Wednesday, December 1, 2004 at 10:00 a.m. in Room 106, County Office Building,
~~401 Bosley Avenue, Towson 21204~~ 111 W. Chesapeake Avenue



WILLIAM WISEMAN
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**



Baltimore County

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

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 26, 2004

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: 05-193-A

1412 Gerber Road

W/side of Gerber Road, 670 ft. north of centerline of Western Run Road

8th Election District – 3rd Councilmanic District

Legal Owners: Heidi & Ron Krauss

Variance to permit the construction of a single family dwelling with a height of 41 feet in lieu of the permitted 35 feet.

Hearing: Wednesday, December 1, 2004 at 10:00 a.m. in Room 106, County Office Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Heidi & Ron Krauss, 24 Sagewood Court, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 16, 2004.**
- (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.



**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/neighbors 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: 05-193-A

Petitioner: KRAUSS

Address or Location: 1412 GERBER LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. + MRS. RON KRAUSS

Address: 24 SAGEWOOD CT

SPARKS, MD 21152

Telephone Number: 410-935-8587

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 22, 2004

Heidi Krauss
Ron Krauss
24 Sagewood Court
Sparks, Maryland 21152

Dear Mr. and Mrs. Krauss:

RE: Case Number: 05-193-A, 1412 Gerber Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 14, 2004.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

October 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.: 172, 174, 177, 183-195

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. 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

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 1, 2004
Item Nos. 172, 174, 183, 184, 186,
187, 188, 189, 190, 191, 192, and
193

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. *JDO*
DEPRM

DATE: November 26, 2004

SUBJECT: Zoning Item # 05-193
Address 1412 Gerber Lane

Zoning Advisory Committee Meeting of October 25, 2004.

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

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

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

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

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

Additional Comments:

The septic Reserve Area must be no closer than 20-feet to the barn. This property is located in an Agricultural Preservation Area and is in close proximity to agricultural operations and properties that have been protected through easement with the Maryland Agricultural Land Preservation Foundation. As a condition of approval, if so granted, the Agricultural Nuisance Note (attached) is required to be placed on all associated plans. It is advised that the applicant check with the Planning Department to clarify whether or not the property is in a National Historic District. In addition, there are two other concerns. First, the foot-print of the structure appears to maximize the building area and any additions would need additional variances to allow the maximum building area to be exceeded. Secondly, the request should be reviewed by the Planning Department to ensure visual compatibility with the surrounding area(s).

Reviewer: Sue Farinetti, Wallace Lippincott
S:\Devcoord\ZAC SHELL 11-20-03.doc

Date: November 26, 2004

BW 12/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2004

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

NOV 17 2004

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-193, 5-213, and 5-217

PLANNING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL



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

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

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County
Item No. 193 DT

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE
1412 Gerber Lane; W/side Gerber Lane,
670' N c/line Western Run Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Heidi & Ron Krauss
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-193-A

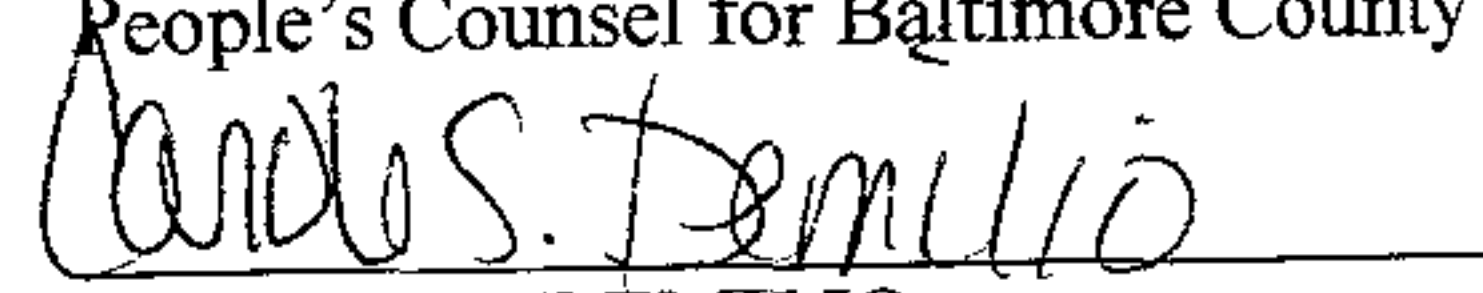
* * * * *

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.

RECEIVED

Per.....


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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, Ron Krauss, 24 Sagewood Court, Sparks, MD 21152, Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

10/14/04

KRISTIN:

PLEASE DO NOT SET THIS IN FOR A
HEARING FROM NOVEMBER 14, 2004
THRU NOVEMBER 21,2004. THE
PETITIONERS WILL BE OUT OF TOWN.

THANKS,

DONNA

Agricultural Note

ANY DWELLING MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD(INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

Tax ID#: 04082400005354

** PUBLIC RECORD **

Tax ID#: 04082400005354

County: BC

PROPERTY ADDRESS: 1412 GERBER LN, , SPARKS GLENCOE, MD 21152-

OWNER: RON GREGORY KRAUSS, Phone #: () Abs Owner: Y

Addtl: HEIDI SCHMITT

MAIL ADDRESS: 24 SAGEWOOD CT, , SPARKS, MD 21152-9304

LEGAL DESCRIPTION: 2.502 AC 1412 GERBER LN NWS 600FT NE WESTERNR RUN RD

Mag/Dist #: 8

Lot: 2

Block/Square: Tax Map:

Elec Dist: 8

Legal Unit #:

Grid: 11

Map: 33

Section:

Blk Suffix:

Subdiv Ph:

Addl Parcel Flag/#: /

Map Suffix:

Suffix:

Parcel: 345

Sub-Parcel

TOTAL TAX BILL: \$1,721

State/County Tax: \$1,721

City Tax:

Tax Levy Yr: 2004

Front Foot Fee:

Spec Tax Assmt:

Refuse:

Tax Rate: 1.25

Tax Class:

Homestd/Exempt Status:

Exempt Class: 000

Mult. Class:

ASSESSMENT

Year Assessed

Total Tax Value

Land

Improvement

Land Use

Taxable Assessment

2004

\$138,000

\$138,000

\$0

\$

State: \$

Previous

\$0

\$138,000

\$0

\$

Municipal: \$

Early

\$0

\$0

\$0

\$

City: \$

DEED

Deed Liber:

Deed Folio:

Deed Type:

Transfer Date

Price

Grantor

Grantee

PROPERTY DESCRIPTION

Year Built: 0

Zoning:

Census Trct/Blk: /

Irregular Lot:

Square Feet: 108,900

Acreage: 2.50

Land Use: Residential

Property Class: R

Plat Liber/Folio: /

Property Card:

Prop Use: RESIDENTIAL

STRUCTURE DESCRIPTION

Section 1

Section 2

Section 3

Section 4

Section 5

Construction

Story

Area

Ext Wall:

Stories:

Total Building Area:

Rooms:

Bedrooms:

Full Baths:

Half Baths:

Baths:

Gas:

Electric:

Units: 0

Roofing:

Living Area: 0

Bsmt Type:

Bsmt Tot Sq Ft:

Bsmt Fin Sq Ft:

Bsmt Unfin Sq Ft:

Air Cond:

Heat:

Water:

Style:

Fireplaces:

Fireplace Type:

Attic Type:

Attic Sq Ft:

Foundation:

Base Sq Ft:

Year Remodeled:

Garage Type:

Garage Sq Ft:

Gar Constr:

Garage Spaces:

Sewer:

Fuel:

Underground: Walls:

Westlaw.

146 A.2d 896
218 Md. 418, 146 A.2d 896
(Cite as: 218 Md. 418, 146 A.2d 896)

Notice Referred

Page 1

P

Court of Appeals of Maryland.

Edward T. CASSIDY et al.

v.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY and Baltimore Gas and
Electric
Company.

No. 125.

Dec. 22, 1958.

Appeal from decree of the Circuit Court for Baltimore County, John E. Raine, Jr., J., affirming order of county board of appeals granting utility special exception authorizing construction of steam electric generating station and related facilities. The Court of Appeals, Prescott, J., held that notice which stated that public hearing would be held upon utility's petition for a change or reclassification constituted substantial compliance with county zoning regulation, notwithstanding fact that notice did not specifically state that a request for a special exception had been made.

Affirmed.

West Headnotes

11 Administrative Law and Procedure 453
15Ak453 Most Cited Cases

Failure of an administrative official or board to give a proper notice of a hearing required by law is fatal to jurisdiction of official or board to conduct hearing.

12 Zoning and Planning 195
414k195 Most Cited Cases
(Formerly 104k211/2)

Where notice given by county zoning commissioner stated that a public hearing would be held on petition of utility for a change or reclassification of certain property, notice constituted sufficient compliance with zoning regulation notwithstanding fact that it failed to call attention to fact that a special exception was sought.

13 Zoning and Planning 514
414k514 Most Cited Cases
(Formerly 104k211/2)

County zoning commissioner and county zoning

board of appeals had jurisdiction to grant public utility special exception to permit erection of electric steam generating plant and related facilities in residence zone permitting one and two family dwellings.

4 Zoning and Planning 514
414k514 Most Cited Cases
(Formerly 104k211/2)

County zoning regulation permitting granting of special exceptions in residential zones for "public utility uses" comprehended a steam electric generating plant and related facilities.

15 Zoning and Planning 539
414k539 Most Cited Cases
(Formerly 104k211/2)

15 Zoning and Planning 747
414k747 Most Cited Cases
(Formerly 104k211/2)

On appeal from decree of circuit court affirming order of county zoning board of appeals granting public utility special exception which authorized construction of a steam electric generating station in residential zone, there was substantial evidence to support board's finding that use would not be detrimental to the locality involved.

16 Zoning and Planning 539
414k539 Most Cited Cases
(Formerly 104k211/2)

16 Zoning and Planning 646
414k646 Most Cited Cases
(Formerly 104k211/2)

In review of order of county board of appeals granting special exception to public utility to permit erection of steam electric generating plant and related facilities in residential zone, there was substantial evidence to justify granting of special exception without resort being had to any principle of preferential treatment for public utility.

17 Zoning and Planning 709
414k709 Most Cited Cases
(Formerly 104k211/2)

17 Zoning and Planning 724
414k724 Most Cited Cases
(Formerly 104k211/2)

Where there was sufficient and substantial evidence adduced upon issue so as to render decision of county zoning board of appeals with respect to granting of special exception fairly debatable, action of board must be affirmed.

[Click here for a plain text ADA compliant screen.](#)



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

Account Identifier: District - 08 **Account Number -** 2400005354

Owner Information

Owner Name:	KRAUSS RON GREGORY KRAUSS HEIDI SCHMITT	Use:	RESIDENTIAL
Mailing Address:	24 SAGEWOOD CT SPARKS MD 21152-9304	Principal Residence:	NO
		Deed Reference:	1) /19578/ 251 2)

Location & Structure Information

Premises Address
1412 GERBER LN

Legal Description
2.502 AC
1412 GERBER LN NWS
600FT NE WESTERNR RUN RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	MS
33	11	345					2	81	Plat Ref:	

Special Tax Areas

Town	Ad Valorem	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		2.50 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2002	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	138,000	138,000		
Improvements:	0	0		
Total:	138,000	138,000	138,000	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	Date:	Price:
BRYAN CEDRIC W/EVE L	02/09/2004	\$349,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /19578/ 251	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

DATE _____

E-MAIL

416-771-4316

SPARKS, WOOD 2152

dregel@macken-z-e contracting

CCB

Case No.:

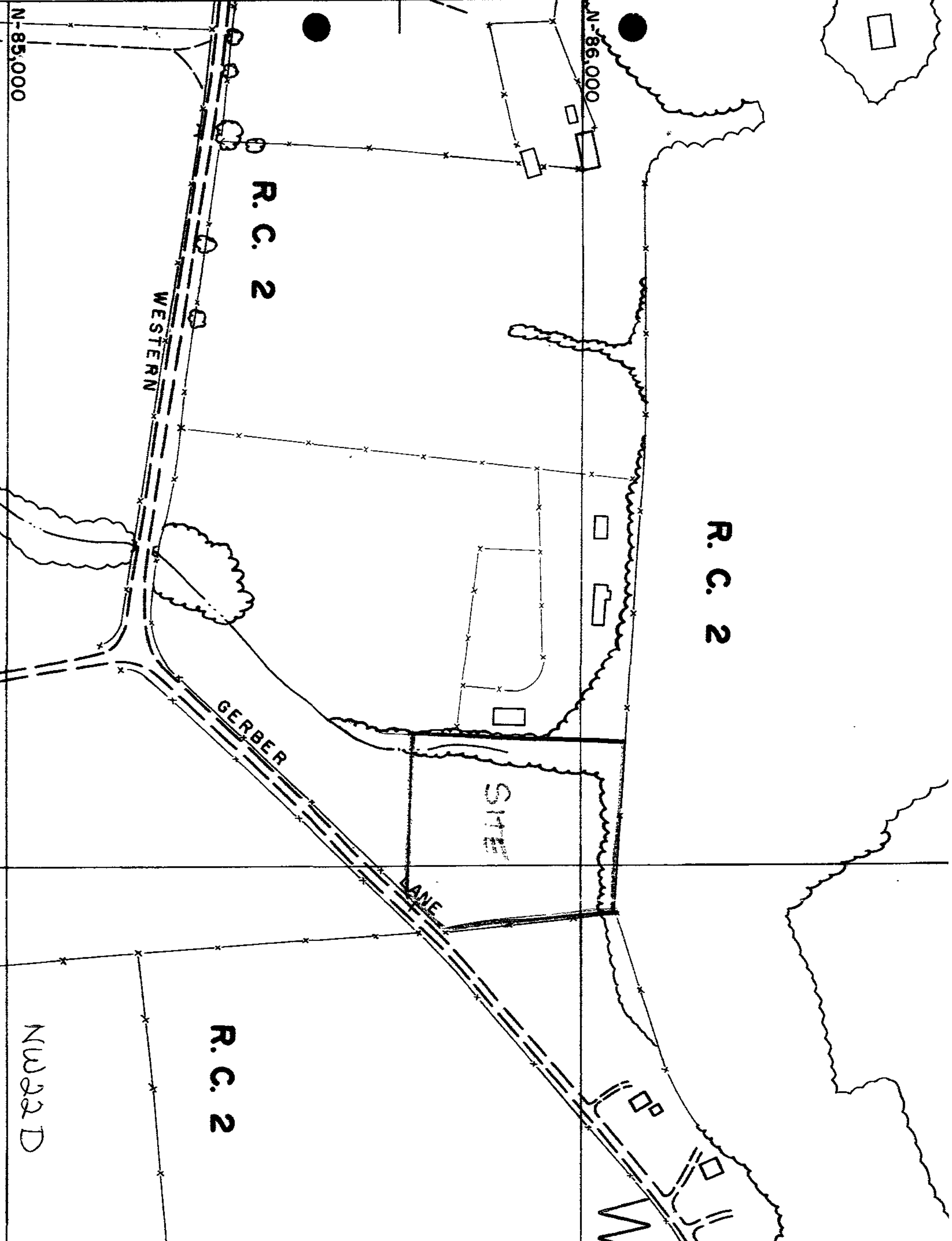
05-193-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Plat	Bosley Letter and Certificate of Publication
No. 2	Construction Authority	Certificate of Posting
No. 3	Photographs of Property 3A-3D - notes preceding	
No. 4	Minor Sub Division Plan Bryant Property (PDM 02-066M)	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



R. C. 2

R. C. 2

R. C. 2

WESTERN

GERBER

LANE

SITE

N-85,000

N-86,000

W-22,200

W

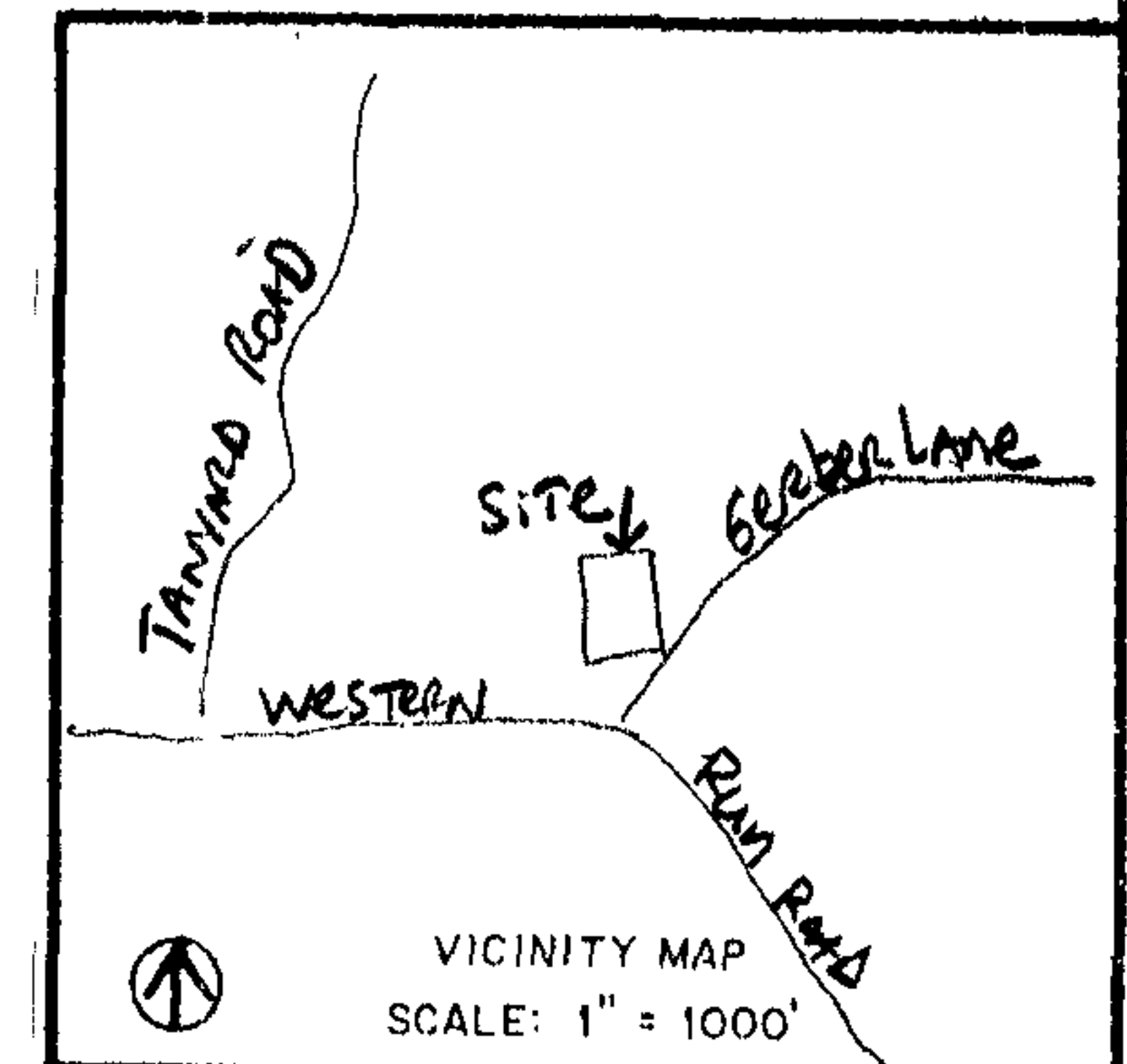
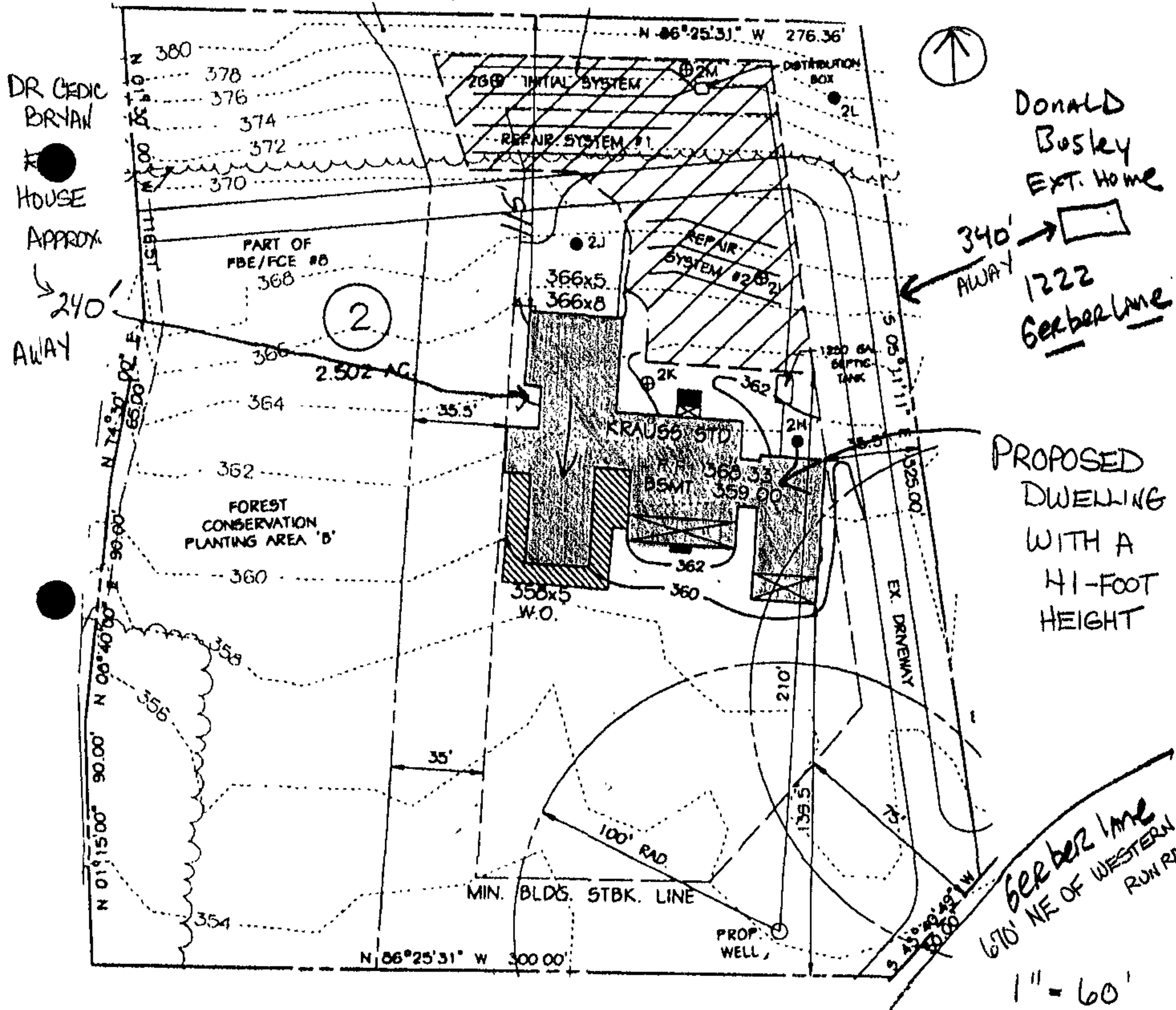
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1412 Gerber Lane, Sparks SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bryan Property

PLAT BOOK # 1 FOLIO # 8507 LOT # 2 SECTION # 1

OWNER Ron + Heidi Krauss



LOCATION INFORMATION			
ELECTION DISTRICT	8		
COUNCILMANIC DISTRICT	3		
1" = 200' SCALE MAP #	NW 22 D		
ZONING	RC-2		
LOT SIZE	2.502	ACREAGE	SQUARE FEET
SEWER	☐	PUBLIC	PRIVATE
WATER	☐	☐	☒
CHESAPEAKE BAY CRITICAL AREA	☐	YES	NO
100 YEAR FLOOD PLAIN	☐	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☐	☒
PRIOR ZONING HEARING	NONE		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
D.T	193	05-193-A	

Petitioners Exhibit 1

**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: #05-193-A
1412 Gerber Road
W/side of Gerber Road, 670 ft. north of centerline of Western Run Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Heidi & Ron Krauss
Variance: to permit the construction of a single family dwelling with a height of 41 feet in lieu of the permitted 35 feet.
Hearing: Wednesday, December, 2004 at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

WILLIAM WISEMAN
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 11/704 Nov. 16 29853

CERTIFICATE OF PUBLICATION

11/18/2004

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 11/16/2004.

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

S. Wilkinson

LEGAL ADVERTISING

Respondents 1 A

November 22, 2004

Zoning Commissioner, Balto. Co.
Room 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
NOV 23 2004
ZONING COMMISSIONER

Re: Hearing Date
December 2004
Case No. 193-A
1412 Gerber Road
Sparks, MD 21152
8th Election District
W/side of Gerber Road
3rd Councilmanic District

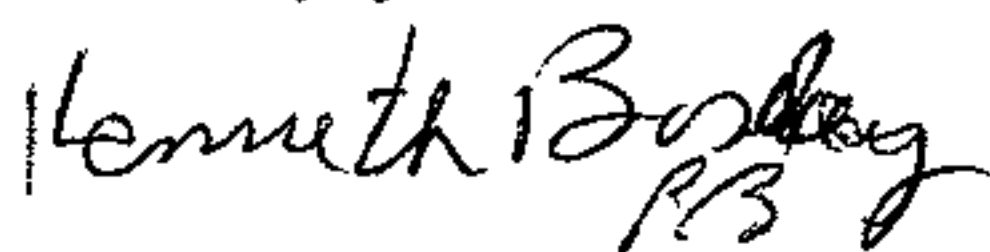
Dear Mr. Commissioner:

Request is herein made to correct errors in the publication of the public notice of the above entitled matter.

1: No date is shown in the notice except that it is to be held in December 2004.

2: The property is not located w/side of Gerber Road; rather it is located on the North side of Gerber Road and is 670 feet east of the intersection of Western run Road and Gerber.

Sincerely yours,


Kenneth Bosley
PO Box 585
Sparks, MD 21152

Protests 1 B

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date *November 11, 2004*

RE: Case Number *05-193-A*

Petitioner/Developer *Ron Krause*

Date of (Hearing)/Closing *December 1, 2004*

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 *1412 GERBER ROAD*

The sign(s) were posted on

November 9, 2004

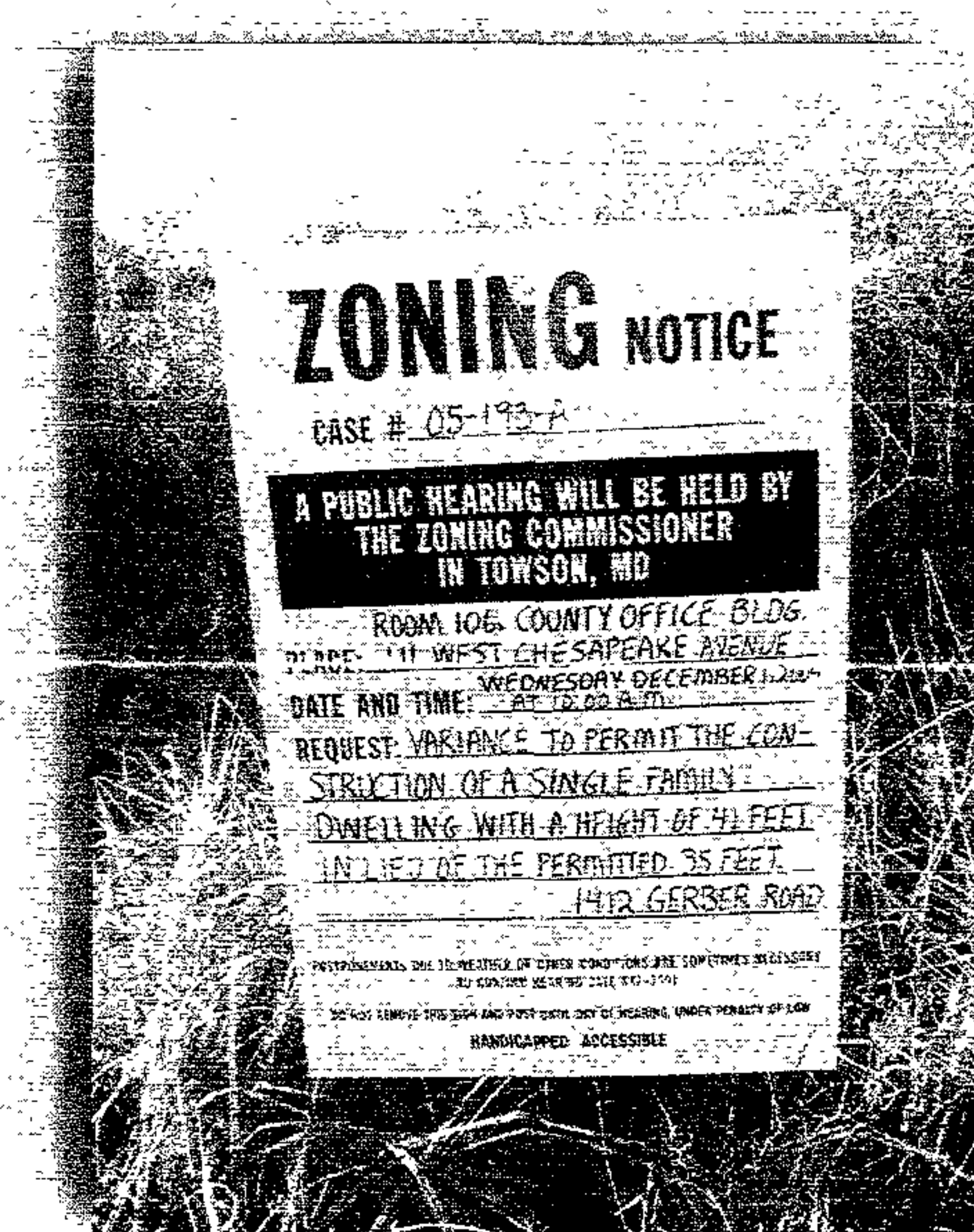
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

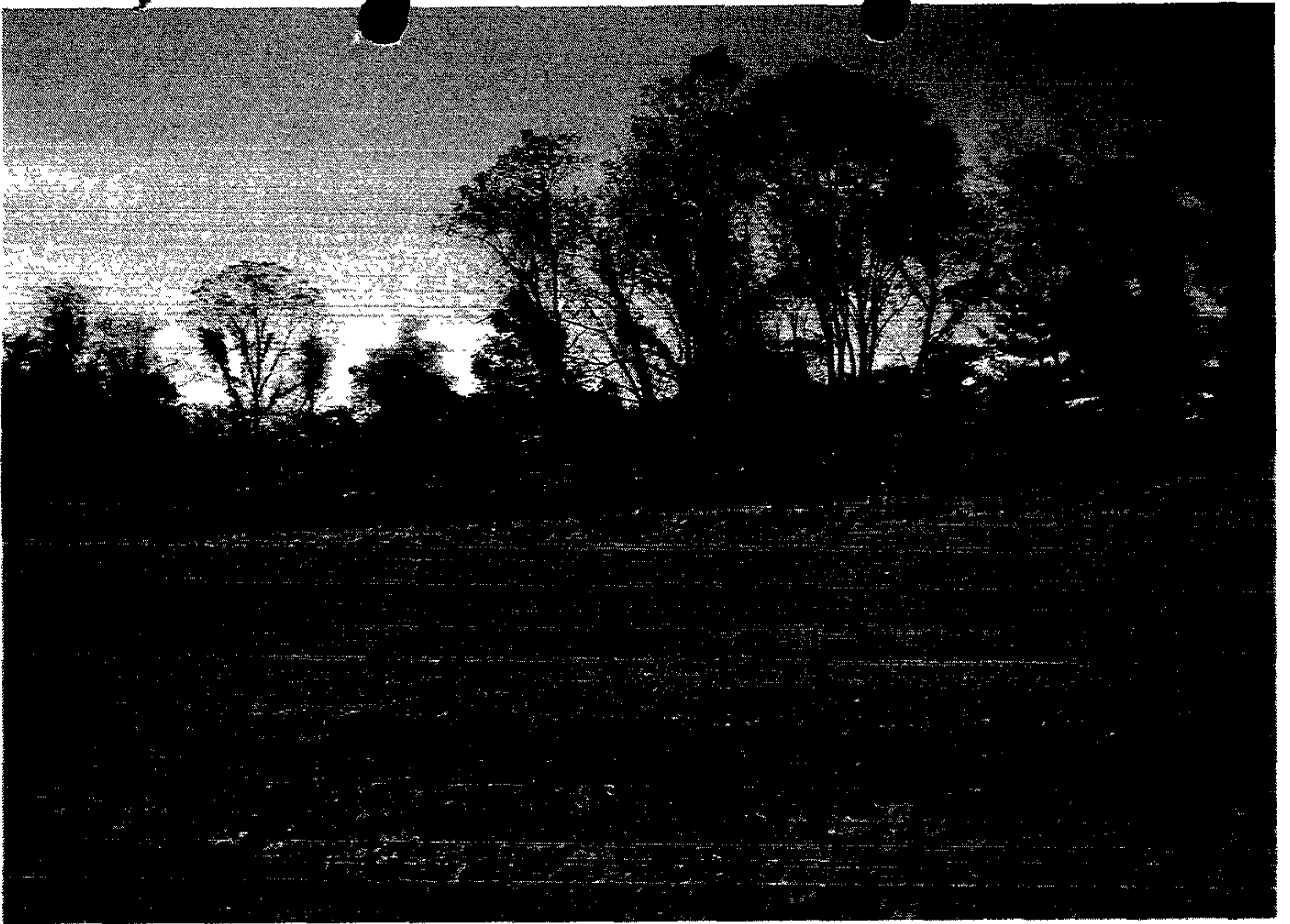
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

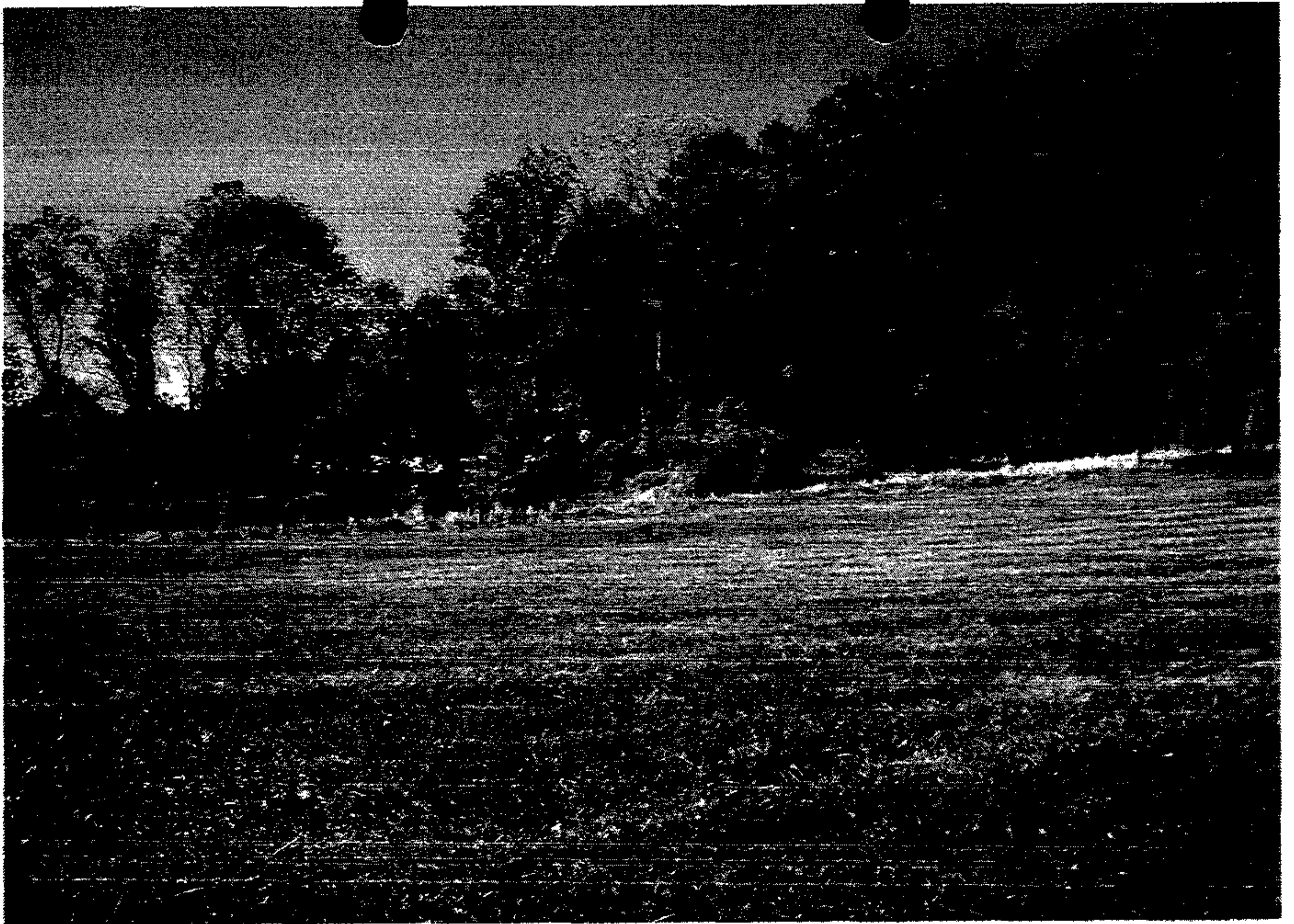


Protestants 2



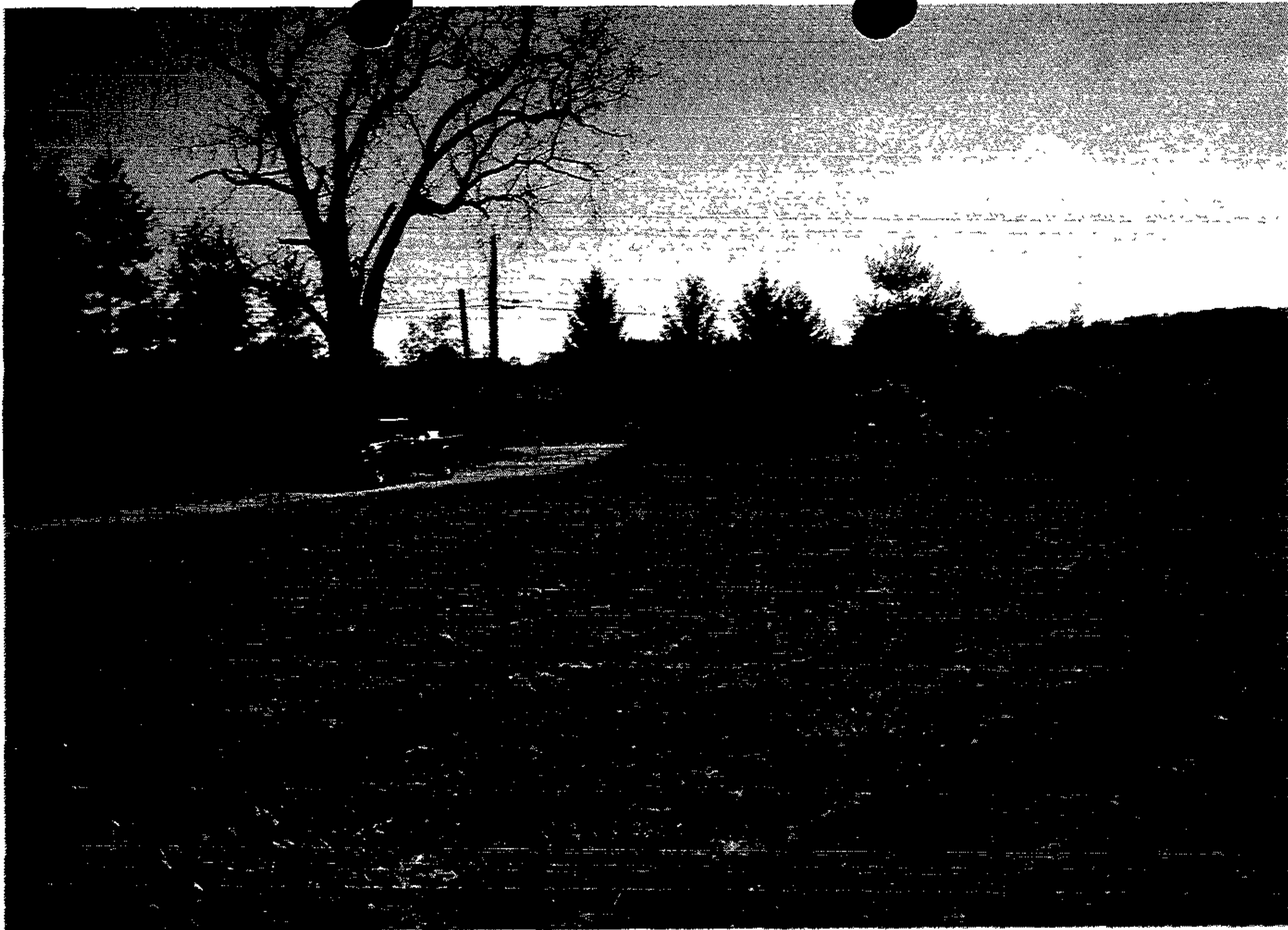
3A

05-193-A



3B

05-193-A

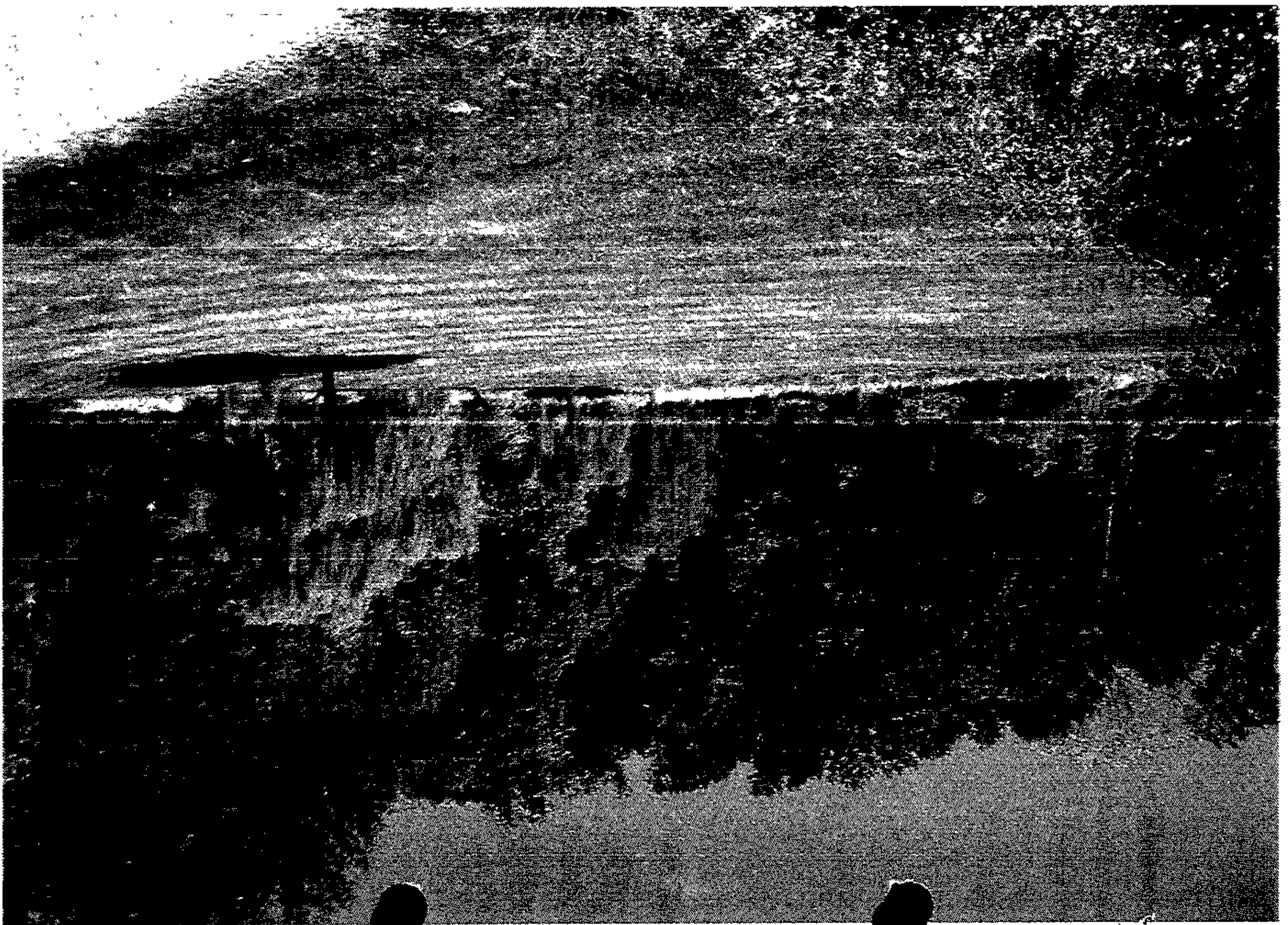


3C

05-193-A

05-193-A

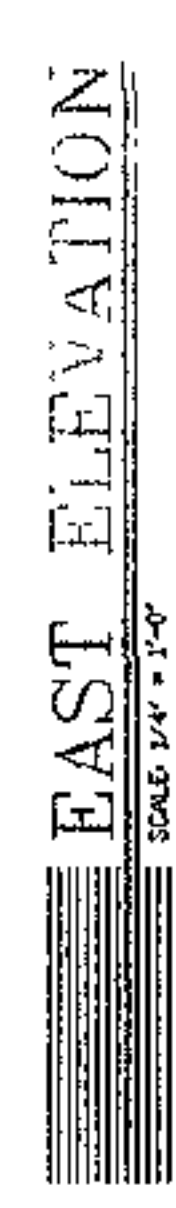
30



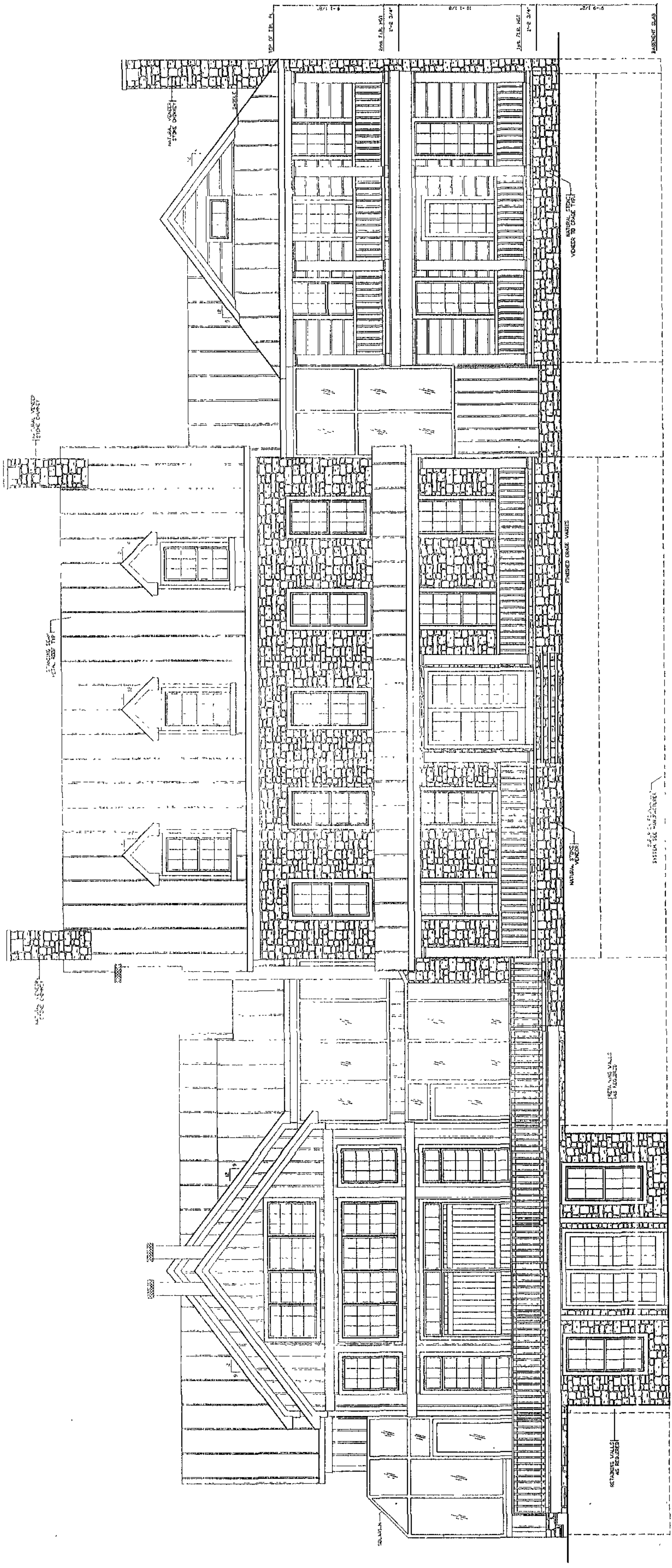
REVISIONS
FULL PERLIN 09-06-04
REV 09-22-04
DATE STUDY PLAN 03-03-04
SHEET NO A-1

AE
AUTOMATED DRAFTING & DESIGN
22 WEST PADONIA ROAD, SUITE C-349
TIMONHURM, MARYLAND 21093
PHONE 410-561-1917 FAX 410-561-3824

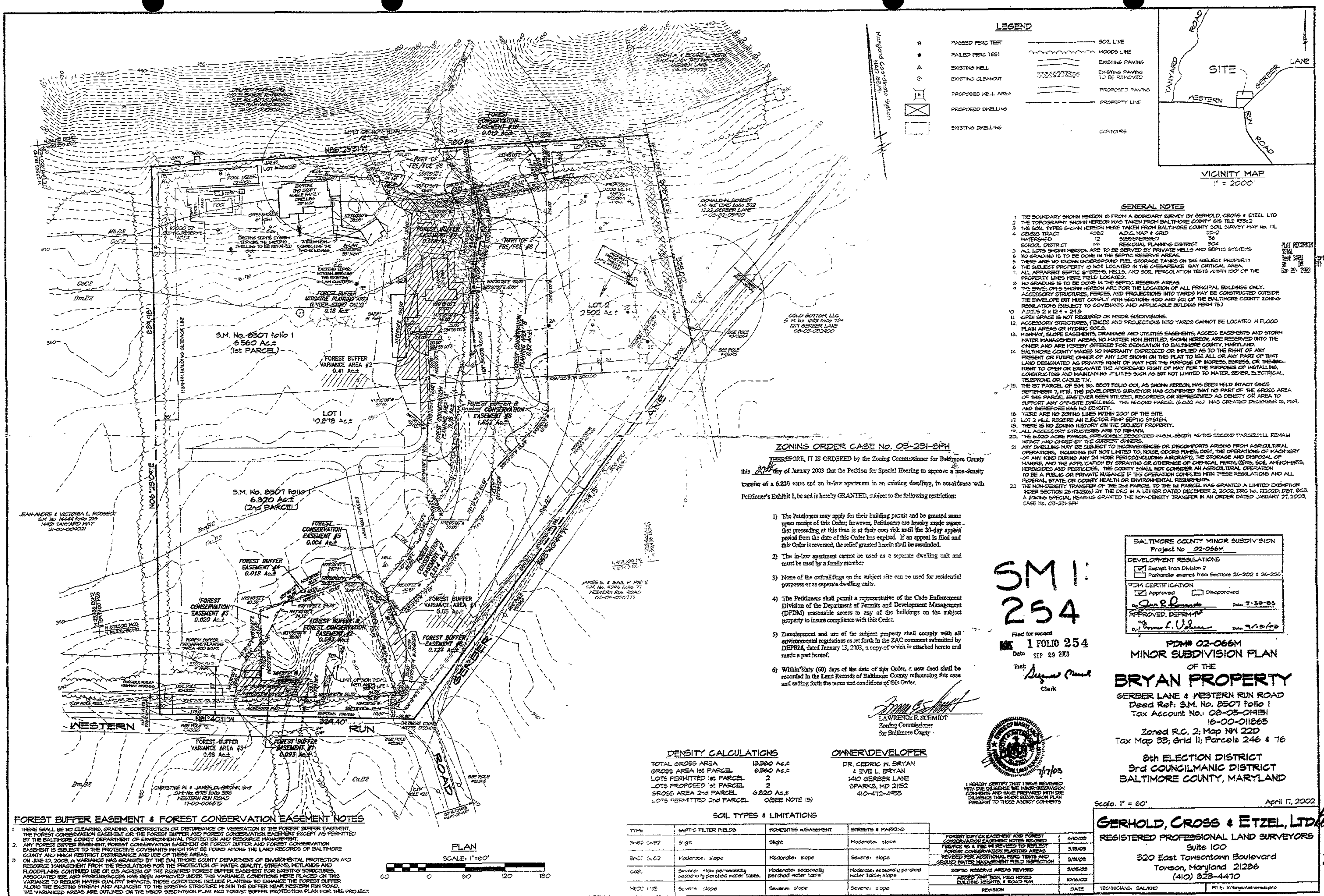
ALL DIMENSIONS ARE APPROXIMATE



#2 A pear
05-193-A

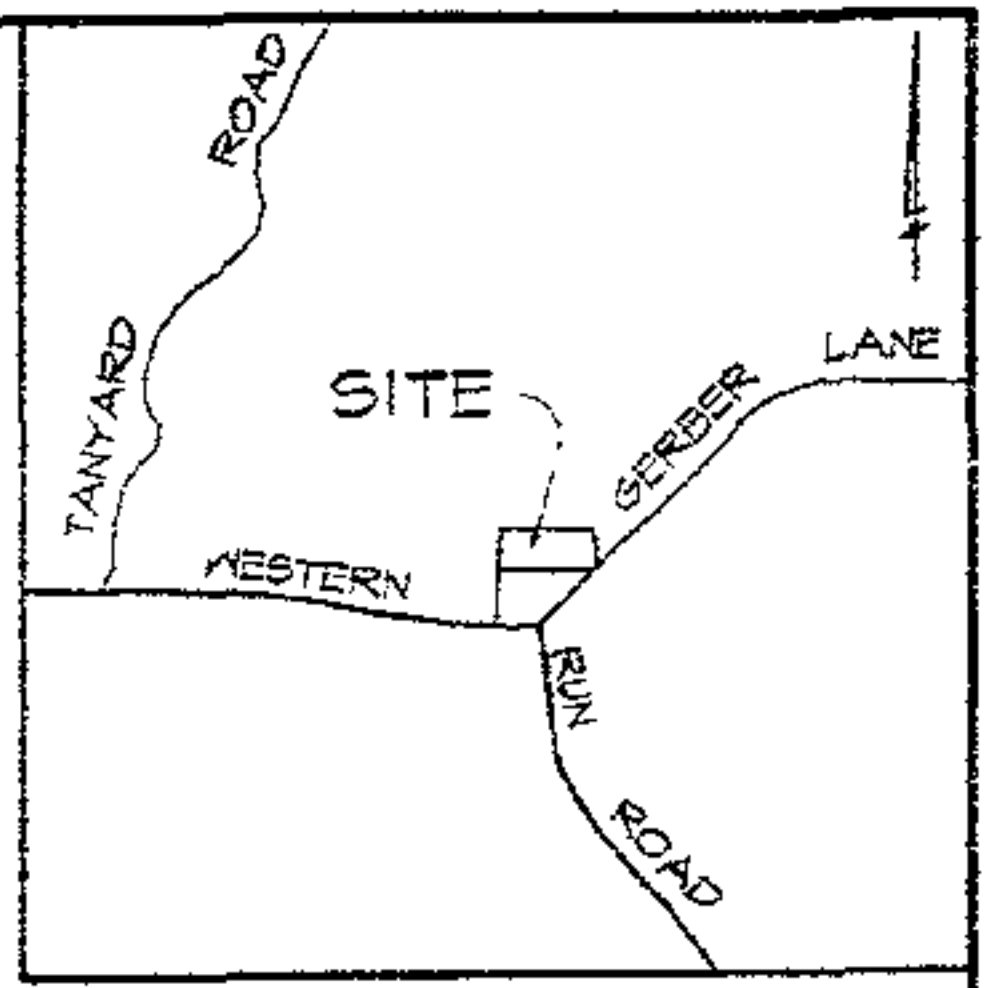


WEST ELEVATION		SCALE 1/4" = 1'-0"



LEGEND

- PASSED PERC TEST
- FAILED PERC TEST
- △ EXISTING WELL
- EXISTING CLEANOUT
- PROPOSED WELL AREA
- PROPOSED DWELLING
- EXISTING DWELLING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- EXISTING PAVING TO BE REMOVED
- PROPOSED PAVING
- PROPERTY LINE
- CONTOURS



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS FILE #852.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 17L.
4. CRISIS TRACT 4032 A.D.A. MAP & GRID 15C-2
5. WATERSHED 12 SUBWATERSHED 36
6. RESIDENTIAL PLANNING DISTRICT 304
7. SCHOOL DISTRICT 141
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
9. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
10. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
11. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
12. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
13. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
14. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
15. OPEN SPACE IS NOT REQUIRED ON MINOR SUBDIVISIONS.
16. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
17. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED INTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
18. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSES OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TV.
19. THE SET BACK OF S.M. NO. 8507 FOLIO 001, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE SEPTEMBER 7, 1978. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE 6.826 AC. AREA OF THIS PARCEL HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. THE SECOND PARCEL (6.822 AC.) WAS CREATED DECEMBER 15, 1994, AND THEREFORE HAS NO DENSITY.
20. THERE ARE NO ZONING LINES WITHIN 200' OF THE SITE.
21. LOT 2 WILL REQUIRE AN ELEC. PUMP SEPTIC SYSTEM.
22. THERE IS NO ZONING HISTORY ON THE SUBJECT PROPERTY.
23. ALL ACCESSORY STRUCTURES ARE TO REMAIN.
24. THE 6.822 ACRE PARCEL, PREVIOUSLY DISPOSED IN S.M. 8507A AS THE SECOND PARCEL, WILL REMAIN INTACT AND UNBUILT BY THE CURRENT OWNERS.
25. ANY DWELLING MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD INCLUDING AIRCRAFT, THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPREADING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE IF THE OPERATION CONFLICTS WITH THESE REGULATIONS AND ALL FEDERAL, STATE OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.
26. THE NON-DENSITY TRANSFER OF THE 2nd PARCEL TO THE 1st PARCEL WAS GRANTED A LIMITED EXEMPTION UNDER SECTION 26-110(b)(6) BY THE DRC IN A LETTER DATED DECEMBER 2, 2002, DRC NO. 11202D, DIST. 823. A ZONING SPECIAL HEARING GRANTED THE NON-DENSITY TRANSFER IN AN ORDER DATED JANUARY 27, 2003, CASE NO. 03-231-SPH.

ZONING ORDER CASE NO. 03-231-SPH

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of January 2003 that the Petition for Special Hearing to approve a non-density transfer of a 6.822 acres and an in-law apartment in an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The in-law apartment cannot be used as a separate dwelling unit and must be used by a family member.
- 3) None of the outbuildings on the subject site can be used for residential purposes or as separate dwelling units.
- 4) The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to any of the buildings on the subject property to insure compliance with this Order.
- 5) Development and use of the subject property shall comply with all environmental regulations as set forth in the ZAC comment submitted by DEPRM, dated January 13, 2003, a copy of which is attached hereto and made a part hereof.
- 6) Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of Baltimore County referencing this case and setting forth the terms and conditions of this Order.

SM 1:
254

Filed for record
1 FOLIO 254
Date SEP 29 2003

Task: *Supervise*
Clerk

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

DENSITY CALCULATIONS

TOTAL GROSS AREA	13,900 Ac.
GROSS AREA 1st PARCEL	6,560 Ac.
LOTS PERMITTED 1st PARCEL	2
LOTS PROPOSED 1st PARCEL	2
GROSS AREA 2nd PARCEL	6,822 Ac.
LOTS PERMITTED 2nd PARCEL	(SEE NOTE 15)

OWNER/DEVELOPER

DR. CEDRIC W. BRYAN
& EVE L. BRYAN
1410 GERBER LANE
SPARKS, MD 21152
410-472-4455

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITE W/ABSEMENT	STREETS & PARKING
3-B2 C-B2	Slight	Slight	Moderate slope
B-C2	Moderate slope	Moderate slope	Severe slope
C-B2	Severe: slow permeability seasonally perched water table	Moderate: seasonally perched water table	Moderate: seasonally perched water table; slope
H-C2	Severe slope	Severe slope	Severe slope

I HEREBY CERTIFY THAT I HAVE REVIEWED THE SUBDIVISION PLAN AND ALL COMMENTS AND HAVE PREPARED THIS DEED IN ACCORDANCE WITH THE DEED ACT AND THE SUBDIVISION ACT.



Scale: 1" = 60' April 17, 2002

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

FOREST BUFFER EASEMENT & FOREST CONSERVATION EASEMENT NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT, THE FOREST CONSERVATION EASEMENT OR THE FOREST BUFFER AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT OR FOREST BUFFER AND FOREST CONSERVATION EASEMENT IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
3. ON JUNE 10, 2003, A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAIN. CONTINUED USE OF OR ACROSS OF THE FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT, ASSOCIATED USE AND PARKING/ACCESS HAS BEEN APPROVED UNDER THIS VARIANCE. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS. THOSE CONDITIONS INCLUDE PLANTING TO ENHANCE THE FOREST BUFFER ALONG THE EXISTING DRAINAGE AND ADJACENT TO THE EXISTING STRUCTURE WITHIN THE BUFFER NEAR WESTERN RUN ROAD. THE VARIANCE AREAS ARE OUTLINED ON THE MINOR SUBDIVISION PLAN AND FOREST BUFFER PROTECTION PLAN FOR THIS PROJECT.

PLAN

SCALE: 1"=60'

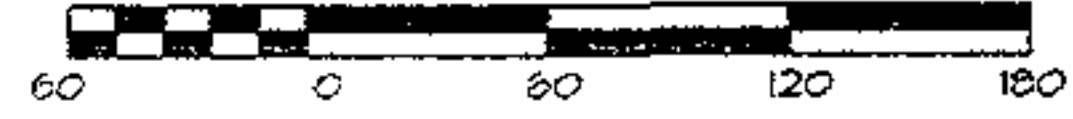


Exhibit 4

05-193-A