IN RE: PETITION FOR VARIANCE
W/S of Gunpowder Road, 930 ft. E
centerline of Church Road
6th Election District
3rd Councilmanic District
(19930 Gunpowder Road)

J. David Lawson, Legal Owner and

and

Michael and Beverly Reynolds,

Contract Purchasers

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-354-A

ORDER ON MOTION FOR RECONSIDERATION/CLARIFICATION

*

WHEREAS, this matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration/Clarification filed via facsimile on April 13, 2005 by Howard L. Alderman, Jr., Esquire on behalf of the contract purchasers of the subject property, Michael and Beverly Reynolds and the legal owner, J. David Lawson. The variance was requested for property located at 19930 Gunpowder Road in the northern area of Baltimore County.

WHEREAS, the Petitioners requested variance relief from Sections 1A09.7B.3 and 1A09.7B.5.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling with (1) a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft. and (2) a minimum building setback of 75 ft. in lieu of the required 300 ft. to an adjacent property used as pasture.

WHEREAS, the variance request was granted in part and denied in part by Order dated March 23, 2005. The Petitioners' request to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft. was denied.

WHEREAS, in their Motion for Reconsideration, the Petitioners indicated that they propose to use the property as a horse farm and are concerned about the location of the residence and farm

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related buildings in light of this Commission's March 23, 2005 Order. Specifically, the Petitioners requests clarification of the contents of the Order to read as follows:

i) the variance for increased building envelope was DENIED; ii) all residential principal dwellings and structures accessory to that residential dwelling (including without limitation, garages, residential sheds, pools, pool houses, etc.) must be located within the 20,000 square foot building envelope and no single building, principal or accessory, shall have a building footprint of greater than 5,000 square feet. [1A09.6B.3]; and iii) outbuildings, barns, run-in sheds, etc. related directly to farm or agricultural use (including horse farm operations) may be located anywhere on the property in accordance with Baltimore County Zoning Regulations §§300 & any applicable provisions pertaining to farm uses and/or farm buildings.

Applicable Law

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Appendix G, Rule 4 K

K. Motion for reconsideration. A party may file a motion for reconsideration of an order issued by the Zoning Commissioner. Such a motion must be made in writing, within 30 days of the date of the original order. The motion must state, with specificity, the grounds and reasons for the request. The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal. The Zoning Commissioner shall rule on the motion within 30 days from the date which the motion is accepted for filing. A ruling by the Zoning Commissioner on the motion for reconsideration shall be considered the final decision in accordance with Section 26-209 or 26-132 of the Baltimore County Code. At his discretion, the Zoning Commissioner may convene a hearing to receive testimony and/or argument on the motion. Each party shall be limited to that which is the subject matter of the motion.

The Petitioners' request for clarification has to be considered in light of the fact that the property is approximately 7 acres, is presently used for pasture, and zoned RC 8. The Motion indicates the property will be used as a horse farm, which pursuant to Petitioners' Exhibit 1 will be comprised of a new residence and barn. However, the Motion suggests that at some future time there may also be outbuildings, run-in sheds, etc. directly related to the farm operation but not shown on Petitioners' Exhibit 1. The Petitioners would like to read the Order such that the residence will be located within the 20,000 sq. ft. building envelope required by the RC-8 regulations, but that all farm related buildings be allowed anywhere on the property.

According to Section 101 of the BCZR, a farm and commercial agriculture are defined as follows:

FARM -- Three acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses. The term does not include the following uses as defined in these regulations: limited-acreage wholesale flower farms, riding stables, landscape service, firewood operations and horticultural nursery businesses. [Bill Nos. 85-1967;EN 51-1993EN]

AGRICULTURE, COMMERCIAL -- The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquaculture, apiculture, viticulture, forestry, animal and poultry husbandry, the operation of an equestrian center, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations. [Bill Nos. 51-1993; 24-2002]

Section 100.6 of the BCZR requires one acre of pasture for each horse. Considering the small size of the property, and the fact that a new residence and at least a barn will be built, it is clear to me that what is being proposed will not qualify as commercial agriculture but rather will be used primarily for residential purposes with a few horses stabled on the property for the enjoyment of family and guests. This is not "Sagamore Farms". However, I accept that this modest use would qualify under the definition of "farm" according to the Petitioners. The problem then is whether or not the County Council intended to limit the structures of these limited horse farms to be exempt from the 20,000 sq. ft regulation. There is no doubt in my mind that the County Council intended to exempt Sagamore Farms from this requirement given its vast pastures and facilities which reasonably could be scattered over the entire farm. There is also no doubt that the County Council wanted to greatly restrict how large an area residential development could occupy in this zone.

I do not agree with the very broad interpretation by the Petitioners in their Motion. I do not believe that under all circumstances that any farm related building should be exempt from the building envelope restriction. It seems to me that this has to be decided on a case by case basis.

In this case, I still find that the Petitioners' primary use is residential with an accessory farm use. As such, I find that all buildings are subject to the 20,000 sq. ft. limitation and that, if problems develop in locating these buildings within the selected 20,000 sq. ft area because of excessive rock or other problems, then those problems should be resolved by a spirit and intent letter.

After a review of my Order dated March 23, 2005 and the Petitioners' Motion for Reconsideration/Clarification, I find that the changes requested should be denied and that my previous Order shall remain in full force and effect.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _____ day of May, 2005, that the Motion for Reconsideration/Clarification filed by the Petitioners, be and is hereby DENIED.

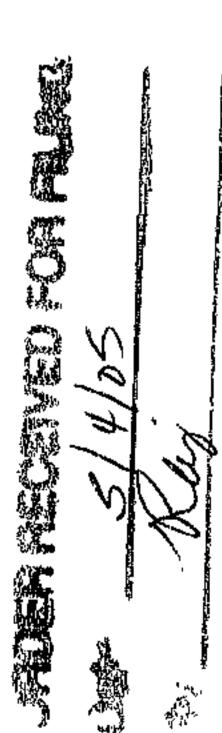
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOYN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

May 4, 2005

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

> Re: Motion for Reconsideration/Clarification Case No. 05-354-A Property: 19930 Gunpowder Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Order on Motion for Reconsideration/Clarification has been denied 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,

John V. Murphy

Deputy Zoning Commissioner

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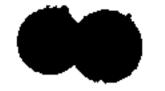
JVM:raj Enclosure

c: Daniel Lawson, Malaw Building, 214 Mt. Carmel Rd., Parkton, MD 21120 Michael & Beverly Reynolds, 9 Timbershed Ct., Freeland, MD 21053 Guy C. Ward, McKee & Associates, Inc., 5 Shawan Rd., Suite 1, Cockeysville, MD 21030 Hon. T. Bryan McIntire, County Council Lynn Lanham, Office of Planning



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





IN RE: PETITION FOR VARIANCE

W/S of Gunpowder Road, 930 ft. E centerline of Church Road 6th Election District 3rd Councilmanic District

(19930 Gunpowder Road)

J. David Lawson, Legal Owner and

and

Michael and Beverly Reynolds,

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BEFORE THE

* DEPUTY ZONING COMMISSIONER

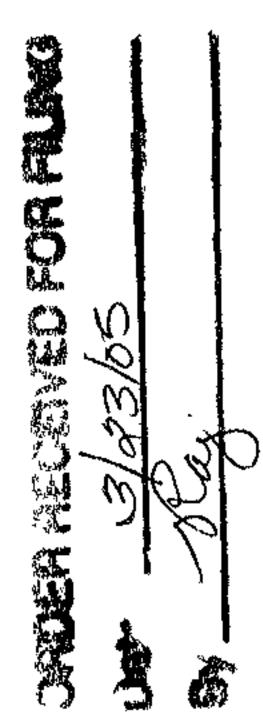
OF BALTIMORE COUNTY

* CASE NO. 05-354-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, J. David Lawson and Michael & Beverly Reynolds, contract purchasers. The variance request is for property located at 19930 Gunpowder Road in the northern area of Baltimore County. The variance request is from Sections 1A09.7B.3 and 1A09.7B.5.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling with (1) a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft. and (2) a minimum building setback of 75 ft. in lieu of the required 300 ft. to an adjacent property used as pasture. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on February 28, 2005, 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 March 1, 2005 to notify any interested persons of the scheduled hearing date.







Applicable Law

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 (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated February 8, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Bureau of Development Plans Review dated February 9, 2005, a copy of which is attached hereto and made a part hereof. Finally, a ZAC comment was received from the Department of Environmental Protection & Resource Management dated March 15, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Daniel Lawson and Beverly Reynolds, Petitioners and Guy Ward of McKee & Associates, Inc., the firm that prepared the site plan for the Petitioners. Howard L. Alderman, Jr., Esquire represented the



Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is 7.3 acres, is not improved and is zoned DR 8. Mr. Alderman proffered that the property is now being actively farmed. The Petitioner would like to construct one single-family dwelling and a barn within the building envelope shown on Petitioner's Exhibit 1. He noted that this lot was a lot of record as of August 6, 2004.

The request is to permit a proposed dwelling with (1) a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft. and (2) a minimum building setback of 75 ft. in lieu of the required 300 ft. to an adjacent property used as pasture. Mr. Alderman indicated that the shape of the lot is very irregular, having a long frontage on Gunpowder Road and appearing diamond shaped. The lot is approximately 510 ft. at its widest. Property to the north and east are being used as pasture. As a result, the setback from pasture requirement of 300 ft. overlap so that there is no place on the lot that one could possibly build a home. See the dotted 300 ft. lines on Petitioner's Exhibit 1. Mr. Alderman pointed out that the Petitioners did not create the lot in its present shape nor did they request that the County Council rezone the property from RC 4 to RC 8 in the latest comprehensive rezoning in August of 2004. He indicated that single-family dwellings are permitted in RC 8 as of right and that strict enforcement of the zoning regulations would mean that the dwelling could not be built which would be a hardship on the Petitioner. He also noted that the lot at 7 acres far exceeds the minimum lot size of three acres specified in this zone so that there would not be an increase in density beyond that otherwise allowed under the regulations. Finally, he noted that the use of the lot for a single-family home was within the

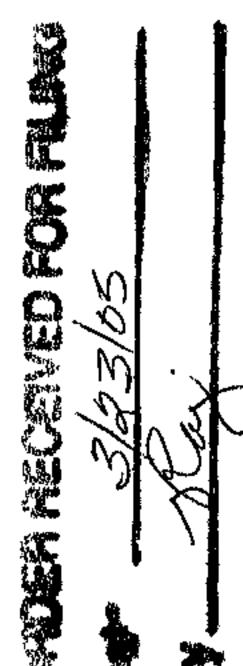
spirit and intent of the RC 8 regulations and would not adversely affect the neighborhood which is comprised of farms and dwellings.

In regard to the request to vary the maximum building envelope of 20,000 sq. ft., Mr. Alderman pointed out that Section 1A09.7 B3 of the regulations specifies that the this limitation applies "other than a farm". He proffered that the lot is now used as a farm and after building the home and barn will continue to be used as a farm. Consequently, he believed that no variance is needed for this dimension.

However, he argued in the alternative that if the variance is required, he noted that the definition of "building envelope" of Section 1A09.2 indicates that the definition includes all structures. Applied to this request, this means that both the home and barn are to be included in the building envelope. He noted that the requested building envelope was only 0.86 acres of this 7.3 acre lot and that it would be a hardship and practical difficulty to limit the building envelope to 20,000 sq. ft. when his client does not know what limitations they will find on the ground when they start construction. These limitations could be rock or some feature of the land. In short, he is requesting the flexibility to locate the barn and the house without having to come back for a hearing should they run into a problem. He argued that it is unreasonable to require the kind of on-site engineering before the zoning hearing, which could reveal limitations and conditions. However, in any case, the size of the barn and dwelling would each meet the 5000 sq. ft. limitation on size.

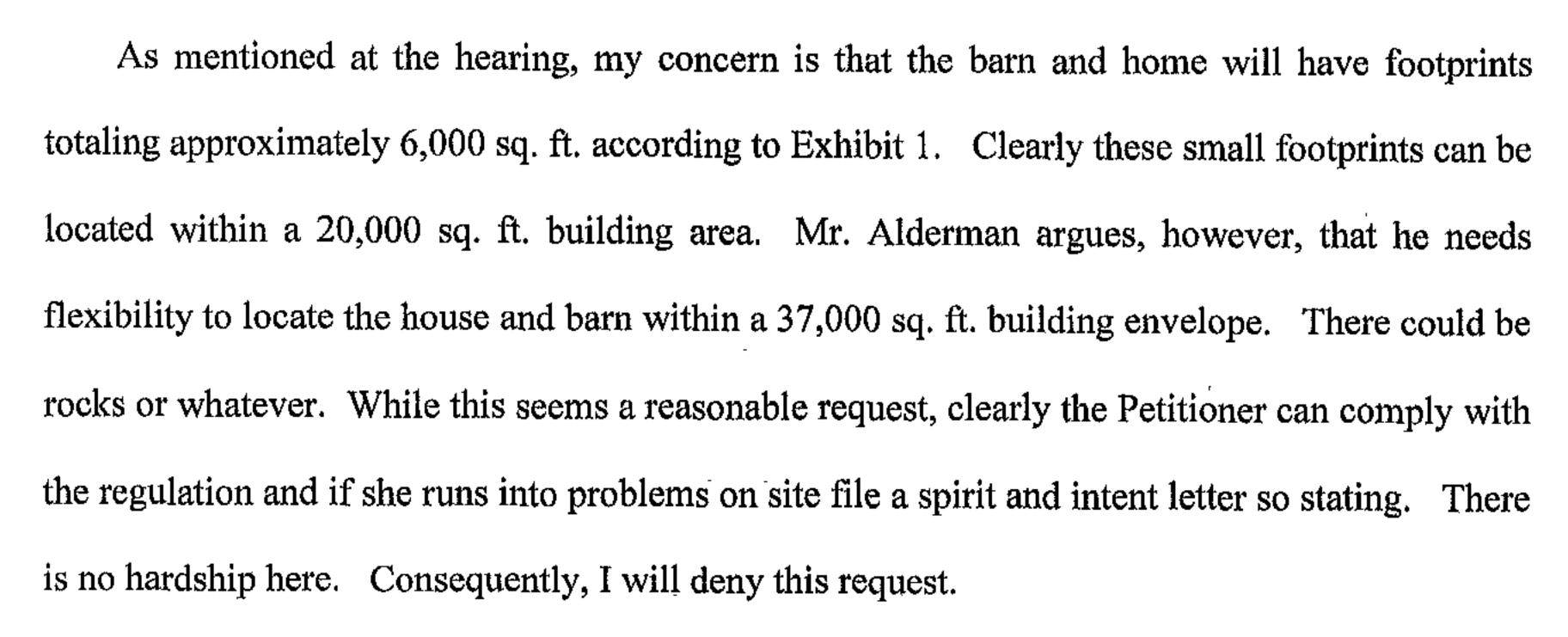
Findings of fact and conclusions of law

In regard to the request for variance of the 300 ft. setback from pasture, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is diamond shaped and consequently the 300 ft. setback



requirement means that there is no place to build a home even though that use is allowed by right. The Petitioners did not create the lot in its present shape nor did they request the County Council rezone the property from RC 4 to RC 8 in the latest comprehensive rezoning in August of 2004. I find that since single-family dwellings are permitted in RC 8 as of right, strict enforcement of the zoning regulations would mean the dwelling could not be built which would be a hardship on the Petitioner. I note that the lot at 7 acres far exceeds the minimum lot size of three acres specified in this zone so that there would not be an increase in density beyond that otherwise allowed under the regulations. Finally, I find that the use of the lot for a single-family home was within the spirit and intent of the RC 8 regulations and would not adversely affect the neighborhood which is composed of farms and dwellings.

In regard to the request for variance to the 20,000 sq. foot building envelope, Mr. Alderman argues that no variance is needed because the statute exempts farms. While I accept that the property outside the building envelop will remain in agriculture, in my review of the purposes of the RC 8 regulations it seems clear to me that the Council did not want to restrict where out buildings would be located on a farm. Presumably, they could be scattered over many acres to be close to the farming operation. For example, there could be a barn to store equipment located on a farm in a central location far away from the farmhouse. On the other hand, it is clear the Council wanted to restrict the size of building envelopes where residential development takes place to protect natural resources. Section 1A09.5 A lists four areas where building envelopes are not to be located. Clearly the Council had an interest in limiting the area in which structures can be built. While this request is not a subdivision, it is a residential use that I find requires a variance.



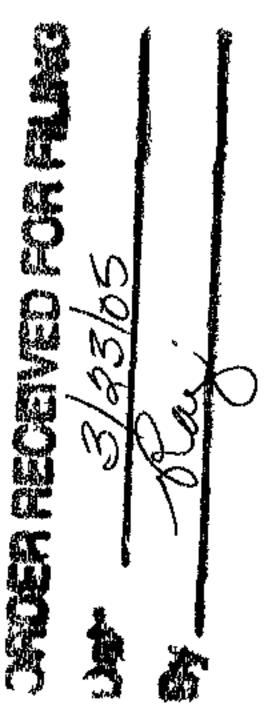
One further observation seems appropriate. Section 1A09.4 A *Plans and Permits* requires that before the approval of anyvariance, the Office of Planning must submit written findings that the proposedvariance is consistent with the spirit and intent of the RC 8 regulations. To support the finding, the Office may require building elevations, building cross sections etc. Section 1A09.4B specifies that the Office of Planning must certify the proposed plan conforms to the approved plan before building permits are issued. This seems to indicate that detailed and expensive architectural work must be preformed to provide the Planning Office with information, which then can be the basis of its original finding.

However, as can be seen by the comments from the Office of Planning, the Petitioner is required to provide the architectural work before building permit stage and not prior to the variance hearing. I recognize that this agency's interpretation of its own regulations is to be given great weight, but it appears to me that the statute does not allow putting off the architectural work until building permit stage as the comment seems to require. I note that in this case the Planning Office supports the Petitioner's variance requests, which I assume is the finding required by the statute for the variance case. However, the words of the comments seem to be inconsistent with the statute.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, this <u>\$\sigma3\$</u> day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A09.7B.3 and 1A09.7B.5.B of the Baltimore County Zoning Regulations (B.C.Z.R.), a minimum building setback of 75 ft. in lieu of the required 300 ft. to an adjacent property used as pasture, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for any necessary permits 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. Compliance with the ZAC comments submitted by the Office of Planning dated February 8, 2005, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments submitted by the Bureau of Development Plans review dated February 9, 2005, a copy of which is attached hereto and made a part hereof;
- 4. Compliance with the ZAC comments submitted by DEPRM dated March 15, 2005, a copy of which is attached hereto and made a part hereof; and
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.







IT IS FURTHER ORDERED, that the Petitioners' request to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft. is hereby DENIED.

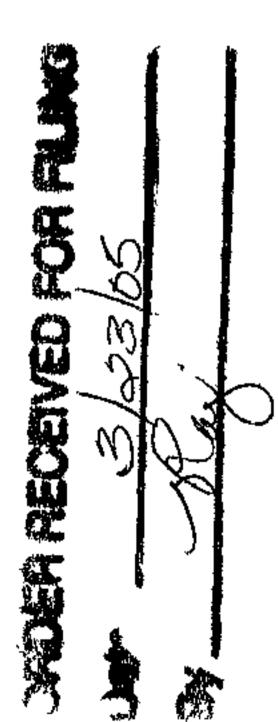
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

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





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

March 24, 2005

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

> Re: Petition for Variance Case No. 05-354-A Property: 19930 Gunpowder Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has 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,

John V. Murphy
Deputy Zoning Commissioner

JVM:rai Enclosure

c: Daniel Lawson, Malaw Building, 214 Mt. Carmel Rd., Parkton, MD 21120 Michael & Beverly Reynolds, 9 Timbershed Ct., Freeland, MD 21053 Guy C. Ward, McKee & Associates, Inc., 5 Shawan Rd., Suite 1, Cockeysville, MD 21030 Hon. T. Bryan McIntire, County Council Lynn Lanham, Office of Planning



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	19930 Gunpowder Road
•	resently zoned RC-8

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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)

See Attached

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

See Attached

Property is to be posted and advertised as prescribed by 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.

is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Michael Reynolds/Beverly Reynolds David Lawson Name - Type or Print Name - Type or Print SILLON-Signature (410) 343-2336 9 Timbershed Court Address Telephone No. Name - Type or Print Freeland. MD 21053 State Zip Code Signature Malaw Building Attorney For Petitioner: 214 Mt. Carmel Road (410) 329-6535 Address Telephone No. Howard/L. Alderman Jr., Esquire Parkton, MD 21120 Name - Type or Prin City Zip Code State Representative to be Contacted: Guy C. Ward McKee and Associates, Inc. Levin and Gann, P.A. Company Name Nottingham Centre, 8th Floor 410) 321-0600 502 Washington Avenue <u>5 Shawan Road, Suite 1</u> (410) 527-1555 ddres Address Telephone No. Telephone No. Cockeysville, MD 21204 21030 Mowson, MD City State ZIp Code Cily Zip Code State OFFICE USE ONLY 195-354-A ESTIMATED LENGTH OF HEARING SCase No. Reviewed By UNAVAILABLE FOR HEARING V REX \$\mathbb{1}25\square

<u>Attachment 1</u> <u>Petition for Variance</u>

Case Number 05-354-A

Address: 19930 Gunpowder Road

Legal Owner(s): J. David Lawson

Contract Purchasers: Michael and Beverly Reynolds

Present Zoning: RC-8

Prior Zoning Case: N/A

Request for Variance:

To determine whether or not the Zoning Commissioner should approve:

A variance to Sections 1A09.7B.3 & 1A09.7B.5.B B.C.Z.R. to permit a proposed dwelling with (1) a building envelope of 37,429 square feet +/- in lieu of the maximum allowed 20,000 square feet, (2) a minimum building setback of 75 feet in lieu of the required 300 feet to an adjacent property used as pasture and(3) for such additional relief as the nature of this case as presented at the time of hearing on this petition may require.

Reason for Request

Due to the unique characteristics of the subject property, the 300 foot setbacks to adjacent property which has been used for pasture within the past 5 years cannot be met. When applied to the subject property the 300 foot setbacks overlap and thus leave no building envelope available to the property. Without the requested relief, the Petitioner will suffer practical difficulty and undue hardship as the property will not be able to be improved with a dwelling.

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate

McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development
Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030
Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail: mckee@qis.net

Zoning Description for "J. David Lawson Property" Located at #19930 Gunpowder Road

Beginning at a point located in or near centerline of Gunpowder Road which is 20 feet wide, more or less, at a distance of 920 feet, more or less, east of the centerline of the nearest improved intersecting street, Church Road, which is 18 feet wide thence running the following nine courses and distances; as recorded now or formally in deed liber 17897 and folio 696,

- 1. North 31 degrees 44 minutes 00 seconds West 203.08 feet, thence
- 2. North 05 degrees 45 minutes 00 seconds West 420.00 feet, thence
- 3. North 62 degrees 30 minutes 45 seconds East 695.50 feet, thence
- 4. South 30 degrees 41 minutes 00 seconds East 17.49 feet, thence
- 5. South 11 degrees 10 minutes 30 seconds West 441.65 feet, thence
- 6. South 27 degrees 34 minutes 30 seconds West 44.92 feet, thence
- 7. South 27 degrees 34 minutes 30 seconds West 55.08 feet thence
- 8. South 41 degrees 01 minutes 30 seconds West 300.00 feet, thence
- 9. South 44 degrees 56 minutes 30 seconds West 209.41 feet to the place of beginning.

Containing 7.026 acres of land, more or less.

Also being known as #19930 Gunpowder Road, and located in the 6th election district, 3 rd councilmanic district.

OJ-354-A

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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: #05-354-A

19930 Gunpowder Road

Wiside of Gunpowder Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): J. David Lawson

Variance: to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft., to allow a minimum building setback of 76 feet in lieu of the required 300 feet to an adjacent property used as a pasture, and for such additional relief as the nature of this case as presented at the time of the hearing on this petition may require.

Hearing: Wednesday, March 16, 2005 at 2:00 p.m. In Roam 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204:

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/3/605 Mar. 1

41134

CERTIFICATE OF PUBLICATION

3/2 , 2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>3/1/</u> ,20 <u>05.</u>
The Jeffersonian
☐ Arbutus Times
Catonsville Times
Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	Date: <u>March 1, 2005</u>
RE:	Case Number: <u>05-354-A</u>
	Petitioner/Developer: <u>J. David Lawson</u>
	Date of Hearing/Closing: Wed., March 16, 2005 @ 2PM
by lav	This is to certify under the penalties of perjury that the necessary sign(s) required were posted conspicuously on the property located at
	19930 Gunpowder Road
	(Det 28,
	The sign(s) were posted on
	J. Lawrence Pilson (Printed Name of Sign Poster)
	McKee and Associates, Inc. <u>5 Shawan Road, Suite 1</u> (Street Address of Sign Poster)
	Cockeysville, MD 21030 (City, State, Zip Code of Sign Poster)
	(410) 527-1555 (Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

Department of Permits and Development Management

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



Baltimore County

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

February 4, 2005

NEW 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: 05-354-A

19930 Gunpowder Road

W/side of Gunpowder Road, 920 feet east of Church Road

6th Election District – 3rd Councilmanic District

Legal Owner: J. David Lawson

<u>Variance</u> to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft., to allow a minimum building setback of 75 feet in lieu of the required 300 feet to an adjacent property used as a pasture, and for such additional relief as the nature of this case as presented at the time of the hearing on this petition may require.

Hearing: Wednesday, March 16, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, 502 Washington Ave., 8th Fl., Towson 21204 J. David Lawson, Malaw Building, 214 Mt. Carmel Rd., Parkton 21120 Michael & Beverly Reynolds, 9 Timbershed Court, Freeland 21053 Guy Ward, 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, MARCH 1, 2005.
 - (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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 1, 2005 Issue - Jeffersonian

Please forward billing to:

J. David Lawson 214 Mt. Carmel Road, Malaw Building Parkton, MD 21120 410-329-6535

CORRECTED 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: 05-354-A

19930 Gunpowder Road

W/side of Gunpowder Road, 920 feet east of Church Road

6th Election District – 3rd Councilmanic District

Legal Owner: J. David Lawson

Variance to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft., to allow a minimum building setback of 75 feet in lieu of the required 300 feet to an adjacent property used as a pasture, and for such additional relief as the nature of this case as presented at the time of the hearing on this petition may require.

Hearing: Wednesday, March 16, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

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

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



Baltimore County

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

February 4, 2005

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

Dear Mr. Alderman:

RE: Case Number: 05-354-A, 19930 Gunpowder Road

The above matter, previously scheduled for February 25, 2005, has been postponed at your request. The hearing has been rescheduled and the new notice is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Multiply Kotroco

Timothy Kotroco

Director

TK:klm

C: J. David Lawson, Malaw Bldg., 214 Mt. Carmel Rd., Parkton 21120 Michael & Beverly Reynolds, 9 Timbershed Ct., Freeland 21053 Guy Ward, 5 Shawan Rd., Ste. 1, Cockeysville 21030



Department of Permits and Development Management

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

January 24, 2005

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: 05-354-A

19930 Gunpowder Road

W/side of Gunpowder Road, 920 feet east of Church Road

6th Election District – 3rd Councilmanic District

Legal Owner: J. David Lawson

<u>Variance</u> to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft., to allow a minimum building setback of 75 feet in lieu of the required 300 feet to an adjacent property used as a pasture, and for such additional relief as the nature of this case as presented at the time of the hearing on this petition may require.

Hearing: Friday, February 25, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, 502 Washington Ave., 8th Fl., Towson 21204
J. David Lawson, Malaw Building, 214 Mt. Carmel Rd., Parkton 21120
Michael & Beverly Reynolds, 9 Timbershed Court, Freeland 21053
Guy Ward, 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 THURSDAY, FEBRUARY 10, 2005.
 - (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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 10, 2005 Issue - Jeffersonian

Please forward billing to:

J. David Lawson
214 Mt. Carmel Road, Malaw I

214 Mt. Carmel Road, Malaw Building

Parkton, MD 21120

410-329-6535

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: 05-354-A

19930 Gunpowder Road

W/side of Gunpowder Road, 920 feet east of Church Road

6th Election District – 3rd Councilmanic District

Legal Owner: J. David Lawson

<u>Variance</u> to permit a proposed dwelling with a building envelope of 37,429 sq. ft. +/- in lieu of the maximum allowed 20,000 sq. ft., to allow a minimum building setback of 75 feet in lieu of the required 300 feet to an adjacent property used as a pasture, and for such additional relief as the nature of this case as presented at the time of the hearing on this petition may require.

Hearing: Friday, February 25, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

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 ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 05-354-A Petitioner: David Lawren
Address or Location: 19930 Gunpowder Rom
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address: 214 Mt. CARMEL Rum
PARKTON, MD, 21124/
Telephone Number: 410-329-6535

Revised 2/20/98 - SCJ

Department of Permits La Development Management

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





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

March 8, 2005

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

Dear Mr. Alderman:

RE: Case Number: 05-354-A, 19930 Gunpowder Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 13, 2005.

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, O. Call Richall D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
J. David Lawson 214 Mt. Carmel Road Parkton 21120
Michael and Beverly Reynolds 9 Timbershed Court Freeland 21053
Guy Ward McKee & Assoc. 5 Shawan Road, Ste. 1 Cockeysville 21030



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

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of January 31, 2005

Item No.: 348,349,351,353-358

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.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File







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

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

Maryland Department of Transportation

Date: 1.21.65

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

RE:

Baltimore County

Item No. 354

JHP

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

1. J. Gredh

Engineering Access Permits Division

I have the state of the state o

MAR 1 3 2005

ZONNIG COMMISSIONER

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

March 15, 2005

SUBJECT:

Zoning Item

05-354

Address

19930 Gunpowder Road

Zoning Advisory Committee Meeting of January 24, 2005

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:

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

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

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

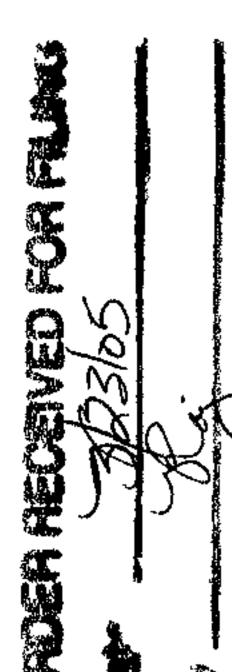
Additional Comments:

The Agricultural Preservation section of this Department does not support the request. The zoning regulations limit the building envelope size and thus construction should adhere to these standards

Reviewer:

Tom Panzarella, Wally Lippincott Date: March 15, 2005

:\SHARED\DESHARED\Devcoord\ZACSHEL-1-11-05.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 8, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

19930 Gunpowder Road

INFORMATION:

Item Number:

5-354

Petitioner:

J. David Lawson

Zoning:

RC8

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a dwelling to be located 75 feet to an adjacent property used as a pasture in lieu of the minimum required 300 feet, and a building envelope of 37,429 square feet in lieu of the maximum required 20,000 square feet. However, the subject property is zoned RC 8. As such, before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or his designee must certify in a written finding that the plan, exemption, or variance is consistent with the spirit and intent of Sections 100.1.A.2 and 1A09 of the Baltimore County Zoning Regulations (BCZR).

To support the finding, the petitioner shall provide the following information to this office for review and approval prior to the issuance of any building permits:

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

Orient the front of the proposed dwelling towards Gunpowder Road and incorporate prominent entries and porches or stoops in the front building façade.





- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 6. Provide landscaping along the public road.
- 7. Submit a written analysis that explain how any deviation from the above cited sections, standards and guidelines cited above was necessary to:
 - a. Meet another standard or guideline;
 - b. Comply with environmental regulations or otherwise protected resources; or
 - c. Achieve the best possible design based on the goals in Section 1A09.1.B of the BCZR

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director Department of Permits &

DATE: February 9, 2005

Development Management

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

FROM:

Zoning Advisory Committee Meeting

For January 31, 2005

Item Nos. 354

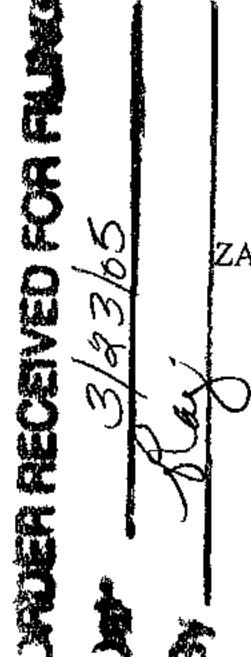
The Bureau of Development Plans Review has reviewed the subject-zoning

The minimum right-of-way for Gunpowder Road shall be 40-foot wide.

RWB:CEN:cp

cc: File

items.



ZAC-01312005-COMMENT ITEM 354-02092005.doc

RE: PETITION FOR VARIANCE

19930 Gunpowder Road; W/side Gunpowder

Road, 920' E of Church Road

6th Election & 3rd Councilmanic Districts

Legal Owner(s): David Lawson

Contract Purchaser(s): Michael &

Beverly Reynolds

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-354-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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

Per.C.

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 25th day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, Guy C. Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030, and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 TELEFAX 410-296-2801 ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

January 31, 2005

OK Jobshore

Timothy M. Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue, Suite 111 Towson, Maryland 21204

Re: 19930 Gunpowder Road

J. David Lawson, Owner

Case No.: 05-354-A

Request for Postponement

Dear Mr. Kotroco:

My office has just received a Notice of Zoning Hearing issued in the above-referenced case. The hearing is presently scheduled for February 25, 2005 at 11:00 a.m. in Room 106 of the County Office Building. I will be out of the State of Maryland from February 24 through and including February 27, 2005. Therefore, I request that this matter be postponed to the next available date.

I have conferred with the witnesses that will be testifying in this hearing and I am notified that one key witness will also be out of the State from February 28, 2005 through and including March 4, 2005. Therefore, I would appreciate it if Cristin would contact me to reschedule the hearing, assuming the requested postponement is granted. Should you need any additional information in this regard, as always, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/pal

cc:

Mr. J. David Lawson

Mr. and Mrs. Michael Reynolds

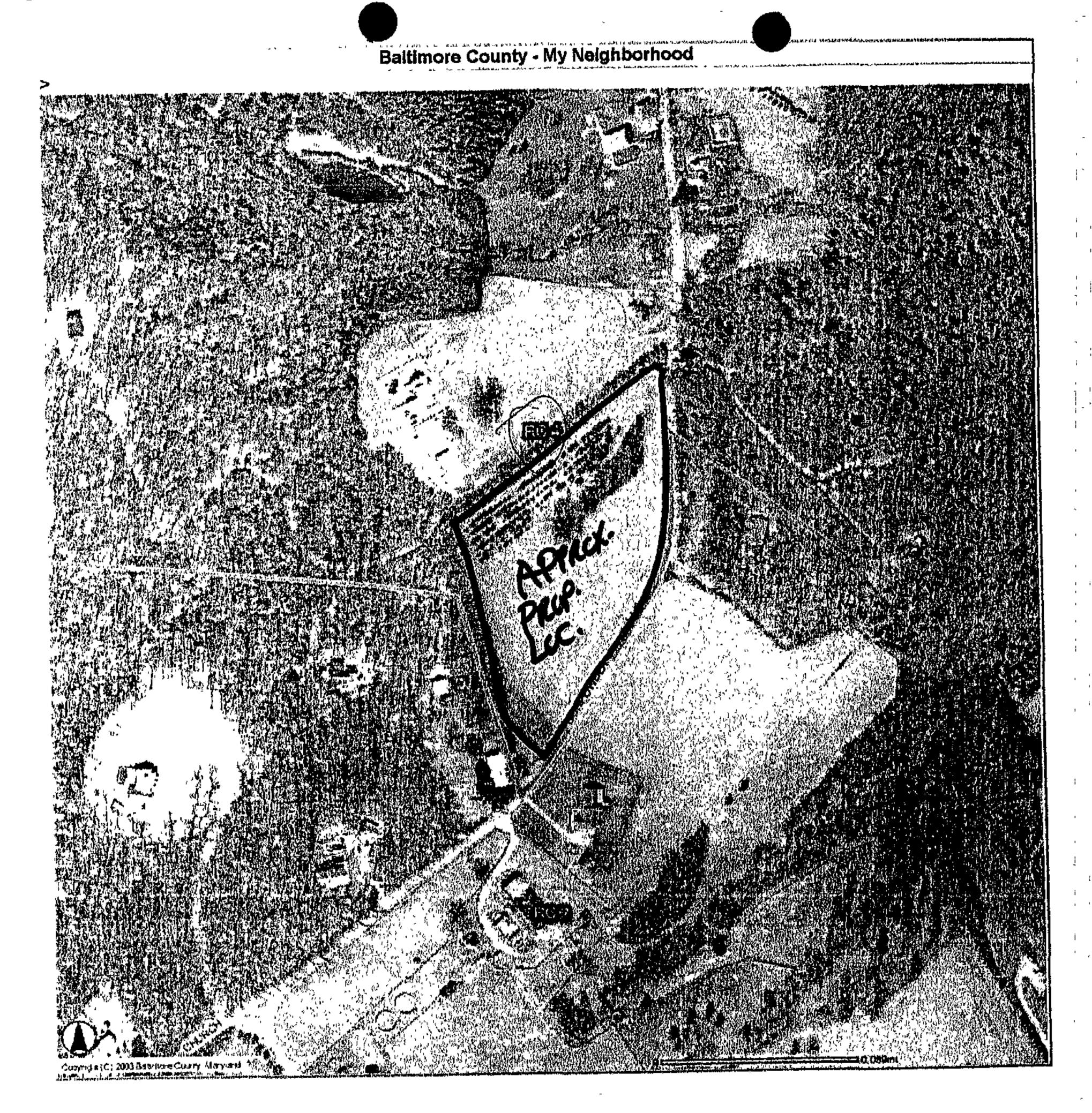
Mr. Guy Ward

G:\Clients\Lawson-J. David (9791)\kotroco-t.ltr.wpd

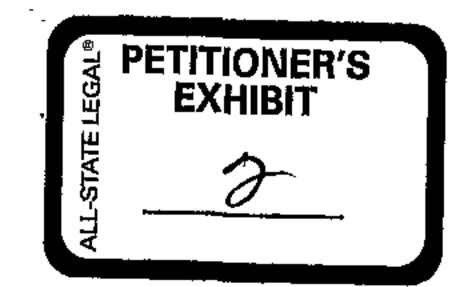
CASE NAME 1990 GUNDALOGE PAR CASE NUMBER 05-354-4 DATE 03-16-05

SITIZEN'S SIGN-IN SHEET

E-MAIL	gawle incom										
CITY, STATE, ZIP				Tousan no 21204							
ADDRESS	Mclos & Asu. lue. Suite	MD	9 Timbershed Ct Freeland 21053	2 Whollington the Se							
NAME	GUY WARD		Benefit H Rusello	D ANDE							



Map 10 Parcel 28 Was rezoned to RC-B Suring the 2004 12MP



Till Alungy





COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2004, Legislative Day No. 14

Bill No. <u>76-04</u>

Mr. T. Bryan McIntire, Councilman

By the County Council, July 6, 2004

A BILL ENTITLED

AN ACT concerning

Land Use and Development - Resource Conservation Zones

FOR the purpose of amending the Baltimore County Zoning Regulations in order to create a new RC 8 zoning classification; adding certain definitions; establishing certain guidelines and use limitations for development; establishing certain permitted uses by right and by special exception; establishing certain area, design, and performance standards and guidelines; establishing certain procedures for the approval of certain permits and plans; permitting certain agricultural operations; and generally relating to the use and development of resource conservation zones.

BY adding

Sections 100.1.A.2, the zoning classification of "R.C. 8 Environmental Enhancement Zone" and 1A09
Baltimore County Zoning Regulations, as amended

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law. Strike out indicates matter stricken from bill.

<u>Underlining</u> indicates amendments to bill.



SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 100.1.A.2, the zoning classification of "R.C. 8 Environmental Enhancement Zone" and 1A09, are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 100 Zones and Districts; Boundaries.

100:1 Baltimore County is hereby divided into zones and districts in accordance with this section.

A. Zones.

2. Zones are classified as follows:

R.C. 8 ENVIRONMENTAL ENHANCEMENT ZONE SECTION 1A09

R.C. 8 (ENVIRONMENTAL ENHANCEMENT) ZONE
1A09.1 FINDINGS AND LEGISLATIVE GOALS.
A. FINDINGS.

- 1. MASTER PLAN 2010, ADOPTED BY THE COUNTY COUNCIL IN
 FEBRUARY 2000, IDENTIFIES SPECIFIC RESOURCE PRESERVATION AREAS WHERE
 VALUABLE CULTURAL, HISTORIC, RECREATIONAL AND ENVIRONMENTAL
 RESOURCES ARE LOCATED AND SHOULD BE PROTECTED FOR THE HEALTH OF
 THE LOCAL COMMUNITY AND THE COMMUNITY AT LARGE.
- 2. WHILE THE RESOURCE PRESERVATION AREAS IDENTIFIED IN THE MASTER PLAN ARE PREDOMINANTLY IN THE RURAL PART OF BALTIMORE COUNTY, THERE ARE CERTAIN AREAS OF ENVIRONMENTAL SIGNIFICANCE THAT

ARE LOCATED THROUGHOUT BALTIMORE COUNTY THAT REQUIRE PROTECTION.

- 3. AN R.C. 8 ZONE ALLOWS LIMITED DEVELOPMENT, COMPATIBLE WITH THE RURAL AND URBAN COMMUNITY, AND AT THE SAME TIME PROTECTS ENVIRONMENTAL RESOURCES.
- 4. THE COUNTY RECOGNIZES THE IMPORTANCE OF RETAINING CERTAIN AREAS FOR ENVIRONMENTAL PROTECTION.
- B. LEGISLATIVE GOALS. THE BALTIMORE COUNTY COUNCIL SEEKS TO ACHIEVE THE FOLLOWING GOALS IN THE R.C. 8 ZONE:
- 1. TO PRESERVE AND PROTECT TOTAL ECOSYSTEM FUNCTION, INCLUDING RIPARIAN AND AQUATIC ECOSYSTEMS;
 - 2. TO PROTECT FORESTS, STREAMS, WETLANDS AND FLOODPLAINS;
- 3. TO PROTECT THE WATER QUALITY OF RESERVOIRS, WATERCOURSES, THE CHESAPEAKE BAY AND REGIONAL BIODIVERSITY;
 - 4. TO RESPECT HISTORIC SITES IN THEIR SETTINGS;
- 5. TO PROVIDE A QUALITY RECREATIONAL EXPERIENCE TO VISITORS;
- 6. TO PROTECT REMAINING PRIME AND PRODUCTIVE SOILS, ENVIRONMENTAL RESOURCES IN AREAS NOT CURRENTLY PROTECTED BY THE R.C. 2 OR THE R.C. 7 ZONE;
- 7. TO MAINTAIN THE UNIQUE CHARACTER OF CERTAIN RURAL AND URBAN AREAS BY PRESERVING ITS NATURAL, ENVIRONMENTAL, HISTORIC, CULTURAL, RECREATIONAL, SCENIC, ARCHITECTURAL, ARCHAEOLOGICAL

RESOURCES NOT PROTECTED BY THE R.C. 7 ZONE;

- 8. TO PROVIDE FOR THE ENVIRONMENTALLY SOUND USE OF LAND AND FOREST RESOURCES, AND TO PREVENT FOREST FRAGMENTATION, ESPECIALLY IN AREAS OF EXTENSIVE INTERIOR FOREST;
- 9. TO IMPLEMENT STATE AND FEDERAL MANDATES FOR THE PROTECTION OF NATURAL RESOURCES AND RURAL LEGACY;
- 10. TO ENHANCE LOCAL CHARACTER AND ENVIRONMENTAL PROTECTION BY LOCATING BUILDINGS IN HARMONY WITH SITE CONDITIONS;
- 11. TO PRESERVE THE TRADITIONAL CHARACTER OF COMMUNITIES BY LIMITING THE SCALE AND INTENSITY OF DEVELOPMENT;
- 12. TO MAINTAIN THE SCALE AND CHARACTER OF AREA ROADS BY LIMITING GROWTH IN THE VOLUME OF TRAFFIC GENERATED BY LOCAL DEVELOPMENT.

1A09.2 DEFINITIONS. IN THIS SECTION, THE FOLLOWING TERM HAS THE MEANING INDICATED:

BUILDING ENVELOPE – THE AREA ON A LOT WITHIN WHICH ALL STRUCTURES EXCEPT WELLS, SEPTIC SYSTEMS, STORM WATER MANAGEMENT SYSTEMS, DRIVEWAYS OR FENCES ARE PERMITTED TO BE BUILT.

1A09.3 PERMITTED USES.

A. USES PERMITTED BY RIGHT. IN ADDITION TO THE USES IN PARAGRAPH E OF THIS SUBSECTION, THE FOLLOWING USES ARE PERMITTED BY RIGHT IN AN R.C. 8 ZONE:

- 1. DWELLINGS, SINGLE-FAMILY DETACHED.
- 2. FARMS AND LIMITED ACRE WHOLESALE FLOWER FARMS, SUBJECT TO SECTION 404.
 - 3. OPEN SPACE, COMMON.
 - 4. SCHOOLS.
 - 45. STREETS AND WAYS.
- 5 6. TELEPHONE, TELEGRAPH, ELECTRICAL POWER OR OTHER LINES OR CABLES, PROVIDED THAT ANY SUCH LINE OR CABLE IS UNDERGROUND; UNDERGROUND GAS MAINS; SHARED WELL AND SEPTIC SYSTEMS WHEN APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT; OR OTHER UNDERGROUND CONDUITS, EXCEPT INTERSTATE PIPELINES.
- 6 7. ACCESSORY USES OR STRUCTURES, SUBJECT TO SECTION 429, INCLUDING:
- A. FARMER'S ROADSIDE STAND AND PRODUCE STAND, SUBJECT TO SECTION 404.4;
 - B. HOME OCCUPATIONS;
- C. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS OR OTHER PROFESSIONALS, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING THE PROFESSIONAL PERSON'S PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25% OF THE TOTAL FLOOR AREA OF

THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NONRESIDENT EMPLOYEE;

- D. PARKING AND RESIDENTIAL GARAGE SPACE, SUBJECT TO SECTION 409;
 - E. SIGNS, SUBJECT TO SECTIONS 450 AND 1A08.8.C.5; AND
- F. SWIMMING POOLS, TENNIS COURTS AND OTHER RECREATIONAL AMENITIES, IF ACCESSORY TO A DWELLING.
 - 78. COMMERCIAL FILM PRODUCTION, SUBJECT TO SECTION 435.
- B. USES PERMITTED BY SPECIAL EXCEPTION. THE FOLLOWING USES ONLY ARE PERMITTED BY SPECIAL EXCEPTION IN AN R.C. 8 ZONE.
- 1. THE FOLLOWING USES PROVIDED THAT THEY ARE LOCATED IN A PRINCIPAL BUILDING THAT WAS ORIGINALLY CONSTRUCTED BEFORE AUGUST 6, 2004, AND THE BUILDING IS CONVERTED TO THE NEW USE WITHOUT ANY EXTERNAL ENLARGEMENT AFTER AUGUST 6, 2004.
 - A. ANTIQUE SHOP;
 - B. BED AND BREAKFAST;
 - C. RESIDENTIAL ART SALON.
- 2. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS,
 ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS OR OTHER PROFESSIONALS AS
 AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS
 ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING THE
 PROFESSIONAL PERSON'S PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN

25% OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE
THE EMPLOYMENT OF MORE THAN ONE NONRESIDENT PROFESSIONAL
ASSOCIATE NOR TWO OTHER NONRESIDENT EMPLOYEES;

- 4 2. PUBLIC UTILITY USES NOT PERMITTED BY RIGHT.
- 5 3. BOTTLED WATER PLANT AS AN AGRICULTURAL SUPPORT USE, IF THE SOURCE OF WATER IS LOCATED ON THE SAME SITE AS THE PLANT, AND PROVIDED THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT MAKES A FINDING THAT THE PROPOSED FACILITY IS NOT EXPECTED TO ADVERSELY AFFECT THE QUALITY OF CAPACITY OF SURFACE WATER OR GROUND WATER.
 - 64. FARM MARKET, SUBJECT TO SECTION 404.4.
- 7 <u>5</u>. HORTICULTURAL NURSERY, SUBJECT TO SECTIONS 404.1 AND 404.2.
- 8 6. VOLUNTEER FIRE COMPANY OR AMBULANCE-RESCUE FACILITIES.
- 9 7. WINERY AS AN AGRICULTURAL SUPPORT USE, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON PREMISES. TEMPORARY PROMOTIONAL EVENTS SUCH AS WINE TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE WINERY ARE PERMITTED WITHIN ANY LIMITS SET THROUGH THE SPECIAL EXCEPTION PROCESS.
- 4Θ 8. WIRELESS TELECOMMUNICATION TOWERS AND MONOPOLES, HOWEVER THEY SHALL BE DESIGNED AND LOCATED IN A MANNER THAT

SUBSTANTIALLY MINIMIZES THEIR VISUAL IMPACT. STEALTH TOWERS SUCH AS FLAG POLES, FLUSH MOUNTED MONOPOLES SET INTO WOODED HILLSIDES AND PAINTED TO BLEND INTO THE TREES, AND OTHER INNOVATIVE OPTIONS. SUCH POLES OR ANTENNAS SHALL NOT PROJECT MORE THAN 5 FEET ABOVE ANY TREE WITHIN 25 FEET OF THE MONOPOLE. IN NO CASE SHALL A TOWER OR MONOPOLE PROJECT ABOVE A RIDGE LINE. WIRELESS TELECOMMUNICATION FACILITIES THAT ARE PROPOSED WITHIN A COUNTY, STATE OR NATIONAL HISTORIC DISTRICT OR PRESERVATION AREA WILL BE REQUIRED TO BE REVIEWED BY THE BALTIMORE COUNTY LANDMARKS COMMISSION. WIRELESS TELECOMMUNICATION FACILITIES MAY BE INCORPORATED INTO THE STRUCTURE OF EXISTING HIGH VOLTAGE ELECTRIC TRANSMISSION LINES AS A MATTER OF RIGHT.

C. APPLICATION OF ZONE. THE RC 8 ZONE IS PRIMARILY INTENDED TO BE APPLIED TO FORESTED LANDS, WATERSHED AREA RESERVOIR WATERSHED

AREAS AND EXTENSIVE NATURAL AREAS. THE R.C. 8 ZONE MAY NOT BE

APPLIED TO LANDS CURRENTLY ZONED R.C. 2 OR R.C. 7.

D. PRIOR ZONING. IF A PROPERTY WAS ZONED SO THAT CHURCHES AND OTHER BUILDINGS FOR RELIGIOUS WORSHIP WERE PERMITTED BY RIGHT AND WERE OWNED OR UNDER CONTRACT TO A RELIGIOUS INSTITUTION PRIOR TO BEING ZONED AS R.C. 8, CHURCHES AND OTHER BUILDINGS FOR RELIGIOUS WORSHIP ARE PERMITTED BY RIGHT ON THAT PROPERTY.

1A09.4 PLANS AND PERMITS. ALL DEVELOPMENT MUST BE IN

ACCORDANCE WITH THIS SECTION AND THE STANDARDS AND GUIDELINES FOR "RURAL PRESERVATION" AND "SCENIC VIEWS" ADOPTED PURSUANT TO THIS SECTION, AND PUBLISHED AS PART OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

A. BEFORE THE APPROVAL OF ANY CONCEPT PLAN, DEVELOPMENT PLAN, LIMITED EXEMPTION, SPECIAL EXCEPTION PLAN OR VARIANCE, THE DIRECTOR OF PLANNING OR THE DIRECTOR'S DESIGNEE MUST CERTIFY IN A WRITTEN FINDING THAT THE PLAN, EXEMPTION OR VARIANCE IS CONSISTENT WITH THE SPIRIT AND INTENT OF THESE REGULATIONS. TO SUPPORT THE FINDING, THE DIRECTOR SHALL REQUIRE INFORMATION SUCH AS BUILDING ELEVATIONS, BUILDING CROSS-SECTIONS OR VIEW SHED ANALYSES PURSUANT TO SECTIONS 32-4-223 AND 32-4-224 OF THE BALTIMORE COUNTY CODE. THE DIRECTOR SHALL CERTIFY THAT ANY DEVIATION FROM THIS SECTION OR THE STANDARDS AND GUIDELINES CITED ABOVE WAS NECESSARY TO:

- 1. MEET ANOTHER STANDARD OR GUIDELINE;
- 2. COMPLY WITH ENVIRONMENTAL REGULATIONS OR OTHERWISE PROTECT RESOURCES; OR
- 3. ACHIEVE THE BEST POSSIBLE SITE DESIGN BASED ON THE GOALS IN SECTION 1A09.1.B.
- B. BEFORE THE ISSUANCE OF ANY BUILDING PERMIT, THE DIRECTOR OF PLANNING OR THE DIRECTOR'S DESIGNEE SHALL CERTIFY THAT THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH A PLAN APPROVED PURSUANT TO

THESE REGULATIONS.

C. A FINDING PURSUANT TO THIS SECTION MAY BE APPEALED TO THE BALTIMORE COUNTY BOARD OF APPEALS WITHIN 30 DAYS OF THE DATE OF THE FINDING BY ANY PERSON AGGRIEVED BY THE FINDING.

1A09.5 NATURAL RESOURCE PROTECTION

THE DIRECTOR OF DEPRM OR HIS DESIGNEE SHALL CERTIFY THAT THE
PLAN-EFFECTIVELY DEMONSTRATES THE PROTECTION OF THE FOLLOWING
ECOLOGICAL SYSTEMS THROUGH ESTABLISHED DEPRM-POLICIES.

- 1. WETLAND AND STREAM BUFFERS
- 2. FORESTS OVER 25 ACRES IN AREA.
- 3. WILDLIFE HABITAT.

A. UNLESS THE APPLICANT DEMONSTRATES TO THE DIRECTOR OF DEPRM

OR HIS DESIGNEE THAT GREATER WATER QUALITY OR FOREST PROTECTION

WOULD RESULT, THE BUILDING ENVELOPE SHALL BE LOCATED:

- 1. OUTSIDE OF FORESTED AREAS WHERE POSSIBLE;
- 2. FOR FORESTED TRACTS, WITHIN 100 FEET OF THE PERIMETER OF THE FOREST;
- 3. TO MINIMIZE THE NUMBER AND LENGTH OF ROADS AND DRIVEWAYS; AND
 - 4. TO MINIMIZE THE NUMBER OF STREAM CROSSINGS.
- B. DEPRM MAY REQUIRE ALTERNATIVE SITE LAYOUTS TO ACHIEVE THE WATER QUALITY AND FOREST PROTECTION OBJECTIVES OF THIS ZONE.

1A09.6 SCENIC VIEWS. TO PROTECT THE SCENIC VIEWS OR, IF NECESSARY PURSUANT TO SECTION 1A09.4, TO MITIGATE THE DISTURBANCE OF SCENIC VIEWS, THE DIRECTOR OF PLANING MAY REQUIRE THAT ONE OR BOTH OF THE FOLLOWING BE CLEARLY DESIGNATED ON THE FINAL RECORD PLAT WITH APPROPRIATE NOTATIONS:

- A. AREAS WHERE DISTURBANCE OF NATURAL VEGETATION IS PROHIBITED; OR
 - B. AREAS WHERE REVEGETATION OF LANDSCAPING IS REQUIRED.

 1A09.7 DEVELOPMENT AREA AND STANDARDS.
- A. MAXIMUM HEIGHT. NO STRUCTURE WITH A HEIGHT GREATER THAN 35 FEET IS PERMITTED, EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 300.
 - B. AREA REGULATIONS.
- 1. MAXIMUM LOT DENSITY. A CONTIGUOUS TRACT OF LAND, WHETHER OR NOT IN ONE OR MORE PARCELS, NOT PART OF AN APPROVED SUBDIVISION MAY BE DEVELOPED IN AN R.C. 8 ZONE AT THE FOLLOWING DENSITY:

1 TO 10 ACRES = 1 LOT

10 TO 30 ACRES = 2 LOTS

30 TO 50 ACRES = 3 LOTS

MORE THAN 50 ACRES = 4 LOTS

TRACTS OF LAND OF 51 ACRES OR MORE SHALL BE CALCULATED AT A

DENSITY OF .02 LOTS PER ACRE

2. LOT AREA. THE AREA OF ANY PROPOSED RESIDENTIAL LOT IN A

MAJOR OR MINOR SUBDIVISION MUST NOT BE LESS THAN THREE ACRES.

- 3. BUILDING ENVELOPE. FOR RESIDENTIAL DEVELOPMENT, THE MAXIMUM AREA OF THE BUILDING ENVELOPE ON ANY RESIDENTIAL LOT OTHER THAN A FARM IS 20,000 SQUARE FEET, AND NO SINGLE DWELLING, ENCLUSIVE OF A GARAGE OR ACCESSORY BUILDING, SHALL HAVE A BUILDING FOOTPRINT THAT EXCEEDS 5,000 SQUARE FEET. THE PLACEMENT OF THE BUILDING ENVELOPE IS DETERMINED ON THE BASIS OF:
 - A. THE GOALS FOR THE ZONE; AND
 - B. THE MINIMUM SETBACKS FOR THE ZONE.
- 4. MINIMUM DEVELOPMENT ALLOWANCE. ANY LOT <u>OF RECORD</u> OR PARCEL OF LAND LAWFULLY EXISTING ON AUGUST 6, 2004 MAY BE DEVELOPED WITH A SINGLE DWELLING.
 - 5. SETBACKS.
- A. ANY PRINCIPAL BUILDING CONSTRUCTED IN AN R.C. 8
 ZONE SHALL BE SITUATED AT LEAST:
- (1) 35 FEET FROM THE RIGHT-OF-WAY OF PUBLIC OR PRIVATE INTERIOR STREETS;
 - (2) 80 FEET FROM ANY PRINCIPAL BUILDING; AND
 - (3) 50 FEET FROM THE REAR LOT LINE.
- B. ANY PRINCIPAL BUILDING OR WELL CONSTRUCTED, OR
 ANY USE THAT MAY BE IN CONFLICT WITH ANY PERMITTED AGRICULTURAL
 OPERATION, IN AN R.C. 8 ZONE MUST BE AT LEAST 300 FEET FROM ANY

ADJACENT PROPERTY THAT WAS CULTIVATED OR USED FOR PASTURE DURING
THE PREVIOUS THREE YEARS, AS DETERMINED BY THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, OR THAT IS
SUBJECT TO A PERPETUAL AGRICULTURAL OR CONSERVATION EASEMENT.

B. 1. AS DETERMINED BY THE DIRECTOR OF DEPRM, ANY
DWELLING OR ACCESSORY RESIDENTIAL STRUCTURE TO BE CONSTRUCTED

SHALL BE LOCATED AT LEAST 300 FEET FROM AN ADJACENT PROPERTY THAT IS

EITHER:

(A) CULTIVATED OR USED FOR PASTURE, OR

RECEIVED PREFERENTIAL AGRICULTURE ASSESSMENT AT ANY TIME OVER THE

PAST 5 YEARS;

(B) LAND THAT IS SUITABLE FOR AGRICULTURE
PRODUCTION, EXCLUDING FORESTRY, THAT IS NOT IN PRODUCTION AS PART OF
A FEDERAL OR STATE CONSERVATION PROGRAM; OR

(C) LAND THAT IS SUITABLE FOR AGRICULTURE
PRODUCTION, EXCLUDING FORESTRY, AND IS SUBJECT TO AN AGRICULTURAL
OR CONSERVATION EASEMENT.

2. A MODIFICATION TO A RESIDENTIAL DWELLING IN EXISTENCE PRIOR TO AUGUST 6, 2004 IS EXEMPT FROM THE REQUIREMENTS OF THIS SUBSECTION.

6. IMPERVIOUS SURFACE COVERAGE – NONRESIDENTIAL
DEVELOPMENT. EXCEPT FOR RESIDENTIAL LOTS WHICH ARE SUBJECT TO A

BUILDING ENVELOPE RESTRICTION, NO MORE THAN 5% OF ANY LOT MAY BE COVERED BY IMPERVIOUS SURFACES SUCH AS STRUCTURES OR PAVEMENT.

7. HISTORIC PROPERTIES. NO BUILDING OR STRUCTURE ON A
DEVELOPMENT TRACT WHICH IS OFFICIALLY INCLUDED ON THE PRELIMINARY
OR FINAL LIST OF THE LANDMARKS PRESERVATION COMMISSION OR THE
NATIONAL REGISTER OF HISTORIC PLACES, OR WHICH IS SUBJECT TO AN
EASEMENT HELD BY THE MARYLAND HISTORIC TRUST WILL BE COUNTED AS A
LOT OR DWELLING FOR PURPOSES OF CALCULATING DENSITY, PROVIDED THAT:

A. THERE IS AN AREA OF SUFFICIENT SIZE, AS DETERMINED
BY THE DIRECTOR OF PLANNING IN CONSULTATION WITH THE LANDMARKS
PRESERVATION COMMISSION OR MARYLAND HISTORIC TRUST, SURROUNDING
THE BUILDING, STRUCTURE OR LANDMARK TO PRESERVE THE INTEGRITY OF ITS
HISTORIC SETTING;

B. AN OVERALL PHOTOGRAPHIC AND WRITTEN DESCRIPTION
OF THE BUILDING, STRUCTURE OR LANDMARK IDENTIFIED HAS BEEN
SUBMITTED AND IS DETERMINED TO BE IN COMPLIANCE WITH THE SECRETARY
OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES;

C. DOCUMENTATION OF THE PRESERVATION, RESTORATION
AND PROTECTION FOR THE BUILDING, STRUCTURE OR LANDMARK HAS BEEN
APPROVED BY THE DIRECTOR OF PLANNING IN CONSULTATION WITH THE
MARYLAND HISTORICAL TRUST PRIOR TO ISSUANCE OF ANY BUILDING PERMIT;
AND

D. WHEN PROVISIONS OF THIS PARAGRAPH APPLY TO ANY DEVELOPMENT, THE CONDITIONS FOR APPROVAL MUST BE NOTED ON THE CONCEPT PLAN AND DEVELOPMENT PLAN, OR THE MINOR SUBDIVISION PLAN.

C. PERFORMANCE STANDARDS. CONDITIONS FOR APPROVAL PURSUANT TO THIS SECTION MUST BE NOTED ON THE CONCEPT PLAN AND DEVELOPMENT PLAN, OR MINOR SUBDIVISION PLAN. THE FOLLOWING STANDARDS ARE INTENDED TO FOSTER CREATIVE DEVELOPMENT THAT PROMOTES THE GOALS STATED IN 1A09.1,B.

1. STORM WATER MANAGEMENT. STORM WATER MANAGEMENT
FACILITIES MUST BE INTEGRATED WITH THE TOPOGRAPHY OF THE SITE AND
CONSISTENT WITH THE VISUAL APPEARANCE OF THE SURROUNDING NATURAL
FEATURES.

1. STORM WATER MANAGEMENT. STORM WATER MANAGEMENT
FACILITIES SHALL BE INTEGRATED INTO THE SITE DESIGN TO UTILIZE NONSTRUCTURAL PRACTICES UNLESS IT IS DEMONSTRATED THAT THIS IS NOT
POSSIBLE.

2. BUILDINGS.

A. BUILDINGS MUST BE LOCATED ON THE LEAST VISUALLY PROMINENT PORTION OF THE SITE FROM THE PUBLIC ROAD, CONSISTENT WITH EFFECTIVE RESOURCE PROTECTION, EXCEPT WHERE APPROPRIATE TO CONTINUE AN ESTABLISHED PATTERN OF DEVELOPMENT ALONG THE EDGE OF THE ROAD.

B. BUILDINGS SHOULD REFLECT THE TRADITIONAL RURAL CHARACTER OF THE AREA IN ARCHITECTURAL FORM, SCALE, MATERIALS AND DETAILING AND IN LANDSCAPING CONTEXT.

C. DWELLINGS AND OTHER PRINCIPAL USE BUILDINGS
SHOULD BE FRONT-ORIENTED TO PUBLIC RIGHTS-OF-WAY; REVERSE-FRONTED
LOTS GENERALLY WILL NOT BE PERMITTED.

D. INSTITUTIONAL USES, WHEN PERMITTED, SHOULD BE
REGARDED AS COMMUNITY LANDMARKS, AND TREATED AS PERMANENT,
SPECIAL USES. THIS STATUS SHOULD BE REFLECTED IN BUILDING
ORIENTATION, SIZE AND LOCATION ON THE SITE, ENTRYWAYS, LANDSCAPING,
ARCHITECTURE AND EXTERIOR BUILDING MATERIALS.

D. ALL OF THE EXTERIOR WALLS OF A BUILDING MUST BE TREATED SIMILARLY WITH RESPECT TO MATERIALS, COLOR AND ARCHITECTURAL DETAILS.

FE.—ACCESSORY STRUCTURES, STRUCTURES ACCESSORY TO RESIDENTIAL USE, EXCLUDING AGRICULTURAL BUILDINGS, BUT INCLUDING SOLAR PANELS, ANTENNAS AND STORAGE SHEDS, ARE NOT PERMITTED IN THE FRONT YARD OF ANY PRINCIPAL USE. SECTION 400.1 IS NOT APPLICABLE IN AN R.C. 8 ZONE; HOWEVER, THE HEIGHT OF ACCESSORY STRUCTURES IS SUBJECT TO THE PROVISIONS OF SECTION 400.

 $\frac{G}{F}$. IF BUILDINGS ARE LOCATED IN OPEN FIELDS BECAUSE OF SITE CONSTRAINTS, ADDITIONAL LANDSCAPING AND BERMS, OR EITHER OF

THEM, MAY BE REQUIRED TO SOFTEN VIEWS.

3. ROADS, PARKING AREAS AND STORAGE AREAS.

A. INTERIOR ROADS MUST CONFORM TO BALTIMORE
COUNTY'S STANDARDS FOR RURAL ROADS, AND NO PAVED SECTION OF ROAD
MAY EXCEED A WIDTH OF 18 FEET, EXCEPT FOR TURN-AROUND AREAS..

B. CURBING MUST NOT BE USED UNLESS REQUIRED FOR STORMWATER MANAGEMENT STORM DRAINAGE, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS. PUBLIC WORKS. WHEN CURBING IS REQUIRED, IT MUST CONSIST OF MOUNTABLE CURBS OF A COLOR THAT SIMULATES THE APPEARANCE OF AGED CONCRETE, IN ACCORDANCE WITH SPECIFICATIONS ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS.

C. <u>PERIMETER</u> FENCING OF RESIDENTIAL PROPERTIES MUST
BE IN KEEPING WITH RURAL CHARACTER. FENCES MUST BE EITHER SPLIT RAIL
OR BOARD ON POST, AND THE TYPE OF FENCE MUST BE CONSISTENT
THROUGHOUT THE DEVELOPMENT.

D. OFF-STREET PARKING AND VEHICLE OR EQUIPMENT
STORAGE AREAS, WHEN NECESSARY FOR NONRESIDENTIAL OR NON-FARM USES,
MUST BE VISUALLY SCREENED BY FENCING, BUILDINGS OR VEGETATION, OR A
COMBINATION THEREOF, FROM THE PUBLIC ROADS AND DWELLINGS.

E. AREAS FOR THE OUTSIDE STORAGE OF MATERIALS OR SUPPLIES FOR NON-AGRICULTURAL COMMERCIAL USES, EXCEPT MERCHANDISE OFFERED FOR SALE BY ANTIQUE SHOPS, MUST BE VISUALLY SCREENED BY

FENCING, BUILDINGS OR VEGETATION, OR A COMBINATION THEREOF, FROM ALL PUBLIC ROADS AND DWELLINGS.

F. LIGHTING, SUCH AS STREET LIGHTS, ELEVATED SECURITY LIGHTS, FLOOD LIGHTS, HIGH INTENSITY HOUSE AND BARN LIGHTS ARE NOT PERMITTED. HOWEVER, LOW INTENSITY, LOW LEVEL ACCENT LIGHTS AND SENSOR LIGHTS NO MORE THAN 20 FEET ABOVE THE GROUND MAY BE REQUESTED AS PART OF THE DEVELOPMENT REVIEW. THE LIGHT FIXTURES SHOULD BE OF A STYLE THAT DIFFUSES LIGHT BY USE OF FULL CUTOFFS.

4. SCREENING. VISUAL SCREENING FOR PRIVACY OR TO BLOCK
DISTRACTING VIEWS SHOULD BE NATURAL IN APPEARANCE AND SENSITIVE TO
GRADE RELATIONSHIPS. SCREENS SHOULD NOT DISRUPT THE HARMONY OF THE
NATURAL LANDSCAPE OR OBSTRUCT SCENIC VIEWS.

5. SIGNS.

A. COMMUNITY SIGNS ARE PROHIBITED. SUBDIVISIONS MAY BE IDENTIFIED BY STREET SIGNS.

B. A NONRESIDENTIAL PRINCIPAL USE MAY BE IDENTIFIED BY:

- (1) AN ENTERPRISE SIGN, SUBJECT TO SECTION 450; OR
- (2) AN IDENTIFICATION SIGN, SUBJECT TO SECTION 450.

1A09.8 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.


ANY DWELLING IN AN R.C. 8 OR ADJACENT ZONE MAY BE SUBJECT TO


INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL

OPERATIONS. THESE MAY INCLUDE NOISE, ODORS, FUMES, DUST, THE
OPERATION OF MACHINERY DURING ANY TWENTY-FOUR-HOUR PERIOD, 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.


SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on August 6, 2004.

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