IN RE: PETITION FOR SPECIAL HEARING
E/S of Kirkwood Shop Road, 170 feet
North of Open Shaw Road
7<sup>th</sup> Election District
3<sup>rd</sup> Councilmanic District

(20207 Kirkwood Shop Road)

Louis Beauchemin Petitioner BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 06-641-SPH

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 20207 Kirkwood Shop Road. The Petition was filed by Louis Beauchemin, Petitioner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the creation of 7.732 acre +/- non-density parcel to be transferred to the adjacent property owner.

The property was posted with Notice of Hearing on July 14, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 25, 2006, to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 500.7 of the B.C.Z.R.

Special Hearings

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

SUB BUILDE

### **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 letter was received from the Department of Environmental Planning and Resource Management dated July 3, 2006 which contains restrictions. Copy of which is attached hereto.

### **Interested Persons**

Appearing at the hearing on behalf of the requested special hearing were Louis Beauchemin, Petitioner. Bruce E. Doak, of Gerhold, Cross & Etzel, Ltd., prepared the site plan. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### **Testimony and Evidence**

The subject property contains 11.98 acres zoned RC and is improved by the Petitioner's house. Mr. Doak proffered that this property was created and recorded in the land records of the County prior to 1979 and as such may be divided into two buildable lots. The Petitioner would like to subdivide the property to allow for the second buildable lot as shown on Petitioner's exhibit 1.

To accomplish this, Mr. Doak proposes to create lot 1 of 2.19 acres around his existing home, lot 2 of 2.066 acres around the proposed home and a non-density parcel of 7.7 acres which he will eventually combine with an adjacent property. Petitioner's exhibit 2 show the proposed arrangement in color whereby the lot around the existing home is in green, new home in pink and non-density parcel in yellow. Again the yellow parcel will eventually be combined with the adjacent lot owned by the Petitioners outlined in blue.

Mr. Doak proffered that there are no agricultural uses on the property today and because of its physical features, there is no potential for agricultural use on the property. Beyond the area immediately surrounding the existing house, the property is heavily wooded. The two proposed building lots are located on the only high ground on the property. Beyond this area the property drops quickly to a substantial stream and pond. The stream and pond are buffered by 8.145 acres of forest buffer as shown on the exhibit.

Mr. Doak opined that this is the best possible arrangement to preserve the natural resources of the property. While the plan creates another lot and dwelling, the environmentally sensitive features of the stream, pond and steep slopes are in one parcel which has no density and so will be preserved. Combining the non-density parcel with the adjacent property owned by the Petitioner will further guarantee the environmental preservation of even a larger parcel.

Finally he proffered that creating the non-density parcel will not create a third "lot". In support thereof he presented the definition of "lot" given in Section 33-6-101 of the BCC.

### Findings of Fact and Conclusions of Law

The primary purpose of the RC 2 zone is given in Section 1A01.1B of the BCZR which states that the zone was established to foster conditions favorable to continued agricultural use of productive agricultural areas of the County. Section 1A01.2 A continues this theme giving preferential treatment to agricultural operations.

However the evidence in this case is overwhelming that there are no agricultural uses nor likely to ever be any agricultural uses of this property given the steep slopes, stream bed and pond on the property. So what happens now?

The answer is found in the declaration of findings of the RC 2 zone given in Section 1A01.1.A where the next priority is to preserve environmentally sensitive areas while allowing

some residential uses. Generally this means locating the environmentally sensitive features in one parcel so that they can be maintained most easily. It also means clustering the residential uses on reasonably small lots, located in non-agricultural, non-sensitive areas of the property. This is exactly what the Petitioner proposes in this case.

The only areas outside the steep slopes, streams and pond suitable for residential use are on the hill where lots 1 and 2 are located. The environmentally sensitive areas are together on the non-density parcel. This parcel will eventually be attached to the adjacent property to best preserve the environmentally sensitive features.

One problem remains. The Petitioner's intends to attach the non-density parcel to the adjacent property. There can be some confusion by later purchasers of the development potential of the parcel so attached. The two parcels would then merge. What then is the development potential of the entire merged tract? There is also the unlikely possibility the parcel never actually is merged with the adjacent property. What if the non-density parcel is offered for sale as a separate parcel?

In order to make sure no confusion will arise for future purchasers regarding the development potential of the non-density parcel, I will require the Petitioner to place notice of the non-density status of the parcel on the land records of the County in a document drafted by a qualified attorney which shall give notice of this Order and the development status of the non-density parcel to future purchasers.

Considering the testimony, evidence and notice of the non-density status of the parcel on the land records, I find that the request for special hearing can be granted without an adverse impact on the community and within the spirit and intent of the RC 2 regulations. 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 Petitioner, I find that the Petitioners' request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11<sup>th</sup> day of August, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to to permit the creation of 7.732 acre +/- non-density parcel to be transferred to the adjacent property owner is hereby GRANTED with the following conditions:

- 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 3. Development of this property must comply with the Forrest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- 4. The resulting non density parcel so created shall be used for conservation purposes only. There is no development potential for this non density parcel.
- 5. Within 60 days of the approval of the subdivision, the Petitioner shall record new deeds on the Land Records of Baltimore County which refer to this case and the non density status of the non density parcel so created.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIÖNER

FOR BALTIMORE COUNTY

8-11-0P



JAMES T. SMITH, JR. County Executive

August 10, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

LOUIS BEAUCHEMIN 20217 KIRKWOOD SHOP ROAD WHITE HALL MD 21161

Re: Petition for Special Hearing Case No. 06-641-SPH

Property: 20207 Kirkwood Shop Road

Dear Ms. Beauchemin:

Enclosed please find the decision rendered in the above-captioned case.

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

for Baltimore County

JVM:pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson MD 21286



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 20207 KIRK WOOD SHOF PD which is presently zoned RC2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

> To permit the creation of a 7.732 acre +/- non-density parcel to be transferred to the adjacent property owner.

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

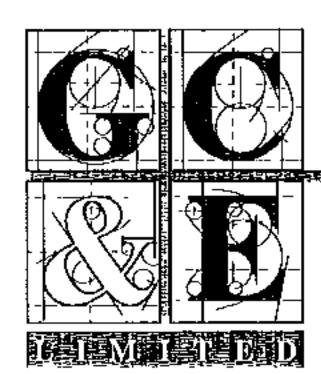
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Reviewed By D.T. Date 61206

### Contract Purchaser/Lessee:

REV 9/15/98

Legal Owner(s): LOUIS RIBEAUCHEMIN Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Signature Zip Code State 20217 KIRKWOOD SHOP ROKD 1110-329-6569 ddress Telephone No. City Attorney For Petitioner: Address 2*1/6 i* Zip Code WHITE HACE State City Name - Type or Print Representative to be Contacted: BRUCE E. BAK Name Signature 325 E. TOWSON TOWN
Address BLVD, SIE (00, 410-623-447) Telephone No. Company Telephone No. Address 21286 MDansou Zip Code State Zip Code State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING \_\_\_\_\_ Case No. 06-641-SPH



## Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

May 8, 2006

# ZONING DESCRIPTION OF BEAUCHEMIN PROPERTY 20207 KIRKWOOD SHOP ROAD 3<sup>rd</sup> ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same in the center of Kirkwood Shop Road 170 feet +/northeasterly from the center of Openshaw Road, thence leaving Kirkwood Shop Road,
(1) North 44 degrees 23 minutes 27 seconds West 46.06 feet, thence crossing over said
road and running the four following courses and distances: (2) North 50 degrees 56
minutes 14 seconds East 1,409.08 feet, (3) South 74 degrees 55 minutes 46 seconds East
429.23 feet, (4) South 49 degrees 00 minutes 00 seconds West 1,340.36 feet, and (5)
North 81 degrees 25 minutes 30 seconds West 470.00 feet to the place of beginning.

Containing 11.988 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

5/25/06

OFFICE OF BUDGET & FINANCE MISCELLANEOUS REC BALTIMORE COUNTY, WHITE CASHIER

### 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: # 06-641-8PH

20207 Kirkwood Shop Road
East side of Kirkwood Shop Road, 170 feet north bi
Open Shaw Road
7th Election District — 3rd Councilmanic District
Legal Owner(s): Louis R. Beauchemin
Special Hearing: to permit the creation of 7.732-acre +/non-density parcel to be transferred to the adjacent prop-

erty owner.

Hearing: Thursday, August 10, 2006 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosley Ave-nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

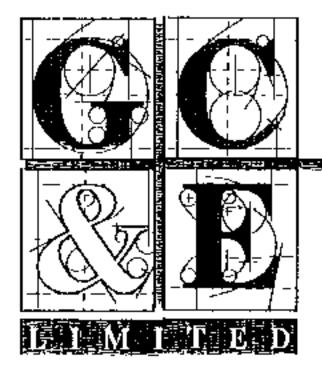
JT 7/732 July 25

103129

### CERTIFICATE OF PUBLICATION

7/27/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing on $\frac{7}{25}$ , $\frac{2000}{25}$ .
on <u>7/25</u> ,20 <u>06</u> .
The Jeffersonian
☐ Arbutus Times
Catonsville Times
Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dullina

LEGAL ADVERTISING



### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

### **CERTIFICATE OF POSTING**

RE: CASE#06-641-SPH
PETITIONER/DEVELOPER:
Louis R. Beauchemin

DATE OF HEARING: August 10, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: KRISTEN MATTHEWS** 

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

**LOCATION:** 

20207 Kirkwood Shop Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: 7/14/06

Special Fearing.

To permit frie creation of

### 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

June 20, 2006

### 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: 06-641-SPH

20207 Kirkwood Shop Road

East side of Kirkwood Shop Road, 170 feet north of Open Shaw Road

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Louis R. Beauchemin

Special Hearing to permit the creation of 7.732-acre +/- non-density parcel to be transferred to the adjacent property owner.

Hearing: Thursday, August 10, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Louis Beauchemin, 20217 Kirkwood Shop Road, White Hall 21161 Bruce Doak, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 26, 2006.

- (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 OF FICE AT 410-887-3391.



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

PATUXENT PUBLISHING COMPANY TO:

Tuesday, July 25, 2006 Issue - Jeffersonian

Please forward billing to:

Louis Beauchemin

20217 Kirkwood Shop Road

White Hall, MD 21161

410-329-6569

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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### Department of Permits del 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

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Timothy Kotroco

Director

TK:klm

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

# 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:	06-641-SPH
Petitioner: LOIS R. BEALUE	11N
Address or Location: 20207	KIRKWOOD SHOP (2010)
PLEASE FORWARD ADVERTISI	NG BILL TO:
Name: Lous R. BEAUGEMIN	· · · · · · · · · · · · · · · · · · ·
Address: 20217 KIRKWOOD	
WHITE HALL, M	
Telephone Number: 410 - 329-	6569



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and

August 1, 2006

Development Management

Louis Beauchemin 20217 Kirkwood Shop Road White Hall, MD 21161

Dear Ms. Beauchemin:

RE: Case Number: 06-641-SPH, 20207 Kirkwood Shop Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 13, 2006

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callibal)

WCR:amf

Enclosures

People's Counsel C:

Bruce Doak 320 E. Towsontowne Boulevard, Ste 100 Towson 21286



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

1091

Item Numbers: Item Number 611,621,624-637, 639-643

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 Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

**V** •



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 27, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 21, 2006

Item Nos. 611, 621, 622, 623, 624, 626, 627, 628, 632, 633, 635, 636, 637, 640,

(64), 642, and 643

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

DAK:CEN:clw cc: File

ZAC-NO COMMENTS- 06272006.doc

### BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence



TO:	Timothy M. Kotroco	
FROM:	Dave Lykens, DEPRI	M - Development Coordination JWC
DATE:	July 3, 2006	
SUBJECT:	Address 20207	641-SPH Kirkwood Shop Road chemin Property)
Zoning	g Advisory Committee	Meeting of June 19, 2006
	epartment of Environn ents on the above-refer	nental Protection and Resource Management has no renced zoning item.
	-	nental Protection and Resource Management offers he above-referenced zoning item:
<u>X</u>	Protection of Water (	property must comply with the Regulations for the Quality, Streams, Wetlands and Floodplains (Section 3-120 of the Baltimore County Code).
<u>X</u>	<u>.</u>	property must comply with the Forest tions (Sections 33-6-101 through 33-6-122 of the de).
	•	property must comply with the Chesapeake Bay ions (Sections 33-2-101 through 33-2-1004, and

Additional Comments:

Reviewer: Paul A. Dennis

Date: June 28, 2006

Janes Janes

other Sections, of the Baltimore County Code).

8/10

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 29, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-641- Special Hearing

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

RECEIVED

JUN 2 9 2006

ZOMMA COMMINISCIAMIN



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

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

Maryland Department of Transportation

Date: 6.70.06

RE:

**Baltimore County** 

Item No. 641

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

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 SPECIAL HEARING
20207 Kirkwood Road, E/S Kirkwood Rd,
170' N Open Shaw Road
7<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts
Legal Owner(s): Louis R. Beauchemin

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 06-641-SPH

\* \* \* \* \* \* \* \* \* \*

Petitioner(s)

### 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

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 26th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

2 6 2006

Per M

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DATE	CASE NUMBER	CASE NAME

# PELLICIER'S SIGN-IN SHEET

									Louis Weave he a mon	<del>,</del>	GERMOND CROSS & ETZEL	Bauce Donu	NAME
									TO C! I KIK wood Mop Ko.			320 E. TowsonTown Sivo	ADDRESS
									white Hall, Mill. 21161			Towson, Me 21286	CITY, STATE, ZIP
													E- MAIL

### County Code stuff

### § 32-1-101. DEFINITIONS.

- (i) Subdivision.
- (1) "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development.
- (2) "Subdivision" includes re-subdivision and, where appropriate to the context, relates to the process and subdividing or to the lands or territory divided.
- (3) Provided no new streets are involved, "subdivision" does not include the following:
- (i) Division of land for agricultural purposes where the resulting parcels are three acres or larger in size;
  - (ii) Divisions of property by testamentary or intestate provisions; or
  - (iii) Division of property upon court order.

### § 32-4-105. GENERAL EXEMPTIONS.

- (a) Voluntary Cleanup Program exemption. The creation of a separate lot of record for the sole purpose of applying for or participating in the Voluntary Cleanup Program under Title 7, Subtitle 5 of the Environment Article of the Annotated Code of Maryland is exempt from Articles 32 and 33 of this Code and from the Baltimore County Zoning Regulations for the period of time that the lot is subject to the requirements of the state law.
- (b) Agricultural exemption. Subject to compliance with all applicable Baltimore County Zoning Regulations, the subdivision of land for agricultural purposes is exempt from this title if no new streets are involved.

### TITLE 6. FOREST CONSERVATION

Section

33-6-101. Definitions

(aa) Lot. "Lot" means a unit of land, the boundaries of which have been established as a result of a deed or previous subdivision of a larger parcel, and which will not be the subject of further subdivision, without an approved forest stand delineation and forest conservation plan.


### TITLE 2. INDIVIDUAL WATER SUPPLIES


Section

34-2-101. Definitions

- (d) Improved lot. "Improved lot" means a lot with one or more existing residences.
- (e) Residence. "Residence" includes a mobile home.
- (f) Unimproved lot. "Unimproved lot" means a portion of a subdivision or other parcel of land intended for residential building development, whether immediate or future.

QID XX





Severe: slope

