IN RE: PETITION FOR VARIANCE	*	BEFORE THE
SW/S Cedar Grove Road, 120' S c/line Arden Valley Court	*	ZONING COMMISSIONER
(16514 & 16518 Cedar Grove Rd.) 5 th Election District	*	OF
3 rd Election District	*	BALTIMORE COUNTY
Buffalo Run I, LLC, Legal Owner Petitioner	*	Case No. 07-270-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Buffalo Run I, LLC (Ann W. Merryman Revocable Living Trust) by and through its attorney, Howard L. Alderman, Jr., Esquire. The Petitioner requests a variance, pursuant to Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.) to permit a panhandle driveway length in excess of the maximum allowed 1,000 feet in an R.C. zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were G. Dwight Little, Professional Engineer, with Little & Associates, Inc., who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioner. Appearing as interested persons were Paul A. Bourquin and John J. Battaglia, Jr., adjacent property owners.

By way of background, the overall tract comprised of five (5) separate contiguous lots of record contain a combined gross area of 343.74 acres and underwent a lot line reconfiguration in Case No. 05-108-SPH (Petitioner's Exhibit 2). In that case, each of the R.C.2 parcels were identified by size, density and agricultural preservation status. The parcel reconfiguration, the

Sate Service of FILING

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approval of which was recommended by Wallace S. Lippincott, resulted in approximately 82 additional acres of the tract being added to the permanent Agricultural Preservation Easement consistent with the property's resource conservation zoning.

The subject property now under consideration relates to a parcel of land located on the south side of Cedar Grove Road just west of Arden Valley Court in Sparks, Maryland. The property is an irregular shaped parcel of unimproved land that contains a gross area of 57.010 acres, more or less, currently undergoing the minor subdivision review process to create two (2) residentially permitted lots to be developed with homes. Proposed Lot 1, identified as 16514 Cedar Grove will contain 25.206 acres and Lot 2, known as 16518 Cedar Grove, 31.804 acres. The parcel has limited frontage on Cedar Grove Road and has existing topographical and environmental constraints. In view of the proposed subdivision, relief is necessary to legitimize or provide road connection to Cedar Grove Road by way of a long private ingress, egress, maintenance and utility easement, approximately 1,031' in length and 40' wide. Presently, that access strip will run parallel and next to the existing driveway serving Paul and Donna Bourquin's home at 16510 Cedar Grove Road. A proposed 30' x 70' "T"-turnaround will be constructed interiorly on the property for emergency vehicle access. It should be pointed out in this regard that Mr. Bourquin questioned Mr. Little as to how the easement improvements will be designed. He does not want surface water or runoff directed towards his driveway and asks that the 16' wide paved driveway surface be constructed to prevent adverse impacts to his land. Additionally, he has suggested, and Petitioner has agreed to consider, a true-shared driveway arrangement that can be utilized by all three (3) property owners.

Based upon the testimony and evidence, it is clear that there will not be any increase in residential density, beyond that otherwise allowable by the B.C.Z.R., if the requested relief is

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granted; two (2) lots are allowed by the R.C.2 classification and two (2) are proposed. Section 32-4-409 of the B.C.C. regulates panhandle driveways. That section requires that in any R.C. zone, a panhandle driveway may not exceed 1,000 feet in length. As indicated, the proposed common driveway is 1,031 feet in length. The relief requested is the minimum necessary to afford relief to the Petitioner. It is clear that the proposed subdivision will not overburden the panhandle and there will be no detrimental impacts to the health, safety or general welfare of the surrounding locale. In my judgment, the panhandle strip is the only practical and possible way to access the parcel and with the improvements proposed, is appropriate. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and Baltimore County is reviewing the proposed subdivision under the Minor Subdivision Process. In this regard, a comment from the Department of Environmental Protection and Resource Management (DEPRM) requires the development comply with Forest Conservation Regulations and that any relocation of a proposed dwelling outside the building envelope would need approval by DEPRM and be evaluated on the potential for conflicts with agricultural soil protection, agricultural use protection, and protection of scenic open space.

From the testimony and evidence, it is clear that the shape, size, configuration and topography of the subject property render it unique to other properties in the area. Moreover, the extensive environmental easement areas imposed by County and State law/regulation reduce significantly the areas available for continued farming and the proposed permitted residential uses.

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

- 1) ADVISORY: This Order approves the requested Variance but does not address the proposed subdivision. The Petitioner's subdivision proposal to create the proposed Lots 1 and 2 must be submitted to the Development Review Committee for consideration and processing.
- 2) Development and use of the subject property shall comply with all environmental regulations as set forth in the ZAC comments submitted by DEPRM, dated February 7, 2007, a copy of which is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WJW:dlw

WILLIAM I WISEMAN, III Zoning Commissioner

for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 7, 2007

SUBJECT:

Zoning Item

07-270-A

Address

16514 and 16518 Cedar Grove Road

(Buffalo Run I, LLC)

Zoning Advisory Committee Meeting of December 25, 2006

- 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 33-3-101 through 33-3-120 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Comments:

The plan attached to the Zoning Petition does not show an approved Forest Conservation Easement or an approved Forest Buffer Easement. - Thomas Panzarella; Environmental Impact Review

Support if the property owner places a building envelope restriction area around each proposed dwelling. Require that any relocation of the dwellings would need approval by DEPRM and be evaluated on the potential for conflicts with agricultural soil protection, agricultural use protection, and protection of scenic open space. - W.S. Lippincott; Agricultural Preservation



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 21, 2007

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

RE: PETITION FOR VARIANCE
SW/S Cedar Grove Road, 120' S c/line Arden Valley Court
(16514 & 16518 Cedar Grove Road)
5th Election District - 3rd Election District
Buffalo Run I, LLC, Legal Owner - Petitioner

Case No. 07-270-A

Dear Mr. Alderman:

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

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

Very truly yours

J. XISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

G. Dwight Little, PE, Little & Associates, Inc., 1055 Taylor Avenue,
 Suite 307, Towson, Md. 21286
 Mr. Paul A. Bourquin, 16510 Cedar Grove Road, Sparks, Md. 21152
 Mr. John J. Battaglia, Jr., 16500 Cedar Grove Road, Sparks, Md. 21152

Development Review Committee, DPDM; DEPRM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16514 & 16518 Cedar Grove Road

which is presently zoned RC-2

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

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

Contract Purchaser/Lessee: Legal Owner(s): NONE - NOT APPLICABLE BUFFALO RUN I, LLC Name - Type or Print Name - (Type or Print leveller Manague Member Signature Ann W. Merryman Revocable Living Trust Address Marine - Type or Print Telephone No. City Zip Code State Signature c/o 1975 McKendree Road 410-442-9918 Attorney For Petitioner: Address Telephone No. WEST FRIENDSHIP MD 21794 Name - Type or Pgnt City State Zip Code ederma Representative to be Contacted: **Gignature** Howard L. Alderman, Jr., Esquire G. DWIGHT LITTLE, PE LITTLE & ASSOCIATES, INC. Levin & Gann, P.A. Company Name Nottingham Centre, 8th Floor 40 321 06 av 1055 TAYLOR AVENUE, SUITE 307 410-296-1636 502 Washington Avenue Address Telephone No. Address Telephone No. Towson, MD 21204 **TOWSON** MD 21286 City State Zip Code City State Zip Code OFFICE USE ONLY Case No. ____ 07-270-ESTIMATED LENGTH OF HEARING ___ UNAVAILABLE FOR HEARING Reviewed By _ REV 9/15/98

U. La La La Colara La FOR FILING

ATTACHMENT PETITION FOR VARIANCE

CASE NO: <u>07-</u> <u>-A</u>

Address:

16514 & 16518 Cedar Grove Road

Legal Owners:

Buffalo Run I, LLC & Ann W. Merryman Revocable Living Trust

Present Zoning:

RC-2

REQUESTED RELIEF:

Grant a variance from Baltimore County Code Section 32-4-409(e)(2) to permit a panhandle drive in excess of 1000 feet in a Coone, which drive will be subject to a 40 foot private ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this Petition

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JUSTIFICATION:

- A. Size, shape and configuration of existing property;
- B. Existing topographic and environmental constraints; and
- C. For such further reasons that will be presented at the hearing on this Petition.

For Additional Information Contact:

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

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

Item # 270

June 4, 2006

DESCRIPTION TO ACCOMPANY PLAN FOR ZONING VARIANCE

TAX MAP 27 PARCELS 134 & 227 CEDAR GROVE ROAD FIFTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southwest side of Cedar Grove Road, said point being situate Southeasterly 120 feet, more or less, from the intersection of the projection of the centerline of Arden Valley Court (50 feet wide) with the southwest side of Cedar Grove Road, thence binding on the southwest side of said Cedar Grove Road,

- (1) South 59 degrees 54 minutes 46 seconds East 148.10 feet; thence running for the twelve following courses and distances:
- (2) South 61 degrees 14 minutes 07 seconds West 992.18; thence
- (3) South 17 degrees 28 minutes 50 seconds East 496.30 feet; thence
- (4) South 17 degrees 09 minutes 08 seconds East 253.59; thence
- (5) North 85 degrees 14 minutes 47 seconds West 1019.80; thence
- (6) South 78 degrees 29 minutes 58 seconds West 1267.12 feet; thence
- (7) North 01 degrees 01 minutes 12 seconds West 106.05 feet; thence
- (8) North 41 degrees 57 minutes 58 seconds East 252.46 feet; thence
- (9) North 00 degrees 20 minutes 25 seconds East 299.09 feet; thence
- (10) North 35 degrees 08 minutes 17 seconds West 319.77 feet; thence
- (11) North 60 degrees 17 minutes 19 seconds East 779.12 feet; thence
- (12) North 33 degrees 15 minutes 41 seconds West 1031.30 feet; and thence
- (13) North 24 degrees 29 minutes 41 seconds West 23.47 feet to the centerline of said Cedar Grove Road, thence binding on said centerline
- (14) North 78 degrees 44 minutes 43 seconds East 41.08 feet; thence running for the eight following courses and distances:
- (15) South 24 degrees 29 minutes 41 seconds East 10.91 feet; thence
- (16) South 33 degrees 15 minutes 41 seconds East 1030.80 feet; thence
- (17) North 60 degrees 17 minutes 19 seconds East 789.14 feet; thence
- (18) North 62 degrees 51 minutes 37 seconds East 46.77 feet; thence
- (19) South 19 degrees 41 minutes 16 seconds East 426.85 feet; thence
- (20) North 61 degrees 59 minutes 28 seconds East 263.99 feet; thence
- (21) South 60 degrees 00 minutes 12 seconds East 506.96 feet; and thence (22) North 61 degrees 16 minutes 32 seconds East 611.91 to the place of beginning.

Containing 57.01 acres of land, more or less, and being all that parcel of land described in a deed dated June 23, 2005 and recorded among the Land Records of Baltimore

County, Maryland in Liber S.M. 22102, folio 001.

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CE OF ZONING HEARING HOTA

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 proparty identified herein as follows:

Case: #07-270-A

16514 & 16518 Cedar Grove Road
W/side of Cedar Grove Road, 120 feet +/- south of centerline of Arden Valley Court
5th Election District - 3rd Councilmanic District
Legal Owner(s): Buffalo Run 1, LLC
Legal Owner(s): Buffalo Run 1, LLC
Variance: to permit a panhandle drive in excess of 1000 feet in an RC zone, which drive will be subject to a 40 foot private Ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this

Ave-Petition. Hearing: Monday, February 12, 2007 at 2:00 p.m. Room 407, County Courts Building, 401 Bosiey An 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.

1/296 Jan. 25

ERTIFICAT

the annexed advertisement was published successive weeks, the first publication appearing per published in Baltimore County, Md., in the following weekly newspay THIS IS TO CERTIFY, that ,20<u>(</u>) once in each of

The Jeffersonian

Arbutus Times

Times Catonsville

Owings Mills Times Towson Times

NE Booster/Reporter

North County News

Mungy

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-270-A

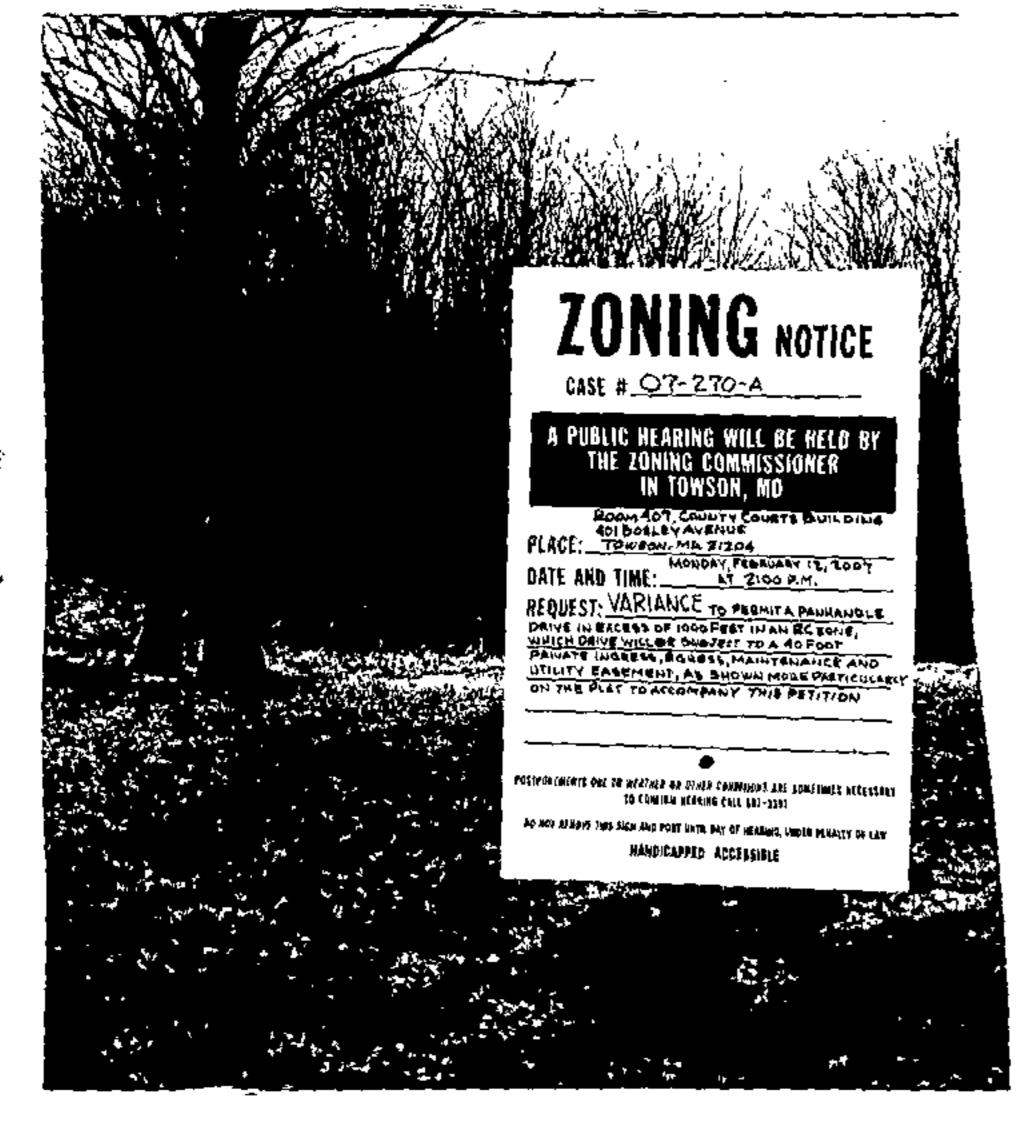
Petitioner/Developer: BUFFALS RUN I, LLC,

Date of Hearing/Closing: FEB, 12, 2007

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Christen Matthews

Ladies and Gentlemen: This letter	is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted const	oicuously on the propery located at
# 16514 4	16518 CEDAR CONDE ROND
The sign(s) were posted on	5AN: 26, 2007 (Month, Day, Year)



Sincerely,

Signature of Sign Poster and Date)

CJAPLAGEDE, MOORE
(Printed Name)

3225 RYGIZSON CIRCLE (Address)

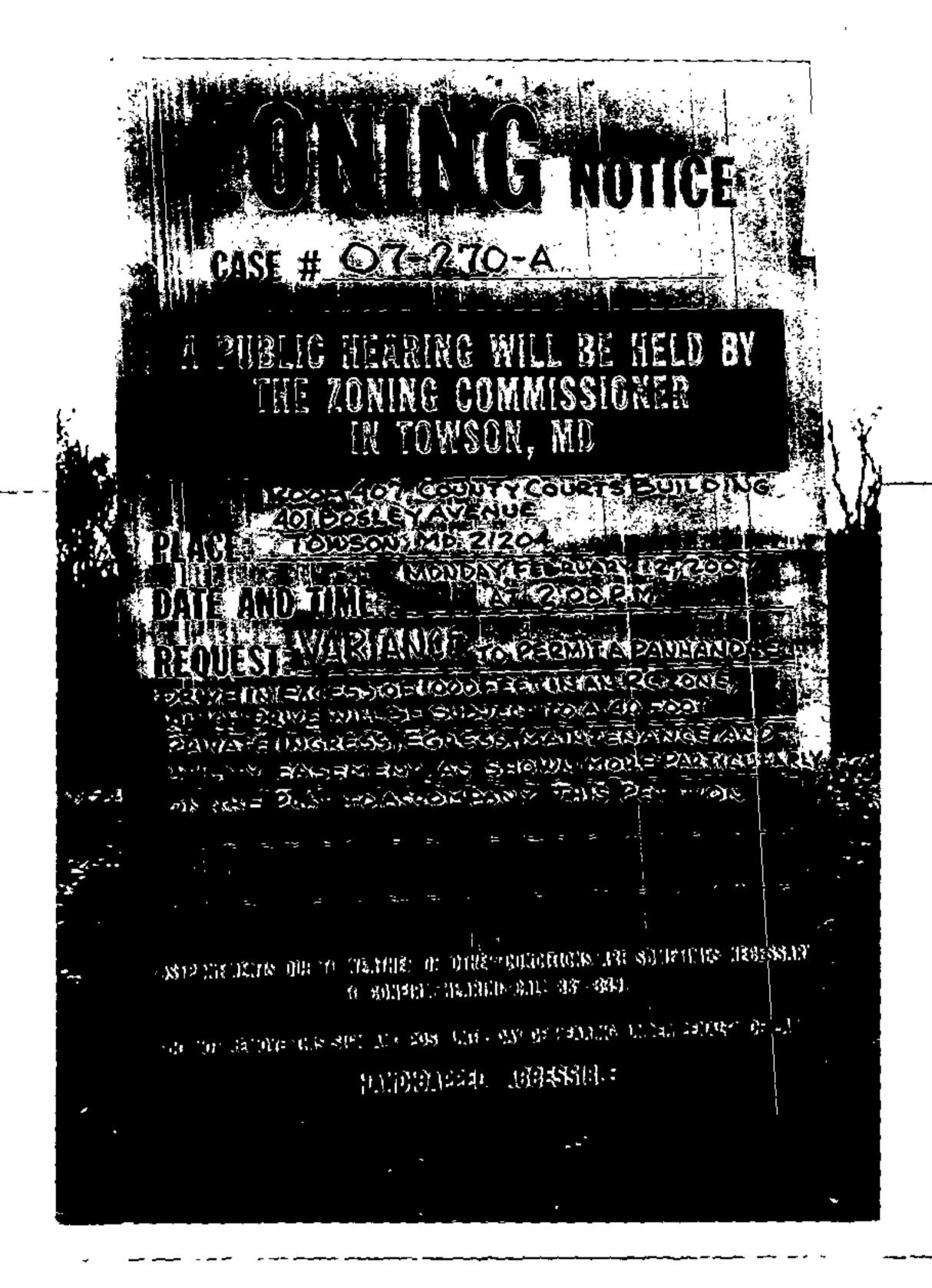
BAUTIMORE, MD, 21227 (City, State, Zip Code)

(City, State, Zip Code)

(A10) 242-4263

(Telephone Number)

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JAN 2 9 2007

RE: PETITION FOR VARIANCE **

16514 & 16518 Cedar Grove Rd; W/S Cedar

Grove Rd, 120' S c/line Arden Valley Court *

5th Election & 3rd Councilmanic Districts

BEFORE THE

ZONING COMMISSIONER

Legal Owner(s): Buffalo Run I, LLC

FOR

Petitioner(s)

BALTIMORE COUNTY

07-270-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

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 4th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to, Dwight Little, c/o Little & Associates, Inc, 1055 Taylor Avenue, Suite 305, Towson, Md 21286 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JAN 0 4 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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Per.



JAMES T. SMITH, JR. County Executive

TIMOTHY IN THE DEPARTMENT OF Permits and Development Management

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: 07-270-A

16514 & 16518 Cedar Grove Road

W/side of Cedar Grove Road, 120 feet +/- south of centerline of Arden Valley Court

5th Election District – 3rd Councilmanic District

Legal Owners: Buffalo Run I, LLC

<u>Variance</u> to permit a panhandle drive in excess of 1000 feet in an RC zone, which drive will be subject to a 40 foot private ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this Petition.

Hearing: Monday, February 12, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, 502 Washington Avenue, 8th Floor, Towson 21204 Ann Merryman, 1975 McKendree Road, West Friendship 21794 C. Dwight Little, 1055 Taylor Avenue, Ste. 307, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 27, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 25, 2007 Issue - Jeffersonian

Please forward billing to:
Buffalo Run I, LLC
1975 McKendree Road
West Friendship, MD 21794

410-442-9918

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: 07-270-A

16514 & 16518 Cedar Grove Road
W/side of Cedar Grove Road, 120 feet +/- south of centerline of Arden Valley Court
5th Election District – 3rd Councilmanic District
Legal Owners: Buffalo Run I, LLC

<u>Variance</u> to permit a panhandle drive in excess of 1000 feet in an RC zone, which drive will be subject to a 40 foot private ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this Petition.

Hearing: Monday, February 12, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue. Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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 Adverti	
Item Number or Case Nu	07 270A umber:
Petitioner: BUFFALO RUN	I, LLC
Address or Location: 165	514 & 16518 Cedar Grove Road
PLEASE FORWARD AD Name: BUFFALO RUN I, L	
	T
Address: c/o 1975 McKend	ree Road
, .uu, uu,	ree Road Maryland 21794
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JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 5, 2007

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

Dear Mr. Alderman:

RE: Case Number: 07-270-A, 16514 - 16518 Cedar Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 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,
U. Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
 Ann W. Merryman Revocable Living Trust c/o 1975 McKendree Road West Friendship 21794
 G. Dwight Little, PE Little & Associates, Inc. 1055 Taylor Avenue, Suite 307 Towson 21286

13W2/12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



F. 7 1 (2007)

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 7, 2007

SUBJECT:

Zoning Item # 07-270-A

Address

16514 and 16518 Cedar Grove Road

(Buffalo Run I, LLC)

Zoning Advisory Committee Meeting of December 25, 2006

<u>X</u>	_ The Department of	of Environmer	ital Protection	on and Reso	urce Ma	anagem	ent offers	S
	the following con	nments on the	above-refer	enced zonin	g item:			
					•			

- Note the 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).
- _X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Comments:

The plan attached to the Zoning Petition does not show an approved Forest Conservation Easement or an approved Forest Buffer Easement. – *Thomas Panzarella; Environmental Impact Review*

Support if the property owner places a building envelope restriction area around each proposed dwelling. Require that any relocation of the dwellings would need approval by DEPRM and be evaluated on the potential for conflicts with agricultural soil protection, agricultural use protection, and protection of scenic open space. – W.S. Lippincott; Agricultural Preservation

1800 2/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-270- Variance

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1 - 2 - 200 7

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

RE: Baltimore County

Item No. 7 - 270 A

16514 & 16518 CEDATE GROVE RD MERRYMAN REVOCABLE LIVING TRUST

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-270 A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

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 December 21,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 25, 2006

Item Number(s): 270

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.

. 3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 25, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-270- Variance

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 2, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 1, 2006 Item Nos. 07-266, 268, 270, 271, 272, 273, 274, 275, 277, 278, 279, and 280

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

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NAME	John J Battay 112 Jr	M Bo										

Case No.: 07-270-A 16514 [16518 GEARE GROVE

Exhibit Sheet

Petitioner/Developer

Protestant

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IN RE: PETITION FOR SPECIAL HEARING

S/S Cedar Grove Road, across from

Arden Valley Court; N/S Cold Bottom Road

(Buffalo Run & Buffalo Run, II)

5th Election District 3rd Council District

Buffalo Run, LLC, Legal Owner

Petitioner

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE-COUNTY

* Case No. 05-108-SPH

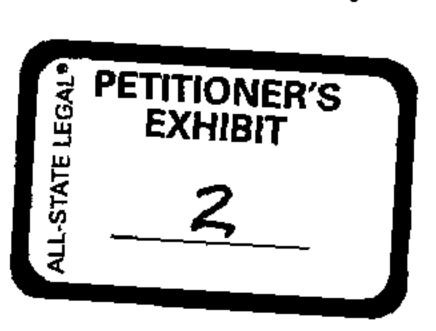
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Buffalo Run, LLC, through Katharine M. Voss. The Petitioner requests a special hearing to approve the reconfiguration of five existing contiguous parcels zoned R.C.2 and owned by Buffalo Run, LLC and Buffalo Run II, LLC, Maryland limited liability companies (referred to collectively as (Buffalo). The subject property and requested relief are more particularly described on the two-page, red-lined site plan which was submitted into evidence and marked as Petitioner's Exhibits 1 and 2.

The record in this case reflects that the subject property was properly posted and advertised as required by the *Baltimore County Zoning Regulations* (BCZR). Pursuant to Section 500.7 of the B.C.Z.R., the Petitioner has requested approval to reconfigure certain lot lines of five (5) existing contiguous parcels/lots of record as defined in Section 101 thereof.

Appearing at the public hearing in support of the request were Ms. Katherine Voss, an authorized member of Buffalo; G. Dwight Little, Professional Engineer and Chris McMahon of Little and Associates, Inc., the consultants who prepared the site plan; and, Howard L. Alderman, Jr., Esquire. Also appearing was Wallace S. Lippincott, Jr. a representative of the Baltimore County



Department of Environmental Protection and Resource Management (DEPRM). Mark Watson, a neighbor, was in attendance prior to the commencement of the hearing, however, after reviewing the relief requested and discussing that relief with representatives of the Petitioner and Mr. Lippincott, Mr. Watson left the hearing room. There were no Protestants or other interested parties present.

The proffered testimony indicated that the subject property is comprised of five separate contiguous parcels of record located on the north side of Cold Bottom Road, west and south of Cedar Grove Road in northern Baltimore County. The property contains a combined gross area of 343.74 acres, more or less, zoned R.C.2 and is in active agricultural use. Parcels 227, 34, 280 and 343 are owned by Buffalo Run, LLC, and Parcel 344 is owned by Buffalo Run, II, LLC. The redline plat submitted into evidence as Petitioner's Exhibits 1 and 2 reflects the results of an in-field boundary survey and more fully describes each of the parcels, its size, zoning and agricultural preservation status (present and future). As noted above, the Petitioner proposes a reconfiguration of the parcels as more fully described below.

Parcel No. 344 presently contains approximately 165 acres in area and is part of an Agricultural Preservation Easement Program. This Parcel is improved with a single-family dwelling and numerous outbuildings accessory to the farming activities conducted thereon. The Petitioners propose to remove, initially, approximately 16 acres from this Parcel and the Agricultural Preservation Easement Program and combine the removed acreage with adjoining Parcel 343. The Baltimore County Agricultural Advisory Board has recommended to the Maryland Agricultural Land Preservation Foundation (MALPF) the approval of the removal of the acreage from the Agricultural Easement as proposed by the Petitioner. Mr. Lippincott advised at the hearing that the MALPF would not make a final decision on the modification to the easement until a decision had been rendered in this case, but that MALPF generally relies heavily on the recommendation of the

local Agricultural Preservation Boards. The lot density of Parcel No. 344 is governed by the Agricultural Preservation Easement.

Parcel No. 343, which is to the east of Parcel 344, presently contains approximately 13.5 acres in area and with the proposed addition of approximately 16 acres from Parcel 344 would be nearly 30 acres in size. The proffered testimony is that the 16 acres to be added to Parcel 343 from Parcel 344 would be subject to a separate, permanent Agricultural Easement (either State or County). In this regard, Parcel 343 presently has density for one (1) dwelling lot and that density would remain, with any home to be constructed outside of the easement area. Mr. Lippincott indicated that the property further to the east, owned by Dr. Melvin Duckett (shown on Petitioner's Exhibit 1 as the Boyce Property) is under a County/Federal agricultural/scenic easement. Mr. Lippincott's comments, dated October 13, 2004, and the drawing attached thereto which are a part of the record in this case indicate that if the requested relief is approved, a permanent preservation easement must be imposed to prevent any home from being constructed on the transferred acreage.

Parcel No. 280, is presently comprised of approximately 38.5 acres; however, the Petitioner proposes transferring approximately 19 acres from Parcel 280 to Parcel 344. The reduction in area would not alter the existing density on Parcel 280 for one (1) dwelling lot. Likewise, the land area to be combined with Parcel 344 would be subject to a permanent Agricultural Preservation Easement.

Parcel No. 34, which presently has density for one dwelling (1) lot is comprised of approximately 105 acres. The Petitioner proposes to reduce the size of this parcel to 6 acres and to add the removed acreage to adjoining Parcels 227 and 344. Specifically, approximately 36.5 acres are to be combined with adjoining Parcel No. 227 (discussed below) with the remaining acreage to be combined with Parcel No. 344 and protected by a permanent Agricultural Preservation Easement.

Parcel No. 227 is presently comprised of approximately 19.5 acres and has existing density for two dwelling (2) lots. The request approval to add just over 36 acres from Parcel No. 34 as set forth above resulting in a single parcel of approximately 56 acres. The existing lot density will not be affected by this combination.

The proffered testimony indicated that each of the reconfigured parcels as proposed would have direct frontage on a public roadway. None of the existing lot density of the parcels would be affected by the proposed relief. Moreover, the proposed parcel reconfiguration will result in approximately 82 additional acres being subjected to a permanent Agricultural Preservation Easement. The existing configuration and size of each of the Parcels and the proposed reconfiguration and size of each Parcel are more particularly shown on Petitioner's Exhibit 2. As an aid to this Zoning Commissioner, Mr. Alderman introduced as Petitioner's Exhibit 3 a tabular chart depicting each Parcel of record, its acreage and lot density associated therewith and the approximate acreage for each Parcel after the requested reconfiguration.

Mr. Little's proffered testimony was that he was familiar with the subject property, the adjoining properties and the area of the County in which the property is located. Numerous meetings and discussions have occurred with DEPRM, particularly Mr. Lippincott, and the two Agricultural Preservation entities. Testimony indicated that the granting of the requested relief would not be detrimental to the health, safety, or general welfare of the community or tend to create congestion in roads, streets, or alleys. Each of the reconfigured Parcels will have direct frontage on a public roadway and will not create any danger or overcrowd the land. Moreover, the existing density will not be affected and each of the reconfigured parcels will be large enough to support the available density. Lastly, the requested relief will not cause an increase or concentration in population.

It was evident from the proffered testimony that the relief requested will not be detrimental to the environment or natural resources of the County. The additional acreage to be protected permanently will promote agricultural activities. Moreover, the additional, protected acreage will enhance the already protected acreage on adjoining, off-site properties. The proffered testimony was that there would be no negative impact from the proposed reconfiguration on any public facilities or improvements and that the requested relief was consistent with the property's RC-2 zoning and the spirit and intent of the BCZR.

Based upon the proffered testimony and exhibits entered in the record, it is clear that the proposed reconfiguration of the existing parcels/lots of record should be approved, provided that certain conditions are imposed. As noted above, Mr. Lippincott has been involved in discussions regarding the subject property, submitted Zoning Advisory Committee comments regarding this proposal, and attended the public hearing on this request. It is also to be noted that Mr. Lippincott coordinates the efforts of the County and landowners to ensure that agricultural resources are protected. In this regard, Mr. Lippincott has recommended approval of the requested relief subject to very specific conditions.

Having considered the proffered testimony and evidence offered at the time of the public hearing and having reviewed the documentary evidence and written comments received from the reviewing agencies, I will approve the request, subject to the conditions enumerated below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 26th day of October, 2004, that the Petition for Special Hearing to approve the reconfiguration of five existing contiguous parcels zoned R.C.2, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

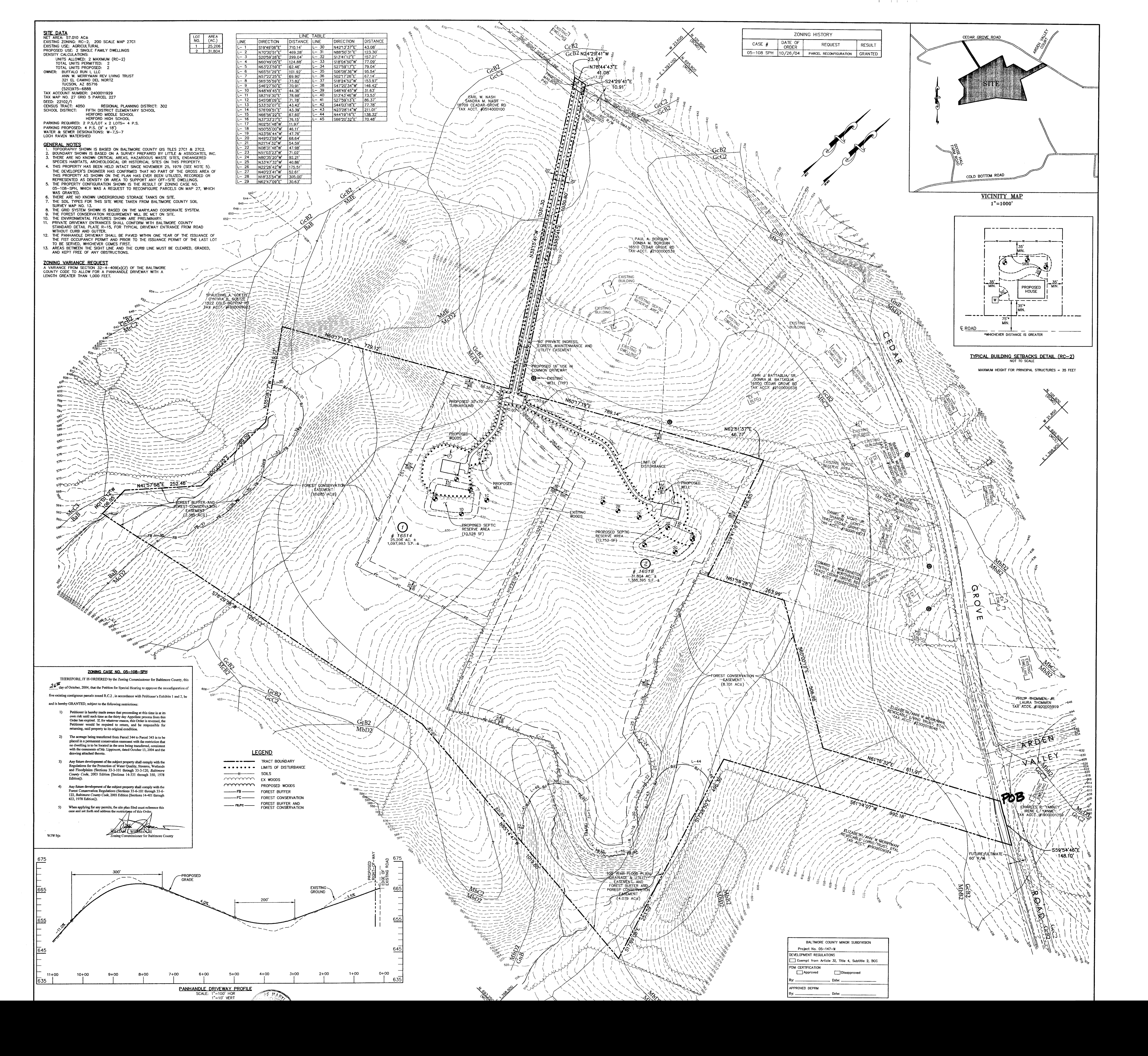
1) Petitioner is hereby made aware that proceeding at this time is at its

own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- The acreage being transferred from Parcel 344 to Parcel 343 is to be placed in a permanent conservation easement with the restriction that no dwelling is to be located in the area being transferred, consistent with the comments of Mr. Lippincott, dated October 13, 2004 and the drawing attached thereto.
- Any future development of the subject property shall comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120, *Baltimore County Code*, 2003 Edition [Sections 14-331 through 350, 1978 Edition]).
- Any future development of the subject property shall comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122, *Baltimore County Code*, 2003 Edition [Sections 14-401 through 422, 1978 Edition]).
- When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

WJW:bjs



Item #270